

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF SEPTEMBER 18, 2012 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON SEPTEMBER 18, 2012 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor James W. Vanhoozier; D. Michael Barber; Steve Huppert; D. Henry Showalter; Bradford J. Stipes. ABSENT: R. Cord Hall.

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield; Town Clerk Michele Stipes; Town Attorney Theresa J. Fontana.

**PLEDGE OF ALLEGIANCE.**

**PUBLIC HEARING**

THE 2011 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER). The Town of Christiansburg, as a recipient of Community Development Block Grant (CDBG) funding, is required by the U.S. Department of Housing and Urban Development (HUD) to prepare the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER is an evaluation and performance report detailing accomplishments toward meeting the goals outlined in the 2010-2014 Consolidated Plan. The CAPER compares the actual performance measures with the performance measures listed in the 2010 Annual Action Plan. Town Manager Helms reported that funding in the year 2011 supported the replacement of sidewalks along Roanoke Street. There were no comments received from the public.

**REGULAR MEETING**

MAYOR BALLENGEE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Regular Meeting Minutes of September 4, 2012. There being none, Councilman Vanhoozier made a motion to approve the Minutes as presented, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

**CITIZEN HEARINGS:**

1. UPDATE ON THE ALLEGHANY STREET AND MILLER STREET PROJECT BY MR. WAYNE NELSON, DIRECTOR OF ENGINEERING AND PUBLIC WORKS. Wayne Nelson, Director of Engineering and Public Works, reported on the progress of the upgrades to utilities and street along Alleghany Street, Canaan Street, Epperly Street, and Miller Street. Sanitary sewer is complete including hookups along each street, and water mains and hookups are complete in all streets except Miller, which is awaiting approval from the Montgomery County Health Department before moving forward with hook-ups. Mr. Nelson spoke about the success in efforts to better communicate with residents during this extensive project. The communication efforts have been appreciated by the public and have been valuable to the Town in its efforts to provide the best possible service to the community. Mr. Nelson then provided, and reviewed with Council, a tentative schedule for anticipated street restoration projects. Mr. Nelson reported that he met with the Street Committee to review recommended traffic calming measures for Alleghany Street. These measures will be implemented on the base asphalt to review effectiveness, and if successful, will place the permanent traffic calming measure this spring on the permanent asphalt. Mr. Nelson thanked the residents in this area for their patience and input during the continuing construction project. He also thanked the Public Works crews, Jim Lancianese, Ricky Bourne, Todd Walters, Roy Nester, and Jessie Nester for their responsiveness, efforts, and involvements with this project. Mayor Ballengee stated that many compliments have been received from the public regarding the crews working on the Alleghany Street project.

2. CITIZEN COMMENTS.

a. Cheryl Bates, Chrisman Street, explained to Council that a few months ago, while stopped at a traffic light on Radford Road, a lens fell from a traffic light and struck her car causing damage to her windshield. She reported the accident to the Christiansburg Police Department as was told to get a cost estimate on the damage to her car. The estimate she received was for \$300.88. Ms. Bates stated that she spoke with Town Manager Helms regarding the incident, and he filed a claim with the Town's insurance company. Upon reviewing the claim, the insurance company denied it, citing there was no negligence by the Town resulting in this incident. Town Manager Helms

told Mr. Bates that he was unable to offer assistance in light of the decision by the insurance company. Ms. Bates said, as a disabled person living with her children, she only carries liability insurance, which doesn't offer assistance in replacing her windshield. She believes the Town is liable for the costs since it owns the traffic light the lens fell from, and she is asking Council for consideration. Councilman Vanhoozier suggested that the Town speak with the manufacturer of the traffic light lens about the incident to see if it would consider taking responsibility for the incident. Councilman Barber expressed concern with the amount of time it would take in resolving Ms. Bates situation if the matter is turned over to the manufacturer. He suggested that these types of situations be considered on a case-by-case basis, without fear of setting precedence with a decision. Councilman Barber stated he would like Council to consider assisting Ms. Bates in fixing the damage to her windshield. Councilman Stipes spoke in favor of contacting the manufacturer of the part for a response, then readdressing the matter at the October 2, 2012 Council meeting where Council can make a decision while considering the manufacturer's response, the police report, the insurance company response, and the damage estimate. Councilman Stipes asked that the Engineering Department provide a letter on the incident explaining the design of the traffic light lens, and how it could have fallen from the light, for Council to consider during its discussion. It was noted that the lens is from the monitor that indicates emergency vehicle approach and not the traffic signal light. Mayor Ballengee stated his support for assisting Ms. Bates, in some manner, in repairing the damage to her windshield.

- b. Andy Schack, Pickett Street, followed up on his address to Council at the September 4, 2012 Council meeting regarding Chandler Concrete, asking if a response had been received from the company on changes it is willing to make to control noise from its late night operations. After reviewing the minutes of the September 4, 2012 Council meeting, Mayor Ballengee replied that Mr. Queen of Chandler Concrete agreed to take the concerns discussed to the owners of the company and provide a response to Council within four to six weeks. Mr. Schack provided Council with signatures on a petition for change, and he provided detailed information from Chandler Concrete on its operation, including operating schedule, and owners/management. Councilman Showalter said he would like Town Manager Helms to get contingencies on Town options to be considered by Council if there isn't resolution offered by Chandler Concrete by the October 2, 2012 Council meeting. Council agreed to send a letter from the Town reminding Chandler Concrete of Council's expectation of a response by October 2, 2012.
- c. Mr. Samuel Bouer, Alleghany Street, reiterated his appreciation for the infrastructure upgrades, and the dust and speed controls along Alleghany Street. Mr. Bouer stated his support and appreciation for the Town staff's efforts to communicate with residents via email, and thanked the work crews, planners, and engineers involved in the upgrades along his street.

#### DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Proposed Ordinance and amendment to the *Employee Handbook* IN REFERENCE TO BACKGROUND CHECKS. THIS IS A CARRYOVER ITEM FROM THE SEPTEMBER 4, 2012 COUNCIL MEETING. The proposed ordinance and amendment to the Employee Handbook was revised by the Town Attorneys to reflect the comments and concerns of Council at the September 4, 2012 Council meeting. A copy of the final revision was provided to Council for review. Councilman Vanhoozier made a motion to adopt the ordinance as presented in the final revision, seconded by Councilman Barber. Town Clerk Stipes polled Council as follows: Barber – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
2. RECOMMENDATION FOR APPOINTMENT TO THE Board of Zoning Appeals. On motion by Councilman Showalter, seconded by Councilman Stipes, it was resolved to recommend and request the appointment by the Circuit Court of Montgomery County, Virginia, of Earnest Wade to the Board of Zoning Appeals of said Town for a five year term expiring August 31, 2017. Council voted on the motion as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
3. ADOPTION OF A RESOLUTION TO REAPPOINT JOHN W. KIRBY TO THE BLACKSBURG-CHRISTIANSBURG-VPI WATER AUTHORITY. Councilman Barber made a motion to adopt a resolution to reappoint John W. Kirby to the Blacksburg-Christiansburg-VPI Water Authority, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Mr. Kirby serves as the at-large member.
4. APPOINTMENT OF REPRESENTATIVE TO THE ROUTE 8 AND ROUTE 11 CORRIDOR STUDY COMMITTEE. Councilman Barber volunteered to serve on the Route 8 and Route 11 Corridor Study Committee, and at the consensus of Council, Mayor Ballengee appointed him to serve in this capacity.
5. Discussion regarding the formation of a Town Bikeway/Walkway Committee (Councilman Stipes.) Councilman Stipes reported that the Town's Comprehensive Plan dated 2003, and the revision dated 2007,

recommend the consideration of a committee to handle pedestrian issues and advise Council on prioritizing improvements with safety and access. Councilman Stipes stated his belief that the time is right for the Town to consider appointing a Bikeway/Walkway Committee that could advise Council on matters of connectivity. According to Councilman Stipes, the committee should consist of citizens, members of Town staff, and members of the bicycle/pedestrian community. Council agreed, and Councilman Barber made a motion to begin the process of forming a Bikeway/Walkway Committee, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Mayor Ballengee directed Town Manager Helms and staff to review and report on the policies of similar committees established by area localities to be used as a model for Christiansburg.

6. DISCUSSION REGARDING THE FIRST REGULAR COUNCIL MEETING IN JANUARY 2013, WHICH IS SCHEDULED FOR NEW YEAR'S DAY. Recognizing that the first regularly scheduled meeting in January is the Town reorganization meeting, Councilman Barber made a motion to reschedule the meeting for Wednesday, January 2, 2013 at 7:30 P.M. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Before Council took action on this matter, Town Manager Helms made the Council members aware that he would be out of Town on January 2, 2013, and that Assistant Town Manager Wingfield would serve in his place at the meeting.

#### TOWN MANAGER'S REPORT:

PUBLIC HEARING REQUEST – Town Manager Helms presented the following request and recommended setting the Public Hearing for November 6, 2012:

1. Planning Commission recommendation on proposed amendments to Chapter 30 Zoning of the *Christiansburg Town Code*.

On motion by Councilman Barber, seconded by Councilman Vanhoozier, Council voted to set the Public Hearing for November 6, 2012. Council voted on the motion as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

TOWN MANAGER HELMS reported that Mr. Sam Moore has resigned from the Recreation Advisory Commission, which now leaves two vacancies on the commission. Mayor Ballengee asked Council to be prepared to submit appointment recommendations for the two vacancies, and also for the student representative position, at the October 2, 2012 Council meeting. Mayor Ballengee asked that those being considered for appointment come before Council for introduction.

TOWN MANAGER HELMS reported on the progress of implementing the interactive Conditional Use Permit map on the Town's website. The Conditional Use Permit files have now been scanned into the system and are being reviewed by the Planning staff to ensure that only active Conditional Use Permits are listed. The program will be available for public use within fourteen days of a final review by the interactive GIS company providing the service.

TOWN MANAGER HELMS reported that once construction is completed on Alleghany Street, the Town will begin to address the traffic concerns on Majestic Drive and Sleepy Hollow Road to determine the appropriate traffic calming measures. Councilman Showalter suggested posting signs prohibiting commercial traffic along Majestic Drive now, instead of waiting for a full study. Posting of these types of restrictive signs have been effective in other areas of town and do not require a detailed study. Heavy commercial traffic along Majestic Drive has been a frequent complaint of residents living along that street. Town Manager Helms said he would meet with the Engineering Department regarding this suggestion and would bring a recommendation for Council consideration at the October 2, 2012 meeting. posting signs prohibiting commercial traffic along majestic drive.

TOWN MANAGER HELMS informed Council that he would be out of town in early January for the birth of his grandchild, and that Assistant Town Manager Wingfield would serve in his absence. Town Manager Helms said he would also be out of the country in early February for a mission trip and would miss the first Council meeting that month. Assistant Town Manager Wingfield would be present to serve in his absence.

MAYOR BALLENGEE reminded Council of the work session scheduled for November 27, 2012 at 6:00 P.M. The purpose of the work session is to review the Vision 2020, discuss a proposal to change Council meeting dates, and to discuss the Town's fiscal management as recommended by Councilman Showalter. Mayor Ballengee reported that Council will not meet as a group at the annual VML conference this year because not all Council members would be present.

**ADJOURN:**

There being no further business to bring before Council, the meeting was adjourned at 8:50 PM.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor