

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF OCTOBER 2, 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 OCTOBER 2, 2012 AT 7:30 P.M.

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

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield; Town Clerk Michele Stipes; Town Attorney Theresa J. Fontana; Planning Director Nichole Hair; Director of Engineering and Public Works Wayne Nelson; Finance Director/Treasurer Valerie Tweedie; Police Chief Mark Sisson.

PLEDGE OF ALLEGIANCE.

PUBLIC HEARING

1. Request to vacate the unused portion of Locust Street. Ms. Jean Thompson of Radford Road said her property abuts Locust Street and she is in support of the request. In addition, Ms. Thompson reported that the right-of-way around the "Welcome to Christiansburg" sign at Town limits on Radford Road is in need of mowing and maintenance, and Town Manager Helms replied that he would turn the matter over to the Public Works department. Mr. Art Hamrick of Radford Road said he appreciates the Public Hearing for this request and expressed frustration that a substation was placed on Palmer Street without a Public Hearing, claiming numerous violations associated with the substation construction. Town Manager Helms reported that there are four adjoining property owners to the portion of Locust Street to be vacated, and that the Town received no letters or telephone calls of opposition or support for this request.
2. Town Council's intention to enter into an agreement with Branch Highways, Inc. under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) for designing and constructing the replacement of three existing stormwater culverts located under Independence Boulevard which drains an unnamed tributary to Crab Creek in the Diamond Hills area. Mr. Wayne Nelson, Director of Engineering and Public Works, provided a presentation explaining the culvert replacement project and the PPEA requirement for a Public Hearing to be held thirty days before entering into a contract. The construction project was awarded to Branch Highways, Inc. through the PPEA process, and a draft contract is being finalized and will soon be submitted to legal counsel for review. Mr. Nelson spoke of the flooding of this tributary three years ago that caused sewage backflow into several homes in the area. He also explained the existing culvert design and the improvements to be made during this project that would make the tributary more effective at managing stormwater and would reduce the amount of sediment flowing into Crab Creek each year. According to Mr. Nelson, Independence Boulevard would be closed during the project with an estimated 90-day contract time. The street closing would be highly advertised and communication with residents would be ongoing, with public health and safety a main concern during the project. Councilman Stipes stressed the importance of closing the street during the summer months and not during the months that school is in session since Independence Boulevard is a major access route to the high school. Council spoke in favor of the project, understanding the need for improved stormwater management in this area.

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 18, 2012. There being none, Councilman Vanhoozier made a motion to approve the Minutes as presented, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

CITIZEN HEARINGS:

1. Mr. Ted Chandler, President of Chandler Concrete, to address Council regarding noise and speeding concerns discussed at the September 4, 2012 Council meeting. Mr. Scott Canada of Chandler Concrete provided Council with an information packet detailing the layout of Chandler Concrete and the measures put into place to minimize

environmental noise from late night operations, and to address concerns regarding speed and the use of jake brakes along Cambria Street by concrete trucks. Mr. Ted Chandler, President of Chandler Concrete, thanked Council for the opportunity to address them regarding community concerns, noting that this is the first time he has had to address concerns regarding neighborhood disturbances from concrete operations. Mr. Chandler provided Council with a brief history of Chandler Concrete, and explained the layout of the operation designed for noise and dust reduction, providing Council with an aerial photo of the plant site. Because of the design of the plant, Chandler Concrete has been awarded NRCA status and was named a Green Star plant. He then reviewed in detail each exhibit provided in the information packet. The complaint concerning noise focused on overnight operations frequent during the spring and summer months. Mr. Chandler said it was important to understand that Chandler Concrete operates late night/early morning runs at the contractual request of its customers out of necessity for quality control and safety considerations. Chandler Concrete contacted several customers that require early morning concrete placements and inquired as to the importance of this requirement to their respective projects. Responses to this inquiry were included in the information packet. Mr. Chandler reported on the layout of the plant site, designed to minimize noise. First, the plant is buffered from residents and roadways by being situated indoors in a building with noise reduction qualities. Second, the two truck routes into the plant are designed for efficient flow utilizing the front acreage of the site. Lastly, when steel fiber additives are required, safety racks are used to add the steel fibers to the concrete while the concrete truck is idling. Once loaded, the truck moves to an isolated location before mixing the concrete, which requires revving of the truck engine. There has been one load of concrete this year requiring steel fiber additive. Since the September 4th Council meeting, Chandler Concrete has implemented a new procedure prohibiting the use of jake brakes, and requiring adherence to the posted speed limits, on Cambria Street and Block Lane. Chandler Concrete required all Plant Managers and drivers to sign a form acknowledging that they have been made aware of, and understand this requirement. Plant Managers and drivers from Christiansburg, Dublin, Pearisburg, Roanoke, Rocky Mount, Botetourt, Rocky Gap, and Moneta, were required to sign the form. The signed/dated forms were provided to Council in the information packet. Additionally, Chandler Concrete posted signs at the plant site prohibiting drivers from slamming dump truck tailgates, and using jake brakes on Cambria Street and Block Lane. Photos of the posted signs were provided to Council. Mr. Chandler said he will be diligent in ensuring that these changes are adhered to, including requiring that a member of the management team be present during night load operations. Mr. Chandler stated that Chandler Concrete is a family-owned business that strives to be a good neighbor and a good corporate citizen. The company complies with all laws and codes, and will continue to be sensitive to community concerns. Mr. Chandler said that a community information meeting has been scheduled for October 15, 2012, 7:00 P.M., at Chandler Concrete for anyone interested in further discussing what has been presented, and to provide the community an opportunity to offer comments and suggestions. Council discussed the information provided by Mr. Chandler, including the nature of concrete and construction projects, and the necessity for night operations, which, according to Mr. Chandler, is expected to diminish in October through springtime. Councilman Hall reported that he walked the neighborhood closest to Chandler Concrete and spoke to several of the residents. According to Councilman Hall, noise from the use of jake brakes seemed to be the central concern, which has been address by Chandler Concrete. Councilman Vanhoozier recommending posting signs on Cambria Street prohibiting the use of jake brakes, possibly near the water tower, in addition to the signs posted on Chandler Concrete's private property. Councilman Stipes suggested lowering the speed limit along Cambria Street from 45 mph, which can seem too fast because of short sight distance at certain points along the street. Council expressed its appreciation for Chandler Concrete's willingness to take prompt action in addressing community concerns, and for offering an information meeting for community input. Mayor Ballengee requested that the Street Committee review and provide a recommendation to Council on the suggestion to post signs on Cambria Street prohibiting the use of jake brakes, and the suggestion to lower the speed limit on Cambria Street from 45 mph.

2. CITIZEN COMMENTS.

- a. Mr. Andy Schack attempted to dispute and aggressively challenge comments made by Mr. Ted Chandler, and called into question Mr. Chandler's character. Mayor Ballengee interjected, stating that this is an inappropriate channel for Mr. Schack's comments. Councilman Huppert recommended that Mr. Schack speak with Mr. Chandler at the public information meeting scheduled for October 15, 2012 at Chandler Concrete.
- b. Mr. Kent Hurley, who signed the petition against Chandler Concrete, apologized to Mr. Chandler for not speaking to him before standing in opposition to the concrete operation. Mr. Hurley said that he has noticed a reduction in noise and speeding from the concrete trucks since the noise concerns were first brought to Council on September 4, 2012. Mr. Hurley spoke of his support for posting signs along Cambria Street prohibiting jakebraking and reducing the speed limit. Lastly, Mr. Hurley said it would be beneficial to change the yield sign at Block Lane and Cambria Street to a stop sign, allowing for a safer entrance onto Cambria Street.
- c. Ms. Connie Turner of Alleghany Street thanked Council, staff, and street crews for the continued improvements to Alleghany Street and surrounding streets, especially efforts to reduce through traffic and dust, and efforts to increase communication with residents about the progress of the project.

- d. Councilman Showalter commented on the suggestions for sign postings along Cambria Street in an effort to improve the safety and noise in that area of Town. Councilman Showalter said he expects the matter to be turned over to the Street Committee for review and recommendation and urged Mr. Hurley to attend those meetings.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. CONSIDERATION OF CHANDLER CONCRETE'S RESPONSE TO NOISE AND SPEEDING CONCERNS.

Council did not further discuss this matter during this time.

2. Recreation Advisory Commission – Council recommendations for appointment for two vacancies and the student representative position. Councilman Barber, Council representative to the Recreation Advisory Commission, reported that the Recreation Advisory Commission has recommended the appointment of Brad Foster, J. W. Hensall, and student representative, Jeffrey Logan Atkins, to fill the vacancies on the commission. Councilman Barber made a motion to accept the recommendation of the Recreation Advisory Commission and appoint the three recommended nominees. Councilman Hall seconded the motion. Noting that several Council members did not receive resumes for the nominees, Councilman Vanhoozier requested that Council be provided applicant information for future recommendations. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. The appointees will come before Council for introduction at the October 16, 2012 Council meeting. Councilman Showalter announced that Mr. Mark Layne of the Aquatic Advisory Board was present for introduction to Council.

3. DISCUSSION REGARDING THE PROPOSED COMMERCIAL ALARM REGISTRATION AND FALSE ALARM ORDINANCE. This is a carryover item from August 21, 2012. Town Manager Helms reported that Police Chief Sisson has submitted a final draft of the document to the ad hoc committee, with no response back and the draft was provided to Council for review. Councilman Hall had several questions regarding the definitions page of the ordinance, recommending clarification of several points concerning definitions and verbiage. Town Attorney Fontana agreed, also agreeing to put the document in recognizable ordinance form. Council spoke favorably of the draft submitted by Chief Sisson and thanked him for the effort he put into crafting the ordinance. If a Public Hearing isn't required for this ordinance, Council agreed to take action on the matter at the next regular Council meeting.

4. Discussion regarding cost recoveries from DUI and reckless driving tickets. (Councilman Hall). Councilman Hall explained that State Code allows localities to request recoupment for expenses incurred from DUI and reckless driving tickets, along with various other traffic violations, when the ticket results in conviction. The Town can incur a flat rate civil penalty of \$350, which would be imposed by the judge at the time of conviction and handled administratively by the Commonwealth Attorney's office. Councilman Hall reviewed Roanoke City's policy that provides for recoupment of expenses only when an accident is involved. Police Chief Sisson, who brought this matter to the attention of Council several months ago, reported that the Town of Blacksburg, Montgomery County, Roanoke City/County, and Lynchburg, already participate in this expense recoupment process. A Public Hearing would be required for this matter. Police Chief Sisson offered to work with the Commonwealth Attorney to define the specifications and boundaries of the process as allowed by State Code. It was the consensus of Council to pursue the development of a policy that would allow for the Town to recoup expenses as described, for Council consideration and adoption. Town Attorney Fontana agreed to begin the research and drafting process.

5. MR. STIPES AND MR. VANHOOZIER – STREET COMMITTEE RECOMMENDATION ON:

- a. Plat Showing Relocation/Vacation of Lot Line and of Easement between Lots 13 and 14, Sturgill Acres, Section Three; containing 2 lots; located on Stafford Drive, N.W. Councilman Stipes reported that this lot line adjustment involves a permanent utility easement and requires approval of Council. The plat has been reviewed by the Street Committee and is found to conform to the subdivision ordinance. Councilman Stipes made a motion to approve the plat, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

- b. Recommendations for vehicle weight restrictions on Majestic Drive and Sleepy Hollow Road. Councilman Stipes reported that the Street Committee met to discuss this matter and Town Manager Helms presented that Street Committee's recommendation to Council. The Street Committee recommended the posting of signs prohibiting trucks over four tons along Majestic Drive, Somerset Drive and Birkshire Street. The signs are to be regulatory and enforceable, and are to be posted within two weeks of Council approval. Councilman Vanhoozier made a motion to accept the Street Committee's recommendation, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

6. CLOSED MEETING:

- a. Request for a Closed Meeting under Virginia Code Section

2.2-3711(A)(3) for the discussion

or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The purpose of the Closed Meeting is to discuss the purchase of property. Councilman Barber made a motion to enter into a Closed Meeting for the stated purpose, seconded by Councilman Vanhoozier. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

- b. Reconvene in Open Meeting. Councilman Vanhoozier made a motion to reconvene in Open Meeting, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
- c. Certification. Councilman Vanhoozier moved to certify that the Town Council of the Town of Christiansburg, meeting in Closed Meeting, to the best of each member's knowledge, discussed only the matters lawfully exempt from open meeting requirements by Virginia Law and only such matters as are identified in the Resolution to enter into Closed Meeting. Councilman Barber seconded the motion and Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
- d. Council action on the matter. Councilman Barber made a motion to purchase Lot 4 of Scattergood Drive, consisting of 3.66 acres, Phase 1 of Via Industrial Park, at the accepted offer price of \$150,000. Councilman Stipes seconded the motion, and Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

TOWN MANAGER'S REPORT:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to approve the monthly bills to be paid on October 7, 2012, in the amount of \$. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

NICHOLE HAIR provided Council with an update on the Conditional Use Permit postings on the Town's website, with approximately one hundred permits posted and active. The permits were posted using the Interactive GIS program and guest access is expected to be available within two days. Ms. Hair demonstrated how to use the Interactive GIS program to access CUP information.

HUCKLEBERRY TRAIL UPDATE – Town Manager Helms updated Council on the continued progress of the Huckleberry Trail extension since September 4, 2012. The Huckleberry Bridge has been included as part of the Route 114 road widening project, and a bid opening for construction of Phase 1A is scheduled for October 15, 2012. The results of the bid opening will be reported to Council. Town Manager Helms provided in detail the progress of each phase of the project and Council thanked him for keeping them informed as the project moves forward.

TOWN MANAGER HELMS reported that the Montgomery County Board of Supervisors will host "County Conversations", an informal meeting in which citizens can talk with the supervisors, learn about the County's vision and priorities, and obtain informative materials. The meeting will be held at Christiansburg Middle School on October 15, 2012 at 7:00 P.M. All are invited to attend.

TOWN MANAGER HELMS reported that Mr. Craig Meadows, Montgomery County Administrator, has offered to give Council members a tour of the new County Courthouse and he requested Council provide him with a date that is convenient for the tour. Council agreed on October 16, 2012 at 5:30 P.M.

TOWN MANAGER HELMS reported that Mr. Barry Akers has resigned from the Planning Commission, leaving a second vacancy on the commission (one vacancy was never filled). Council agreed to have the Planning Department begin the advertising process for these positions.

TOWN MANAGER HELMS reported that Alleghany Street will be closed to through traffic at the intersection of Miller Street beginning on October 1, 2012 until just before the Thanksgiving holiday. The closure will be put into place for the safety of the construction crews working on street improvements. Street reconstruction in this area is expected to be complete in Spring 2013.

MAYOR BALLENGEE presented to Council for adoption a resolution recognizing 2009 Christiansburg High School graduate, Carmen Graves, for her outstanding academic and athletic achievements while attending Roanoke College. Councilman Vanhoozier made a motion to adopt the resolution, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. Council will present the resolution to

Ms. Graves at the October 16, 2012 Council meeting. A copy of the resolution is attached herewith and made a part of these minutes.

MAYOR BALLENGEE presented to Council for adoption a resolution recognizing the players and coaches who participated in the 2012 Little League and Dixie Youth Baseball programs for their achievement during the regular season and at the State and World Series levels. Councilman Vanhoozer made a motion to adopt the resolution, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. Council will present the resolution to the team members and coaches at the October 16, 2012 Council meeting. A copy of the resolution is attached herewith and made a part of these minutes.

ADJOURN:

There being no further business to bring before Council, the meeting was adjourned at 10:33 PM.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor