

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES OF SEPTEMBER 17, 2013 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 17, 2013 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor Steve Huppert; D. Michael Barber; R. Cord Hall; Henry D. Showalter; Bradford J. Stipes; James W. Vanhoozier. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Barry Helms; Town Clerk Michele Stipes; Town Attorney Theresa Fontana; Planning Director Nichole Hair; Finance Director/Treasurer Val Tweedie; Aquatics Director Terry Caldwell; Director of Engineering and Special Projects Wayne Nelson; Project Manager Jessie Nester.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. Council's intention to adopt an ordinance vacating easements for public and/or private utilities at 335 Windsor Drive, N.W. (tax parcel 435 – ((36)) – 5), including a 15 foot easement interior to the rear property line, a 7.5 foot easement interior to the right property line and a 7.5 foot easement interior to the left property line. Town Manager Helms explained that the applicant, Deborah Nelson Williams, wants to put a shed at the rear of the property and all utilities have been located at the front of the property, except an old cable television line that is no longer in use. The Town notified all public utility companies of this request and American Electric Power, and Verizon, responded with no objections. Verizon did state it wants to maintain a fifteen-foot easement along the street, which would not affect the request.

REGULAR MEETING

I. CALL TO ORDER:

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 3, 2013. Councilman Vanhoozier made a motion to approve the minutes as presented, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

Mayor Ballengee welcomed Christiansburg High School student, Alex Knost, and his mother, to the Council meeting. Alex attended the meeting as a requirement of his high school government class.

II. CITIZEN'S HEARING:

1. UPDATE FROM THE ENGINEERING DEPARTMENT – WAYNE NELSON, DIRECTOR OF ENGINEERING AND SPECIAL PROJECTS. Mr. Nelson provided Council with an update on the status of the Engineering Department's current capital projects that include the water system, sanitary sewer, stormwater, and transportation projects. The transportation projects include pavement maintenance of town streets, and construction of a walking trail at the Depot Park. Mr. Jessie Nester, Project Manager over the water and sewer projects, explained scheduling goals and project efforts within the Water System Upgrade Phase 6 along Depot Street, including traffic control measures for the project area, and primary and local detour routes. Extensive communication with residents and business owners through public information meetings, emails, website postings, telephone calls, and announcements through VDOT and the Roanoke Times, is a top priority in managing the Depot Street project. Detour signs in compliance with VDOT standards will also be used to communicate detour routes. The project is expected to begin along Holmes Street next week, with anticipated street and lane closures throughout the duration of the project. Project completion date is anticipated for May 2014. Mr. Nelson and Mr. Nester thanked Council for the opportunity to report on the progress within the Engineering Department.

2. CITIZEN COMMENTS.

- a. Meghan Dorsett, 630 Depot Street, addressed Council in response to the report given on the Depot Street water system upgrade. Ms. Dorsett stated her disappointment for the planned road closures along Depot Street during the biggest retail season of the year, which begins October 1. Ms. Dorsett said she believe the road/lane closures will negatively impact the holiday sales for businesses located in the Cambria section of town, including her own business, which has its largest sales in October and November.
- b. Carol Lindstrom, 630 Depot Street, reiterated the comments made by Meghan Dorsett, adding that 70% of the annual sales at the toy store in Cambria are within the timeframe for the Depot Street water system upgrade project. She appreciates the project, but not the project schedule because of expected road closures and detour routes. Additionally, Ms. Lindstrom commended town staff on revised Town Code; invited all to attend an open government event scheduled for September 19, and commented on the lack of coverage of Christiansburg in the Strategic Tourism Plan.

III. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. COUNCIL ACTION ON:

- a. The 2012 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 2010-2015 Consolidated Plan. The CAPER compares the actual performance measures with the performance measures listed in the 2012 Annual Action Plan. The Public Hearing was held September 3, 2013. Councilman Vanhoozier made a motion to adopt the report as presented, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

2. DISCUSSION OF *CHRISTIANSBURG TOWN CHARTER* SECTION 2.01 (B) VACANCY IN COUNCIL (Showalter). Councilman Showalter explained that he raised this discussion to prepare for filling the vacant seat on Council that is expected to result from the November election. The last time Council was faced with the responsibility of appointing someone to Council it received negative press for the process used in making the appointment. Councilman Showalter said his intent is to avoid a similar situation and suggested that special consideration be given to the candidate with the fourth highest number of votes on the November ballot. The vacant seat would have an unexpired term of two years and Town Charter provides a timeframe of sixty-days to fill the vacancy. Mayor Ballengee said it is important to avoid improprieties during the appointment process and recommended an advertisement, application, and interview process in making the appointment. Councilman Huppert agreed with Mayor Ballengee's recommendation, adding that unsuccessful candidates would have the opportunity to apply for the seat. Councilman Vanhoozier and Councilman Stipes both agreed that it would not be prudent to make the decision now to appoint an unsuccessful candidate to serve on Council. Councilman Stipes added that it should be the responsibility of the Council seated in January to determine who would fill the vacancy and he stressed the importance of unanimous support in making the appointment. Councilman Hall expressed his concern with giving Council full power to appoint its own seated member and raised the possibility of holding a special election to fill the vacancy. Town Attorney Fontana advised that because of the short duration of the unexpired term it may not be a practical choice in this situation; however, Council did have the authority to choose that route. If Council chose to hold a special election, it would need to begin working on the process immediately in order to meet the sixty day requirement. Regardless of how the vacancy is filled, the member filling the seat would be required to run during the next election to keep the seat. Councilman Showalter said it's important to him that Council agree to handle the situation differently this time and to include the Town's attorneys in the process. Councilman Hall reiterated that he is not comfortable with Council having full power to select and appoint its own serving member. He suggested that Council consider holding a public forum that would allow the community to participate in the interview process. He further noted that the appointment process should be as open as possible. Town Attorney Fontana said the Town Charter is clear on who is to make the appointment to fill a vacant seat, which is the remaining Council at the time the vacancy occurs. Attorney Fontana said she would review this matter further and would provide additional information and clarification to Council at its next regular meeting.

3. STRATEGIC TOURISM PLAN DISCUSSION. This is a carryover item from September 3, 2013. Town Manager Helms provided Council with an updated Strategic Tourism Plan for review. No action will be taken by Council on this matter until a finalized plan is submitted for review. Councilman Showalter requested that Council provide comments to Town Manager Helms, and that he submit the comments to Lisa Bleakley, Executive Director, for consideration. Council asked that Meghan Dorsett also submit her list of recommendations to Ms. Bleakley.

Mayor Ballengee announced that Kathy Mantz, former Executive Director of the Montgomery County Chamber of Commerce, died in Charlotte, NC on September 12. Ms. Mantz was instrumental in starting the Wilderness Trail Festival, and was heavily involved in the merger between the Christiansburg Chamber of Commerce and Montgomery County Chamber of Commerce several years ago. She was also a friend to many. A celebration of her life will be held on October 11 at the Event Center at 7:30 p.m.

4. COUNCIL TO CONSIDER SPONSORING AN ATHLETIC EVENT TO REPLACE A RECENTLY CANCELLED PRIVATELY SPONSORED TRIATHLON. (Showalter/Huppert) Council discussed various ideas for organizing an athletic event in Christiansburg that could include biking, running, and swimming, and agreed that the first step should be to begin discussions with the Parks and Recreation Department, the Aquatic Center, the Police Department, and the cross country coach at Christiansburg High School. The initial discussions would be to determine the feasibility of hosting an event of this nature, and to determine the extent of the Town's involvement, if a third party were to host an event. Council understands the liability involved in hosting a triathlon-type event, and discussed ways to address liability and minimize risk to participants. Town Attorney Fontana advised Council on the immunities involved in hosting, and co-hosting, as well as participant waivers. Councilman Showalter stated that if the Town decides to involve a third party to host the event, he hopes the Town will take an active role in planning and assisting with the event. Participation in past triathlons indicates strong community support for this type of event in Christiansburg.

5. CLOSED MEETING:

- a. Request for a Closed Meeting under Code of Virginia § 2.2-3711(A)(3) for 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 Closed Meeting is to discuss the possible purchase of land at two different locations. Councilman Vanhoozier made a motion to enter into a Closed Meeting, seconded by Councilman Barber. Council was polled on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
- b. Reconvene in Open Meeting. Councilman Huppert made a motion to reconvene in Open Meeting, seconded by Councilman Barber. Council voted on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
- c. Certification. Councilman Huppert 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, seconded by Councilman Barber. Council voted on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
- d. Council action on the matter. There was no action taken by Council.

IV. TOWN MANAGER'S REPORTS:

1. PUBLIC HEARING REQUEST: Town Manager Helms presented the request(s) and recommended setting the Public Hearings for November 6, 2013:
 - a. Proffer amendment request by Johnny C. Martin for conditional zoning to modify the parking and paving requirements at 3301 Roanoke St.
 - b. Proposed amendments to the Zoning Ordinance of the *Christiansburg Town Code* to address parking requirements and site plan modifications.

On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to set the Public Hearings for November 6, 2013. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

Council scheduled a work session for November 6, 2013 at 6:00 P.M. to discuss the proposed amendments to the zoning ordinance in preparation of the public hearing.

2. PROGRESS REPORTS AND ANNOUNCEMENTS:

- The revised Kiwanis Lease is currently being reviewed by the attorneys. The lease will be provided to Council once the attorney review is completed. Kiwanis has requested an effective date of February 1, 2014 to allow newly seated Kiwanis members to act on the document.
- Council was provided a Huckleberry Trail and bridge report.
- The Christiansburg Aquatic Center Advisory Board has requested a joint meeting with Council, offering a meeting date of November 19, 2013. Councilman Hall made a motion to schedule a joint work session with the Aquatic Center Advisory Board for November 19, 2013 at 6:00 P.M. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
- Mayor Ballengee presented for Council approval a Proclamation acknowledging the mission of Extra Mile America and proclaiming November 1, 2013 as "Extra Mile Day" in recognition of individuals and organizations that volunteer within the community of Christiansburg. Councilman Barber made a motion to adopt the Proclamation, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

V. ADJOURNMENT:

There being no further business to bring before Council, the meeting was adjourned at 9:30 PM.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor