

October 1, 2013

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES OF OCTOBER 1, 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 OCTOBER 1, 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 Elizabeth Dillon; Finance Director/Treasurer Val Tweedie; Assistant Town Manager Randy Wingfield; Assistant to the Town Manager Adam Carpenetti; Police Chief Mark Sisson; Director of Engineering and Special Projects Wayne Nelson.

PLEDGE OF ALLEGIANCE

Mayor Ballengee welcomed several government students in attendance from Christiansburg High School.

PUBLIC HEARING

1. Town Council's intention to adopt an ordinance adopting and enacting a new Code for the Town of Christiansburg, Virginia by revision and recodification of ordinances including repeal of certain ordinances not included therein and specification of penalties for violations by the Council of the Town of Christiansburg, Virginia, entitled the Code of the Town of Christiansburg, Virginia (also constituted, designated, and citable as the Christiansburg Town Code), providing for the manner of amending such Code, and providing for an effective date. The Town Code recodification process is necessary to bring the code into compliance with state code, and the public hearing allows for community input on the changes before Council adoption. Carol Lindstrom, 630 Depot Street, questioned some of the stricken sections (Secs. 25-4 and 25-5) in the document relating to road work that affects elevation of the road. Ms. Lindstrom said that road work in Cambria has created a situation in which flooding regularly occurs because of improper drainage caused by elevation changes to the road. She believes controls need to be put into place to address this type of situation to prevent it from happening in the future. Ms. Lindstrom asked Council to consider keeping the stipulation that would allow Council to intervene and act in the best interest of its citizens. Meghan Dorsett, 630 Depot Street, reiterated the comments of Ms. Lindstrom. Town Manager Helms noted that Council has scheduled a work session to discuss the recodification on October 29th.

REGULAR MEETING

I. CALL TO ORDER:

MAYOR BALLENGE called the regular meeting of Council to order and asked if there were any additions or corrections to the regular meeting minutes of September 17, 2013. Councilman Hall requested the following corrections: III. Discussions by Mayor and Council, Item 2: (1) Reflect his concern about Council having too much power in choosing its own serving member; (2) reflect his suggestion that Council consider holding a public forum for community involvement in filling the vacancy, (3) reword/strike portion of 2. Progress Reports and Announcements, item number 3, to eliminate appearance of disregard for Councilman Stipes' inability to meet on the set date. Councilman Hall made a motion to approve the minutes with the stated corrections, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

Agenda Amendment - Councilman Showalter made a motion to amend the agenda to include a resolution supporting a request by Montgomery County for a VDOT project to extend the Huckleberry Trail, and a resolution to the Commonwealth Transportation Board requesting a VDOT project to continue improvements to Main Street, Franklin Street, and Courthouse Square. Councilman Huppert seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. The resolutions will be placed as items #6 and #7

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under Discussions by Mayor and Council Members.

Agenda Amendment – Councilman Hall made a motion to amend the agenda to include a discussion regarding the park and ride located near the I-81 Exit 114. Councilman Huppert seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. This matter will be item #8 under Discussions by Mayor and Council Members.

II. CITIZEN'S HEARING:

1. CITIZEN COMMENTS.

- a. Meghan Dorsett, 630 Depot Street, complimented the Town on its revising its construction plans in response to concerns regarding the closure of portions of Depot Street during the coming months as part of the Water System Upgrade Phase 6. Ms. Dorsett thanked the Town for listening to its citizens.
- b. Carol Lindstrom, 630 Depot Street, reiterated the comments of Ms. Dorsett and stated her appreciation for citizen engagement and for the strides the Town has made in complying with FOIA requirements. Concerning the Town's policy to notify nearby property owners of construction projects, Ms. Lindstrom suggested that renters and business owners be included in the notifications.
- c. Mr. Art Hamrick, addressed Council with his concern regarding the utility substation off Cambria Street that he believes was built illegally on improperly zoned property, and without a building permit. Mr. Hamrick said the close proximity of the substation to the Norfolk and Southern railroad track, and to an existing gas line, poses a safety threat to the surrounding area. He has filed complaints with AEP and the State Corporation Commission, to no avail. Mr. Hamrick believes the substation was built without regard for citizen safety, and is a facility that is more suited for placement in the industrial park. Town Manager Helms explained that the Palmer Street substation was built by American Electric Power in 2008. Per state code, building permits are not required for utilities, and the Town's zoning ordinance allows for utilities in all zoning districts. The Town has not found the substation to be in violation of town, state, or federal code. After hearing Mr. Hamrick's concerns, Council requested a formal response from Town staff addressing the noted issues and potential hazards associated with the location of the substation. Also provided in the response should be federal regulations pertaining to this matter, and a response from American Electric Power. Councilman Hall requested that the Town contact property owners located near the substation for added community input. Council requested that the response be provided by November 6, 2013.
- d. Deveron Milne 1275 Tranquility Via, thanked Council for supporting the Downtown Christiansburg, Inc. sponsored Food Truck Rodeo event held on Main Street last Friday evening. He then asked Council to consider drafting a policy that would allow for insurance reimbursement for fire department calls, which could be modeled after the EMS Revenue Recovery Program.

III. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. COUNCIL ACTION ON:

- a. Council's intention to adopt an ordinance vacating easements for public 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. The Public Hearing was held September 17, 2013. Councilman Vanhoozier made a motion to approve the request, seconded by Councilman Barber. Council was polled on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

1. DOWNTOWN BENCH DONATION POLICY. Councilman Hall made a motion to adopt the Downtown Bench Donation Policy, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

2. SET FEES FOR THE EMS REVENUE RECOVERY PROGRAM. Town Council was provided a copy of a resolution adopting a schedule of ambulance transport fees and establishing a policy effective date for its consideration. Adam Carpenetti, Assistant to the Town Manager, reviewed the fee comparison chart based on the 2013 Medicare allowable rate and recommended Council adopt a billing rate of 130% of the Medicare rate. A compassionate billing approach was taken in making the recommendation; insurance premiums generally already reflect this percentage, and billings should not result in an increase in individual policy premiums. No

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patient would be denied emergency services because of lack of insurance or inability to pay. Program implementation date is set for November 1, 2013. A billing company would be paid 5.3% of revenue recovery collections to handle the insurance billings and payments received. Three bills would be sent in an attempt to collect fees, but at no point would a bill be turned over to a collection agency. The program was designed to provide funds for upgrades and enhancements to the rescue squad and fire department and all revenue received through the program would be used for those purposes. Councilman Stipes clarified that the program does include an appeal process for fees. Councilman Hall raised a concern regarding sanctions addressed in the program policy, and potential liabilities to the Town. He also spoke to his concerns about the results of kickback procedures on the Town. Town Attorney Elizabeth Dillon clarified that the potential exposure to the Town pertains to billings for non-taxpaying patients. She offered to search for court opinions for similar situations that might provide some clarity, or submit for a review and answer to Christiansburg's specific situation. Noting that the fee schedule is separate from the program policy, Councilman Vanhoozier recommended moving forward with adopting the fees, with the option to revise the policy if deemed necessary in the future. Councilman Hall made a motion to adopt an ambulance transport reimbursement fee rate of 130% of Medicare rates, with an effective date of November 1, 2013. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Town Attorney Dillon will review the matter and have a response prepared for Council.

3. INFORMATION FROM THE TOWN ATTORNEY ON THE FILLING OF THE ANTICIPATED TOWN COUNCIL VACANCY IN JANUARY 2014. This matter is a carryover from a discussion on September 17, 2013. Town Attorney Elizabeth Dillon submitted to Council a memorandum of findings concerning the filling of a vacant seat on Council, noting that the confusion in how to handle this matter stems from differences in provisions in the Town's Charter and in state code. State code provides timeframes for filing vacancies, but doesn't dictate how Council is to fill the seat, only that it must be with a qualified voter of the election district. The individual appointed would only serve until a special election could be held, and the winner of that election would fill the remaining term. Councilman Huppert stated his support for writing into Town Code the process of appointing the candidate on the ballot with the fourth highest number of votes. Town Attorney cautioned that, if Council should choose that approach, it would need to provide for contingencies. Council discussed the possibility of Councilman Barber resigning from his council position once he is voted in as mayor. If he were to resign his Council seat, the sitting Council could begin the appointment process such as advertising the vacancy, but the Council at the effective date would make the appointment until a special election is held. Council has forty-five days to fill the seat once the vacancy occurs. Attorney Dillon reported that, while not required, Council is authorized to meet in closed meeting to interview candidates. Councilman Hall asked that the attorney memorandum be made available for public review.
4. DISCUSSION AND ACTION ON THE TOURISM STRATEGIC PLAN. Lisa Bleakley, Executive Director of the Montgomery Tourism Development Council, provided Council with an overview of the Tourism Strategic Plan with a focus on the core of the plan established as five tourism goals. She also reviewed additions to the plan that resulted from information provided by citizens. Ms. Bleakley noted that the plan had been adopted by Montgomery County and the Town of Blacksburg. Councilman Vanhoozier made a motion to adopt the Tourism Strategic Plan, seconded by Councilman Barber. Council was polled as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
5. RESOLUTION OF SUPPORT FOR MONTGOMERY COUNTY REQUEST FOR A PROJECT TO EXTEND THE HUCKLEBERRY TRAIL. Councilman Barber made a motion to adopt the resolution, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. A copy of the resolution is attached herewith.
6. RESOLUTION TO THE COMMONWEALTH TRANSPORTATION BOARD REQUESTING CONTINUED SUPPORT FOR IMPROVEMENTS TO MAIN STREET, FRANKLIN STREET, AND COURTHOUSE SQUARE THROUGH DOWNTOWN ENHANCEMENT GRANTS. 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. NAYS: None. A copy of the resolution is attached herewith.
7. PARK AND RIDE NEAR I-81 EXIT 114. Councilman Hall reported that he was notified by citizens of the poor condition of the park and ride located near I-81 Exit 114, which accommodates approximately thirty vehicles. During a site visit, Councilman Hall found a tremendous amount of trash and debris, and parked, untagged vehicles. Noting the location of the park and ride at a gateway to Christiansburg, and the valuable service it

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provides citizens, Council decided to determine property ownership and offer assistance in cleaning up and maintaining the lot. Town Manager Helms agreed to meet with the property owner to relay the concerns of Council and to offer assistance in maintaining the park and ride.

IV. TOWN MANAGER'S REPORTS:

1. **MONTHLY BILLS:** On motion by Councilman Barber, seconded by Councilman Huppert, Council voted to approve the monthly bills to be paid on October 10, 2013, in the amount of \$963,269.01. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
2. **PUBLIC HEARING REQUEST:** Town Manager Helms presented the request and recommended setting the Public Hearing for November 6, 2013:
 1. Recodification of the *Christiansburg Town Code*.

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

3. PROGRESS REPORTS AND ANNOUNCEMENTS:

- Depot Street Park trail paving was completed last week.
- Construction plans for Depot Street Water System Upgrade Phase 6 have been modified to allow one-way traffic on Depot Street throughout the project, with the exception of a short passage that will be done next spring. The project changes were made to address the concerns of business owners in Cambria.
- Progress continues on establishing recommendations for Council consideration for an athletic event to replace a recently cancelled triathlon.
- The annual report for the Public Works Department was provided to Council.
- Council was provided a Huckleberry Trail update.
- Portions of Route 114 will be closed by VDOT near the railroad tracks within the next few weeks for one Sunday. Traffic will be diverted to Majestic Drive. Councilman Barber requested additional police patrol in that area to address traffic concerns and keep traffic flowing. Closing will be advertised to the public.
- A final report on the employee compensation study is expected mid-November.

V. ADJOURNMENT:

There being no further business to bring before Council, the meeting was adjourned at 9:16 PM.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor