

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF SEPTEMBER 18, 2007 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT THE CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON SEPTEMBER 18, 2007 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Canada, Carter, Huppert, Stipes, and Wade. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenny, Assistant Town Manager Helms, Town Clerk Stipes, and Planning Director Wingfield.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Booth, Byrd, Carter, Moore, Simmons, and Vanhoozier. PLANNING COMMISSION MEMBERS ABSENT: Commissioner Poff.

PLEDGE OF ALLEGIANCE led by Assistant Town Manager Helms.

REGULAR MEETING

MAYOR BALLENGEE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of September 4, 2007. There being none, the minutes were approved as presented.

PRESENTATION OF RESOLUTION TO VIRGINIA TECH POLICE CHIEF WENDELL FLINCHUM. Mayor Ballengee introduced Virginia Tech Police Chief Wendell Flinchum, and presented to Council a resolution recognizing Chief Flinchum's leadership during the Virginia Tech tragedy on April 16, 2007. Vice-Mayor Wade read the resolution signed by the Mayor, Town Manager, and members of Council. Mayor Ballengee presented a framed resolution to Chief Flinchum, who received a standing ovation. Chief Flinchum thanked Town Council for this honor. Christiansburg, he said, is where he was raised and is the town he continues to call home. Chief Flinchum also thanked those who have supported him and those who are present tonight to be a part of this honor. Family members, friends, law enforcement members, and Christiansburg Fire Department officials were present in a show of support for Chief Flinchum. A copy of the resolution is attached herewith and made a part of these minutes.

JOINT PUBLIC HEARING

1. Council's intention to adopt an ordinance in regards to a rezoning request by Riverbend Water Company for property on the southern side of Simpson Road (tax parcel 499 – ((A)) – 1A) from R-3 Multiple-Family Residential to I-1 Limited Industrial. The property contains 0.8 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. This request has been withdrawn by the applicant.
2. Council's intention to adopt an ordinance in regards to a rezoning request by DBL Properties, L.L.C. for property at 175 Countrie Road (tax parcel 499 – ((A)) – 1B) from B-3 General Business to I-2 General Industrial. The property contains 2.334 acres and is scheduled as Commercial in the Future Land Use Map of the Christiansburg Comprehensive Plan. There was no one to speak for or against this request.

PUBLIC HEARING

1. Council's intention to adopt an ordinance in regards to a request by David A. Nachlas to vacate an unbuilt portion of Front Street located east off of E. Main Street (45 feet in width and 146.75 feet in length between tax parcels 497 – ((22)) – 5 and 497 – ((50)) – 2 and an additional 20 feet in width and 32.48 feet in length adjacent to tax parcel 497 – ((50)) – 2). Ms. Dorothy Beasley, an adjacent property owner, said if the request is approved it will create a hardship for her if she decides to build a garage in her back yard. She said she would have to access the rear property through the front yard. She also believes closing the street would hinder emergency vehicle access to the area. Mr. Steve Brumfield, an adjacent property owner, wants the street kept open as a public access and sees it as a means of access to his potential townhouse property. Manager Terpenny said he received a letter from Verizon requesting that a

fifteen foot utility easement be maintained. The Town also received letters of opposition from Bob Poff and Tom Poff.

2. Council's intention to adopt an ordinance in regards to a request by Silver Springs, Inc. to vacate a portion of an unbuilt alley located south off of Second Street (20 feet in width and 100.02 feet in length) between S. Franklin Street and Pepper Street, S.E. adjacent to tax parcel 527 – ((37)) – A. Mr. Lee Cochran, property owner of 206 S. Franklin Street, which borders the back side of the property in this request, said closing the alleyway would create a hardship for him because it is the only access to the rear of his property. Mr. Billy Maddy of Silver Springs, Inc. said he wanted to use the alleyway as access to his parking lot and he planned to improve and blacktop the alleyway to make it a suitable entranceway. However, he understands Mr. Cochran's concern and withdrew his request. Manager Terpenny explained that Mr. Maddy has had difficulty meeting the parking requirements because of the wording in the Town Code regarding parking lot access. He said it is his interpretation that Mr. Maddy's parking area does not comply with Town Code; however, the Board of Zoning Appeals does have the authority to consider appeals to the Town Manager's interpretation. Mayor Ballengee asked Town Manager Terpenny to further review this matter with Mr. Maddy.

REGULAR MEETING

CITIZEN HEARINGS:

MAYOR BALLENGE open the Citizen Hearings for those desiring to address Council.

PLANNING COMMISSION'S RECOMMENDATION ON THE JOINT PUBLIC HEARING REQUEST:

1. Council's intention to adopt an ordinance in regards to a rezoning request by DBL Properties, L.L.C. for property at 175 Countrie Road (tax parcel 499 – ((A)) – 1B) from B-3 General Business to I-2 General Industrial. The property contains 2.334 acres and is scheduled as Commercial in the Future Land Use Map of the Christiansburg Comprehensive Plan. At Chairperson Simmons' request, Secretary Terpenny read the Planning Commission's resolution recommending Town Council deny the request.

TACY NEWELL, Christiansburg resident and downtown business owner, addressed Council regarding the Town ordinance governing sidewalk sales. Ms. Newell said that, as she reviewed the sidewalk ordinance, she realized that the ordinance needs updating and clarification. She asked that Town Council review and revise the sidewalk portion of the ordinance to make it more accommodating to downtown business owners. Manager Terpenny said that there have been no changes to the sidewalk ordinance since the 1970's, and agreed that some revisions may be necessary.

There being no one else to address Council, MAYOR BALLENGE closed the Citizen Hearings.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

COUNCIL ACTION ON THE PLANNING COMMISSION'S RECOMMENDATION:

1. Council's intention to adopt an ordinance in regards to a rezoning request by DBL Properties, L.L.C. for property at 175 Countrie Road (tax parcel 499 – ((A)) – 1B) from B-3 General Business to I-2 General Industrial. Councilman Wade made a motion to accept the Planning Commission's recommendation and deny the request. Councilman Barber seconded the request, and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE REQUEST TO VACATE AN UNBUILT PORTION OF FRONT STREET. Councilman Stipes made a motion to deny the request to vacate an unbuilt portion of Front Street, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

SET REIMBURSEMENT RATE FOR PERSONAL PROPERTY TAX RELIEF. Town Manager Terpenny explained that the annual personal property tax relief rate change is a result of legislative action in 2004. In 2004, legislature capped the dollar amount each locality is entitled to, and as a result, the Town can not bring in more personal property tax dollars than what was established by the General Assembly in 2004. This year the rate will be set at 60%. This action is part of the phase out of the car tax relief imposed several years ago, and applies to personal vehicles only. Councilman Wade made a motion to set the personal property tax relief rate at 60% for the year 2008, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

APPOINTMENT OF REPRESENTATIVE AND ALTERNATE FOR NEW RIVER VALLEY AGENCY ON AGING. Mayor Ballengee reported that Mr. Scott Weaver has served as Town representative for the New River Valley Agency on Aging for many years and has expressed the desire to continue serving in this capacity. Councilman Barber made a motion to appoint Mr. Scott Weaver as representative for the New River Valley Agency on Aging, with Councilman Huppert serving as alternate. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. Mayor Ballengee thanked Mr. Weaver and Mr. Huppert for their continued service to the Town.

MR. STIPES AND MR. CANADA – Street Committee Recommendations on:

1. Plat showing boundary line relocation on the southern side of Radford Street on tax parcels 525-(A)-29, 525-(A)-34, & 525-(A)-36 prepared for Darlene S. Lancaster; containing 3 lots; located on Radford Street. Councilman Stipes reported that this request is to adjust the rear property line back nineteen feet. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilman Barber. Council voted on the matter as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. Boundary line adjustment, lot 2A & 3A, Miles Estates and on the property of J.L. Miles and Mary Lou Miles; 2 lots; Giles Drive, S.E. Councilman Stipes reported that this request is to vacate the rear property lot line to create one large lot from two lots. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilman Barber. Council voted on the matter as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUEST – Town Manager Terpenny presented the following request and recommended setting the Public Hearing for November 6, 2007:

1. Rezoning request from A Agriculture to R-1 Single Family Residential, Sage Lane located off Rt. 114.

On motion by Councilman Barber, seconded by Councilman Wade, Council voted to set the Public Hearing for November 6, 2007. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

AQUATIC CENTER UPDATE - Town Manager Terpenny reported that the footer excavation is continuing and the footer material is being ordered. Councilman Huppert suggested placing a sign on the site notifying that it is the future home of the aquatic center. He believes many folks who are aware of the construction may not know that it is the site of the new aquatic center. Manager Terpenny reported that the Town is in the process of developing a logo for the aquatic center and Mayor Ballengee suggested finishing the design of the logo before placing a sign on the site.

COUNCILMAN CANADA said he has some concerns about the Town's ordinance governing sidewalk usage and asked that this matter be placed on the October 2, 2007 Town Council agenda for discussion.

COUNCILWOMAN CARTER, representative to the Virginia Tech Montgomery County Executive Airport Authority, praised Michael St. Jean of the Authority for his inventive ways of bringing in revenue for the airport. Charging a fee to park in the parking lot brought in over ten thousand dollars from two football games and one concert. Seasonal parking passes are also available for purchase. Approximately seventy to eighty planes use the airport during "big" Virginia Tech football games. The airport now offers rental car service and the service company pays a set up fee to the airport. Councilwoman Carter said Mr. St. Jean has done a great job of raising revenue by thinking "outside the box".

COUNCILMAN STIPES reported that plans for the Huckleberry Trail extension are moving along quickly and he asked that a discussion regarding the Huckleberry Trail be included on the October 2, 2007 Town Council agenda. At that time, Councilman Stipes said he will be asking for a resolution of support from Council for the extension. The application for the TEA-21 Grant is due November 1, and is sponsored by Montgomery County. Eighty percent of the trail extension will be federally funded. Mayor Ballengee suggested that Blacksburg may be interested in participating in a resolution of support, and Councilman Stipes agreed to contact Blacksburg.

ADJOURN:

There being no further business to bring before Council, Mayor Ballengee declared the meeting adjourned at 8:40 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor