

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF OCTOBER 2, 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 OCTOBER 2, 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, Town Planner Hair, and Town Attorney Waddell.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Byrd, Booth, Carter, Moore, Poff, Simmons, and Vanhoozier. PLANNING COMMISSION MEMBERS ABSENT: None.

MAYOR BALLENGEE stated there was a quorum present of Council Members and Planning Commission Members.

PLEDGE OF ALLEGIANCE led by Planning Commissioner Booth.

JOINT PUBLIC HEARING

1. Conditional Use Permit request by Shah Development, L.L.C. for property at 405 and 415 Cambria Street, N.W. (tax parcels 466 – ((28)) – 1, 2, and 3) for miniwarehouses in the MU-2 Mixed Use: Residential - Limited Business - Limited Industrial District. Mr. Thom Rutledge, Project Manager for Shah Development, L.L.C., explained this request to Town Council. The Conditional Use Permit request is to allow three hundred and five climate controlled mini-warehouse storage units on the former Rowe property. Mr. Kevin Connor of Gay and Neel has worked with Shah Development, L.L.C. to develop a site plan, which will include a landscaping berm intended to block the view of the storage units. The front of the storage units will sit below the Cambria Street elevation. Provisions have been made for the possibility of the future Huckleberry Trail extension connecting to the property. Mr. Rutledge commented that Shah Development, L.L.C. has recently purchased a major portion of the new Cambria Crossing Development and they want the new housing development and the storage units to be an asset to the area.

PUBLIC HEARING

1. Council's intention to adopt an ordinance in regards to a request by Bryan and Benita Rice to vacate an unbuilt portion of Hillside Avenue located east off of Mink Street (30 feet in width and approximately 273 feet in length) adjoining tax parcels 525 – (3) – 98-108 and 525 – (A) – 4. Mr. Bryan Rice is available to answer any questions. Town Manager Terpenny said that there are no objections to this request from the Town or Verizon.
2. A Zoning Permit request by Charles Wimmer for property at 895 Park Street (tax parcel 498 – ((12)) – 22) for contractor equipment storage in the I-2 General Industrial District. Mr. John Drummond, owner of the business property located in front of Mr. Wimmer's property, commented that Mr. Wimmer asked him if he could park his trucks on his property. Mr. Drummond said he didn't fully understand the request, but consented to one or two trucks being parked on his property, if necessary. Mr. Drummond was informed that the request is to park approximately ten dump trucks on the site and Mr. Drummond and his wife agreed it is not in the best interest of their business to allow the dump trucks to be parked on their property. Ms. Tacy Newell-Foutz said she owns property adjacent to Kiwanis Park, which, years ago, was located near a dump truck site. Noise was a big concern, as was the unsuitability of the property. Ms. Newell-Foutz suggested that this type of business should be located in an industrial park.

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 18, 2007. There being none, the minutes were approved as presented.

CITIZEN HEARINGS:

MAYOR BALLENGEE opened the Citizen Hearings for those desiring to address Council.

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

1. Conditional Use Permit request by Shah Development, L.L.C. for property at 405 and 415 Cambria Street, N.W. (tax parcels 466 – ((28)) – 1, 2, and 3) for miniwarehouses in the MU-2 Mixed Use: Residential - Limited Business - Limited Industrial District. At Chairperson Simon's request, Secretary Terpenny read the Planning Commission's resolution recommending Town Council issue the Conditional Use Permit with seven conditions. A copy of the Resolution and seven conditions is attached herewith and made a part of these minutes.

PRESENTATION BY DRAPER ADEN ON BLACKSBURG-CHRISTIANSBURG-VPI WATER AUTHORITY JOINDER STUDY. Mr. Rick DeSalvo of Draper Aden thanked Council for the opportunity to present the joinder study. Mr. DeSalvo gave a powerpoint synopsis of the joinder study that was presented to the authority members. Draper Aden has worked with Black and Veatch to prepare this study, which would allow Montgomery County to become the fourth member/owner of the Blacksburg-Christiansburg-VPI Water Authority, at the direction of the Authority. Mr. DeSalvo explained that the Towns may experience a loss in revenue if the County became the fourth member of the Authority, but that production at the plant would increase, the water quality would improve, and the relationship between the Towns and the County would strengthen as a result of a buy-in by the County. Several issues that still need to be studied are: Buy-in analysis, cost of new lines, rates, water quality, and regulatory issues. Issues that still need to be addressed with Montgomery County are: Sole provider stipulation (the County would be required to negate its contract with Radford and the Radford Arsenal), strategy for buy-in payments, redundancy/reliability post joinder, and wheeling rates. Mr. DeSalvo reviewed the outline of the Terms of the Joinder Agreement with Council. Mr. DeSalvo then reviewed the calculation of the projected buy-in amount, which is replacement value, less depreciation; and he discussed different possible ways to serve the various areas of the County, and the costs associated with each possibility. The County has suggested it make contributions to help offset the costs associated with laying new transmission lines, which could include some Town improvements. Mr. DeSalvo went on to review the benefits to the current members, under which the Authority has a 100% compliance rate, median debt, and high ratings in organization development. The benefits include: Stabilization (or possible reduction) of rates, improved water quality and distribution system, and improved operation of the PSA. Mr. DeSalvo offered a proposed schedule of events for years one, two, and three of the joinder. If all agree with this engineering analysis, Phase II of the joinder study will include administrative and government analysis, financial analysis, and watershed management analysis. Mr. DeSalvo closed his presentation and answered Council questions. Mayor Ballengee reminded Council that it voted to authorize this joinder study. Mayor Ballengee thanked Mr. DeSalvo for his presentation and stated that Council will further discuss the information at a future meeting.

PRESENTATION BY ELIZABETH OBENSHAIN ON THE NEW RIVER LAND TRUST. Ms. Obenshain, Executive Director of the New River Land Trust, thanked Council for the opportunity to speak and gave each member a packet promoting the New River Land Trust. The mission of the land trust, explained Ms. Obenshain, is to conserve farmland, forests, open spaces and historic places in Virginia's New River region. She explained that a conservation easement is a permanent easement, is held by a nonprofit organization, and conserves a valid conservation purpose. Conservation easements save farms and protect quality of life, and the federal and state governments offer thousands of dollars in tax credits, tax deductions, and estate tax savings as incentives to save Virginia's natural heritage. A conservation easement can not be subdivided or developed for housing or golf course. There are currently 19, 700 acres of land under easement in the New River Valley, consisting of eight counties. In the past five years, there has been 3.4 million dollars in tax credits sold for local landowners as a result of the New River Land Trust. Ms. Obenshain said she is pleased to be working with Christiansburg on the Green infrastructure Plan and reviewed how Christiansburg can partner in this land trust. She remarked that there are many development pressures expected in the future for Montgomery County and she invited anyone interested to become a New River Land Trust member to help preserve the land in our community.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

COUNCIL ACTION ON THE PLANNING COMMISSION'S RECOMMENDATION:

1. Conditional Use Permit request by Shah Development, L.L.C. for property at 405 and 415 Cambria Street, N.W. (tax parcels 466 – ((28)) – 1, 2, and 3) for miniwarehouses in the MU-2 Mixed Use: Residential - Limited Business - Limited Industrial District. Councilman Barber made a motion to accept the Planning Commission's recommendation to issue the Conditional Use Permit with seven conditions. Councilman Wade seconded the

motion, and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON A REQUEST BY BRYAN AND BENITA RICE TO VACATE AN UNBUILT PORTION OF HILLSIDE AVENUE. Councilman Wade made a motion to approve the request, with an easement retained by the Town for future use. The motion was seconded by Councilman Huppert, and Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON A ZONING PERMIT REQUEST BY CHARLES WIMMER FOR PROPERTY AT 895 PARK STREET FOR CONTRACTOR EQUIPMENT STORAGE IN THE I-2 GENERAL INDUSTRIAL DISTRICT. Town Manager Terpenny commented that, while zoning permits are not addressed in Town Code, it is treated as a Conditional Use Permit, and Town staff has drafted five conditions for Council to consider as part of this zoning permit. Council has many concerns regarding this request such as site size, and noise and visual issues, and Councilman Wade pointed out that Council has denied requests such as this one in the past. Councilman Wade made a motion to deny the request, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

HUCKLEBERRY TRAIL UPDATE FROM COUNCILMAN STIPES. Mayor Ballengee said he and Councilman Stipes appeared before the Montgomery County Board of Supervisors asking that it support and sponsor a TEA Grant application for the Huckleberry Trail extension. The TEA Grant is an 80% federal reimbursement and 20% local matching program, and the grant can be applied for with each phase of the project. The Board of Supervisors will vote on the request on November 7th. Councilman Stipes gave each Councilmember a handout outlining the plans for the Huckleberry Trail-Christiansburg extension, which will travel from the New River Valley Mall to the Christiansburg Recreation Center. The approximately two miles of construction will include aerial crossings of Route 114 and Cambria Street, and at least one aerial crossing of Norfolk Southern Spur line, at an estimated construction cost of 1.6 million dollars. Councilman Stipes commented that, although grant funding is available and significant private funds have been identified, funding is still short of the total construction cost. Councilman Stipes proposed in-kind services from the Town to help offset the shortage. He asked Town Council for a Resolution of Support for the TEA Grant application and a commitment to provide in-kind services to help offset the construction cost shortage. Councilwoman Carter made a motion to adopt a Resolution of Support for the TEA Grant application and to commit to providing in-kind services for the construction of the Huckleberry Trail extension. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. Councilman Stipes thanked Town Council for its support.

REPORT AND RECOMMENDATION FROM SUNSET CEMETERY AD-HOC COMMITTEE. Mayor Ballengee thanked the Sunset Cemetery Ad-Hoc Committee, Councilmen Barber and Stipes, and gave a brief background on the previous Sunset Cemetery discussions. Councilman Barber commented there have been many discussions concerning Sunset Cemetery, with much public support, and a public expectation of the Town assuming the responsibilities of the cemetery. Councilman Stipes reported that the Sunset Cemetery Ad-Hoc Committee has reviewed, and discussed at length, the operations and financial records of the cemetery, and that it is the opinion of the Ad-Hoc Committee that the Town has a moral obligation to take ownership of the cemetery, and that it is the recommendation of the Ad-Hoc Committee that the Town take ownership of Sunset Cemetery effective January 1, 2008. Town Manager Terpenny recommended that Town Council appoint a committee and a citizen advisory board to help oversee the operations of the cemetery. Council further discussed the recommendation and addressed several concerns. A main concern of Councilman Canada is the projected annual operating costs of \$100,000 to \$150,000, which is based on the cemetery's reimbursements to the Town in past years, along with estimated administrative and clerical costs. Councilman Huppert commented that Council must consider that there are additional lots for sale in the cemetery as a source of revenue and to offset operating costs. It is the opinion of Council that a solid business plan must be developed for the cemetery, and that the cemetery is a business and should be run as such. Many of the concerns of Council can be addressed in the business plan. Councilman Canada expressed his concern with using taxpayer money to support the operations of the cemetery and would like additional time to review the information before taking action. Councilman Barber said he is concerned that if Council doesn't vote soon, the Town may not have enough time to implement a solid business plan for the cemetery before January 1, 2008. Councilman Barber commented that there are no other options for ownership of the cemetery, and he noted that Town staff already provides daily maintenance operations for the cemetery. Councilman Canada said he supports the Town committing to the cemetery, but wants to be sure the Town has received all the information necessary to make an informed decision. Mayor Ballengee remarked that the Sunset Cemetery Board of Trustees has been very forthcoming with information and that Council, at this point, should be able to make an informed decision. Councilmen Stipes and Barber said that the Ad-Hoc Committee performed a thorough review of the information and there are very few unknowns with the cemetery. Mayor Ballengee said there has been much community support of the Town taking

ownership of the cemetery. Councilman Huppert made a motion to accept the Sunset Cemetery Ad-Hoc Committee's recommendation to take ownership of Sunset Cemetery on January 1, 2008, seconded by Councilman Barber. Town Clerk Stipes polled Council as follows: Barber - AYE; Canada - AYE, Carter - ABSTAIN, Huppert - AYE; Stipes - AYE; and Wade - AYE.

MR. STIPES AND MR. CANADA - Street Committee Recommendation on:

1. Windsor Estates, Phase IV creating Hereon Lots 72 through 92; 21 lots; Windsor Drive and King Charles Court. Councilman Stipes reported that this plat conforms to Town ordinance and has been reviewed and approved by Town staff. Councilman Stipes made a motion to approve the plat, seconded by Councilman Canada. Council voted on the request as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS - On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to approve the monthly bills to be paid 10 October, 2007, in the amount of \$1,115,020.97. AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

SIDEWALK SALE ORDINANCE - At Councilman Canada's request, Manager Terpenny addressed the concerns regarding the sidewalk sale ordinance. Council's primary objection to the ordinance is that sidewalk sales must be sponsored by the Chamber of Commerce, named as the Christiansburg Chamber of Commerce in the ordinance, which, incidentally, no longer exists. Councilman Canada suggested that a written permit and certificate of insurance be obtained through the Town Manager, with the sale being sponsored by a properly licensed Town merchant. While changes to the ordinance do not require a Public Hearing, Town Attorney Waddell said she would like to review Council's suggestions and draft an amended ordinance for Council to review before taking action on this matter.

PUBLIC HEARING REQUEST - Town Manager Terpenny presented the following requests and recommended setting the Public Hearings as indicated:

November 6, 2007

1. Review of Storm Water Management Ordinance and Elicit Discharge Ordinance.

On motion by Councilman Barber, seconded by Councilwoman Carter, 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.

November 20, 2007

1. Rezoning request from A Agriculture to R-1 Single Family Residential, Sage Lane located off Rt. 114. (This Public Hearing was originally set for November 6, 2007. Applicant has requested it be moved to November 20, 2007.)

On motion by Councilman Barber, seconded by Councilman Wade, Council voted to re-set the Public Hearing for November 20, 2007. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY updated Council on the various site plans currently under review by Town staff.

TOWN MANAGER TERPENNY reported that the old funeral home adjoining the Town Hall property is currently available for sale at an asking price of seven hundred fifty thousand dollars (\$750,000). Council feels strongly that the Town would benefit from acquiring this property and should negotiate an option on the property as soon as possible. The property would allow for additional parking for Town Hall employees and customers in the future. Councilman Canada made a motion to place an option on the property, which was seconded by Councilman Barber. Upon further discussion by Council, Councilman Canada amended his motion to negotiate an option for the property and the amended motion was seconded by Councilman Barber. Council voted on the amended motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

ADJOURN:

There being no further business to bring before Council, Mayor Ballengee declared the meeting adjourned at 10:07 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor