

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF NOVEMBER 6, 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 NOVEMBER 6, 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 Town Attorney Memmer.

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

PLEDGE OF ALLEGIANCE led by Police Chief Sisson.

PUBLIC HEARING

1. Council's intention to adopt an ordinance in regards to stormwater management. Town Manager Terpenny explained that this ordinance, mandated by the State, will prevent rainfall pollutants from contaminating streams and waterways. The ordinance was propagated primarily to protect the Chesapeake Bay from phosphorus. The main pollutant in our area is sedimentation and if the Town adheres to guidelines protecting waterways from phosphorus, it will automatically offer protection from sedimentation. Town Council members were each sent a copy of the ordinance to review and Manager Terpenny said he would be glad to answer any questions.
2. Council's intention to adopt an ordinance in regards to illicit discharge. Town Manager Terpenny explained that this ordinance, like the stormwater management ordinance, is mandated by the State. This illicit discharge ordinance was designed to prevent humans from discharging pollutants in a manner that is harmful to streams and waterways. Again, Town Manager Terpenny said he would be happy to answer any questions.

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 October 2, 2007. There being none, the minutes were approved as presented.

CITIZEN HEARINGS:

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

CHRISTIANSBURG POLICE CHIEF MARK SISSON TO SWEAR IN NEW OFFICERS. Mayor Ballengee introduced Police Chief Sisson and thanked him for creating this opportunity for Council to meet some of the Town's new police officers. Police Chief Sisson thanked Council for the opportunity, as well, and stressed the importance of developing a working relationship between the police department and the local governing body. After taking the oath of honor, each of the following officers will receive a small badge to wear on their uniform as a reminder of the oath they've taken. The officers are as follows: Dale Marshall, Victor Campose, Randall Womack, Michael Cromer, and Renee Fonseca. Chief Sisson thanked Council for its time. Mayor Ballengee declared a five minute recess so Councilmembers could meet the officers.

MR. STEVE COXON'S FOURTH GRADE CLASS AT CHRISTIANSBURG ELEMENTARY SCHOOL TO PRESENT THEIR ENERGY AUDIT. Mayor Ballengee introduced fourth grade teacher, Mr. Steve Coxon, a coach of the FIRST Lego League at Christiansburg Elementary School, along with fourth grade teacher, Ms. Daniels. Mr. Coxon explained that the word "FIRST" is an acronym for "For Inspiration and Recognition of Science and Technology", and the program is designed to teach students about math, science, and technology through the use of robotics. Students participating in the lego league after-school program build and program lego robots to enter into regional competitions. The program's theme this year is "Power Puzzle" and the students were charged with researching energy resources, use, and alternatives. The students chose to research the energy usage of Christiansburg's Town Hall and Assistant Town

Manager Helms gave the team a tour of Town Hall to get them started with their project. Mr. Coxon introduced his FIRST Lego League who creatively presented their energy audit to Council. The ten team members, Brooke Daniels, Alysand McIntyre, Lexi Silverman, Brian Collins, Matthew Jordan, Cody Holk, Tommy Stuart, Alan Zhang, Zach Lovelace, and Cameron Graham, reported their research findings, with each child presenting a piece of the “puzzle”. The students offered suggestions on ways to save energy, such as reflective roof paint, revolving doors rather than electric doors, turning off the elevator at night and on weekends and holidays, removing individual space heaters, and insulating the water heater. Mr. Coxon thanked the students for their presentation and offered to answer any questions. Councilman Wade asked how long the students had worked on this project and Mr. Coxon replied approximately three or four weeks. Councilman Huppert commended the students on their research and commented that he had seen something similar on the NBC Today Show and he is glad to see that energy conservation concern is widespread. Councilman Stipes commented that Mr. Coxon and Ms. Daniels are two very popular teachers at the elementary school largely because of programs such as this one. Council enjoyed the presentation and thanked the FIRST Lego League for their interest in Town Hall and for their energy conservation suggestions.

MR. BOB THOMAS TO ADDRESS COUNCIL REGARDING CHRISTIANSBURG’S ANTIQUES DISTRICT. Ms. Megan Dorset, owner of the Cambria Emporium, and Depot Station, addressed Council on behalf of Mr. Thomas. Ms. Dorset presented to Council a proposal to create a tourism corridor through the center of Christiansburg that would include Main Street, the Cambria area, and the Town’s historic district. Ms. Dorset said that tourism is the third largest business in Virginia, and approximately sixty-percent of interstate traffic is tourists. The antique business has been growing in Christiansburg in recent years and Ms. Dorset believes Christiansburg can become the type of tourist spot that will bring folks in to stay overnight to enjoy the local bed and breakfasts and downtown restaurants and businesses. Ms. Dorset asked Council to adopt a resolution supporting the proposed tourism corridor. Councilman Barber asked how the program would be marketed and funded. Ms. Dorset replied that the local antique stores have been doing tourism advertising for a while now using flyers, ads in local antiques brochures, and websites. The Cambria Emporium website encourages tourists to extend their stay and suggests visits to other Christiansburg businesses. As part of the advertising, she is considering special street signs in Town and possibly along I-81. Ms. Dorset said that increased tourism rejuvenates local businesses, creates employment, and provides opportunities for local artists and crafters. Mayor Ballengee thanked Ms. Dorset for her efforts and turned her request over to the Central Business Committee for review and recommendation.

MR. SHANE ADAMS TO PRESENT ON THE MONTGOMERY COUNTY CHAMBER OF COMMERCE TOURISM INITIATIVE. Mayor Ballengee reported that Shane Adams is unable to attend tonight’s meeting; however, a staff member of the Chamber of Commerce is present and is prepared to present the tourism initiative report to Council. The Chamber representative gave each Councilmember a packet of tourism information. Councilman Huppert thanked the representative for being present and for the packet of information, but made a motion to defer the presentation until a time when Mr. Adams can be present, since it is in the Town’s contract with the Chamber that Mr. Adams will be the one to come before Council with progress reports. Councilwoman Carter seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

PLANNING COMMISSION’S RECOMMENDATION ON THE PROPOSED NOISE ORDINANCE. Town Manager Terpenny reported that the Planning Commission has reviewed and studied this matter, including discussing the matter with Police Chief Sisson. During the review process the Planning Commission learned that the Police Department doesn’t have a problem successfully enforcing the existing excessive noise guidelines. The Planning Commission also reviewed the excessive noise guidelines of other area localities. After much review and discussion, the Planning Commission recommends that the Town continue to enforce the current ordinance governing excessive noise; however, should Town Council desire a more detailed ordinance, then the Planning Commission recommends Town Council adopt the draft Noise Ordinance previously submitted to Council for review. Councilman Huppert commented that he sat in on several of the Planning Commission workshops and commended the Planning Commission for the time and concern that has been put into the review of this matter. Councilman Stipes said he previously made a motion to refer this matter to the Planning Commission for review and recommendation, and he commended the Planning Commission for its diligent study in this matter. Towards the end of the Planning Commission’s review, Councilman Stipes said, it became clear to him that the current enforcement of the noise guidelines has been sufficient in controlling noise issues within Town limits. Councilman Stipes further noted that he felt that adoption of a more detailed noise ordinance would not result in the abatement or reduction of undesirable noise. Councilman Wade commented that he, too, sat in on some of the Planning Commission workshops, and agrees that the Planning Commission did a thorough review of the matter, and as a result of the review, Councilman Wade believes it is best for the Town to continue with the current noise enforcement rather than adopting stricter guidelines. However, Councilman Wade did encourage land developers to be considerate of surrounding neighbors. Councilman Barber remarked that the Planning Commission did a good job with its review; however, he

would like for the Town to have the authority to enforce developers to be considerate of the neighborhoods in which they are working. Councilman Huppert commented that there provisions currently in place for noise control. Councilwoman Carter, who worked as a member of the Planning Commission on the noise ordinance study, said that a stricter ordinance would not allow the Police Department to use its judgment when dealing with noise complaints, and may end up being too restrictive for our Town. She further commented that the Town can always review this matter again in the future, if necessary. Mayor Ballengee said that the Planning Commission was very forthcoming with information during the review, and a main concern of the Planning Commission's was creating an ordinance so restrictive that it would be impossible to enforce, or would create difficulties for those trying to enforce the ordinance. Councilman Stipes said that the Planning Commission's recommendation was unanimous, and reiterated that the subject can be revisited at anytime. Ms. Terry Ellen Carter and Ms. Tacy Newell-Foutz both expressed their disapproval of the Planning Commission's review process and subsequent recommendation, and both believe that a comprehensive noise ordinance is necessary for adequate noise control in Town.

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 ON THE PROPOSED NOISE ORDINANCE. Councilman Wade made a motion to accept the Planning Commission's recommendation, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

DISCUSSION ON THE PROPOSED CHANGES TO THE SIDEWALK SALE ORDINANCE. Mayor Ballengee said that the Town's attorneys have revised this ordinance according to Council's direction. A copy of the revised ordinance is attached herewith and made a part of these minutes. Councilman Canada made a motion to adopt the revised Sidewalk Sale Ordinance as presented, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. Councilwoman Carter thanked the citizens who brought this matter to Town Council's attention.

COUNCIL ACTION ON THE STORMWATER MANAGEMENT ORDINANCE. Councilman Wade made a motion to adopt the Stormwater Management Ordinance, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE ILLICIT DISCHARGES ORDINANCE. Councilman Wade made a motion to adopt the Illicit Discharges Ordinance, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

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

1. Subdivision of Newcomb Heights, Lot 20; creating 2 lots; Pickett Street, N.E. and Jackson Street, N.E. At the August 21, 2007 meeting, at Andrew Schack's request, the Town vacated the five foot right-of-way along Mr. Schack's property so he could split his duplex into townhomes. Councilman Stipes explained that with this request the vacated right-of-way will become part of the parcel, with the Town retaining a permanent utility easement. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilwoman Carter. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. Plat Showing Relocation/Vacation of Lot Lines and Public Utility & Drainage Easements, Lots 33 & 34 Hans Meadow, Phase II and Lot 79 Hans Meadow, Phase II; 2 lots; Hans Meadow Road and Sherwood Drive. Councilman Stipes explained that this request is to vacate interior lot lines to create two lots from the existing three lots. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
3. Plat of Boundary Line Adjustment Lots 8 & 9 at New River Medical Park; 2 lots; Akers Farm Road, N.W. Councilman Stipes explained that this request is to relocate the existing lot lines to create a larger lot, on which there is an existing building. The utility easements will be readjusted along with the lot lines. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

4. Lot Line Vacation between Lots 50, 51 and 52 South Hill Park; 1 Lot; South Hill Drive. Councilman Stipes explained that this request is to create one building lot from existing three lots. The property is zoned R-1 Single-Family Residential. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
5. Plat Showing Relocation/Vacation of Lot Line for Teel & Duncan, Inc. and Dale & Freda Teel Family Limited Partnership; 2 lots; First Street, Hickok Street and Second Street. Councilman Stipes explained that this request is to vacate the lot lines along an alleyway Town Council vacated several months ago. The vacated alleyway property will revert to the adjoining property owners. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
6. Plat Showing Subdivision of Property for Dolores L. Woolwine, Walter G. Woolwine & Barbara Woolwine; 2 lots; Phlegar Street. Councilman Stipes explained that this subdivision request is to create two lots from one. The property is zoned R-1 Single Family Residential and all is in order with the plat. Councilman Stipes made a motion to approve the request, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

CLOSED MEETING: (Note: The *Code of Virginia* Sections under which the Closed Meeting is requested have been amended by the Town Attorney as follows.)

MAYOR BALLENGEE requested a Closed Meeting under Section 2.2-3711 A(5), *Code of Virginia*, for the discussion of a prospective business or industry locating in the Industrial Park; and Section 2.2-3711A(3), *Code of Virginia*, for the discussion of the acquisition of real property for the purpose of expanding greenspace and park opportunities and additional public parking; and Sections 2.2-3711A(6) and (7), *Code of Virginia*, for the discussion of our investment in the Water Authority and consultation with legal counsel regarding the Water Authority. On motion by Councilman Wade, seconded by Councilman Huppert, Council voted to enter into a Closed Meeting. Town Clerk Stipes polled Council as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

MAYOR BALLENGEE declared Council out of Closed Meeting and into Regular Session. Town Clerk Stipes polled Council as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

CERTIFICATION – Councilwoman Carter 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 certification and Council voted 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 Wade, Council voted to approve the monthly bills to be paid 10 November, 2007, in the amount of \$2,288,261.45. AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

PUBLIC HEARING REQUEST – Town Manager Terpenny presented the following requests and recommended setting the Public Hearings for December 4, 2007:

1. Street vacation request, Patrick's Way.
2. Rezoning request, Stafford Drive, A-Agriculture and R-1A Rural Residential to R-1 Single Family Residential.

On motion by Councilman Barber, seconded by Councilman Wade, Council voted to set the Public Hearings for December 4, 2007. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TAXI CAB LICENSE APPLICATION – Town Manager Terpenny submitted to Council a taxi cab license application for Crystal Slusser to drive for Christiansburg Cab. The Police Department has investigated the applicant and recommends

approval. On motion by Councilman Barber, seconded by Councilman Huppert, Council voted to approve the taxi cab license application for Crystal Slusser as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY reported that the footers are currently being poured for the aquatic center and good progress is being made at the site.

TOWN MANAGER TERPENNY listed the site plans currently in review by Town staff.

MAYOR BALLENGEE informed Council that Montgomery County will host its annual legislative dinner on November 19, 2007, at 6:00 P.M. All legislators have agreed to attend and Mayor Ballengee encouraged each Councilmember to attend as well.

COUNCILMAN CANADA said he is concerned about a steep drop-off on the side of the street along Route 114 near the North Franklin Street intersection. Town Manager Terpenny thanked Councilman Canada for bringing this to his attention and said he would take care of the matter.

COUNCILMAN BARBER inquired about the finish date for the downtown revitalization project. Manager Terpenny replied that it is slated for the end of November to the first of December. Mayor Ballengee commented that the downtown revitalization project has been a success, and that Assistant Town Manager Helms has done an outstanding job of overseeing the project. A grand opening and celebration is planned for June 2008.

ADJOURN:

There being no further business to bring before Council, Mayor Ballengee declared the meeting adjourned at 10:28 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor