

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF JANUARY 15, 2008 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 JANUARY 15, 2008 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 Guynn.

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

PLEDGE OF ALLEGIANCE led by Councilman Stipes.

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 December 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 DEFERRED AT THE DECEMBER 18, 2007 MEETING:

1. A rezoning request by Barbara Hise for property on Stafford Drive (tax parcels 404 – ((1)) – 3 and 405 – ((A)) – 13 and 14) from A Agricultural and R-1A Rural Residential to R-1 Single-Family Residential. Secretary Terpenny read the Planning Commission's resolution recommending Town Council approve the rezoning request with submitted proffers. Secretary Terpenny also reported the results of a letter sent to residents of Stafford Drive asking them to grant right-of-way to the Town to accommodate widening of the road. The letter was sent in response to a request by residents of Stafford Drive to widen the road. Letters were sent to forty-five Stafford Drive residents and the Town received back twenty-two letters declining to participate, and three letters agreeing to participate. Twenty of the residents did not respond to the letter. It is Town standard to not undertake a street widening project if one-hundred percent participation isn't received.

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 JOINT PUBLIC HEARING REQUEST DEFERRED AT THE DECEMBER 18, 2007 MEETING.

1. A rezoning request by Barbara Hise for property on Stafford Drive (tax parcels 404 – ((1)) – 3 and 405 – ((A)) – 13 and 14) from A Agricultural and R-1A Rural Residential to R-1 Single-Family Residential. Councilman Barber made a motion to deny the request, seconded by Councilwoman Carter. Councilman Huppert asked if the landowner had any additional information to give Council regarding this request, since Council expressed the desire for a site plan at the December 18th meeting. Mr. Steve Semones of Balzer and Associates submitted another plan to Council for review. The new, low-density plan calls for eight to twelve homes to be built each year over the next three to four years. The developer has built two comparable developments in Pulaski with no negative responses or consequences to existing property owners. Mr. Semones asked Council, if this request is denied, what type of zoning they expect for this property, which is designated residential in the Town's comprehensive plan. Councilman Barber said his motion to deny the request has nothing to do with the type of zoning requested, or the proposed development, but rather he is being consistent with Council's previous vote regarding development along Route 114, and Town Council's commitment to not permit any more development along Route 114, until improvements have been made to the road. Councilman Wade asked how many houses are permitted on the area already zoned residential. Mr. Semones replied that approximately eighteen houses are permitted, but that number is not feasible because a septic

tank is needed for each lot. Councilman Huppert said he believes this is a desirable plan with custom homes and walking trails, and he will support the rezoning request. Councilman Canada said he was outspoken about the request to further develop New River Village because of traffic issues, and ingress and egress to the property. He views the development on Stafford Drive differently because there are three entrances onto Route 114 from the project. He has also considered the fact that, when asked, many of the folks along Stafford Drive showed no interest in granting right-of-way to the Town, so that the road could be widened. Councilman Canada has also considered the Town's comprehensive plan, which calls for residential development in this area; he is concerned about turning down "a good plan in line with the Town's comprehensive plan". He also visited Stafford Drive to get ideas for ways to control traffic. Councilman Canada said it is also important to consider the fairness to landowners and developers. Mayor Ballengee said, in the past, he has voted against development along Route 114 because of traffic concerns. Now, however, there is some hope that VDOT will begin upgrades to sections of Route 114 within the next year. Mayor Ballengee also commented that he, too, is concerned with voting against the Town's comprehensive plan, which was recently revised by the Planning Commission and adopted by Council. Councilman Wade said that he and Councilman Stipes are working with Delegate Nutter on the possibility of receiving special funding for road projects through the General Assembly, much like the funding received for the Toms Creek underpass in Blacksburg. While not guaranteed, this possibility is hopeful enough that Councilman Wade is comfortable supporting the rezoning request. Councilman Stipes said he is concerned because there are no guarantees that the property will be developed as proposed, or that it will even be developed by the named developer. Once rezoned the property can be developed much denser than what is proposed, and would allow development in the designated conservation area of the property. He would like to see a committed site plan from the developer. Mr. Steve Semones replied that honest efforts have been made by Balzer and Associates to create a practical and realistic master conceptual plan for this property. Mr. Semones said it is his understanding that, when working with the Town of Christiansburg, if the request is for a general rezoning that is in line with the comprehensive plan, a master plan with proffers is adequate for presenting development plans. He is glad to submit a site plan, if Council so desires. Councilman Stipes pointed out that by denying the rezoning request the Town is not prohibiting the owner from developing this land, it will simply preserve the existing conservation area, which is his greatest concern, and will keep the density at a minimum. At Mayor Ballengee's request, Town Clerk Stipes polled Council on the motion to deny the request as follows: Barber – AYE; Canada – NAY; Carter – AYE; Huppert – NAY; Stipes – AYE; Wade – NAY. Mayor Ballengee voted NAY to break the tie vote, and the motion to deny the request was struck down. Councilman Huppert then made a motion to approve the rezoning as requested, with proffers, seconded by Councilman Wade. At Mayor Ballengee's request, Town Clerk Stipes polled Council on the motion to approve the request as follows: Barber – NAY; Canada – AYE; Carter – NAY; Huppert – AYE; Stipes – NAY; Wade – AYE. Mayor Ballengee voted AYE to break the tie vote, and the rezoning request, with proffers, is approved.

RESOLUTION TO VDOT REQUESTING ANNUAL STREET MAINTENANCE PAYMENTS FOR NEW STREETS.
Town Manager Terpenny presented Council with a resolution requesting VDOT to accept five (5) additional streets for annual maintenance payments. The streets total 1.159 lane miles. A copy of the resolution is attached and made a part of these minutes. On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to approve the resolution to VDOT requesting annual street maintenance payments for new streets. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

NOVEMBER ELECTIONS - Councilman Huppert asked Council to consider moving the Town Council election date, in odd years, from May to November. He believes this change will save the Town money in poll set-up costs, and reduce confusion about poll locations. Councilman Huppert said the Town typically sees low voter turn-out for May elections and believes that voter interest may be increased if elections are held in November along with other local elections. There are seventeen localities in Virginia that currently hold local elections in November. Mayor Ballengee commented that he met with Mayor Rordam to discuss Blacksburg's recent decision to move its local elections to November. Mayor Ballengee further commented that Christiansburg may want to consider the change, if it proves to work well for Blacksburg. If Christiansburg decides to make this change, the *Town Charter* will need to be revised, and candidates could be viewed as affiliated with a political party. Councilman Wade is interested in citizen input on this matter, and he commented that his concern is that votes would be received by voters just because it's on the ballot, not because they are interested in the issues or the candidates. Councilman Barber concurred with Councilman Wade. Councilman Stipes said that a move to November elections would further politicize the Town, and that candidates, currently, are elected on the issues, not on a particular political party. Mayor Ballengee asked Town Attorney Guynn to review this matter to determine the requirements and expectations if the Town were to move its local elections to November.

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

1. Minor Subdivision Plat for Meadow Development; 2 lots; Harkrader Street. Councilman Stipes reported that this property consists of thirty-eight acres subdivided from a larger lot. A more detailed subdivision plat is expected in the future. All is in order with this request and Councilman Stipes made a motion to approve. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. Plat of Variable Width Sidewalk Access & Maintenance Easement Dedication in the New River Center; Shoppers Way and N. Franklin Street. The next four requests pertain to the New River Valley Mall area development and were presented together by Councilman Stipes for one vote by Council. A brief description follows each request. Councilman Stipes reported that the Street Committee has reviewed each request and found all to be in compliance with *Town Code*. Councilman Stipes made a motion to approve each request, seconded by Councilwoman Carter. Council voted to approve the requests as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. This request is for the sidewalk access and maintenance easement dedication for the Olive Garden property.
3. Plat of Utility Easement Dedication in the New River Center for VDOT; Shoppers Way and N. Franklin Street. This request is to create a right-of-way on a portion of the New River Valley Mall property for VDOT use.
4. Plat of Public Utility Easement Dedication at New River Valley Mall for Town of Christiansburg; Shoppers Way and N. Franklin Street. This request is to create a right-of-way on a portion of the New River Valley Mall property for use by the Town of Christiansburg.
5. Plat of Drainage & Public Utility Easement Relocation and Dedication at the New River Center; Shoppers Way and N. Franklin Street. This request will provide easements for sewer lines, water lines, and stormwater management, on the New River Center property.
6. Plat Showing Subdivision of Property for Town of Christiansburg, Phase XIII, Christiansburg Industrial Park; 2 lots; Industrial Drive. Councilman Stipes reported that the Street Committee reviewed this request to divide one lot into two for development for an acoustical thermal spray business. All is in order with the plat and Councilman Stipes made a motion to approve, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

CLOSED MEETING:

1. MAYOR BALLENGEE requested a Closed Meeting under Section 2.2-3711 A(5), *Code of Virginia*, for the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. On motion by Councilman Barber, seconded by Councilman Wade, 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.
2. 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.
3. 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:

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

February 5, 2008

1. Sale of one lot in the Christiansburg Industrial Park.

On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to set the Public Hearing for February 5, 2008. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

February 18, 2008

1. Street vacation request for an unbuilt portion of Lyle Lane and Glenn Court.
2. Rezoning request from R-1 Single-Family Residential and R-3 Multi-Family Residential to B-2 Central Business District, South Franklin and Second Street.

On motion by Councilman Barber, seconded by Councilman Wade, Council voted to set the Public Hearings for February 18, 2008. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY reminded Council of the VML Legislative Day in Richmond on February 7th. Councilmen Barber and Canada responded that they are unable to attend.

SUNSET CEMETERY UPDATE – Town Manager Terpenny reported that the Town is moving ahead with acquisition of the cemetery. The corporation is in the process of being dissolved and, once completed, formal action by Council will allow transfer of the assets. Darryl Gillespie, C.P.A. is in the process of completing an audit of the corporation. A new employee has been hired and will begin work on January 23rd. An advisory board may be created in the future to oversee the cemetery, but for now the Town will continue to rely on the advisement of the Sunset Cemetery Ad hoc Committee – Councilmen Barber and Stipes.

ADJOURN:

There being no further business to bring before Council, Mayor Ballengee declared the meeting adjourned at 8:55 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor