

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF MAY 6, 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 MAY 6, 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, Planning Director Wingfield, and Town Attorney Guynn.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Booth, Byrd, 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 Mayor Ballengee.

JOINT PUBLIC HEARING

1. A Conditional Use Permit request by Joseph L. Simmons (agent for property owner Lowell E. Wade) for property at 385 Radford Street (tax parcels 526 – ((4)) – 6-15) for sale and rental of construction equipment in the B-3 General Business District. Tacy Newell-Foutz said, while she encourages business growth in the downtown district, this request is not compatible with the surrounding area, and granting the request would result in a fracture in the area zoning. She asked that Council not approve the request. Mr. Simmons commented that he believes the rezoning request is consistent with the property along Radford Road, and his plans for the property include privacy fencing. Mr. Simmons said he plans to sell small contractor equipment on this site, similar to a Kabuta equipment sales lot. He doesn't expect to handle much used equipment, but the used equipment he ends up with will be kept in an enclosed area.
2. A Conditional Use Permit request by Showcase Home Builders for property located on Hans Meadow Road, Sherwood Drive, Robin Hood Drive, and Little John Court (tax parcels 498 – ((17)) – 7-43 and 53-63, 498 – ((18)) – 1-32, 499 – ((18)) – 1-6 and 44-52) for a planned housing development in the R-1 Single-Family Residential District. Mr. Chris Waller of LMW, PC, representative for Showcase Home Builders, explained that the developer is requesting a CUP for a planned housing development in order to change the front setback from thirty feet to eighteen feet. Mr. Waller showed Council a drawing representing the front setback change from thirty feet to eighteen feet. Mr. Waller explained that changing the front setback to eighteen feet would preserve and maintain the present vegetation creating a wider buffer between the planned housing development and the neighboring homes. Minimum lot size will be approximately twelve thousand square feet, and the decreased setback will make the sites more presentable and developable. The change in setback is being requested for the entire planned housing development. Several citizens from the Hans Meadow neighborhood expressed their concern with inadequate ingress/egress to the neighborhood and inadequate stormwater maintenance. Ms. Suzy Shuman of Sherwood Drive asked if the reduction in setback footage would benefit the existing homes along Sherwood Drive. Mr. Waller replied that the change would provide a greater greenspace buffer between the neighborhoods, which will be beneficial to both neighborhoods.

PUBLIC HEARING

1. A Zoning Permit request by Michael D. Fitch (agent for property owner Raymond H. Myers) for property at 375 Bell Road (tax parcel 499 – ((A)) – 1F) for storage of contractor equipment and garbage trucks, and recycling of scrap metal in the I-2 General Industrial District. This request was cancelled by the applicant.

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 April 15, 2008. There being none, the minutes were approved as presented.

CITIZEN HEARINGS:

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

MR. RICK VANGORDON – CHRISTIANSBURG POLICE DEPARTMENT CITIZEN SUPPORT GROUP. Mr. VanGordon, President of the Christiansburg Police Department Citizen Support Group, addressed Council on behalf of the members of the support group. Mr. VanGordon thanked Council for recognizing, through a resolution, May 15 as Peace Officer's Memorial Day, and the week of May 11 through 15 as National Police Week, as designated by President Bush and Congress. Mayor Ballengee thanked Mr. VanGordon, Chief Sisson, and the Christiansburg Police Officers, for their commitment to serving our town, and he presented to Chief Sisson the Resolution of Recognition adopted by Council at the April 15, 2008 regular Town Council meeting. Chief Sisson thanked the Mayor, Town Council, and the Citizen Support Group for the continued recognition and support.

HOWARD RUNYAN TO ADDRESS COUNCIL REGARDING STRAY CATS AND DOGS. Mr. Howard Runyan, head of neighborhood watch for the Wakeman Court area reported to Council that his neighborhood and the surrounding area is overrun with many stray cats and several stray dogs. Many of the cats are believed to have originated from one resident, who no longer resides in this area, and the number of stray animals has become a nuisance to remaining residents. He asked Council to advise him on the best way to humanely get rid of the strays. Mayor Ballengee said that there is no animal control officer in Christiansburg, and he directed Mr. Runyan to contact Montgomery County Animal Control.

MS. JANE JONES TO ADDRESS COUNCIL REGARDING SIGN ORDINANCE. Ms. Jones brought to Council a request that she be permitted to place a roof top sign on her commercial building in the B-3 General Business District. Her sign application was recently rejected by the Town due to noncompliance with the sign ordinance. She presented Council with a handout and a slide presentation showing the current temporary signage and her desired sign. The property, formerly known as the Early Challenges building, was recently renovated, including the construction of two attached buildings. There are nine tenants in the building and Water by Design Hot Tubs and Saunas wants to place a sign on the low roof covering the store's entranceway. Ms. Jones believes that the sign falls within the sign ordinance guidelines, specifically the guidelines for marquee signs because of the covered vestibule on the building, and she reviewed portions of the ordinance with Council. She showed slides of other businesses in town that currently have, what she interprets as, similar signage to what she is requesting. Ms. Jones said she is unhappy with the suggestions given to her by Town staff and she has taken this matter to Circuit Court in Montgomery County. If she is unable to place the sign as desired due to interpretation of the sign ordinance by the Town Manager, she suggested that the sign ordinance be amended to allow her rooftop sign. Mayor Ballengee commented that it seems the issue lies with interpretation of the Town Code, and that the law provides for an appeal of the Town Manager's interpretation. The sign ordinance can be amended if Council chooses. Mayor Ballengee referred this request to the Planning Commission for review and recommendation.

PAULA ALSTON, REGIONAL DIRECTOR FOR THE MONTGOMERY-FLOYD REGIONAL LIBRARY, TO ADDRESS COUNCIL. Ms. Paula Alston thanked Council for its past support of the regional library and briefly updated Council on the progress of the library. Ms. Alston requested that Council consider including the library in the 2008 – 2009 FY budget, as in past years. She thanked Council for its consideration. Mayor Ballengee referred this request to the Finance Committee for consideration.

SHERRY WYATT OF THE MONTGOMERY MUSEUM TO ADDRESS COUNCIL. Ms. Sherry Wyatt thanked Council for its past support of the museum, and pointed out several attending museum board members. The past funding provided by the Town has assisted the museum in expanding its community outreach and events, and is crucial to the success of the museum. Ms. Wyatt requested the Town consider providing \$7,500 to the museum in the 2008 – 2009 FY budget as part of a matching grant. Ms. Wyatt thanked Council for its consideration. Mayor Ballengee referred this request to the Finance Committee for consideration.

MR. DAVID MOORE of SCHAFER MEMORIAL BAPTIST CHURCH. Mr. David Moore, a deacon at Schaffer Memorial Baptist Church, asked Council to consider providing matching funds for a federal grant to replace the slate roof on the one hundred and forty-one year old church. The grant, called "*Save America's Treasures*", is for \$146,346.00, and the church needs half that amount, or \$73,173.00, in non federal matching funds in order to secure the grant. Mr. Moore asked Christiansburg to allocate \$8,173 of the matching funds to be paid over two fiscal years. He is hopeful that Montgomery County, and the State, will provide the remaining matching funds necessary. Mayor Ballengee referred this request to the Finance Committee for consideration.

PLANNING COMMISSION'S RECOMMENDATIONS ON THE JOINT PUBLIC HEARING REQUESTS:

1. A Conditional Use Permit request by Joseph L. Simmons (agent for property owner Lowell E. Wade) for property at 385 Radford Street (tax parcels 526 – ((4)) – 6-15) for sale and rental of construction equipment in the B-3 General Business District. At Chairperson Simmons request, Secretary Terpenny read the Planning Commission's resolution recommending Town Council approve the CUP request with fourteen conditions by unanimous vote. A copy of the resolution is attached herewith and made a part of these minutes.
2. A Conditional Use Permit request by Showcase Home Builders for property located on Hans Meadow Road, Sherwood Drive, Robin Hood Drive, and Little John Court (tax parcels 498 – ((17)) – 7-43 and 53-63, 498 – ((18)) – 1-32, 499 – ((18)) – 1-6 and 44-52) for a planned housing development in the R-1 Single-Family Residential District. Secretary Terpenny read the Planning Commission's resolution recommending Town Council issue the CUP with one condition by unanimous vote. A copy of the resolution is attached herewith and made a part of these minutes.

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 RECOMMENDATIONS ON THE JOINT PUBLIC HEARING REQUESTS:

1. A Conditional Use Permit request by Joseph L. Simmons (agent for property owner Lowell E. Wade) for property at 385 Radford Street (tax parcels 526 – ((4)) – 6-15) for sale and rental of construction equipment in the B-3 General Business District. Councilman Huppert made a motion to accept the Planning Commission's recommendation to issue the CUP with fourteen conditions, and Councilman Wade seconded the motion. Councilman Canada commented on Council's earlier discussion of this request pertaining to "new", "like-new", and "used" equipment. Councilman Canada said he would like to add to the conditions guidelines for "new", "like-new", and "used" equipment, since it was mentioned earlier that "like-new" equipment would be visible from the road, rather than behind a privacy fence with the used equipment. Councilman Canada made a motion to add a fifteenth condition to the CUP defining "new", "like-new" and "used" equipment, Councilman Wade seconded the motion. Councilman Barber said this is not the type of business he wants to see at the entrance to Christiansburg limits and he is unable to support issuing the CUP. Council voted on the motion to amend the CUP as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. Discussion followed on the original motion to accept the recommendation of the Planning Commission to issue the CUP with fifteen conditions. Town Clerk Stipes polled Council on the motion to issue the CUP as follows: Barber – NAY; Canada – AYE; Carter – AYE; Huppert – AYE; Stipes – AYE, and Wade – AYE.
2. A Conditional Use Permit request by Showcase Home Builders for property located on Hans Meadow Road, Sherwood Drive, Robin Hood Drive, and Little John Court (tax parcels 498 – ((17)) – 7-43 and 53-63, 498 – ((18)) – 1-32, 499 – ((18)) – 1-6 and 44-52) for a planned housing development in the R-1 Single-Family Residential District. Councilman Canada made a motion to accept the Planning Commission's recommendation to issue the CUP with one condition, seconded by Councilman Stipes. Town Clerk Stipes polled Council as follows: Barber – AYE; Canada – AYE; Carter – AYE; Huppert – AYE; Stipes – AYE, and Wade – AYE.

RESOLUTION REGARDING NORFOLK SOUTHERN'S PROPOSED INTERMODAL FACILITY. RESOLUTION SUPPORTING MONTGOMERY COUNTY BOARD OF SUPERVISORS AUTHORITY OVER LAND USE DECISIONS. At the request of the Montgomery County Board of Supervisors, Mayor Ballengee presented Council with a second Resolution supporting the Montgomery County Board of Supervisors' efforts to retain authority over land use decisions. The first Resolution was adopted by Council at the April 17, 2007 regular Town Council meeting. Councilman Canada made a motion to adopt the Resolution, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. A copy of the Resolution is attached herewith and made a part of these minutes.

UPDATE ON SUMMER FESTIVAL – CRUISIN' CHRISTIANSBURG. Councilman Huppert gave a brief update on the progress of plans for the downtown Cruisin' Christiansburg festival. Festival dates are May 17, June 14, July 12, and August 23. June 14 will be the grand re-opening of downtown, with many activities planned including music, food, antique car show, and a 5K run.

UPDATE ON TOWN WEBSITE. Councilman Stipes began his brief update on the website by acknowledging the members of the Website Committee. Sixteen proposals were received as a result of the RFP sent out in March. The proposals were independently reviewed and a consultant was chosen. Startup of the website is expected in four to six months.

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

1. Plat showing vacation of lot line for Alan D. Gillis, Lot 1B – Section III, Sunnyside; Sunnyside Lane; 1 lot. Councilman Stipes explained that this request is to vacate a small portion of land along Sunnyside Lane, which was recently vacated. 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 motion 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 May, 2008, in the amount of \$1,856,689.07. 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 as indicated:

June 3, 2008

1. Proposed fee increases for the FY 2008 – 2009.
2. Rezoning request, 103 College Street, R-2 Two Family Residential to B-2 Central Business District.
3. Contingent on the above rezoning request, a Conditional Use Permit request for a dental lab, 103 College Street.

On motion by Councilwoman Carter, seconded by Councilman Canada, Council voted to set the Public Hearings for June 3, 2008. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

June 17, 2008

1. Rezoning request, 310 Holmes Street, A Agricultural to R-3 Multi-Family Residential.
2. A Conditional Use Permit request for 3325 North Franklin Street for a private school in the B-3 General Business District.

On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to set the Public Hearings for June 17, 2008. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY brought before Council a request by Melissa Gardner of Phlegar Street, asking the Town to consider erecting “One Hour Parking Only Between 9:00 AM and 5:00 PM” signs along Main Street and portions of North Franklin Street. According to Ms. Gardner’s request, parking in the downtown district has become increasingly difficult since the removal of the parking meters. Council agreed time limit signs are a good idea, but are concerned that a one-hour time limit may not be practical. Town Council will discuss this request at a future meeting.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 10:30 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor