

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF MAY 20, 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 20, 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 Memmer.

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

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

PLEDGE OF ALLEGIANCE led by Councilman Wade.

RECOGNITION OF VISITORS AND GUESTS – Mayor Ballengee welcomed Councilmen-elect Henry Showalter and Jim Vanhoozier.

**JOINT PUBLIC HEARING**

1. A Conditional Use Permit request by L & R Burch Properties, LLC for property located at 2000 Roanoke Street (tax parcel 499 – ((A)) – 14) for auto and truck auctions in the B-3 General Business District. Mr. Randall Burch, owner of the property located at 2000 Roanoke Street, thanked Council for the opportunity to speak. Mr. Burch showed Council pictures of the site and explained how the four existing buildings would be utilized for the auto auction. Plans are for four dealer auctions per month and one public auction per month. Vehicles would be blocked from the view of neighboring property by an existing eight-foot privacy fence and tree screening. Mr. Burch commented that a request for an auto auction at this site was approved by Council in February 2007, and he asked that the request be approved again. Mr. Brad West, who had planned to be the General Manager of the auto auction requested by Mr. Greg Nagy in February 2007, submitted a letter of opposition from Country Cookin' restaurant, which is located across the street from the potential auction site. According to Ms. Gina Hurst, Assistant Manager of Country Cookin', the restaurant's opposition is due to increased volume in traffic, and the potential for its parking lot to become overflow parking for the auction. Traffic flow is already heavy in this area due to restaurant business and Hubble Lighting business. A letter from Hubble Lighting in opposition of the request, was received by the Town. Mr. West commented that in 2007, Mr. Nagy intended on this site being temporary until he could find a permanent, more suitable site for an auto auction. Mr. Greg Nagy addressed Council saying that an auto auction would be great for this area, which is why he began planning for one several years ago. Mr. Nagy said he thought this site would work temporarily, but was wrong, and voluntarily withdrew the CUP he was granted by the Town in 2007. At that time, he made it clear that he intended to continue with his plans for an auto auction, only at a more appropriate site. He has since begun building an auto auction on a twelve acre site in the Christiansburg Industrial Park, which is appropriately zoned for this type of business, and will be ready for operation in ninety days. He asked that Council deny the request by L & R Burch Properties, LLC.

**PUBLIC HEARING**

1. Fiscal Year 2008 – 2009 Budget – First Reading. Town Manager Terpenny gave an overview of the proposed Fiscal Year 2008 – 2009 Budget and offered to answer any questions. The proposed budget includes increases to the water and sewer fees, solid waste fees, cigarette tax, building permit fees, and business license fees. There are no new personnel in the budget, and a three percent pay increase for all full-time, permanent employees, including Town Council and the Town Clerk, is proposed. Major capital improvements proposed are: Sewer extension for Elk Drive; downtown redevelopment on East Main Street; plant mix for streets; continued construction of the aquatic center; upgrades to the wastewater treatment plant; and North Franklin Street bridge repair. Reserve funds are proposed to increase as follows: Fire truck - \$25,000; rescue truck - \$25,000; building inspection software - \$25,000; and emergency services building - \$200,000. Ms. Ann Hess, on behalf of New River Community Action, thanked Council for its past and continued support of the Homeless Intervention Program. Mr. Larry Martin, a local business owner, asked Council to reconsider the fees/tax increases

proposed in the budget, specifically the BPOL tax. Mrs. Nancy McDonald, a local business owner, also expressed her opposition to the BPOL tax increase, and explained the hardship the increased tax will create on small businesses.

#### **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 May 6, 2008. There being none, the minutes were approved as presented.

MAYOR BALLENGEE amended the agenda to include the Planning Commission's recommendation, and Town Council action on the request to amend the sign ordinance carried over from the May 6, 2008 regular Town Council meeting.

#### **CITIZEN HEARINGS:**

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

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

1. A Conditional Use Permit request by L & R Burch Properties, LLC for property located at 2000 Roanoke Street (tax parcel 499 – ((A)) – 14) for auto and truck auctions in the B-3 General Business District. At Chairperson Simon's request, Secretary Terpenny read the Planning Commission's resolution recommending Town Council issue the CUP as requested, with fourteen conditions. The Planning Commission's vote was as follows: AYE – 4, NAY – 1, ABSENT - 2.
2. A request by Jane Jones regarding the Sign Ordinance (tabled at the May 6, 2008 Regular Town Council meeting). The Planning Commission has reviewed the request by Ms. Jane Jones to be issued a sign permit for a marquee sign on her commercial building in the B-3 General Business District. Her sign application was rejected because the Town Manager interpreted her sign as a "roof top" sign, which is not permitted in the B-3 General Business District if wall signage is present, which Ms. Jones has. Ms. Jones argued that the type of signage she is requesting falls under the description of a "marquee" sign, which is permitted in the B-3 General Business District in conjunction with wall signs. After reviewing the issue, the Planning Commission recommends that Town Council approve the sign permit and then review/amend the Sign Ordinance to provide for clearer interpretation of the definitions. However, according to Town Attorney Memmer, Town Council can only review or override the Town Manager's interpretation if the Town Manager refers the matter to Town Council, or the applicant can appeal the Town Manager's interpretation to the Circuit Court. Town Manager Terpenny said he would willingly turn the matter over to Town Council, if it so desires. Mayor Ballengee commented that the Sign Ordinance needs to be amended to allow for this type of signage before the sign permit is approved in order to avoid being in violation of Town Code. The Mayor further stated that the Town Manager is employed to interpret the Town Code, and that is what he has done. Ms. Jones said she has appealed the Town Manager's decision to the Circuit Court of Montgomery County. Councilman Stipes said that due to the adaptive reuse of this building, he believes the sign permit can be approved, as requested, under the "unique and unusual" display provision in the Town Code, and he made a motion to approve the sign permit as requested. Town Attorney Memmer pointed out that since the Town Manager has referred this matter to Town Council, Council now has the authority to decide its own interpretation of Town Code, but it must be different than that of the Town Manager. Councilman Barber stated that he is not comfortable making a decision in such a gray area, and that the Sign Ordinance needs amending to clarify definitions. Several Councilmembers voiced their concern with setting precedence for reinterpretation of Town Code. Councilman Stipes amended his motion to approve issuance of the sign permit under Council's interpretation as a "marquee" sign, with direction to the Planning Commission to review and amend the Sign Ordinance to allow this type of roof signage in the B-3 General Business District. Councilman Wade seconded the motion and Town Clerk Stipes polled Council as follows: Barber – AYE; Canada – AYE; Carter – AYE; Huppert – AYE; Stipes – AYE; and Wade – AYE.

MS. LISA GARDNER of Phlegar Street asked that the Town provide her with a water meter for one of her outside spigots, so that she will not be charged sewer fees for the water she uses for lawn and gardening, and for canning. Ms. Gardner also mentioned a letter she wrote to the Town addressing parking issues in the downtown area near the Courthouse. She suggested that the Town place "time limit" signs to regulate downtown parking. Town Manager Terpenny commented that the Town loans out "pool" meters for temporary usage, but if she purchases a meter, the Town will honor the readings. Manager Terpenny further commented that the Town is considering her suggestion to place "time limit" parking signs in the downtown area.

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 L & R Burch Properties, LLC for property located at 2000 Roanoke Street (tax parcel 499 – ((A)) – 14) for auto and truck auctions in the B-3 General Business District. Councilman Wade made a motion to approve the CUP, with fourteen conditions, as recommended by the Planning Commission. Councilman Huppert seconded the motion and Town Clerk Stipes polled Council as follows: Barber – ABSTAIN, Canada – AYE, Carter – NAY, Huppert – AYE, Stipes – NAY, and Wade – AYE.

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

1. Plat Showing Relocation/Vacation of Lot Lines Between Properties of Deborah A. Maynard & Glenn C. Maynard and Estate of Maisie L. Alderman in Unrecorded Snidow Heights, No. 2; Park Street and Haymaker Street; creating 2 lots. Councilman Stipes reported that this request is to vacate interior lot lines to create two large lots out of the existing eight smaller lots. All is in order with the plat and Councilman Stipes made a motion to approve the plat, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. Plat Showing Lot Line Vacation on Lots 83, 84, 85 and Tax Parcel 525 – (3) – A of the Map of Silver Lake Heights Prepared for Dusty H. Adkins; Mahone Street; creating 1 lot. Councilman Stipes reported that this request is to vacate interior lot lines to create two larger parcels out of the existing seven lots. All is in order with the plat and Councilman Stipes made a motion to approve the plat, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCILMAN HUPPERT gave each Councilmember a t-shirt commemorating the June 14<sup>th</sup> Grand Re-Opening of the Downtown celebration. He asked each Councilmember to wear the t-shirt to the June 3<sup>rd</sup> Town Council meeting in support of the event.

COUNCILWOMAN CARTER commented on the success of Saturday's "Cruisin' Christiansburg" event, and thanked everyone who participated in organizing the event. Councilwoman Carter said she understands the importance of a regional Chamber of Commerce and tourism development, but suggested putting a cap on the amount of funds appropriated to the Chamber of Commerce for tourism initiatives, leaving some funds for the Town to use to promote Town festivities such as Cruisin' Christiansburg, Wilderness Trail, and others. She suggested that the Town Attorney be directed to review the Town's contract with the Chamber of Commerce, before the next budget reading, to determine if this is permissible for the upcoming budget year. Councilman Huppert said he supports capping the fund allocation and suggested setting the cap at Seventy-Thousand Dollars. According to the budget under review, the Town will give the Chamber of Commerce One Hundred Twenty-Two Thousand Dollars, which includes annual dues of Twelve Thousand Dollars. Councilman Barber agreed with the suggestion of a cap, commenting that the Town could use some of the tourism funds to begin marketing for the new aquatic center. He suggested that a Seventy-Thousand Dollar cap may be too low. Mayor Ballengee referred this matter to the Town Attorney for review and also asked that the Town Attorney also verify that the contract is valid. Councilman Wade said he would like to see a business plan for the aquatic center. Mayor Ballengee commented that the Town plans to have an aquatic center director in place in July, and their first direction will be to form a business plan for the facility. Councilman Canada echoed Councilman Wade's concerns about the lack of a business plan for a venture this size. Mayor Ballengee said the director will be key in developing the business plan because of their extensive experience in the operations of an aquatic center this size.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUEST – Town Manager Terpenny presented the following request and recommended setting the Public Hearing for June 17, 2008:

1. Conditional Use Permit request, 65 Salem Lane, Charleston Place, professional office, R-3 Multi-Family Residential District.

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

COUNCILMAN STIPES reported that the Website Committee has accepted the bid from Civic Plus for website services. Launch date has been set for October 2008.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:20 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor