

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
JUNE 23, 2015 – 7:00 P.M.**

A WORK SESSION OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON JUNE 23, 2015 AT 6:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor R. Cord Hall; Samuel M. Bishop; Steve Huppert; Henry D. Showalter; Bradford J. Stipes; James W. Vanhoozier. ABSENT: None.

WORK SESSION

1. The purpose of the work session is to meet with Mike Miller to discuss his proposal of April 28, 2015 for redevelopment of property located at 100 West Main Street.

-----*Recess until 7:00 P.M.*-----

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON JUNE 23, 2015 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor R. Cord Hall; Samuel M. Bishop; Steve Huppert; Henry D. Showalter; Bradford J. Stipes; James W. Vanhoozier. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield; Clerk of Council Michele Stipes; Town Attorney Theresa Fontana; Planning Director Nichole Hair; Finance Director/Treasurer Val Tweedie; Aquatics Director Terry Caldwell.

PLEDGE OF ALLEGIANCE.

PUBLIC HEARING

1. Conditional Use Permit for major home occupation to allow for firearms sales at 185 South Central Drive. Applicant James Dobbins explained his request for a CUP to allow for a sole proprietorship for firearm sales at his residence located at 185 South Central Drive. Business transactions consist of custom ordering firearms that the customer then purchases and picks up at the South Central Drive location. Mr. Dobbins, who referred to the business as a hobby, does approximately five to twelve transactions per year, which is not enough business to justify a storefront. He keeps no gun inventory at his residence and rarely orders ammunition for customers; however, he is required to keep a federal firearms license for his personal residence in order to do business. He holds a Class I license which allows him to sell the types of guns available at retail stores such as Walmart and Dicks Sporting Goods and, according to Mr. Dobbins, every gun transaction meets federal legal guidelines. Every firearm that is ordered is stored in a secured, locked location until the customer picks it up. Mr. Dobbins said he is planning to purchase a gun safe for his new location for storage of firearms waiting to be picked up by customers. Mr. Dobbins formerly lived in Montgomery County and operated his firearms business out of his home for fifteen years with no complaints from neighbors. In addition to customer ordering, Mr. Dobbins also acts as a third party licensed firearms dealer to transfer ownership of firearms.

Ann Hess of 70 Crescent Drive lives in the same neighborhood (Belmont Farms) as the applicant and voiced her opposition to the Condition Use Permit request. She urged Council to honor the R-1 Single-Family Residential zoning and to not allow a gun sale business in the neighborhood. She provided Council with an overview of the existing home occupations in the Belmont Farms neighborhood, and requests that had been denied due to the nature of the intended businesses. Mrs. Hess reported that she is aware that the Town received more than thirty-eight letters of opposition to the request and one letter of support. Many in the community, she noted, are concerned that neighborhood safety may be jeopardized by this type of business. Mrs. Hess referenced the draft minutes of the Planning Commission meetings that pertain to the request, stating that she believes there were discrepancies between Mr. Dobbin's comments and information

she obtained from the ATF regarding Mr. Dobbin's federal firearms license application. If Council approves the request, Mrs. Hess asked that a condition be added to the CUP requiring Town inspection to ensure that security and lighting is installed.

Lisa Gardner, 11 Phlegar Street, spoke in opposition of the Conditional Use Permit for firearm sales at 185 South Central Drive and she encouraged Council to keep Christiansburg a gun-free zone.

Councilman Stipes made a motion to amend the agenda to include discussion and action on the request by James Dobbins for a Conditional Use Permit for major home occupation to allow for firearms sales at 185 South Central Drive. Councilman Showalter seconded the motion and Council voted as follows: AYES: Bishop, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Mayor Barber placed the matter as item #2a under Discussions by Mayor and Council Members.

REGULAR MEETING

I. CALL TO ORDER BY MAYOR BARBER.

II. CONSENT AGENDA:

1. Council Meeting Minutes of June 9, 2015*
2. Monthly Bills

*Mayor Barber referenced an email from Tacy Newell that was provided to Council regarding the draft minutes of June 9, 2015. The email requested additional detailed information be added to the minutes pertaining to Dale Buckner's proposal for a gospel singing event to be held on Main Street on August 29, 2015. Councilman Vanhoozier made a motion to approve the minutes as presented, but to add the email as an addendum to the minutes, seconded by Councilman Stipes. Council voted on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. This action will be noted in the minutes of June 9, 2015, with a copy of the email included as an attachment.

Councilman Hall made a motion to approve the consent agenda as presented, seconded by Councilman Stipes. Council voted on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

III. RECOGNITIONS: No recognitions.

IV. CITIZEN'S HEARING:

1. STEVE VELARDE – REQUEST THAT COUNCIL CONSIDER ALLOWING CHICKENS IN THE R-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT. Mr. Velarde of 1265 Flint Drive asked Council to consider amending Town ordinance to allow the keeping of chickens as pets within Town limits. Mr. Velarde explained the numerous advantages of raising chickens and noted that more than twenty Virginia localities currently allow chickens within town/city limits, including the city of Salem. Mr. Velarde's request does not include roosters.

Lisa Gardner, 11 Phlegar Street, expressed her support for the request to raise chickens within Town limits as pets, and also as a food source, noting that Council could place restrictions on requests to retain some control when appropriate.

2. CITIZEN COMMENTS:

- a. No comments.

V. STAFF REPORTS:

- a. RICKY BOURNE, DIRECTOR OF PUBLIC WORKS, AND JAMES LANCIANESE, SUPERINTENDENT OF PUBLIC WORKS – UPDATE ON THE PUBLIC WORKS DEPARTMENT. The staff report was postponed and will be rescheduled at a later date.

VI. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. CONTRACT WITH RADFORD UNIVERSITY FOR THE USE OF THE CHRISTIANSBURG AQUATIC CENTER . Council was provided a copy of the contract for review. Aquatics Director Terry Caldwell explained that the contract was the result of Radford University's (RU) interest in the use of the aquatic center for its swim club because of the closing of its Dedmon Center. The one-year contract, which has been reviewed by the Town's attorneys,

outlines RU's specific use of the facility by members of the university swim club that would not interfere with other contracts held by the facility. Radford University is considering adding a bus route from the university to the aquatic center. Ms. Caldwell drafted the contract and recommended Council approve it as presented, noting that the partnership would increase revenue for the facility and would likely lead to more memberships and possibly more contracted uses. Councilman Bishop asked if the contract would interfere with the pool availability for Christiansburg residents. Ms. Caldwell responded that it would not interfere with resident usage and any impact on the facility and Town residents would be positive. Mayor Barber commented that he received a call from Radford mayor, Bruce Brown, who was interested in discussing a possible contract between the aquatic center and the City of Radford, since the city, in the past, used RU's Dedmon Center. Councilman Showalter congratulated Ms. Caldwell for finding ways to increase membership at the facility and for developing programs that are important to the community. Councilman Hall asked if the contract would result in the need for more staff at the facility. Ms. Caldwell responded that no additional staff would be required and that the facility would remain in compliance with regulations on lifeguard to guest ratio. Councilman Huppert made a motion to approve the aquatic center contract with Radford University as presented by Aquatics Director Terry Caldwell, seconded by Councilman Vanhoozier. Council voted on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

2. DISCUSSION REGARDING THE REQUEST TO ALLOW CHICKENS IN THE R-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT. Councilman Vanhoozier said that the Planning Commission and Town Council extensively studied a request to allow chickens in R-1 Single-Family Residential zones several years ago and voted at that time to deny the request; he believes that continues to be the appropriate action of Council in this matter. Councilman Hall noted that since the Town's study, numerous localities in Virginia, including the City of Salem, have voted to allow the keeping of chickens in residential zonings. Councilman Hall spoke about his experience in raising chickens in Town many years ago, with no adverse effects, and he recommended the Planning Commission restudy the issue with the request at hand, and to include in the study information from the Virginia localities that allow chickens in residential neighborhoods. Councilman Showalter and Councilman Stipes expressed their support for the recommendation to re-study the issue. Planning Director Hair noted that the Town has received numerous complaints from citizens regarding chickens on the property at 1265 Flint Drive. Councilman Hall made a motion to send the request to the Planning Commission for a re-study, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Bishop, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Mayor Barber advised Mr. Velarde to bring his property into compliance with Town ordinance by removing his chickens, or face the possibility of fines for violation.
3. CONDITIONAL USE PERMIT FOR MAJOR HOME OCCUPATION TO ALLOW FOR FIREARMS SALES AT 185 SOUTH CENTRAL DRIVE. Councilman Hall made a motion to table the matter until the July 14 Council meeting to allow time to study the information received in this request, including the minutes of the Planning Commission meetings and letters from citizens. Councilman Stipes seconded the motion. Councilman Huppert, liaison to the Planning Commission, reported that both Planning Commission meetings concerning this request were lengthy, with many residents in attendance during the first meeting, but few at the second meeting. Councilman Huppert felt that the drop in attendance indicated that residents were satisfied with the explanation and intent of the major home occupation request. The Planning Commission vote was 7 ayes to 2 nays; the two nays were because of the possibility of ammunition storage on the property. Councilman Showalter questioned the assumption that slow attendance at the second Planning Commission meeting indicated satisfaction with the request. He then questioned changes to the conditions of the CUP recommended by Councilman Huppert and accepted by the Planning Commission, including the number of sales transactions allowable and the striking of the requirement of a home security system. Councilman Huppert explained the Planning Commission's position in setting the conditions and Mayor Barber reminded Council that it had the flexibility to amend the conditions as it sees fit. Councilman Stipes spoke to the variety of home occupation requests received by the Town over the years and stated that Council has a responsibility to protect the sanctity of the Town's zoning districts and also to listen carefully to the neighbors that would be impacted in each request. Mayor Barber requested that Council study the information provided in this request and be prepared to take action at the July 14, 2015 regular meeting. Town Manager Helms noted that the Town currently has one retail gun shop located in the R-3 Multi-Family Residential Zoning District and two others that were grandfathered, including one in the R-1 Single-Family Residential Zoning. Assistant Town Manager Wingfield reported that the Town has received no complaints from residents concerning the existing retail gun shops. Council voted on the motion to table as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Abstain (he will be absent from the July 14 meeting).
4. MR. STIPES AND MR. VANHOOZIER – STREET COMMITTEE REPORT/RECOMMENDATION ON:

A. RELOCATION/VACATION OF PARCEL LINES PREPARED FOR AND TO REVISE: JBC PROPERTIES, LLC, TAX MAP #: 530-(2)-84B AND ALBERT'S FIVE, LLC, TAX MAP #: 529-(2)-84A; CREATING 2 LOTS; LOCATED ON FAIRVIEW STREET, S.E.

Councilman Stipes reported that this request is to adjust the lot lines on the Montgomery Sanitation property located off Fairview Street. The number of lots will remain the same, but the configuration of each lot would change. The Street Committee has studied the request, and Councilman Stipes made a motion to approve the request, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Bishop, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

VII. COUNCIL REPORTS

- a. Councilman Vanhoozier reported that he will be on vacation the week of the July 14th regular Council meeting.
- b. Mayor Barber reminded Council that June 27th is the five year anniversary celebration of the aquatic center with events at the facility beginning at 2:00 P.M. Admission is free all day and all are invited to attend.

VIII. TOWN MANAGER'S REPORTS:

1. PROGRESS REPORTS AND ANNOUNCEMENTS:

- The Huckleberry Trail bridge grand opening celebration has been scheduled for September 11, 2015, with an 8-mile run/walk between the Christiansburg Recreation Center and the Blacksburg Library on September 12. It is expected that the bridge will be open for public use within the next two weeks.
- Finance Director/Treasurer Val Tweedie has received proposals for banking services and will be changing the accounts from Union Trust to National Bank.
- Bids have been opened for the Police Department third floor renovations and the low bid was approximately \$400,000 more than what has been budgeted for the project. Council will discuss this matter in detail at the next regular Council meeting.
- Town Manager Helms reported that Montgomery County will no longer be able to provide videography services during Town Council meetings. The county has offered the use of its videography equipment, but the Town will need to provide the staff to operate it.

IX. CLOSED MEETING:

1. Councilman Hall made a motion to enter into a Closed Meeting under Virginia Code Section 2.2-3711(A)(3) for the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The Closed Meeting is for a discussion regarding a connector road right-of-way. Councilman Vanhoozier seconded the motion and Council voted as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
2. Reconvene in Open Meeting.
3. Certification. Councilman Hall 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, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
4. Council action on the matter. Councilman Stipes made a motion to authorize Town Manager Helms to negotiate the properties discussed in entirety. Councilman Hall seconded the motion and Council voted as follows: Bishop – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

IX. ADJOURNMENT:

There being no further business to bring before Council, Councilman Vanhoozier made a motion to adjourn the meeting at 9:22 P.M., seconded by Councilman Bishop. Council voted on the motion as follows: AYES: Bishop, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.