

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF MAY 1, 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 MAY 1, 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 Dillon.

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

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

PLEDGE OF ALLEGIANCE led by Town Manager Terpenny.

JOINT PUBLIC HEARING

1. An ordinance in regards to a rezoning request by Chrisman Street, LLC/Joseph and Jaleh G. Nazare for property at 160, 170, 180, and 190 Chrisman Street (tax parcels 526 – ((25)) – A and B) from R-3 Multi-Family Residential to B-2 Central Business. The property contains approximately 1.552 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Mr. Pat Irram objected to the request, unless the owners proffer to only use the property as residential. Town Manager Terpenny said that the owners have proffered that the B-2 Central Business property will only be used as residential, not for business, and the setbacks will remain the same and a buffer will be placed for aesthetics. Owner, Ms. Roya Nazare, said she has made many improvements to the property. Additional, planned improvements are to pave the drive, replace decks, and fence in the trash bin area. However, the renovations have become costly, and, to provide more revenue, she wants to add approximately eight additional apartments over the next two years. The property already contains fourteen apartments and a B-2 Central Business zoning will allow for greater density. Ms. Nazare plans to sell the property if the rezoning request is denied. Manager Terpenny reminded Council that if the property is rezoned, the owner will still need to obtain a Conditional Use Permit for residential use. James and Sharon Southern, who live behind Ms. Nazare's property, spoke in support of the request. Mr. Jeff Lange of Chrisman Street asked about the size and cost of the additional apartments. Ms. Nazare said she has not submitted a site plan for the apartments, but that they will be comparable to the existing apartments.
2. A Conditional Use Permit request by J.S. and Susan Mirlohi for property at 1140 Peppers Ferry Road, NW (tax parcel 434 – ((1)) – 9) for a major home occupation (water testing laboratory) in the R-1 Single-Family Residential District. Ms. Mirlohi addressed Council regarding this request. Ms. Mirlohi said the focus of the business is consulting and non-experimental testing. There is no chemical testing and there will be no hazardous materials used or stored on the property. Parking will be in front of her property with no more than four or five customers per week. Ms. Mirlohi has no intention of expanding her business and will comply with any conditions set forth by Town Council. Ms. Mirlohi expressed her concern for her neighborhood and said she would not do anything to negatively impact her neighbors. Ms. Nell Doss submitted to Council a petition with sixteen signatures opposing the request for several reasons. The neighbors are concerned with the increase in traffic the business could cause, as well as inadequate parking space. Ms. Irene Dowdy of Belmont Farms, presented a letter to Council, on behalf of Ann Hess opposing the Conditional Use Permit request. In the letter, Ms. Hess, who was unable to attend the meeting, expressed her concern with traffic and parking, and questioned whether the business could qualify as a major home occupation in this area, according to Town Code. Ms. Diana King and Ms. Theresa Higgonbotham both expressed their opposition to the request because of traffic, parking, and the potential devaluation of property in the neighborhood.

PUBLIC HEARING

1. Council's intent to adopt an ordinance for the vacation of drainage easements and public utility easements/partial subdivision vacation for property on Midway Plaza Drive and Corning Drive (tax parcels 406-((2))-13, 14, and 15); lots 13, 14, and 15 in the Midway Plaza Subdivision. Mr. Steve Semones of Balzer and Associates addressed Council on behalf of William Price. The site plan has been submitted for this property and vacation of the easements is the first step in the development phase. Mr. Semones is available 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 April 17, 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 RECOMMENDATIONS ON THE JOINT PUBLIC HEARING REQUESTS:

1. An ordinance in regards to a rezoning request by Chrisman Street, LLC/Joseph and Jaleh G. Nazare for property at 160, 170, 180, and 190 Chrisman Street (tax parcels 526 – ((25)) – A and B) from R-3 Multi-Family Residential to B-2 Central Business. The property contains approximately 1.552 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. At Planning Chairperson Simmons' request, Secretary Terpenny read the Planning Commission's resolution recommending Town Council deny the rezoning request. A copy of the resolution is attached herewith and made a part of these minutes.
2. A Conditional Use Permit request by J.S. and Susan Mirlohi for property at 1140 Peppers Ferry Road, NW (tax parcel 434 – ((1)) – 9) for a major home occupation (water testing laboratory) in the R-1 Single-Family Residential District. Secretary Terpenny reported that the Planning Commission recommends tabling this request for further information and review.

DAVID CLARK TO ADDRESS COUNCIL REGARDING SUNSET CEMETERY. Councilwoman Carter introduced Professor John Hight and the graduate students of the Small Business Consulting Class at Virginia Tech. Professor Hight commended his top students in attendance for the hard work and long hours they have put into his class. In attendance are David Clark, Heath Honaker, Mary Jane Lucas, and Matt Tilley. Mr. David Clark gave each Councilmember a handout and presented them with a powerpoint presentation outlining reasons the Town should take over Sunset Cemetery. The group provided interesting facts about the cemetery's history, and listed the number of high-profile individuals buried there as: 14 Mayors, 12 Councilmembers, 2 Town Attorneys, 4 Judges, 3 Commonwealth Attorneys, 2 Police Chiefs, 4 County Sheriffs, 4 State Delegates, 2 Senators, and 1 Town Manager. Sunset Cemetery has been managed by a new Board of Trustees since 1987, when the, then, Board of Trustees quit managing the cemetery. The new Board of Trustees is currently ready to disband for several reasons: (1) The Board of Trustees has not been paid since its inception seventeen years ago; (2) Age is becoming an issue for members of the Board; and (3) Other commitments by the current Board are conflicting with Sunset Cemetery. Mr. Clark pointed out that Town Code authorizes for a Town-owned cemetery and this is a great opportunity for the Town to provide an important service to its citizens. Mayor Ballengee thanked the group for its presentation and stated that Town Council will discuss the matter further, at a future meeting, before making a decision.

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:

1. An ordinance in regards to a rezoning request by Chrisman Street, LLC/Joseph and Jaleh G. Nazare for property at 160, 170, 180, and 190 Chrisman Street (tax parcels 526 – ((25)) – A and B) from R-3 Multi-Family Residential to B-2 Central Business. The property contains approximately 1.552 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Councilman Barber made a motion to support the Planning Commission's recommendation to deny the request, seconded by Councilman Wade. Council voted as

follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

2. A Conditional Use Permit request by J.S. and Susan Mirlohi for property at 1140 Peppers Ferry Road, NW (tax parcel 434 – ((1)) – 9) for a major home occupation (water testing laboratory) in the R-1 Single-Family Residential District. Councilman Barber said he is not convinced this request is in the best interest of the neighborhood and he can't ignore the concerns expressed by the residents of the neighborhood. Councilman Barber made a motion to deny the CUP request. Councilman Canada seconded the motion, commenting that he has to take into consideration the concerns of the neighboring residents. Councilwoman Carter expressed her concerns with inadequate parking, and Councilman Stipes commented that he is usually in favor of supporting the Planning Commission's recommendations; however, in this case he feels he must support the motion. At Mayor Ballengee's request, Town Clerk Stipes polled Council as follows: Barber-AYE; Canada – AYE; Carter – AYE; Huppert – AYE; Stipes – AYE; Wade – AYE.

COUNCIL ACTION ON THE PUBLIC HEARING REQUEST:

1. Council's intent to adopt an ordinance for the vacation of drainage easements and public utility easements/partial subdivision vacation for property on Midway Plaza Drive and Corning Drive (tax parcels 406-((2))-13, 14, and 15); lots 13, 14, and 15 in the Midway Plaza Subdivision. Councilman Wade 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.

MR. BARBER AND MR. STIPES – Street Committee Recommendation on:

1. Plat showing vacation of lot lines, Lots 126, 127, 128 & 129 of "South Hill Park" for David S. Peyton & Jacquie L. Peyton; creating 1 lot; Auburn Drive, S.W. Councilman Barber explained that this request is to vacate three interior lot lines to create one large lot for residential construction. All is in order with the plat and Councilman Barber made a motion to approve, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. Plat of survey for Roger Woody showing the resubdivision of Lot 53 and Lot 63 "Robin Hood Estates" and relocating a 20' access easement; contains 2 lots; Robin Hood Drive, N.E. and Sherwood Drive, N.E. All is in order with the plat and Councilman Barber made a motion to approve, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
3. Plat of survey dedicating a new 20' sanitary sewer easement adjoining "Robin Hood Estates"; contains 1 lot; Sherwood Drive, N.E. Councilman Barber explained that grading work has already been done on this property located behind the old Hills department store. All is in order with the plat and Councilman Barber made a motion to approve, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
4. "Seneca Springs – Phases I & II"; creating 45 lots; Chrisman Mill Road, N.W. This property has been zoned R-1 Single-Family Residential and R-3 Multi-Family Residential for a Planned Housing Development. All is in order with the plat, subject to minor administrative changes. Councilman Barber made a motion to approve, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
5. Subdivision plat for future Section 15 of Windmill Hills; containing 1 lot; Alder Lane, N.W. Councilman Barber explained that this request will cut approximately 19.6 acres off the original plat for development. There is no lot layout for this property, yet. All is in order with the plat and Councilman Barber made a motion to approve, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

CLOSED MEETING:

1. Request for a Closed Meeting under Section 2.2-3711A(7), *Code of Virginia*, for consultation with legal counsel pertaining to actual litigation involving the Town of Christiansburg – Covington vs. Town of Christiansburg. On motion by Councilman Barber, seconded by Councilman Stipes, 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 legal 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 Wade seconded the certification and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
4. COUNCIL ACTION ON THE MATTER – Town Attorney Elizabeth Dillon reported Council's action as follows: "Given the language in the insurance policy, I move that the Town Council authorize the Town Manager to consent to a settlement on behalf of the Town if he believes, in consultation with the Town Attorney and the attorneys retained by the insurance company to represent the Town, the settlement and the terms and conditions of the settlement to be in the best interest of the Town". Councilman Wade put the statement in the form of a motion, which was seconded by Councilman Huppert. 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 Councilwoman Carter, Council voted to approve the monthly bills to be paid 10 May, 2007, in the amount of \$1,004,446.62. 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:

May 15, 2007

1. Fiscal Year 2007-2008 Budget, First Reading.
2. Set rates for Water and Sewer Service.

June 5, 2007

1. Fiscal Year 2007-2008 Budget, Proposed Real Estate Rate Increases.

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

MAYOR BALLENGEE referred a donation request from Christiansburg Institute to the Finance Committee for review and recommendation. The request is for a one-time donation of ten thousand dollars to aid in hiring a full-time staff member. After some discussion, Council agreed to add the donation to the Fiscal Year 2007 – 2008 proposed budget.

COUNCILMAN WADE said he is concerned with the budget plan for the aquatic center and he questioned the total cost of the facility and its impact on the budget in coming years, as well as, operating expenses opposed to revenue. Town Manager Terpenny said the project is expected to cost approximately fourteen million dollars, and explained operational expenses versus projected revenue. Projected revenues from rentals and membership fees are anticipated to cover fifty to sixty percent (50% - 60%) of the estimated \$1.25 million annual operating costs. Virginia Tech is slated to pay its portion over a twenty year period and is currently in the process of drafting a document outlining its obligations. The Town is working with Virginia Tech to find a way to liquefy the twenty year payment commitment by Tech. Town Manager Terpenny said he was recently contacted by USA Swimming regarding possible contracted use of the facility. USA Swimming is willing to work around Virginia Tech's scheduling. Projected opening of the facility is Fall 2008.

TOWN COUNCIL discussed Due South's request to host a community "get together" on Montgomery County's property across from Town Hall. This request was first brought before Council by the Town Manager at the April 17, 2007 meeting. Manager Terpenny reported that according to County Administrator, Clay Goodman, the Board of Supervisors will not support this request if alcohol is involved; however, the Board of Supervisors may support a decision by the Town of Christiansburg. Manager Terpenny commented that the Town may need a civic organization to sponsor the event to minimize liability. Mayor Ballengee again expressed his concern if alcohol is involved. Council would like to discuss the matter further before making a decision on the request. Mayor Ballengee suggested discussing the matter at the next liaison meeting with the Montgomery County.

ADJOURN:

There being no further business to bring before Council, Mayor Ballengee declared the meeting adjourned at 10:15 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor