

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF MAY 15, 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 15, 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, 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 Assistant Town Manager Helms.

**PUBLIC HEARING**

1. Fiscal Year 2007 – 2008 Budget – First Reading. After reviewing the proposed budget, Councilman Wade stated that he is unable to support the proposal in its present state for several reasons. Councilman Wade said he is unable to support the proposed real estate tax increase of 15.5%, and he does not see justification for a seventeen percent increase to the Police Department budget, which includes, among other requests, adding six additional employees and six additional vehicles. Councilman Wade challenged town administration to revise the budget to reduce expenditures and omit the real estate tax increase. He suggested several ideas for reducing expenditures, such as, delaying purchase of various capital equipment another year, and offered to help review other ideas for creating a more acceptable budget. Mayor Ballengee pointed out that the Town is actually reducing its tax rate by 1.4% per \$100, and that the increase is a result of Montgomery County's real estate reassessment. Councilman Wade said that it still results in a tax increase for Town residents, which is unnecessary, and which he will not support. Several Councilmembers expressed concern with the Police Department's seventeen percent budget increase, and suggested possible adjustments that would decrease the percentage, without hindering the effectiveness of the Police Department. Councilman Barber, stating that the request for additional officers and additional vehicles is justified, wholly supports the Police Department's budget requests. Council discussed the amount of overtime paid to police officers, and the gradual increase in response times over the years, which may be contributed to a shortage of personnel. Councilman Barber commented that it is his opinion that the Town's police officers are overworked and suggested Council not attempt to cut from the Police Department budget. Mayor Ballengee directed the Finance Committee to further review the Police Department budget. Councilman Stipes said it is important for the Town to have a complete and accurate website and he recommended including ten thousand dollars in the budget for professional redesigning of the Town's website. The budget currently includes three thousand dollars for website design, which according to Councilman Stipes, is an inadequate amount for website design services. Planning Commissioner Booth commented that he would like to see an employee hired, by the Town, to act as a liaison between the Town and businesses using the monies collected from the lodging tax to promote Christiansburg. Councilman Huppert agreed with Commissioner Booth's suggestion, commenting that Christiansburg has not been properly promoted. Mayor Ballengee said the Finance Committee will further review the budget, taking tonight's discussion into consideration.
2. Fiscal Year 2007 – 2008 – Proposed Fee Increases. Town Manager Terpenny explained the proposed, slight increase to the water rates, which will affect those who use more than the minimum usage, and decrease in the minimum sewer rates, which will only affect those on a fixed income. The Town will not experience increased revenue as a result of the increased rates, it is only a pass-through on the Blacksburg-Christiansburg-VPI Water Authority's rate increase to the Town. Mayor Ballengee said this matter was discussed at length by the Budget Committee and it was determined that most residents will not notice a change in their water bill as a result of the increase. Councilwoman Carter pointed out that the General Fund has supplemented this expenditure for many years and, without slight increases from time to time, a large rate increase would eventually be necessary. She also

commented that Christiansburg is frequently listed, in Virginia, as one of the municipalities with the lowest water rates.

3. Council's intention to adopt an Ordinance for vacation of a portion of New Village Drive (a 120 square foot portion dedicated by "Subdivision Plat of New River Village Phase VI"). Town Manager Terpenny explained that the excess street right-of-way, which was dedicated for a temporary cul-de-sac, was not needed now that the street is to be extended.
4. Boundary Line Adjustment Agreement - The Agreement is authorized by Section 15.2-3106 et seq. of the 1950 Code of Virginia, as amended, and provides that the boundary line between the Town of Christiansburg and the unincorporated area of the County will be changed by incorporating within the Town of Christiansburg an area containing approximately 47.966 acres, referred to as the Woody, Wheatland and Hairston lands, located at the northeast boundary of the Town of Christiansburg in the Mid-County area of Montgomery County, and an area containing 1.850 acres, consisting of a strip of land adjacent to the U.S. Route 460 Bypass (Alternative 3A Bypass) in the Mid-County area of Montgomery County, for a total of 49.816 acres. The area proposed to be incorporated into the Town is shown more particularly on the plat entitled "Plat of Survey of Revised Corporation Line for the Town of Christiansburg Located in Shawsdale Magisterial District, Montgomery County, Virginia, Sheet 1 of 2 and Sheet 2 of 2" dated February 22, 2007. A copy of said plat has been made a part of the Agreement. Mayor Ballengee explained that the Town has been working with Montgomery County to incorporate a section of land located behind Kmart. Town Manager Terpenny commented that this is not an annexation, but a request by the property owners. Ms. Crista Hinklerland said she is unaware that Wheatland asked to be involved with this boundary line adjustment, and she asked what the plans are for the property. Town Manager Terpenny said he received a letter from the owner of Wheatland asking to be included in the adjustment. Currently, there are no plans for the property.

#### **JOINT PUBLIC HEARING**

1. An ordinance in regards to a rezoning request relating to a proposed Boundary Line Adjustment Agreement by the Town of Christiansburg and Montgomery County for property containing approximately 47.966 acres, referred to as the Woody, Wheatland and Hairston lands, located at the northeast boundary of the Town of Christiansburg in the Mid-County area of Montgomery County, and an area containing 1.850 acres, consisting of a strip of land adjacent to the U.S. Route 460 Bypass (Alternative 3A Bypass) in the Mid-County area of Montgomery County, for a total of 49.816 acres from Montgomery County zoning GB General Business, RM-1 Multiple-Family Residential, and A-1 Agricultural to Town zoning B-3 General Business. The property is scheduled as Mixed Use - Residential/Limited Business in the Future Land Use Map of the Christiansburg Comprehensive Plan. Mayor Ballengee explained that this property, already zoned commercial in Montgomery County, would be zoned B-3 General Business District if it becomes Town property. Town Manager Terpenny said that the Town will honor decisions previously made by the County for this property and there is one proffer put in place by the County regarding access via Farmview Drive. A connector street from the property to Route 114 must be built once ten-thousand vehicle trips are generated from the site. Mr. Woody said he has three access roads planned for this site. Mr. Billy Maddy spoke in favor of the request, commenting that this rezoning will be positive for Christiansburg growth.
2. A Conditional Use Permit request by W.H. Maddy, Jr. for property located at the intersection of Second Street and Pepper Street (tax parcel 527 – ((37)) – A) for residential use in the B-2 Central Business District. Mr. Maddy explained that he plans to build two fifteen-hundred square foot buildings on this property. The buildings will be two-story with walk out basements. The units will be of modest rent and will target elderly folks. Mr. Maddy pointed out that there are many allowable uses with the current zoning of the property, but he believes this is the best usage and most in-keeping with the surrounding area. Ms. Faye Mitchell, a nearby resident, said she is proud of her home and is concerned that her property value may decrease if rental property is built in her neighborhood. She commented that individually owned townhomes would be in-keeping with the surrounding neighborhood, and would be more welcomed by existing residents. Mr. Maddy said he had considered building townhouses but, unfortunately, the dimensions of the site do not support townhouse development. Mr. Maddy commented that he currently does not own the property and will only purchase the site if the requested Conditional Use Permit is issued. If Mr. Maddy does not purchase the site, the owner plans to develop it commercially. Ms. Pauline Quesenberry and Mr. John Newdash, both nearby property owners' support individually owned units, but are opposed to rental property in the neighborhood. Mr. Roger Woody spoke in favor of Mr. Maddy and stated that residential development is more suitable for this community than commercial development, which is likely, if the property is

developed by someone other than Mr. Maddy. Councilwoman Carter noted that if the property remains B-2 Central Business zoning, there is a wide variety of businesses that can be developed on the property, by-right, without approval from Council. Councilman Stipes told the concerned citizens that this is a very difficult decision to make because he understands their concerns, but he also understands that if this request for residential development is denied, the neighboring residents, and Town Council, would have no say in the type of business to be developed on the site, as long as it is allowed in the B-2 Central Business District.

#### **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 1, 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 relating to a proposed Boundary Line Adjustment Agreement by the Town of Christiansburg and Montgomery County for property containing approximately 47.966 acres, referred to as the Woody, Wheatland and Hairston lands, located at the northeast boundary of the Town of Christiansburg in the Mid-County area of Montgomery County, and an area containing 1.850 acres, consisting of a strip of land adjacent to the U.S. Route 460 Bypass (Alternative 3A Bypass) in the Mid-County area of Montgomery County, for a total of 49.816 acres from Montgomery County zoning GB General Business, RM-1 Multiple-Family Residential, and A-1 Agricultural to Town zoning B-3 General Business. The property is scheduled as Mixed Use - Residential/Limited Business in the Future Land Use Map of the Christiansburg Comprehensive Plan. At Chairperson Simmons' request, Secretary Terpenny read the Planning Commission's resolution recommending Town Council approve the rezoning as requested with the submitted proffer. A copy of the resolution and proffer is attached herewith and made a part of these minutes.
2. A Conditional Use Permit request by W.H. Maddy, Jr. for property located at the intersection of Second Street and Pepper Street (tax parcel 527 – ((37)) – A) for residential use in the B-2 Central Business District. Secretary Terpenny read the Planning Commission's resolution recommending Town Council issue the Conditional Use Permit with five conditions. A copy of the resolution and proffer 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:**

1. An ordinance in regards to a rezoning request relating to a proposed Boundary Line Adjustment Agreement by the Town of Christiansburg and Montgomery County for property containing approximately 47.966 acres, referred to as the Woody, Wheatland and Hairston lands, located at the northeast boundary of the Town of Christiansburg in the Mid-County area of Montgomery County, and an area containing 1.850 acres, consisting of a strip of land adjacent to the U.S. Route 460 Bypass (Alternative 3A Bypass) in the Mid-County area of Montgomery County, for a total of 49.816 acres from Montgomery County zoning GB General Business, RM-1 Multiple-Family Residential, and A-1 Agricultural to Town zoning B-3 General Business. The property is scheduled as Mixed Use - Residential/Limited Business in the Future Land Use Map of the Christiansburg Comprehensive Plan. Councilman Wade made a motion to accept the Planning Commission's recommendation to approve the rezoning as requested, with the submitted proffer. Councilman Canada seconded the motion. Councilman Stipes asked if the Planning Commission's recommendation was unanimous; Town Manager Terpenny replied that it was. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. A Conditional Use Permit request by W.H. Maddy, Jr. for property located at the intersection of Second Street and Pepper Street (tax parcel 527 – ((37)) – A) for residential use in the B-2 Central Business District. Councilman Canada made a motion to accept the Planning Commission's recommendation to issue the CUP with five conditions, seconded by Councilman Stipes. Councilman Huppert expressed his concern regarding the fencing required by the

CUP. He suggested a landscape buffer, which is more aesthetically appealing than board fencing. Manager Terpenny commented that, because of the land layout and setback, it is not practical to do landscape buffering. Councilwoman Carter commented that this has been the hardest decision she has had to make in a long time, and she appreciates Councilman Stipes pointing out that, if the CUP is denied, there are many undesirable businesses that could be developed, by-right, on the site. Mayor Ballengee agreed that this has been a difficult decision, but is confident that Mr. Maddy's word is trustworthy. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

**COUNCIL ACTION ON THE PUBLIC HEARING REQUESTS:**

1. Fee increases for Fiscal Year 2007 – 2008. Councilman Barber made a motion to approve the fee increases for the Fiscal Year 2007 – 2008 as proposed. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
2. Street vacation request, New Village Drive. Councilman Barber made a motion to approve the request, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
3. Boundary Line Adjustment Agreement. Councilman Barber made a motion to approve the Boundary Line Adjustment Agreement as presented, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

**MR. BARBER AND MR. STIPES – Street Committee Recommendations on:**

1. Family and Minor Subdivision, Mazie C. Wimmer, located on Jones Street, S.E., 3 lots. Councilman Barber explained that this property, partially located in Montgomery County, is one lot to be divided into three lots. Lots one and two have street frontage; lot three, located in the County, does not. The lots located in Christiansburg are zoned R-1 Single Family Residential. 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. Subdivision Plat for Reginald W. Altizer of Tax Map # 467 – A – 148 hereby creating lot 2, located on Garnett Drive, 2 lots. Several weeks ago, Council approved a request by Reginald Altizer to divide this property into two, separating the front residential portion from the larger rear portion. Tonight's request is to further divide the larger rear lot into two lots, which will include the vacation of the rear lot line. Councilman Barber made a motion to approve this request, contingent on Montgomery County Health Department's approval of the septic system. Councilman Huppert seconded the motion, and Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
3. Plat Showing Resubdivision of Tax Parcel 500 – ((3)) – C hereby creating Parcel "A", prepared for Shah Development" located on Bristol Drive – 2 lots. Councilman Barber explained that Shah Development plans to buy a portion of the Howard Johnston property to build a training facility. All is in order with the plat and Councilman Barber made a motion to approve the request, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

**TOWN MANAGER REPORTS:**

TOWN MANAGER TERPENNY informed Council of the VML Town Section Meetings to be held in Marion, Virginia on May 31, 2007. The Town Manager must register those planning to attend by May 21<sup>st</sup>.

**ADJOURN:**

There being no further business to bring before Council, Mayor Ballengee declared the meeting adjourned at 9:42 P.M.

