

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF SEPTEMBER 19, 2006 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 SEPTEMBER 19, 2006 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Carter, Stipes, Huppert, and Wade. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenney, Assistant Town Manager Helms, Town Clerk Stipes, Planning Director Wingfield, and Town Attorney Memmer. ABSENT: None.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Simmons, Carter, Canada, Booth, Poff, and Vanhoozier. ABSENT: Commissioner Dobson.

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

Pledge of Allegiance led by Assistant Town Manager Helms.

**JOINT PUBLIC HEARING**

1. A Conditional Use Permit request by Margaret K. Tollison for property at 115 N. Franklin Street (tax parcels 526-((37))-14 and 14A) for residential use in the B-2 Central Business District. Margaret Tollison's husband said their intentions are to build a twelve hundred square foot garage with an apartment overhead. The structure will be bricked to match the existing house.

**PUBLIC HEARING**

1. Council's intention to adopt an ordinance in regards to a request by Charles and Kelly Stanley to vacate an unbuilt portion of Red Oak Drive extending from the build portion of Red Oak Drive to Pear Street. Mr. Chris Tuck, Attorney for Paul Duncan, addressed Council on behalf of his client. He said that Mr. Duncan has begun construction of a detached garage for storage of vehicles, such as RV's and occasionally impounded vehicles. Because of the size of some of the vehicles to be stored (RV's) he needs the additional twenty-five feet of land provided by the right-of-way to continue access to the new garage. Without the right-of-way property, he will trespass on neighboring property when pulling in or backing out of the garage. Mr. Tuck said that Mr. Duncan has invested a significant amount of money into this property by also developing a stormwater maintenance system. Mr. Tuck also pointed out that, while the surrounding property is residential in use, Mr. Duncan's property is zoned commercial, and the right-of-way belongs to the Town. He asked that Council table this vacation request for further review. Mr. Phil Reed, Kelly Stanley's father, explained that his daughter's neighborhood is a residential area of small homes. He reminded Council that the property owners have also invested a significant amount of money into their property, and his daughter is asking for this right-of-way vacation as a way to control the number and size of the vehicles stored on the property. She is willing to work with Mr. Duncan, but doesn't want his business to continue as in the past. Kelly Stanley said she has made a substantial investment into her property and not closing the alleyway could cause her potential financial binding, if she decides to sell her property.
2. Council's intention to adopt an ordinance amending Chapter 28 "Traffic and Motor Vehicles" of the *Christiansburg Town Code* in regards to parking regulations. A copy of the proposed amendment is attached herewith and made a part of these minutes.

MAYOR BALLENGEE closed the Joint Public Hearing and the Planning Commission withdrew to consider the request and to make its recommendation.

**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 September 5, 2006. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

MICHELLE BARRON-LONG TO ADDRESS COUNCIL – Michelle Barron-Long, of Cambria Emporium, is in charge of advertising for the Emporium. Ms. Long explained that recently the vendors, at significant cost, agreed to purchase signs from VDOT to place along I-81 in hopes of promoting the Emporium. Ms. Long also explained that in order to participate in the VDOT Logo's program, the Town must approve a trailblazer sign for the Emporium at the interchange of I-81 and West Main Street. Mr. Jason Newcomb, head of the VDOT Logo's program, said approximately forty thousand people would see the trailblazer sign if placed at this location. A sign would also be placed along Interstate 81. Manager Terpenney said that in order to participate in the Logo's program, the Emporium must place an off-site sign; however, Town Ordinance has strict guidelines governing off site signage. Norfolk and Southern owns the adjacent property and may allow them to advertise on their site, which may be enough to participate in the Logo's program. Mr. Jason Newcomb said he has strict guidelines he must follow and, in addition to the trailblazer signs, the Emporium must also change its hours of operation to be fully qualified to participate in the VDOT program. The Cambria Emporium is willing to become fully qualified to participate in the Logo's program.

MR. JOHN THOMAS, whose property is located along Roanoke Street, said he is currently struggling with a failed sewer system and is hoping the Town can help with this problem since the properties surrounding his are served by the Town's sewer system. At Mayor Ballengee's request, Manager Terpenney agreed to look into this matter.

MAYOR BALLENGEE said he is honored to have former Mayor Linkous present and he presented an amended plaque of recognition and honor to him for his thirty-six years of service to the Town of Christiansburg. The original plaque contained a typographical error. Mayor Linkous expressed his gratitude and was honored to accept the plaque.

PLANNING COMMISSION'S RECOMMENDATION ON THE REQUEST:

1. A Conditional Use Permit request by Margaret K. Tollison for property at 115 N. Franklin Street (tax parcels 526-((37))-14 and 14A) for residential use in the B-2 Central Business District. Chairperson Simmons asked Secretary Terpenney to read the Planning Commission's resolution. Secretary Terpenney read the resolution recommending Town Council approve the CUP with no conditions by unanimous vote, with Commissioner Dobson absent.

There being no one else to address Council, MAYOR BALLENGEE closed the Citizen Hearings.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

TOWN COUNCIL'S ACTION ON THE PLANNING COMMISSION'S RECOMMENDATION:

1. A Conditional Use Permit request by Margaret K. Tollison for property at 115 N. Franklin Street (tax parcels 526-((37))-14 and 14A) for residential use in the B-2 Central Business District. Councilman Wade made a motion to accept the Planning Commission's recommendation to approve the CUP request, seconded by Councilman Barber. Councilwoman Carter said the Planning Commission discussed this request and she is pleased with the Tollisons' plans. Mayor Ballengee agreed that this is a good way to revitalize the downtown area. Council voted on the motion as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE REQUEST TO VACATE RED OAK RIGHT-OF-WAY – Councilman Barber made a motion to table this request for further review, seconded by Councilman Wade. Councilman Wade commented that this is the first time Council has heard of this issue and he would like a chance to further review the request. Council voted on the motion as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE REVISIONS TO CHAPTER 28 "TRAFFIC AND MOTOR VEHICLES" OF THE *CHRISTIANSBURG TOWN CODE* – Councilman Barber made a motion to adopt the revisions to Chapter 28 "Traffic and Motor Vehicles" of the *Christiansburg Town Code* as proposed. Councilman Stipes seconded the motion and Council voted as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE REQUEST TO VACATE UNBUILT ALLEY BETWEEN LESTER STREET AND FOREST STREET. (THIS REQUEST TABLED AT THE SEPTEMBER 5, 2006 MEETING) – Manager Terpenney explained that Council tabled this request at the September 5<sup>th</sup> meeting at the request of Mr. Jack Parrish. Mr. Parrish wanted a chance to review the possible tax consequences of obtaining one half of the vacated alleyway. After discussing this with Montgomery County, he is satisfied there will be no tax consequences for him as a result of this vacation. Councilman Barber made a motion to vacate the unbuilt alley between Lester Street and Forest Street, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

RECOMMENDATION TO CIRCUIT COURT FOR APPOINTMENT TO THE BOARD OF ZONING APPEALS – Mayor Ballengee reported that Mr. Mark Lester is not qualified to continue serving on the Board of Zoning Appeals since he moved out of town limits, and that Tacy Newell-Foutz is interesting in serving on this Board. Councilwoman Carter made a motion to recommend to the Circuit Court that Tacy Newell-Foutz be appointed to serve on the Board of Zoning Appeals. Councilman Stipes seconded the motion and Council voted as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

APPOINTMENT TO THE NEW RIVER VALLEY AGENCY ON AGING – Mayor Ballengee said that Scott Weaver has served for many years on the New River Valley Agency on Aging and he is interesting in continuing his service to the agency, with Councilman Huppert serving as an alternate. Councilman Barber made a motion to reappoint Scott Weaver to the New River Valley Agency on Aging, with Councilman Huppert serving as an alternate. Councilman Stipes seconded the motion and Council voted as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

APPOINTMENT TO THE TOURISM DEVELOPMENT COUNCIL OF THE CHAMBER OF COMMERCE – Mayor Ballengee reported that the Tourism Development Council was developed to review grant applications for funding for tourism through the Montgomery County Chamber of Commerce. A Councilmember representative is not required and Nichole Hair, Christiansburg Town Planner, has expressed an interest in serving on this Council. Councilman Barber made a motion to appoint Nichole Hair to the Tourism Development Council of the Chamber of Commerce, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

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

1. Vacation/relocation of lot lines, lots 1 and 2, Thurman Oaks Subdivision and subdivision of Lot 1, Thurman Oaks Subdivision, creating 3 lots, Ellett Road, N.E. Councilman Barber explained that this property is currently two lots and the owner wants to create three lots. The boundary line adjustment will essentially clean up the lots. The existing drainage easement will be move to the center of Lot B. This property will be development single-family residential. All is in order with the plat and Councilman Barber made a motion to accept the plat, seconded by Councilwoman Carter. Council voted as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

MAYOR BALLENGEE requested a Closed Meeting under Section 2.2-3711 A(1), *Code of Virginia*, for the discussion of personnel matters – Appointment to vacant Town Council seat; and Section 2.2-3711 A(3) for the discussion or consideration of the acquisition of real property for public purpose - Cemetery. Town Clerk Stipes polled Council as follows: AYES: Barber, Carter, Stipes, Huppert, and Wade. NAYS: None.

MAYOR BALLENGEE declared Council out of Closed Meeting and into Regular Session. Town Clerk Stipes polled Council as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

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 personnel 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 Barber seconded the certification and Council voted as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE MATTERS – Councilman Wade made a motion to appoint Dan Canada to serve the unexpired two year term on Town Council vacated by Mayor Ballengee. Town Clerk Stipes polled Council on the motion: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUEST – Town Manager Terpenney presented the following request and recommended setting the Public Hearing for November 7, 2006:

1. Conditional Use Permit request for a towing service in the I-1 Limited Industrial zoning, 10 Badger Street.

On motion by Councilman Barber, seconded by Councilman Wade, Council voted to set the Public Hearing for November 7, 2006. Council voted as follows: AYES: Barber, Carter, Stipes, Huppert, and Wade. NAYS: None.

TOWN MANAGER TERPENNEY reported that, due to the redevelopment of the New River Valley Mall, the recycling bins have been relocated to the Home Depot site. The Town plans to advertise this change in the newspaper.

TOWN MANAGER TERPENNEY informed Council of two businesses interested in locating in the Christiansburg Industrial Park. Community Housing Partners is interested in the small, triangular shaped lot located in the rear of the Industrial Park. A grading contractor is interested in a three to six acre parcel and the Town has two parcels that would fit this need located toward the rear of the Park. Manager Terpenney said he will begin discussions with these businesses if Council so desires. It is the consensus of Council that Manager Terpenney begin discussions with these businesses.

MANAGER TERPENNEY said that the rebids for the downtown revitalization project have been received, with the low bid received by H.T. Bowling. The bids have been sent to VDOT for final approval. The project should begin within the next few weeks.

TOWN MANAGER TERPENNEY reported that the Town received an unsolicited proposal from a contractor interested in building the aquatic center. The Town will advertise this bid for forty-five days and at the end of that time will choose from the bids received.

TOWN MANAGER TERPENNEY said he has served VML in many capacities over the years and currently serves on its Executive Board. He is currently the longest standing member on the Executive Board. Manager Terpenney has an opportunity, next year, to hold an office with VML. He is interested in serving as Vice-President and must submit his letter of intent by October 4, 2006, which, incidentally, is his twenty year wedding anniversary. Manager Terpenney believes he will be good representation for Southwest Virginia and he welcomes all letters of support, which will be submitted with his letter of intent. Council congratulated him on this impressive milestone and encouraged him to continue forward in his service with VML.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:15 P.M. On motion by Councilman Barber, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Carter, Huppert, Stipes, and Wade. NAYS: None.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor