

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF OCTOBER 3, 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 OCTOBER 3, 2006 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, Town Planner Hair, and Town Attorney Guynn. ABSENT: None.

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

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

Pledge of Allegiance led by Councilman Huppert.

PUBLIC HEARING

1. Easement vacation request, Christiansburg Industrial Park. Town Manager Terpenny said this small, 1.5 +/- acre lot is a residual lot created by the development of the stormwater management system. A drainage easement runs through the lot; however, the Town has redirected the drainage flow and the easement is no longer needed.

JOINT PUBLIC HEARING

1. A Conditional Use Permit request by Gilbert Maxwell for property at 117 1/2, 119, and 201 Depot Street, N.W. (tax parcels 526 – ((A)) – 227, 228, and 230) for a paintball field in the B-3 General Business District. Town Manager Terpenny provided Council with site pictures that were used by the Planning Commission in reviewing this request. Manager Terpenny said he received a letter from Ms. Tiffany Anderson, Superintendent of Montgomery County Schools, requesting this CUP be denied due to the nature of the business and its close proximity to the Christiansburg Primary School.

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 19, 2006. 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 RECOMMENDATION ON THE JOINT PUBLIC HEARING REQUEST. At Chairperson Simon's request, Secretary Terpenny read the Planning Commission's resolution recommending Town Council table this request for further review of the topography of the land.

PLANNING COMMISSION'S RECOMMENDATION ON THE APPOINTMENT TO THE CHRISTIANSBURG PLANNING COMMISSION. Secretary Terpenny reported that the Planning Commission recommends tabling this appointment for further review.

TACY NEWELL-FOUTZ updated Council on the Downtown Christiansburg Partners meeting held at the Christiansburg Library on August 21st and 24th. Facilitators of the meeting were Councilman Steve Huppert and Ms. Newell-Foutz. The purpose of this initial meeting was to bring together downtown business owners/operators to discuss their interests and ideas for the enhancement of our downtown area. Two key issues discussed by the twelve companies represented, were economic development, and traffic matters. Ms. Newell-Foutz said she is concerned by the "stagnation" of the downtown area and asked Council to allow the Central Business District Committee to become actively involved with the downtown business owners/operators, and the revitalization of the downtown area. She thanked Council for its attention and time.

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 PUBLIC HEARING REQUEST. Councilman Wade made a motion to table the request as recommended by the Planning Commission. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

APPOINTMENT TO THE CHRISTIANSBURG PLANNING COMMISSION. Councilman Barber made a motion to table the request as recommended by the Planning Commission, seconded by Councilman Wade. Councilman Huppert took a moment to offer his support for Mr. Craig Moore, who has expressed his interest in serving on the Planning Commission. Mr. Moore is an engineer whose knowledge and experience includes land development, mapping, and surveying, as well as other aspects of engineering. Mr. Moore provided Councilman Huppert with a resume outlining his qualifications, which has been made available to each Councilmember. Councilman Canada said there may be someone else in the audience who wishes to serve on the Planning Commission and acknowledged Michael Bird. Mayor Ballengee invited Mike Bird to address Council. Mr. Bird said he is a 62 year resident of Christiansburg and he is interested in taking a seat on the Planning Commission. His interests, he said, are in the community and development. Mr. Bird said he is a graduate of Virginia Tech and worked for thirty-three years as a teacher in the New River Valley. He said his background is strong in economic development. Councilwoman Carter said the Planning Commission should have a recommendation for Council by the first meeting in November. Council voted to table the appointment as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

MAYOR BALLENGEE welcomed Dan Canada to his first Town Council meeting serving as a member of Council. Mayor Ballengee expressed his appreciation to Councilman Canada for his willingness to serve the Town in this capacity.

COUNCIL ACTION ON THE EASEMENT VACATION REQUEST IN THE CHRISTIANSBURG INDUSTRIAL PARK. Councilwoman Carter made a motion to approve the easement vacation request, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE RIGHT-OF-WAY VACATION REQUEST FOR RED OAK DRIVE (THIS REQUEST TABLED AT THE SEPTEMBER 19, 2006 MEETING). This request has been extensively studied by Town Council, and each Councilmember has done a site visit to help them fully understand the request. Town Manager Terpenny said the street was platted as part of the subdivision, but never constructed. All the lots, but two, in the subdivision are served by public roads. Charles and Kelly Stanley, who requested the vacation, placed a garden and landscaping near the alleyway (a small portion is located in the alleyway) and they became concerned when their neighbor, Paul Duncan, began construction on a garage to be used to store large vehicles, such as RV's, and some repossessed vehicles. Because of the size of some of the stored vehicles, the neighbor uses a portion of the alleyway to enter and exit the garage. The area is zoned B-3 General Business, but is residential in use. Mr. Duncan's attorney, Chris Tuck, told Council, at the September 19th meeting, that access by the alleyway to the garage is crucial due to the size of the vehicles to be stored, and Mr. Duncan asked permission from the Town before utilizing the alleyway. Mr. Duncan also had utilities run to his site through the alleyway. Town Manager Terpenny stressed that Mr. Duncan is not operating a business at this location, only storing vehicles. Councilman Canada made a motion to deny the vacation request, seconded by Councilman Wade. Councilman Wade said he spent time with both parties and he believes it is better for both parties to leave the alleyway as it is. Councilman Stipes said he made two site visits and has considered the request from a land use perspective. The present zoning is B-3 General Business, and the garage conforms to the guidelines set for the B-3 General Business zoning. Councilman Stipes said that closing the alleyway would affect three property owners, and if all were in favor of the closing, he could support the request, however, he said, this is not the case. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

RESOLUTION OF FINES FOR PARKING VIOLATION ORDINANCE OF THE *CHRISTIANSBURG TOWN CODE*. Manager Terpenny reported that the rates outlined in the resolution have been recommended by the Town Attorney, the Police Department, and Council, based on State Code guidelines. The Town decided to set the fines in a resolution, which will make it easier to make changes to the fines in the future. One known future change is the eventual removal of the downtown parking meters as part of the downtown revitalization project. Council agreed that it is not in favor of charging a ten dollar (\$10.00) fine for parking meter violations, and Councilman Wade suggested leaving the fine as it is at two dollars (\$2.00) since the meters will eventually be removed, possibly as early as next year. Councilwoman Carter made a motion to adopt the resolution as recommended and leaving the first three listed fines as they are. The motion was seconded by Councilman Wade, and Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

MUTUAL AID AGREEMENT WITH RADFORD ARMY AMMUNITIONS PLANT. This agreement between Christiansburg and Radford Army Ammunitions Plant has been in place for several years and is now up for renewal. There are no changes to the agreement, and a copy of the agreement is attached herewith and made a part of these minutes. Councilman Barber made a motion to renew the mutual aid agreement, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

PERSONAL PROPERTY TAX RELIEF RATE. Town Manager Terpenny explained that the annual personal property tax relief rate change is a result of legislative action in 2004. In 2004, legislature capped the dollar amount each locality is entitled to, and as a result, the Town can not bring in more personal property tax dollars than what was established by the General Assembly in 2004. This year the rate will be set at 64%, which will slightly increase the amount of taxes paid by taxpayers in Christiansburg. This action is part of the phase out of the car tax relief imposed eight years ago, and applies to personal vehicles only. Councilman Barber made a motion to set the personal property tax relief rate at 64% for the year 2007, seconded by Councilman Canada. 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 Stipes, seconded by Councilwoman Carter, Council voted to approve the monthly bills to be paid 10 October, 2006, in the amount of \$871,352.83. AYES: Barber, Carter, Canada, Huppert, Stipes, and Wade. NAYS: None.

PUBLIC HEARING REQUEST – Town Manager Terpenny presented the following requests and recommended setting the Public Hearings for November 7, 2006:

1. Proposed tax relief for the elderly.
2. Ordinance to amend Chapter 3, “Advertising” of the *Christiansburg Town Code*, to allow trailblazer signs to promote tourism.
3. Council’s intent to sell a lot in the Christiansburg Industrial Park.

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

PUBLIC HEARING REQUEST – Town Manager Terpenny presented the following request and recommended setting the Public Hearing for November 21, 2006:

1. Request by Gilbert Maxwell to vacate an unbuilt alleyway off Depot Street across from the Christiansburg Rescue Squad.

On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to set the Public Hearing for November 21, 2006. Council voted as follows: AYES: Barber, Carter, Canada, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY informed Council that the Annual Virginia Municipal League Conference is scheduled for October 15th through the 17th, with the annual banquet on the night of October 17th. October 17th is a regular Council meeting night and, in the past, when a VML function conflicted with a Town Council meeting, Council voted to cancel

the meeting, with the option to meet on an as-needed basis. Councilman Barber made a motion to cancel the October 17th regular Town Council meeting, with the option to meet on an as-needed basis. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY gave each Councilmember their confirmation for the Annual VML conference.

COUNCILMAN WADE suggested the Finance Committee study the possibility of the Town accepting utility and tax payments electronically. Councilman Wade said many of the Town's residents have expressed an interest in this type of service. Town Manager Terpenny said electronic payment option was considered when the Town purchased its most recent computer software program.

MAYOR BALLENGEE reported that Councilman Canada will serve on Christiansburg's Industrial Park Committee, along with Councilman Wade.

MAYOR BALLENGEE gave each Councilmember a copy of a letter he wrote to the Virginia Municipal League in support of Town Manager Terpenny as Vice-President of the League. Mayor Ballengee also gave each Councilmember a copy of a letter of support he wrote to the U.S. Marshals Museum Committee in Washington, D.C. in support of Staunton, Virginia's efforts to locate a U.S. Marshals Service Museum in their city.

MAYOR BALLENGEE asked Councilmembers to let him know who is interested in receiving a flu shot this year through the Town.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 8:48 P.M. On motion by Councilman Barber, seconded by Councilman Canada. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor