

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF NOVEMBER 7, 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 NOVEMBER 7, 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 Terpenney, Assistant Town Manager Helms, Town Clerk Stipes, Planning Director Wingfield, and Town Attorney Memmer. ABSENT: None.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Simmons, Carter, Dobson, Booth, Poff, and Vanhoozier. ABSENT: None.

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

Pledge of Allegiance.

PUBLIC HEARING

1. Council's intent to adopt an ordinance amending Chapter 3 "Advertising" of the *Christiansburg Town Code*. Ms. Michelle Barron-Long of Cambria Emporium asked Council, at the September 19, 2006 meeting, to amend its sign ordinance to allow for the placement of a trailblazer sign for the Emporium at the intersection of East Main and Depot Street. Placement of this sign is necessary for the Emporium to participate in VDOT's Logo's program. If a participant in the Logo's program, a sign promoting the Emporium would also be placed along I-81. Cambria Emporium has seen a drop in business since the opening of the 460 bypass, and Ms. Barron-Long hopes to bring business back to the Emporium through these advertisement signs. Town Manager Terpenney reported that this proposed ordinance amendment is a minor change, which will allow trailblazer signs within town limits to promote tourism. There were no questions concerning this request.
2. Council's intent to sell a lot in the Christiansburg Industrial Park. Town Manager Terpenney explained that a Public Hearing is required for the sale of real estate owned by the Town. Mr. Dennis Bartley is interested in purchasing a lot in the Industrial Park for the operation of the insulation portion of his business, Bartley Custom Homes. The insulation is not mixed on site and poses no environmental risk to the area.
3. Tax relief for the elderly and handicapped. Mayor Ballengee explained that for many years the Town has provided tax relief for residents who meet the low income standards set by the Commonwealth. The threshold level, influenced by inflation and the economy, recently changed from 25,000 to 28,000 for single individuals; and from 80,000 to 100,000 for net financial wealth. A Public Hearing is required before the Town can adopt the new threshold standards set by the Commonwealth.

JOINT PUBLIC HEARING

1. A Conditional Use Permit request by Thomas Nosse for property at 10 Badger Street (tax parcel 525 – ((A)) – 44C) for a towing service, and amendment to a previous Conditional Use Permit for an auto body shop in the I-1 Limited Industrial District. Mr. Thomas Nosse said he has discussed his CUP request with the Planning Commission and he is available to answer any questions that may arise.

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 October 3, 2006. There being none the Minutes were approved as presented.

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

CITIZEN HEARINGS:

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

MR. JAMES WIGGERT TO ADDRESS COUNCIL REGARDING TRAFFIC ALONG ROUTE 114. Mr. Wiggert of Patriot Way, located off Route 114, addressed Council with his concerns regarding the heavy traffic flow along Route 114, and the resulting danger to those traveling this road. The residential, business, and commuter traffic along Route 114 is likely to increase as the property along the road is developed. Mr. Wiggert said he has problems entering onto Route 114 from Quinn W. Stewart Drive because of the heavy traffic, and limited sight distance. Quinn W. Stewart Drive is the access road into his neighborhood, and is also used as a "cut through" by residents of Stafford Drive. Mr. Wiggert said safety changes can not wait until VDOT widens the road and installs intersections, and he proposed lowering the posted speed limit and putting up temporary signs notifying motorists of the change; and improving sight distances by removing earth and brush sight obstructions north of Route 114 and west of the railroad crossing. Mr. Wiggert submitted one hundred and fifty signed petitions in support of the proposed solutions. Mayor Ballengee said that Route 114 has long been recognized as one of the most dangerous roads in Montgomery County because of the heavy traffic flow. However, because of VDOT's budget concerns, repairs to Route 114 continue to be pushed back year after year. Town Manager Terpenney commented that traffic signals are heavily regulated by VDOT, with strict criteria. A traffic count would be necessary, but may prove a signal is not warranted according to VDOT criteria. Manager Terpenney said cleaning out the berm to create further sight distance is an excellent suggestion and he will look into this matter tomorrow. Regarding the speed limit, Manager Terpenney said the speed limit is 25 MPH before the railroad tracks and 45 MPH after the tracks. He will look into moving the 25 MPH speed limit sign further west to create a longer 25 MPH zone.

MS. LISA BASS ADDRESSED COUNCIL regarding Gilbert Maxwell's request for a paintball field. Ms. Bass is a Christiansburg resident and parent of a child at Christiansburg Primary School. Ms. Bass' concern is the close proximity of the potential paintball field to the Christiansburg primary and elementary schools. By law, the schools have federal gun safety zones, and she is concerned because paintball guns resemble real guns. She is also concerned that the safety netting will not prevent stray balls from entering the school's playground area, and the school yard would have to be policed for paint balls, which, to a child, resemble gum balls. Ms. Bass said that, upon researching the sport of paintball, she learned that the paint inside the balls is toxic to animals. Ms. Bass is not against the sport of paintball, but she said she can not support this type of activity so close to school property. Ms. Bass thanked Council for its time and consideration.

PLANNING COMMISSION'S RECOMMENDATION ON THE JOINT PUBLIC HEARING REQUEST:

1. A Conditional Use Permit request by Thomas Nosse for property at 10 Badger Street (tax parcel 525 – ((A)) – 44C) for a towing service, and amendment to a previous Conditional Use Permit for an auto body shop in the I-1 Limited Industrial District. At Chairperson Simmon's request, Secretary Terpenney read the Planning Commission's resolution recommending Town Council approve the request with twelve (12) conditions. A copy of the resolution is attached herewith and made a part of these minutes.

PLANNING COMMISSION'S RECOMMENDATION ON THE REQUEST BY GILBERT MAXWELL FOR PROPERTY AT 117 ½, 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. THIS REQUEST WAS TABLED AT THE OCTOBER 3, 2006 MEETING FOR FURTHER REVIEW BY COUNCIL. Secretary Terpenney explained that during the Planning Commission's study, questions were raised about the Town code governing use of weapons within Town limits. Terpenney spoke with Town Attorney Jim Guynn regarding the effects of this portion of the Code on this request. Attorney Guynn said that under this ordinance, paintball guns are prohibited within Town limits; however, there is an exemption to this ordinance for holders of a permit issued by the Virginia Department of Game and Inland Fisheries. An amendment can be made to this exemption allowing the type of airguns used on a paintball field. If approved, such use would also require a Conditional Use Permit for a specific site. A Public Hearing is not necessary to amend the ordinance. Secretary Terpenney read the Planning Commission's resolution recommending Town Council approve the request with twelve (12) conditions. A copy of the resolution is attached herewith and made a part of these minutes. One of the conditions set forth in the CUP is a review by the Planning Commission at the end of six months. Councilman Huppert suggested beginning the six month period from the business' start date, rather than the date of the Conditional Use Permit. Secretary Terpenney agreed with Councilman Huppert and noted the change on the CUP. Councilman Canada asked if the Planning Commission's vote was unanimous. Secretary Terpenney said the vote to amend the ordinance was not unanimous; the vote to approve the request was unanimous.

PLANNING COMMISSION'S RECOMMENDATION ON THE APPOINTMENT TO THE CHRISTIANSBURG PLANNING COMMISSION. Councilwoman Carter reported that the Planning Commission recommends Town Council appoint Mr. Craig Moore to serve the unexpired, four-year term on the Planning Commission. Mr. Moore is a civil engineer with Virginia Tech, and has regularly attended Town Council meetings for most of this year. Councilwoman Carter made a motion to accept the Planning Commission's recommendation, seconded by Councilman Huppert. Councilman Wade said there were two candidates considered and he called for an individual poll on the motion. Councilman Huppert said several Planning Commission members have said that it is important to have a practicing engineer on the Planning Commission. He also pointed out that Mr. Moore has expressed an interest in serving on the Planning Commission and has shown his interest by regularly attending Town Council meetings for much of this year. Councilman Wade said he served on the Planning Commission longer than anyone in recent years and he never felt the need for an engineer, and it is not a requirement of the Planning Commission. Mayor Ballengee directed Town Clerk Stipes to poll Council on the motion to appoint Craig Moore to the Planning Commission. Town Clerk Stipes polled Council as follows: Barber: NAY; Canada: NAY; Carter: AYE; Huppert: AYE; Stipes: AYE; Wade: NAY. Mayor Ballengee said he has studied the qualifications of both candidates and has no reason not to accept the Planning Commission's recommendation. Therefore, Mayor Ballengee voted in favor of accepting the Planning Commission's recommendation to appoint Mr. Craig Moore to the Planning Commission. Mr. Moore will serve the unexpired, four-year term on the Planning Commission.

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 RECOMMENDATION ON THE JOINT PUBLIC HEARING REQUEST:

1. A Conditional Use Permit request by Thomas Nosse for property at 10 Badger Street (tax parcel 525 – ((A)) – 44C) for a towing service, and amendment to a previous Conditional Use Permit for an auto body shop in the I-1 Limited Industrial District. Councilman Huppert made a motion to accept the Planning Commission's recommendation to issue the CUP with twelve conditions. Councilman Barber seconded the motion. Councilman Barber asked that a provision be made in the CUP providing that all stored vehicles be parked in the rear of the property. Councilman Canada commended the Planning Commission for its thorough study of this request. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, and Stipes. NAYS: None. ABSTAIN: Wade.
2. Request by Gilbert Maxwell for property at 117 ½, 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. This request was tabled at the October 3, 2006 meeting for further review by Council. Councilman Huppert made a motion to issue the CUP with the twelve conditions, with the amendment that the business will not open until March 1, 2007, with the Planning Commission to review the business operation six months from the start date. Councilman Wade seconded the motion to get it on the floor for discussion. Councilman Wade then inquired about parking for the business. Manager Terpeny said that Mr. Maxwell owns the adjoining property and plans to use this as parking for paintball field patrons. Mr. Maxwell mentioned earlier in the meeting that he planned to hold paintball tournaments at the field and Councilman Barber asked about overflow parking during busy hours. Mr. Maxwell said he does not anticipate overflow parking, and therefore, has not made plans for overflow parking, but he does have room for additional parking in the rear of the property. Councilman Wade was concerned that stray paintballs could enter the primary school playground, and was also concerned with the possible toxicity of the contents of the paintballs. Councilwoman Carter said she did internet research on the paintball sport. She learned that the contents of the paintballs are toxic to animals, and typically paintball fields are much larger than the one Mr. Maxwell has planned. Planning Commissioner Vanhoozier said the Planning Commission was assured by Mr. Maxwell that the paintballs would be completely contained by the netting that would surround the field. Also, Mr. Maxwell said that all games will be supervised by referees. Mr. Maxwell said he has owned his paintball pro shop for ten years and many of his patrons want a paintball field in Christiansburg. Councilman Wade asked about liability insurance. Mr. Maxwell replied that he would have to look into insurance, but that players (parents, if the player is a minor) will have to sign a liability waiver before playing on the field. Town Manager Terpeny said that if Council wishes to approve this request, it must first amend the ordinance governing weapons use within Town limits. He pointed out that Council can amend the ordinance to allow for future paintball fields with a CUP. Councilman Huppert withdrew his motion to issue the CUP with twelve conditions, and amendment. Councilman Huppert made a motion to amend the Town ordinance governing weapons use within Town limits to allow paintball airguns with a Conditional Use Permit. Councilman Barber seconded the motion to get it on the floor for discussion. Councilman Wade said he doesn't see a need for

this amendment, and believes the amendment provides more negatives than positives. Council voted on the motion to amend the ordinance as follows: AYES: Stipes. NAYS: Barber, Canada, Carter, Huppert, and Wade. The motion is denied. Councilman Barber made a motion to deny the request by Gilbert Maxwell for a paintball field at 117 ½, 119, and 201 Depot Street, and to deny the recommendation by the Planning Commission, since it is not in compliance with Town Code. Councilman Wade seconded the motion, and Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. The request is denied.

COUNCIL ACTION ON THE AMENDMENT TO CHAPTER 3 “ADVERTISING” OF THE *CHRISTIANSBURG TOWN CODE*. Councilwoman Carter made a motion to adopt the amendment to Chapter 3 “Advertising” of the Christiansburg Town Code, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE SALE OF LOT IN THE CHRISTIANSBURG INDUSTRIAL PARK. Councilman Barber made a motion to approve the sale of the lot in the Christiansburg Industrial Park to Dennis Bartley, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE PROPOSED TAX RELIEF FOR THE ELDERLY AND HANDICAPPED. Councilman Wade made a motion to adopt the proposed tax relief for the elderly and handicapped, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

RESOLUTION OF RECOGNITION FOR NANNIE B. HAIRSTON. Mayor Ballengee offered to Council a resolution of recognition for Nannie B. Hairston, a Montgomery County resident for fifty-three years, and recommended Town Council adopt the resolution. She is being recognized for her work, accomplishments, and ideals, which have helped to improve the lives of many citizens and promote fairness to all. Ms. Hairston is being honored by Montgomery County with a bronzed sculpture of Ms. Hairston being placed in the Government Center. Christiansburg contributed financially to the creation of the sculpture. Members of Council think highly of Ms. Hairston and the service she has provided, and the positive changes she has made, to the Town of Christiansburg over the years. Ms. Hairston sent, to tonight’s meeting, a fruit basket and a note of thanks to Town Council for its support throughout the years. Councilman Barber made a motion to adopt the resolution of recognition for Nannie B. Hairston, seconded by Councilwoman Carter. 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. Drainage easement dedication for Virginia Department of Transportation. Councilman Barber said all is in order with the request, which will allow VDOT to access the existing stormwater pond, and 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.
2. Plat Showing Subdivision of Lot 2, Peyton Place. Councilman Barber explained that this request is to divide one lot into two, and all is in order with the request. 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.
3. Plat of Lot Line Relocation of Tax Parcel No. 496 – ((A)) – 54 and 64 prepared for Madeleine Parsons Snidow. This request is to adjust the boundaries to allow for the expansion of an existing cemetery. 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; and Section 2.2-3711 A(1), *Code of Virginia*, for the discussion of personnel matters – Chief of Police. On motion by Councilman Barber, seconded by Councilwoman Carter, 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 personnel and 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.
2. Council action on the personnel matter. Councilman Barber made a motion to accept the retirement letter of Police Chief Gary Brumfield, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. Mayor Ballengee declared the resignation letter accepted, with regrets.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Wade, seconded by Councilman Barber, Council voted to approve the monthly bills to be paid 10 November, 2006, in the amount of \$1,143,902.41. AYES: Barber, Carter, Canada, Huppert, Stipes, and Wade. NAYS: None.

PUBLIC HEARING REQUEST – Town Manager Terpenney presented the following requests and recommended setting the Public Hearings for December 5, 2006:

1. Industrial Park prospect, Mayflower, approximately seven (7) acres.
2. Proposed *Christiansburg Town Code* amendment, auto auction with a CUP in the B-2 Central Business District.
3. Request to vacate the alley located between First and Second Streets.

On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to set the Public Hearings for December 5, 2006. Council voted as follows: AYES: Barber, Carter, Canada, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNEY informed Council that an invitation had been received from Clay Goodman, County Administrator, inviting them to a dinner meeting with Virginia state legislators to discuss legislation for the upcoming session of the General Assembly. Senator Bell, Senator Edward, Delegate Nutter, and Delegate Shuler plan to attend the meeting. The meeting will be held Monday December 11, 2006 at 6:00 p.m. at the Montgomery County Government Center.

MANAGER TERPENNEY reported that VDOT plans to hold a meeting to discuss a plan to consolidate their facilities. The meeting will be held in Salem on November 16 from 5:00 p.m. to 7:00 p.m.

MANAGER TERPENNEY reported that a meeting will be held on November 9, 2006 at the Montgomery County Government Center for those interested in discussing future bike paths in Christiansburg.

TOWN MANAGER TERPENNEY said that a request has been received from the Montgomery Museum for curbside trash pick-up by the Town at no fee. Councilman Canada made a motion to waive the curbside trash pick-up fee for Montgomery Museum, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Canada, Huppert, Stipes, and Wade. ABSTAIN: Carter.

AQUATIC CENTER UPDATE – Manager Terpenney said he met with Jim Guynn, and the contractor who submitted the construction bid. The architect is finalizing the drawing plans. Manager Terpenney hopes to have the final cost on the expanded building within the next three weeks, as well as additional site drawings. In the agreement with Virginia Tech, Christiansburg has agreed that the spring and diving boards will not be open for public use. Virginia Tech has agreed to pay five million dollars, over a twenty year period, for utilization of the aquatic center.

COUNCILWOMAN CARTER clarified that no changes were made to the parking meter fines with the adoption of the resolution of fines at the October 3, 2006 meeting.

COUNCILMAN HUPPERT announced that, next Monday at 7:00 P.M., Barry Helms will be doing a presentation on the downtown revitalization project for anyone interested in attending.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 10:47 P.M. On motion by Councilman Canada, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor