

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF DECEMBER 16, 2008 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 DECEMBER 16, 2008 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor Bradford J. Stipes; D. Michael Barber; Ann H. Carter; D. Henry Showalter; James H. Vanhoozier; H. Earnest Wade. ABSENT: None

ADMINISTRATION PRESENT: Town Manager R. Lance Terpenny; Town Clerk Michele M. Stipes; Town Attorney Jim Guynn. ABSENT: Assistant Town Manager Barry D. Helms; Planning Director Wingfield.

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

PLEDGE OF ALLEGIANCE.

PUBLIC HEARING

1. Boundary line adjustment agreement with Montgomery County to incorporate within the Town of Christiansburg property located adjacent to Buffalo Drive and Mud Pike Road (153.375 acres) and potentially an additional approximately 15 acres. Developer Robert Fralin was available for questions, along with Steve Semones of Balzer and Associates. Brief Council discussion established that the Town has committed, through negotiations, to honor the proffers submitted to Montgomery County by the developer for this development. Councilman Wade requested a copy of all information pertaining to this subdivision, including financial impact on the town, for review, before taking action. A copy of the submitted proffers is attached herewith and made a part of these minutes. Tacy Newell-Foutz spoke of her concerns regarding the traffic system at the nearby middle school, lack of sidewalks in the area, and hazardous deep ditches along the side of the road leading to the middle school. She also discussed the water/sewer enterprise fund and said she is concerned the town will be setting itself up for improvements in the future to Moose, Buffulo, and Mudpike Drives. She believes the revenue generated by additional real estate tax will not be enough to offset the cost of the services the Town will be expected to provide. Ms. Newell-Foutz said these issues need consideration before Council takes action. It was noted that the Town will provide water to the subdivision whether it is in the County or the Town, and that sewer will be provided by the PSA. It is the responsibility of the developer to install the water and sewer lines. The Town will benefit from the increased population through additional revenues from the State, as well as real estate and personal property taxes. This action would place the Christiansburg Middle School within Town limits. Manager Terpenny will provide Councilmembers with a copy of all pertinent information as soon as possible.

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 December 2, 2008. Councilman Barber made a motion to adopt the minutes as presented, seconded by Councilman Vanhoozier. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

CITIZEN HEARINGS:

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

1. Planning Commission's recommendations on the following Joint Public Hearing requests:
 - a. An ordinance amending Chapter 3 "Advertising" of the *Christiansburg Town Code* in regards to provisions for marquee, roof, and secondary roof signage. Councilman Vanhoozier reported that the Planning Commission recommends that Town Council approve the amendment as previously presented with the addition that digital signage to be installed on a roof, marquee, or secondary roof require a Conditional Use Permit. The request for a Conditional Use Permit will give Council the opportunity to set modifications if needed. Manager Terpenny noted that the sign

ordinance is not part of zoning and Conditional Use Permits are restricted to land use. The sign ordinance may need to be included in the zoning ordinance, but then, opens sign issues up to variances and involves the Board of Zoning Appeals. Attorney Guynn advised that the Conditional Use Permit method may not be an appropriate use of a CUP since signage is not included in the zoning ordinance. Attorney Guynn commented that he prefers the sign ordinance be included in zoning, and based on his research, a majority of localities do combine signage and zoning. Attorney Guynn would need to review the ordinances if Town Council decides to combine the two. Councilman Barber suggested prohibiting digital signs, attached to buildings, all together, and further, Councilman Barber made a motion to deny the ordinance amendment as presented. Councilman Wade suggested approving the ordinance as previously presented by the Planning Commission, not addressing digital signage at this time. Attorney Guynn advised that to disallow is risky because it opens the matter up to commerce challenge. Mayor Ballengee called for a second to the motion. The motion died for lack of a second. Councilman Vanhoozier made a motion to approve the ordinance amendment as presented at the December 2, 2008 meeting, and to direct the Planning Commission to further review and revise the ordinance to address digital signage, and in the meantime to not allow any additional digital signs until guidelines are in place. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

2. Citizen Comments: None.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council action on the Planning Commission's recommendations:
 - a. An ordinance amending Chapter 3 "Advertising" of the *Christiansburg Town Code* in regards to provisions for marquee, roof, and secondary roof signage. See above - Council action taken during Planning Commission recommendation.
2. An ordinance amending Chapter 10 "Erosion and Sediment Control" of the *Christiansburg Town Code*. Manager Terpenny explained that the State periodically reviews our Code, and due to minor changes in definitions in State Code, was advised that this amendment is necessary to bring our Code into line with State Code. Councilman Wade made a motion to approve the ordinance amendment as recommended, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
3. Aquatic Center Advisory Commission. Mayor Ballengee presented to Council the six members recommended to serve on the Aquatic Center Advisory Commission. The recommended members were unanimously selected by Mayor Ballengee and Councilman Vanhoozier, Council representative on the Aquatic Center Advisory Commission. The Commission will meet on an "as needed" basis, and appointed members will receive compensation of twenty-five dollars (\$25) per meeting attended. The recommended members and terms are: Bert Locklin (3 year); Karen Drake (2 year); Michael St. Jean (3 year); Jeremy Williams (2 year); Shirley Hallock (2 year); Steve Simmons (3 year). Terms begin January 1 and end December 31. See attached information. Councilman Barber, who serves on the Parks and Recreation Advisory Commission, suggested that the Commission may be more productive if it meets regularly on a monthly basis; Mayor Ballengee took this suggestion under advisement. Councilman Barber made a motion to approve the recommendation, seconded by Councilwoman Carter. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
4. Stipes and Vanhoozier – Street Committee Reports/Recommendations on:
 - a. Subdivisions:
 - i. Boundary Line Adjustment between lot-4, Skycrest Section Two and remaining property Knob Hill Development Corp., creating 2 lots, located on Roanoke Street. Councilman Stipes reported that this request is to divide one lot into two for single family home development. The property is in conformance with R-1 Single-Family Residential zoning and all is in order with the plat. Councilman Stipes made a motion to approve the plat, seconded by Councilwoman Carter. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
 - ii. Plat of Subdivision of Tax Parcel 526 – ((A)) – 217 hereby creating Parcel "A", creating 2 lots, located at 103 College Street, N.W. Councilman Stipes reported that this request by Dr. Stephen Myers for his dental practice, is to subdivide the rear portion of his parcel for laboratory development. The property is zoned B-2 Central Business. All is in order with this plat and Councilman Stipes made a motion to approve the plat, seconded by

Councilman Barber. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUEST(S) – Town Manager Terpenny presented the following request(s) and recommended setting the Public Hearing(s) as indicated:

January 6, 2009

1. Aquatic Center Partnership Agreement with Virginia Tech.

On motion by Councilman Barber, seconded by Councilman Wade, Council voted to set the Public Hearing(s) for January 6, 2009. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None. Council requested it be provided a copy of the agreement to review before the Public Hearing on January 6. Manager Terpenny said he would provide copies this week via email.

January 20, 2009

1. Conditional Use Permit request for residential use in the B-3 General Business District, Walters Drive.

On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to set the Public Hearing(s) for January 20, 2009. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

COUNCILMAN VANHOOZIER MADE A MOTION to authorize the Town Manager to sign the necessary documentation, on behalf of the Town, to enter into agreement with the Virginia Department of Transportation for improvements to Route 114. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

COUNCILMAN BARBER MADE A MOTION to accept Kroger's bid proposal to provide Christmas gift certificates for all full-time, and permanent part-time, Town employees at a five percent (5%) discount. The motion was seconded by Councilwoman Carter. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None. The bid from Kroger was the only response received to the bid request.

COUNCILMAN SHOWALTER inquired about the status of the aquatic center business plan. Manager Terpenny reported that the business plan is almost complete in draft form, with the exception of a several job descriptions. Manager Terpenny commented that Council endorsement is needed on the fee schedule and hours of operation. After a brief discussion concerning completion of the business plan, Councilman Barber asked that the aquatic center director be required to complete the business plan by March 1, 2009.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 8:46 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor