

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF JANUARY 6, 2009 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 JANUARY 6, 2009 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 Terpenney; Assistant Town Manager Barry D. Helms; Town Clerk Michele M. Stipes; Town Attorney Jim Guynn; Town Planner Nichole Hair. ABSENT: None.

PLANNING COMMISSION MEMBERS PRESENT: Chairman Steve Simmons; Wayne Booth, Michael Byrd; Dan Canada; Steve Huppert; Craig Moore.

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

PLEDGE OF ALLEGIANCE.

**JOINT PUBLIC HEARING**

1. A Conditional Use Permit request by the Montgomery County Board of Supervisors for property located at the intersection of First Street and Pepper Street, S.E. (tax parcels 527 - ((A)) - 85 and 97) for a parking garage in the B-2 Central Business District. Mr. Jack Murphy of Thompson and Lytton was present representing Montgomery County, along with County Administrator, Clay Goodman. Mr. Murphy offered a powerpoint presentation to Council on the plan for the courthouse development, including the parking structure. Approximately sixty-percent of the design has been completed. Bids are expected to go out in late Spring 2009. Mr. Murphy said the Christiansburg Planning Commission has requested that several aspects of the downtown revitalization, such as hanging baskets and lamp posts, be incorporated into the plans, and the County has honored this request. Council thanked Mr. Murphy and Mr. Goodman for the presentation.

**PUBLIC HEARING**

1. A Zoning Permit request by the Montgomery County Board of Supervisors for property located on Reading Road (tax parcels 528 - ((A)) - 71 and 72) for a mechanical garage and contractor equipment storage in the I-2 General Industrial District. Mayor Ballengee reported that this request falls within the zoning requirement, but since the property is located near a residential neighborhood, Town Council is seeking citizen input. Montgomery County Administrator, Clay Goodman, commented that the County is currently in negotiations with the current property owner to purchase the land, and is requesting this usage be allowed by right in the I-2 General Industrial District. Mr. Goodman provided pictures of the vehicles to be stored on site, which are heavy County trucks and empty containers, and commented that they follow DEQ guidelines when washing out garbage trucks. Immediate usage, according to Mr. Goodman, would be a mechanical garage and contractor equipment storage, but the County is considering other possible future uses including a general service yard, parks and recreation vehicle storage, fueling center for County and Town (the County currently has no fuel reserves), or possibly the future location of the Public Service Authority, or another government office building. Mr. Goodman noted that all suggested future uses meet the guidelines for I-2 General Industrial zoning. A buffer of trees and shrubs will be placed along the property line at Chinquapin Trail. Montgomery County's purchase offer is contingent upon issuance of the zoning permit. Christiansburg resident, Tacy Newell-Foutz said she is neither for nor against the request, but urged the Town Council to review the comprehensive plan as she believes this usage is a deviance from that plan. She also expressed her concern with safety, especially if it is

used as a fueling center. She further commented that screening and fencing is a necessity to shield the site from the Kiwanis Park. Town resident, Carol Lindstrom, asked why this site has been chosen. Mr. Goodman replied that the property is adjacent to the County Government Center, which provides a nearby parking lot. Manager Terpenney pointed out that the zoning is already in place for this usage, and the property is currently being used as a mechanical garage and contractor equipment storage site. He further noted that the Town's Comprehensive Plan provides for commercial use of the property, and also, since the request is specific, any change in usage would need another Public Hearing and zoning permit. Mr. Bob Poff said his brother currently owns the property and has operated the site as a mechanical garage and contractor equipment storage for over forty-five years. Up to sixty vehicles have been stored on the site at one time, and mechanical work is currently being done.

2. Consideration of bids for use of Aquatic Center. Town Manager Terpenney reported that the bid request was posted in the Roanoke Times, and closed January 5 at 5:00 P.M. The one bid received was from Virginia Tech, which included an agreement outlining the terms of its bid. A copy of the bid is attached herewith and made a part of these minutes. Mr. Jon Jaudon, Associate Athletic Director for Virginia Tech, was present to answer questions. Christiansburg resident, Terry Ellen Carter, addressed Council with her disapproval of the bid submitted by Virginia Tech and questioned the terms outlined in the bid. She suggested Town Council devise an agreement that would be more favorable to the Town than the one submitted by Virginia Tech.
3. Consideration of mandatory trash pick-up. Mayor Ballengee said the matter of mandatory trash pick-up was discussed by Council earlier this year, with no decision being made. Council decided to seek public input on the matter.

Mr. John Matherly of Cumberland Drive said he is opposed to mandatory trash pick-up by the Town because he lives one and one-half miles from the County waste site on Wayside Drive where he recycles. He does not need another monthly expense. Mr. Matherly said he would support mandatory trash pick-up, if the Town begins providing curbside recycling. He suggested the Town consider mandating the use of garbage containers with lids, since many residents only use bags, which are unsightly and contribute to rodent problems.

Mr. Sam Nixon of Oak Drive said that citizens should be required to pay for trash pick-up, unless they can prove that they are paying a private collector to pick up their trash.

Ms. Sharon Brockman, a nine-year resident of Christiansburg, said, after recycling, she doesn't have much trash leftover and it isn't cost effective for her to pay for trash pick-up. She asked that Council consider the hardship it may pose on some families to mandate payment for trash pick-up.

Terry Ellen Carter of Wooden Shoe Court, expressed her support for mandatory trash pick-up and suggested fee adjustment for lower income families. She commented that now is the time for the Town to invest in curbside recycling.

#### **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 16, 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. Shane Lavendar – Presentation of FY 07-08 audit to Council. Mr. Shane Lavendar, auditor for the Town since 1988, presented to Council the FY 07-08 audit. During the presentation, Mr. Lavendar explained some of the government accounting guidelines and principles applied during the audit. He also explained the risk assessment standards that require him, as auditor, to report that the Town doesn't have anyone on staff

qualified to prepare the audit, not to be confused with qualifications necessary to prepare a budget or financial statement. Mr. Lavendar thanked Council for its confidence in him over the years. Mayor Ballengee thanked Mr. Lavendar for his report.

2. Citizen Comments:

- a. Mr. Harold Shelton of Christiansburg commented on an article he read in the Roanoke Times concerning the proposed agreement between Christiansburg and Virginia Tech for usage of the Aquatic Center. Mr. Shelton disapproves of the proposed agreement and questioned the duration of the agreement and the proposed hours. He recommended the Town not approve the agreement as proposed.
- b. Mr. Wes Adkins of Lucky Lane in Montgomery County expressed his disapproval of the proposed aquatic center agreement between Christiansburg and Virginia Tech. Mr. Adkins also expressed his disapproval of the parking structure proposed by Montgomery County as part of the new courthouse design. Mr. Adkins further expressed his disapproval of the zoning permit requested by Montgomery County for a mechanical garage. Mr. Adkins said he believes these issues are a waste of taxpayer money.
- c. Mr. Sam Nixon expressed his concern with the construction of the aquatic center without a signed lease agreement in place. Mr. Nixon said Town Council has a fiduciary responsibility to the Town to see that something like this doesn't happen again. He believes a partnership with Virginia Tech can be an asset to the community if it is managed responsibly.
- d. Ms. Shirley Hallock questioned the internet advertisement of a triathlon event scheduled to be held in Christiansburg in July. According to the advertisement, portions of the event will be held at the Christiansburg Aquatic Center. Town Council and Town Manager said they are unaware of the advertisement, and it is not believed to be a Town sanctioned event. Manager Terpenney said he will look into the matter.
- e. Christiansburg resident, Carol Lindstrom, expressed her concerns with the aquatic center, specifically with concession sales and event fees. Mayor Ballengee replied that these types of questions will be addressed in the business plan, but he is aware at this time that there are no provisions for Virginia Tech concessions or event fees.
- f. Lisa Gardner of Phlegar Street stated her disapproval of the aquatic center usage hours provided to Virginia Tech for swim training and meets. She asked that Christiansburg residents be given the "prime" hours of usage.
- g. Kristy Wilson of Spruce Street, swim parent and representative of Hokie Aquatics, said she is excited about the opening of the aquatic center. Her children are on a swim team and currently swim in Blacksburg, at Virginia Tech, six days per week. This is a lot of running for her and she is looking forward to the convenience of having a swim facility in Christiansburg. Ms. Wilson said it is unreasonable to expect that there won't be details to work out with a facility this size, but that it will be a great asset to Christiansburg.
- h. Allison Zocowski, Christiansburg resident, swim parent, and Assistant Director of Aquatics at Virginia Tech, said that Virginia Tech does provide an event schedule each swim season, and she pointed out that there are no swim meets during the summer. She is pleased to see an interest in aquatics growing in this area and believes the aquatic center will encourage continued growth.
- i. Kevin Stoner of Christiansburg said it is important to not let Virginia Tech become competitive with Christiansburg over use of the aquatic center. Need to negotiate the specifics. He stated that, if done right, the partnership will reap major rewards for the Town.

In an attempt to answer questions, and clear some misconceptions, Mayor Ballengee stated that the planning and building of the aquatic center has been a twelve year project that was based on a citizen survey indicating the desire for a Town pool. During planning, the opportunity arose to partner with Virginia Tech to build a 50-meter pool that would be used for swim competitions. Virginia Tech would cover the additional expenses needed to build the 50-meter pool. The aquatic center is being built for Christiansburg residents and, in addition to the 50-meter pool, will offer a family leisure pool, and a therapeutic pool.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council action on:
  - a. 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. As requested at the December 16, 2008 meeting, Council was provided a copy of the original proffers and development plan for review. During a brief discussion by Council, it was noted that the Town has not been contacted by Montgomery County Schools concerning this request. All twenty four proffers will convey with this boundary line adjustment, if approved. A copy of the proffers is attached to the December 16, 2008 Town Council minutes. Councilman Wade made a motion to approve the boundary line adjustment, seconded by Councilman Stipes. Town Clerk Stipes polled Council as follows: Barber - AYE, Carter - AYE, Showalter - AYE, Stipes - AYE, Vanhoozier - AYE, Wade - AYE.
  - b. Zoning Permit request by the Montgomery County Board of Supervisors for property located on Reading Road for a mechanical garage and contractor equipment storage in the I-2 General Industrial District. Councilman Vanhoozier noted that it was mentioned during the presentation that there isn't a buffer planned for the property line closest to Kiwanis Park and, according to a resident, the garage and stored vehicles are visible from the park. In light of this, Councilman Vanhoozier suggested that a tree buffer be required along the property line closest to Kiwanis Park. Councilman Barber suggested taking it a step further by requiring a secure buffer to prevent access to the site from the park. Mayor Ballengee noted that a zoning permit would be required for any usage other than the current requested usage. Councilman Stipes commented that he is able to support this request because the request is not for a change in usage, nor is it a deviance from the Town's Comprehensive Plan. Councilman Barber made a motion to issue the zoning permit with fourteen (14) conditions as outlined by the Planning Commission and Town Council. Councilwoman Carter seconded the motion and Town Clerk Stipes polled Council as follows: Barber - AYE, Carter - AYE, Showalter - AYE, Stipes - AYE, Vanhoozier - AYE, Wade - AYE. A copy of the resolution and conditions is attached herewith and made a part of these minutes.
  - c. Bids for use of Aquatic Center. Due to questions arising from wording in the Aquatic Center contract, Councilman Wade suggested Mayor Ballengee assign two Councilmembers to work with the Town Manager on clarification. Mayor Ballengee agreed and appointed Councilmen Wade and Vanhoozier to work with the Town Manager on finalizing the contract. Councilman Wade commented that Council input is desired and that some of the concerns mentioned tonight will be incorporated into the agreement.
2. Aquatic Center Business Plan. Mayor Ballengee confirmed that a March 1, 2009 deadline is in place for completion of the Aquatic Center Business Plan. He will be asking for Council authorization on usage hours and fee structure. Councilmembers Wade and Carter both suggested authorizing the Town Manager to contract outside help in developing the business plan, if needed.
3. Tax relief rate for the elderly and disabled. Town Manager Terpenney explained that, annually, the Town adopts Montgomery County's guidelines for providing tax exemptions to the elderly and the handicapped, which are based on State guidelines. The County has recently adjusted its threshold for providing the tax exemption, based on State legislation. Qualifications now are income must be no greater than Thirty-Five Thousand Dollars (\$35,000) per year, with a combined net worth not to exceed One Hundred Thousand Dollars (\$100,000). Only the elderly and the handicapped can qualify for

the tax exemption. Councilman Wade made a motion to adopt the adjusted guidelines for the tax exemption for elderly and handicapped. The motion was seconded by Councilman Barber, and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS - On motion by Councilman Wade, seconded by Councilman Vanhoozier, Council voted to approve the monthly bills to be paid 10 January, 2009, in the amount of 1,802,091.79. AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

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

February 3, 2009

1. Rezoning request, Albert Lane, A Agricultural to R-1 Single Family Residential, with proffers.
2. Zoning definition for property involved in boundary line adjustment with Montgomery County.

On motion by Councilman Barber, seconded by Councilman Vanhoozier, Council voted to set the Public Hearing(s) for February 3, 2009. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:59 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor