

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF APRIL 21, 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 APRIL 21, 2009 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Vice-Mayor Bradford J. Stipes; D. Michael Barber; Ann H. Carter; D. Henry Showalter; James H. Vanhoozier; H. Earnest Wade. ABSENT: Mayor Richard G. Ballengee.

ADMINISTRATION PRESENT: Town Manager R. Lance Terpenney; Assistant Town Manager Barry D. Helms; Town Clerk Michele M. Stipes; Town Planner Hair; Town Attorney Jim Guynn. ABSENT: None.

PLANNING COMMISSION MEMBERS PRESENT: Chairperson Simmons; Ann H. Carter; Steve Huppert. ABSENT: Wayne Booth; Michael Byrd; Dan Canada; Craig Moore.

VICE-MAYOR STIPES stated there was a quorum present of Council Members.

PLEDGE OF ALLEGIANCE.

VICE-MAYOR STIPES called for a motion to amend the agenda as follows: (1) Under Citizen Hearings, add a Resolution recognizing the Christiansburg High School Blue Demons Wrestling Team; (2) Add the Aquatic Center Agreement under Discussions by Mayor and Council; (3) Amend the order of the meeting so that the Town Manager's reports are prior to the Closed Meeting; (4) Correct Shane Adam's presentation to reflect that it is the semi-annual progress report from the Montgomery County Chamber of Commerce, per the contractual agreement. Councilman Vanhoozier made a motion to approve the amendments as described, seconded by Councilman Wade. Town Clerk Stipes polled Council on the motion as follows: Barber - AYE; Carter - AYE; Showalter - AYE; Vanhoozier - AYE; Wade - AYE.

REGULAR MEETING

VICE-MAYOR STIPES called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of April 21, 2009, or to the Town Council Work Session Minutes of April 24, 2009. Councilman Wade made a motion to approve the minutes as presented, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Vanhoozier, Wade. NAYS: None.

CITIZEN HEARINGS:

VICE-MAYOR STIPES opened the Citizen Hearings for those desiring to address Council.

1. Recognition of Christiansburg High School Wrestling Team and Swim Members – Vice-Mayor Stipes welcomed Christiansburg High School wrestling coach, Daryl Weber, his assistant coaches, and members of the Blue Demon wrestling team, and congratulated them on their eighth, consecutive win at the 2009 Virginia State AA Championship Wrestling Match, held in Salem, Virginia. Councilman Barber read and presented to Coach Weber a Resolution recognizing the Christiansburg High School Blue Demon Wrestling Team's accomplishment. A copy of the Resolution is attached herewith and made a part of these minutes. Coach Weber thanked Vice-Mayor Stipes and Council for the recognition. Vice-Mayor Stipes also recognized State AA Championship swimmer, Seth Wensel, and State AA Championship hurdler, Travis Hudson. Vice-Mayor Stipes called a brief recess to allow Town Council to greet the athletes present.
2. Shane Adams, Montgomery County Chamber of Commerce, Progress Report – Mr. Adams provided Council with a copy of the Tourism Research Project report, Grant Submissions report, and various other information pertaining to tourism. A copy of the information provided is attached herewith for reference. He then introduced Montgomery County Chamber of Commerce Board of Director members Jeff Mitchell, Joe Meredith,

and Mike Soriano. Mr. Adams began by explaining the difference between tourism and the role of the Chamber of Commerce. Tourism, he explained, focuses primarily on people out of town; how to draw their interest here. The Chamber focuses primarily on people in town, such as business owners, managers. Tourism funding is provided through tax revenue; the Chamber funding is private, therefore, the two monies are kept separate. Mr. Adams then discussed the budget for both accounts, along with organizational differences between the two entities. While being different, they are similar in function, and mesh together well. Mr. Adams then reviewed the information on the handouts and entertained questions from Council. Councilman Showalter questioned the lack of Visitor Guides in local hotels. Mr. Adams replied that often they rely on hotel staff to notify them when the guides need restocking. The Visitor Guide is a very expensive publication and is typically not printed in bulk. Mr. Adams pointed out that the Visitor Guide is not the publication intended for pass-through guests, but more for those with an interest in the area. Advertisement support may become necessary as demand increases. Mr. Showalter also questioned the poor condition of the Tourism Development Commission's website. Mr. Adams said the website was a "quick fix" and plans are to soon revamp. Vice-Mayor Stipes thanked Mr. Adams for his report and for his efforts in working to promote the Town.

1. Planning Commission's recommendation on:

- a. Rezoning request by BSCE Investments, LLC for property at 20 Midway Plaza Drive (tax parcels 406 – ((2)) – 4 and 5 and an approximately 0.6 acre portion of tax parcel 406 – ((2)) – 3) from I-2 General Industrial to B-3 General Business. The property proposed for rezoning is approximately 2.1 acres of the total 2.288 acres and is scheduled as Industrial in the Future Land Use Map of the Christiansburg Comprehensive Plan. The Public Hearing was held April 7, 2009. At Chairperson Simmons' request, Secretary Terpeny read the Planning Commission resolution recommending Town Council approve the rezoning as requested. This vote was unanimous by all in attendance.
- b. Rezoning request by David M. Linkous for property at 150, 180, and 190 Pine Hollow Road (tax parcels 503 – ((9)) – 1 and 2 and the Town portion of tax parcels 503 – ((9)) – 3 and 095 – ((1)) – 4) from A Agricultural to R-1 Single-Family Residential. The property contains approximately 4.6 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. The Public Hearing was held April 7, 2009. Secretary Terpeny read the Planning Commission resolution recommending Town Council approve the rezoning as requested. This vote was unanimous by all in attendance.
- c. A Conditional Use Permit request by Pathway Christian Academy (agent for property owner Hash Group, LLC) for property at 1550 Roanoke Street (tax parcel 529 – ((A)) – 4) for a private school in the B-3 General Business District. The Public Hearing was held April 7, 2009. Secretary Terpeny read the Planning Commission resolution recommending Town Council issue the Conditional Use Permit with two conditions. A copy of the Conditional Use Permit, with two conditions, is attached herewith and made a part of these minutes.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council action on:

- a. Rezoning request by BSCE Investments, LLC for property at 20 Midway Plaza Drive (tax parcels 406 – ((2)) – 4 and 5 and an approximately 0.6 acre portion of tax parcel 406 – ((2)) – 3) from I-2 General Industrial to B-3 General Business. The property proposed for rezoning is approximately 2.1 acres of the total 2.288 acres and is scheduled as Industrial in the Future Land Use Map of the Christiansburg Comprehensive Plan. Councilman Vanhoozier made a motion to accept the Planning Commission's recommendation to approve the rezoning, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Vanhoozier, Wade. NAYS: None.
- b. Rezoning request by David M. Linkous for property at 150, 180, and 190 Pine Hollow Road (tax parcels 503 – ((9)) – 1 and 2 and the Town portion of tax parcels 503 – ((9)) – 3 and 095 – ((1)) – 4) from A Agricultural to R-1 Single-Family Residential. The property contains approximately 4.6 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Councilman Barber made a motion to approve the rezoning as recommended by the Planning Commission, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Vanhoozier, Wade. NAYS: None.
- c. A Conditional Use Permit request by Pathway Christian Academy (agent for property owner Hash Group, LLC) for property at 1550 Roanoke Street (tax parcel 529 – ((A)) – 4) for a private school in the B-3 General Business District. Councilman Wade made a motion to accept the Planning Commission's recommendation to issue the

Conditional Use Permit with two conditions. The motion was seconded by Councilman Barber, and Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Vanhoozier, Wade. NAYS: None.

2. New River Valley Development Corporation request for "Moral Obligation" on financing. Councilman Barber explained to Council New River Valley Development Corporation's request that all participants of the original agreement approve a "moral obligation" so that the Corporation can obtain critical financing that will save the New River Valley Competitiveness Center approximately thirty-six thousand dollars annually. A bank is willing to provide refinancing, but requires two moral obligation commitments. This refinancing is necessary for the Competitiveness Center to remain viable. The Competitiveness Center was developed to provide incubator services to beginning businesses. Due to financing stipulations in the original contract, a lack of financial support from most of its participants, and the risk of potential liability to the Town, after careful consideration, Councilman Barber said he can not in good faith recommend Christiansburg provide a moral obligation on refinancing for the Corporation. Action needs to be taken by the Corporation before April 30, 2009. After Council discussion, Councilman Vanhoozier commented that based on Councilman Barber's knowledge and recommendation, he would have a difficult time supporting the request. Councilman Wade agreed with Councilman Vanhoozier. Councilman Vanhoozier made a motion to not provide a letter of moral obligation on financing for the Competitiveness Center, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Carter, Showalter, Vanhoozier, Wade. NAYS: None. ABSTAIN: Barber.
3. Town Attorney report on safety equipment requirements for bicyclists and skateboarders - Town Attorney Jim Guynn reported that, because of the Dillon Rule, the Town has no authority to regulate any laws not provided for in the Virginia State Code. State Code allows that helmets can be required for bicyclist under the age of fourteen. This does not include skateboarders. Councilman Barber and Councilwoman Carter both stated their desire to pursue enacting a Town ordinance requiring helmets for bicyclists under the age of fourteen. Vice-Mayor Stipes directed Attorney Guynn to proceed with drawing up an appropriate helmet ordinance for Council adoption.
4. Huckleberry Trail update - Vice-Mayor Stipes commented that he requested this update be placed on the agenda in anticipation of approval of TEA-21 grant funding for the trail. Unfortunately, the decision on this grant application has been delayed until May due to a revamping of the six-year plan. Vice-Mayor Stipes will provide an update next month.
5. Aquatic Center Agreement - Vice-Mayor Stipes asked the Aquatic Center Agreement ad hoc committee to report on the agreement that was received from Virginia Tech earlier today. Council was provided a copy of the agreement for review. Councilman Wade reported that there were no revisions made by Virginia Tech to the most recent draft approved by Council. Councilman Wade reviewed the additional revisions requested by Council and agreed to by Virginia Tech. The ad hoc committee is pleased with the final agreement and recommends Town Council approve the agreement as presented. After Council discussion, Councilman Wade made a motion to approve the Aquatic Center Agreement, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Vanhoozier, Wade. NAYS: None.

TOWN MANAGER REPORTS:

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

May 19, 2009

1. Rezoning request, 1225 Stafford Drive, R-1A Rural Residential Zoning District to R-1 Single Family Residential.
2. Rezoning request, Albert Property, A Agricultural to R-1 Single Family Residential with proffers.
3. Rezoning request, 2880 Roanoke Street, R-1 Single Family Residential to B-3 General Business District with proffers.

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

TOWN MANAGER TERPENNY reported that VML Town Section meetings will be held on May 22, 2009 in Vinton. Lunch is provided. Manager Terpenney offered to RSVP for those planning to attend.

REGIONAL HOUSEHOLD HAZARDOUS WASTE program is scheduled for May 9, 2009 sponsored by the Montgomery Regional Solid Waste Authority. Waste drop-off hours are 8:00 a.m. to 11:30 a.m. There is no cost to citizens. Details on this announcement can be found on the Town's website.

VICE-MAYOR STIPES requested a Closed Meeting under Section 2.2-3711 A(1), *Code of Virginia*, for the discussion of personnel matters. On motion by Councilman Barber, seconded by Councilman Showalter, Council voted to enter into a Closed Meeting. Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – AYE; Showalter – AYE; Vanhoozier – AYE; Wade – AYE.

COUNCILMAN VANHOOZIER made a motion to come out of Closed Meeting and enter into Regular Meeting. The motion was seconded by Councilman Showalter and voted upon as follows: AYES: Barber, Carter, Showalter, Vanhoozier, Wade. NAYS: None.

VICE-MAYOR STIPES declared Council out of Closed Meeting and into Regular Session.

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 Town Clerk Stipes polled Council as follows: AYES: Barber, Carter, Showalter, Vanhoozier, Wade. NAYS: None.

MAYOR BALLENGEE thanked everyone for the prayers, cards, and flowers he received during his recent hospital stay.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 10:00 P.M. on motion by Councilman Barber, seconded by Councilman Vanhoozier. Council voted as follows: Barber, Carter, Showalter, Vanhoozier, Wade. NAYS: None.

Michele M. Stipes, Clerk of Council

Bradford J. Stipes, Vice-Mayor