

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF AUGUST 18, 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 AUGUST 18, 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 Terpenny; Town Clerk Michele M. Stipes; Assistant Town Manager Helms; Town Planner Hair; Town Attorney Kai Memmer. ABSENT: None.

PLANNING COMMISSION MEMBERS PRESENT: Wayne Booth; Mike Byrd; Ann H. Carter; Craig Moore. ABSENT: Chairman Steve Simmons; Steve Huppert, Vacant.

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 Mary A. Trussell for property at 111 Second Street (tax parcel 527 – ((A)) – 273) for in-home housing for elderly or handicapped individuals in the R-3 Multi-Family Residential District. There was no one to speak for or against this request.

AGENDA AMENDMENT – Mayor Ballengee presented Council with two items to be added to tonight's meeting. The first matter is the adoption of a Resolution of Support for the 2010 Census. Councilman Barber made a motion to amend tonight's agenda to include the Resolution of Support for the 2010 Census, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

The second amendment to the agenda is to add a request by Councilman Stipes for a Closed Meeting under Section 2.2-3711 A(7), *Code of Virginia*, for the discussion and consideration of probable litigation over a denial of coverage for an insurance claim requiring the provision of legal advice by legal counsel. Councilman Stipes made a motion to add this amendment, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

**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 August 4, 2009. Councilman Wade made a motion to approve the minutes as presented, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

CITIZEN HEARINGS:

1. Dr. John White – Briefing on project from Virginia's First Regional Industrial Facilities Authority (VFRIFA). Dr. John White, along with Mr. Joe Morgan, Executive Director of VFRIFA, and Assistant Elizabeth Chitwood, presented Council with an update on Virginia's Nanotechnology Park, also known as Nanomaterials for Energy, Environmental, and Medical Operations (Project NEEMO). The Project is envisioned to occupy the NRV Commerce Park in Pulaski County, adjacent to the NRV Airport. Dr. White explained an opportunity for the Town to join a Participation Committee as an investor in Project NEEMO. Dr. White provided Council with outline information regarding Nanotechnology and Project NEEMO.
2. Fran Hart – Christiansburg Alumni Return Committee. Ms. Hart gave Council an update on the first annual Christiansburg Alumni Return held August 9, 2009. Ms. Hart gave each Councilmember a copy of the event program that includes recognition of contributing sponsors, and 2009 Christiansburg Alumni Return Committee members. Ms. Hart reported that

over seven hundred people participated in the weekend event, with approximately three hundred fifty people attending the social held at the recreation center. The Alumni Return Committee worked in conjunction with several area businesses, including Montgomery-Floyd Regional Library, and the Montgomery Museum, in organizing the schedule of events. Ms. Hart thanked the Police Department for outstanding security service provided throughout the weekend at numerous locations. Mr. Glenn Cochran of State Farm Insurance, sponsored a magnet commemorating the event and gave one to each Councilmember. Mr. Cochran reported that approximately one hundred-eighty (180) participants were from out of Town, which was a boost to the economy through lodging and meals. The event was also a boost for community spirit. Next year's alumni event is planned for August 14, 2010. Councilwoman Carter thanked Ms. Hart and those involved in organizing the event. Mayor Ballengee thanked Ms. Hart, on behalf of the Town, for her efforts in creating and organizing this successful event.

3. Planning Commission Recommendation on:

- a. A rezoning request by Branch Banking and Trust Company for property at 985 Cambria Street, N.E. (tax parcels 497 – ((A)) – 66, 67, 68, 69, 70, 71, and 72) from I-2 General Industrial to B-3 General Business. The property contains approximately 0.5 acres and is scheduled as Commercial in the Future Land Use Map of the Christiansburg Comprehensive Plan. The Public Hearing was held on August 4, 2009. Secretary Terpenny read the Planning Commission Resolution recommending Town Council approve the rezoning as requested.
- b. Council's intention to adopt an ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for Floodplain Districts. The Public Hearing was held on August 4, 2009. Secretary Terpenny reported that the Planning Commission is requesting additional time to review this matter before making a recommendation to Council.

4. Citizen's Comments: No comments.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council Action on:

- a. A rezoning request by Branch Banking and Trust Company for property at 985 Cambria Street, N.E. (tax parcels 497 – ((A)) – 66, 67, 68, 69, 70, 71, and 72) from I-2 General Industrial to B-3 General Business. The property contains approximately 0.5 acres and is scheduled as Commercial in the Future Land Use Map of the Christiansburg Comprehensive Plan. Councilman Wade made a motion to accept the Planning Commission's recommendation to approve the rezoning. Councilman Stipes seconded the motion and Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – AYE; Showalter- AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
- b. Amendments to Chapter 29, Water and Sewer, of the *Christiansburg Town Code*. Councilman Barber made a motion to adopt the amendments as presented, seconded by Councilman Wade. Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – AYE; Showalter- AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
- c. Resolution of Support for 2010 Census – Councilman Barber made a motion to adopt the Resolution of Support for the 2010 Census, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None. A copy of the Resolution of Support is attached herewith and made a part of these minutes.

7. Mr. Stipes and Mr. Vanhoozier – Street Committee Reports/Recommendations on:

- a. Plat of Subdivision of Tax Parcel No. 497 – (A) – 112 at intersection of Church Street and Plum Street, prepared for Nancy Woolwine Miller, James Edward Woolwine, and Robert Alton Woolwine; creating 2 lots; Church Street, N.E. and Plum Street, N.E. Councilman Stipes reported that this request is for a simple subdivision of one parcel into two. All is in order with the plat and Councilman Stipes made a motion to approve, seconded by Councilman Vanhoozier. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

TOWN MANAGER REPORTS:

TOWN MANAGER TERPENNY brought a request by Lina Devore to Council regarding rain and surface water running across her property before draining into the stormwater retention pond. Ms. Devore said she is experiencing significant flooding during heavy rains, and recently, her son rented a backhoe and used it to reconstruct a ditch to accommodate the water flow across her property. Cost of these improvements is Seven Hundred Fifty Dollars (\$750), and the Devores are requesting reimbursement from the Town. Manager Terpenny noted that the Town does not have an easement through this property, and therefore, is

unable to repair any damage caused by run-off. The run-off appears to be draining from a public road. Councilman Barber said he is concerned with setting a precedence of reimbursing folks for private property improvements; the Town Manager agreed that this has not been done before. Mayor Ballengee turned the request over to the Street Committee for review and recommendation. Ms. Lina Devore, and her son, Mike, were present to answer questions.

TOWN MANAGER TERPENNY provided Council with an update on aquatic center construction, noting there have been no delays in the current schedule.

TOWN MANAGER TERPENNY updated Council on the next Phase of downtown paving, scheduled to begin in September. The contract awarded was for Eight Hundred Twenty-Two Thousand Dollars (\$822,000), which is an 80/20 (Federal/State, Local) grant.

MR. KEVIN STONER asked Council for permission to hang an event banner, across Main Street, in advertisement of upcoming, Council approved, downtown events. The consensus of Council is to approve this request, and to leave future requests, of this nature, to the discretion of the Town Manager, with the option to appeal to Council, if denied.

**CLOSED MEETING:**

- a. COUNCILMAN STIPES made a motion to enter into a Closed Meeting under Section 2.2-3711 A(7), *Code of Virginia*, for the discussion and consideration of probable litigation over a denial of coverage for an insurance claim requiring the provision of legal advice by legal counsel and such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Town. 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.
- b. COUNCILMAN STIPES made a motion to come out of Closed Meeting and enter into Regular Meeting. The motion was seconded by Councilman Barber and voted upon as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
- c. 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 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 motion, and Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – AYE; Showalter – AYE; Vanhoozier – AYE; Wade - AYE.

COUNCILMAN BARBER brought to Council's attention a letter he received from the Board of Trustees of the Rosa L. Peters Playground. The letter expressed the Board's gratitude to the Town for the recent gravel donation, which was desperately needed at the playground. The Board thanked the Town for its past and continued support, and offered its services to the Town. The letter was signed by Board of Trustee President, Robert L. Dobson. Councilman Barber, who serves on the Board of Trustees, suggested the Town begin to consider the next step in assisting with playground improvements that will enable connection of that property to the aquatic center and skate park properties.

**ADJOURN:**

There being no further business to bring before Council the meeting was adjourned at 9:18 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor