

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF SEPTEMBER 1, 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 SEPTEMBER 1, 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; Planning Director Wingfield; Town Attorney Kai Memmer. ABSENT: None.

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

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

PLEDGE OF ALLEGIANCE.

JOINT PUBLIC HEARING

1. An ordinance amending Chapter 3, Advertising, of the *Christiansburg Town Code*, in regards to Electronic/Digital Signs. Town Manager Terpenny reported that the Planning Commission was charged with considering guidelines for electronic and digital signs. As a part of its review, the Planning Commission studied various ordinances from other localities pertaining to these types of signs. A draft was prepared and submitted to Council at the August 18 Town Council meeting for review. No comments were received from Council on the draft amendment. General guidelines were established, with the signs still categorized as a "building sign" or "ground sign", and subject to those guidelines, as well. Councilwoman Carter clarified that electronic and digital signs will still require a conditional use permit in the Central Business and Historic Districts.

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 18, 2009. There being no changes, the minutes were approved as presented.

CITIZEN HEARINGS:

1. Planning Commission Recommendation on:
 - a. An ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for Floodplain Districts. Town Manager Terpenny explained that the floodplain district ordinance is being upgraded to comply with FEMA regulations and new floodplain maps. Most of the changes deal with verbiage, not content. The Town's website has a link to the FEMA website where floodplain maps can be reviewed. Mayor Ballengee reported that he received a letter from FEMA informing him that Council needs to act on this matter as soon as possible. Manager Terpenny reported that the Planning Commission recommends approving this ordinance amendment.
 - b. 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. Secretary Terpenny read the Planning Commission's resolution recommending Town Council issue the CUP with four conditions. The vote was unanimous, with one member absent. A copy of the resolution is attached herewith and made a part of these minutes.
2. Citizen's Comments: No public comments.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council Action on:

- a. An ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for Floodplain Districts. Councilman Vanhoozier made a motion to approve the ordinance amendment, seconded by Councilman Wade. Councilman Stipes said that after thoroughly reviewing the proposed document, he recommends that the Town take a more restrictive approach in Floodplain Districts, rather than adopting the minimums set by FEMA. More restrictions are especially important around Branch Creek and Crab Creek. Councilman Stipes recommended modifying the verbiage "more than one foot" throughout the document when addressing provisions for the amount of creek elevation permitted during development. Removing this wording shifts flood control responsibilities to future developers in the floodplain districts. Councilman Vanhoozier withdrew his motion to approve, and Councilman Barber made a motion to table the ordinance amendment for further review by the Planning Commission. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None. The matter is tabled until the September 15th Regular Town Council meeting.
- b. 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. Councilman Barber made a motion to issue the Conditional Use Permit with four conditions as recommended by the Planning Commission, seconded by Councilman Stipes. Councilwoman Carter said she has reservations about issuing this permit because Ms. Trussell has not come before the Planning Commission or Town Council to answer questions. Councilwoman Carter further commented that she will support the request, but only because Social Services has approved the business. Town Clerk polled Council as follows: Barber – AYE; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade - AYE. NAYS: None.

ORGANIZATION FOR FISCAL YEAR 2009 – 2010:

- (a) ELECTION OF VICE-MAYOR. Councilman Stipes made a motion to nominate Councilwoman Carter for Vice-Mayor for the Fiscal Year 2009-2010, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
- (b) SET REGULAR MEETING DATES OF COUNCIL. Councilman Barber made a motion to set the regular meeting dates as the first (1st) and third (3rd) Tuesday of each month at 7:30 p.m., seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
- (c) AUTHORIZE VICE-MAYOR, ASSISTANT TOWN MANAGER, AND ASSISTANT TREASURER TO SIGN TOWN CHECKS. On motion by Councilman Barber, seconded by Councilwoman Carter, Council approved the authorization for the Vice-Mayor, Assistant Town Manager, and Assistant Treasurer to sign Town checks. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
- (d) APPOINTMENT OF COMMITTEES OF COUNCIL. Mayor Ballengee appointed members of Committees of Council for the Fiscal Year 2009-2010 as follows:

Committees of Council

Water, Sewer, and Solid Waste Committee: Barber and Wade

Street Committee: Stipes and Vanhoozier

Finance Committee: Carter and Barber

Fire and Rescue Committee: Carter and Vanhoozier

Public Health and Welfare Committee – Ad hoc

Central Business District Committee: Wade and Showalter

Cemetery Committee: Barber and Stipes

Council on Human Relations Committee: Police Chief Sisson and Showalter

CLOSED MEETING:

- a. Mayor Ballengee requested a Closed Meeting under Section 2.2-3711 A(1), *Code of Virginia*, for the discussion of personnel matters regarding appointment of officers for the Fiscal Year 2009-2010. Councilwoman Carter made a motion to enter into a Closed Meeting, seconded by Councilman Showalter. Town Clerk Stipes polled Council on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
- b. Councilman Barber made a motion to come out of Closed Meeting and enter into Regular Meeting, seconded by Councilman Wade. Council voted on the motion 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 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 Stipes seconded the certification and Town Clerk Stipes polled Council as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

APPOINTMENT OF TOWN OFFICERS – Mayor Ballengee recommended Town Council appoint Town Officers as follows:

Town Manager: R. Lance Terpenny
Town Finance Director/Treasurer: Valerie Tweedie
Police Chief: Mark Sisson
Clerk of Council: Michele Stipes
Town Attorney: Guynn, Memmer & Dillon, P.C.

Councilman Barber made a motion to reappoint R. Lance Terpenny as Town Manager for the Fiscal Year 2009-2010, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Carter, Stipes, Vanhoozier, Wade. NAYS: Showalter.

Councilman Vanhoozier made a motion to appoint Valerie Tweedie as Town Finance Director/Treasurer for the Fiscal Year 2009-2010, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

Councilman Barber made a motion to reappoint Mark Sisson as Police Chief for the Fiscal Year 2009-2010, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

Councilman Wade made a motion to reappoint Michele Stipes as Clerk of Council for the Fiscal Year 2009-2010, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Vanhoozier, Wade. NAYS: None. ABSTAIN: Stipes.

Councilman Barber made a motion to reappoint the law firm Guynn, Memmer & Dillon, P.C., to provide legal representation as Town Attorney for the Fiscal Year 2009-2010, seconded by Councilwoman Carter. Council voted on the motion 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 September, 2009, in the amount of \$1,645,791.68. AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

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

October 6, 2009

1. Zoning permit request by Boxley Concrete Products, Christiansburg Industrial Park.
2. Conditional Use Permit, Family Day Home for 6 – 12, Tower Road.

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

COUNCILMAN BARBER made a motion to cancel the October 20th Town Council meeting due to a conflict with the annual Virginia Municipal League Conference scheduled to be held that same date. Councilman Stipes seconded the motion and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

COUNCILMAN SHOWALTER addressed Council on behalf of the Tourism Development Commission (TDC), which is requesting the release of \$7,900.00 from the 1% lodging tax designated for tourism. The requested funding is for Christiansburg's portion of a tourism advertisement in Virginia Magazine. Council previously voted to withhold the 1% lodging

tax earmarked for the TDC, until requested. Councilwoman Carter commented that an official request in writing should be required before releasing funds for documentation/bookkeeping purposes. Councilman Barber made a motion to release the requested funds in the amount of \$7,900.00, seconded by Councilman Showalter. Council voted as follows: AYES: Barber, Showalter, Stipes, Vanhoozier, Wade. NAYS: Carter. Mayor Ballengee noted that he will contact the TDC and ask for a formal request for funding.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 8:30 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor