

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF NOVEMBER 2, 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 NOVEMBER 2, 2009 AT 7:30 P.M.

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

ADMINISTRATION PRESENT: Town Manager R. Lance Terpenney; Town Clerk Michele M. Stipes; Assistant Town Manager Helms; Town Planner Hair; Town Attorney Susan Waddell. ABSENT: None.

PLANNING COMMISSION MEMBERS PRESENT: Ann H. Carter; Kevin Conner; Steve Huppert; Steve Simmons. ABSENT: Wayne Booth; Mike Byrd; 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 Flinchum & Flinchum, LLC for property at 2175 and 2177 Hammes Street (tax parcels 500 – ((7)) – 40, 41, 42, and 43) for residential use in the B-3 General Business District. Applicant Jason Price said he is proposing to build a 2,600 square foot, single-level duplex unit. There were no questions or comments for Mr. Price.

**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 October 6, 2009. Councilman Showalter asked that a portion of sentence #16, under Discussions by Mayor and Council Members, Council Action on: (a) be stricken from the record. Councilman Vanhoozier made a motion to approve the minutes with the requested change, seconded by Councilwoman Carter. Council voted on the motion as follows: AYES: Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

**CITIZEN HEARINGS:**

1. Presentation of Awards to Christiansburg Police Department. Police Chief Sisson presented a special citizen award *Saved by the Belt* to Randy Stiles. In August 2009, Officer Swecker of the Christiansburg Police Department responded to an accident involving Ms. Stiles. It was Officer Swecker's opinion that Ms. Stiles' decision to wear her seat belt prevented her from sustaining serious injuries in the accident. Ms. Stiles thanked Chief Sisson for the award. Chief Sisson then introduced Mr. Don Allen of the Highway Safety Department who presented two awards to the Christiansburg Police Department. One award was given for Second Place in the 2008 Law Enforcement Challenge, which is sponsored by the Virginia Chiefs' Association. The second award presented to the Police Department was the 2009 Governor Transportation Safety Award. Chief Sisson thanked Mr. Allen on behalf of the Christiansburg Police Department for the awards and for his support of the Christiansburg Police Department. Chief Sisson then introduced Lt. Donnie Cromer who partnered with Virginia Tech to place a camera on a school bus in Montgomery County to increase safety. Chief Sisson also introduced Major Dalton Reed who contributed greatly to the awards presented tonight through his role as the Police Department's Traffic Safety Coordinator. Chief Sisson said significant efforts are made within the Police Department to organize campaigns focused on public safety.
2. Sam Lionberger, III and Glen Reynolds to address Council. Mr. Lionberger and Mr. Reynolds presented Council with a brief update on the progress at the aquatic center site. Mr. Lionberger explained that although they have experienced delays with installation of lighting fixtures, he remains optimistic about the January completion date. Lighting is complete on the pool level, and duct work is completed on the leisure pool side of the facility. Locker rooms have been tiled; installation of steel for spectator seating has begun. Conduit installation over the competition pool is expected to begin next week. Wall framing has begun upstairs and rough-in for mechanical is progressing. Mayor Ballengee noted that some staffing is in

place and plans have begun for opening of the facility. Mr. Reynolds stated that he recently met with aquatic center staff for office space planning. Mr. Lionberger referred to Mr. Butch Osmond, who was present, noting he oversees the site and is on location every day. Those working on the site are putting in weekend hours in every effort to meet the January completion date. Staff will begin working before the completion date for training and to work out operational details. Mr. Reynolds said that as soon as the pool decking is complete and the pools are finished, water will immediately go into the pools to cure the finish. He cautioned against scheduling large events early on from an operational/staffing standpoint. The contractor is still having issues with the retractable bleachers, but that will not prevent the pool from opening. Portions of the scoreboard have been delivered. Mr. Reynolds said that Virginia Tech has been advised to use other swimming accommodations for the winter break training.

3. Bev Walters of NRV Cares to address Council. Ms. Bev Walters, Executive Director of NRV Cares at 205 W. Main Street, addressed Council regarding NRV Cares' annual Tree of Hope program. Ms. Walters explained that NRV Cares is a nonprofit organization designed to protect children throughout the New River Valley from abuse through advocacy programs. The organization held its first annual Tree of Hope fundraiser in 2004 in the Square in downtown Christiansburg. In 2006, Christiansburg Town Council allowed NRV Cares to use the evergreen tree in the downtown square for its Tree of Hope program for three years. Ms. Walters is requesting permission to use the evergreen tree in the downtown square for another three years for the Tree of Hope program, which includes posting a large sign near the tree as advertisement of the program. Council expressed concern with visibility of the tree and advertisement sign because of current construction/renovations in the downtown square. Councilwoman Carter suggested Town staff look for a more visible location for the sign. It was the consensus of Council to grant NRV Cares permission to use the evergreen tree in the downtown square (or other suitable downtown location) for the Tree of Hope program for the next three years.
4. Rebecca Martin of Blacksburg Transit to address Council. Ms. Martin of Blacksburg Transit presented Council with a detailed business plan proposed for the new bus service in Christiansburg, which is anticipated to begin November 23, 2009. A copy of the detailed plan is attached herewith and made a part of these minutes. Town Council was pleased with the information presented to them and Mayor Ballengee thanked Ms. Martin for her guidance in this endeavor.
5. Report and Recommendation from Aquatic Advisory Commission. Councilman Vanhoozier, Council liaison to the Aquatic Advisory Commission, presented to Council the proposed membership fees and projected hours of operation for the aquatic center, noting the hours of operation are subject to change based upon needs of the community. A copy of the proposed fees and hours of operation is attached herewith for reference and made a part of these minutes.
6. Planning Commission Recommendation on:
  - a. A rezoning request with proffers by F & B Land, LP for property on the southern side of Diana Drive (a portion of tax parcels 525-((A))-4, 4C, 4D, 4E, 4F, 4G and 4H) from A Agricultural to R-3 Multi-Family Residential. The property contains approximately 6.47 acres and is scheduled as Residential Transition in the future policy map of the Montgomery County Comprehensive Plan. The Public Hearing was held on October 6, 2009. Planning Commissioner Huppert read the Planning Commission's resolution recommending Town Council approve the rezoning as requested with proffers. A copy of the resolution and conditions is attached herewith and made a part of these minutes. The Planning Commission vote was unanimous with three absences.
  - b. A Conditional Use Permit request by Sabrina Davidson-Ratliff (agent for property owner Thelma Musselman) for property at 762 Tower Road (tax parcel 531-((A))-11) for a family day home serving six through twelve children in the R-1 Single-Family Residential District. The Public Hearing was held on October 6, 2009. Planning Commissioner Huppert read the Planning Commission's resolution recommending Town Council issue the Conditional Use Permit with four (4) conditions. A copy of the resolution and conditions is attached herewith and made a part of these minutes. The Planning Commission vote was unanimous with three absences.
7. Citizen's Comments: No citizen comments.

#### DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

##### 1. COUNCIL ACTION ON:

- a. A rezoning request with proffers by F & B Land, LP for property on the southern side of Diana Drive (a portion of tax parcels 525-((A))-4, 4C, 4D, 4E, 4F, 4G and 4H) from A Agricultural to R-3 Multi-Family Residential. The property contains approximately 6.47 acres and is scheduled as Residential Transition in the future policy map of the Montgomery County Comprehensive Plan. Councilman Wade made a motion to accept the Planning Commission's recommendation to approve the rezoning as requested with proffers, seconded by Councilman Vanhoozier. Councilman Stipes noted that a significant portion of the land adjoining this property is A-Agricultural. While noting that the plan

layout is a good one, he is concerned because the plan does lack a transitional zone. Councilman Stipes also voiced his concern with density allowable in the R-3 Multi-Family Residential zoning. Once rezoned, the property could be developed with significant density impact to the surrounding neighborhoods. Because of these concerns, Councilman Stipes said he is unable to support the rezoning request. Councilwoman Carter said she concurs with Councilman Stipes commenting on some of her concerns. Councilwoman Carter believes the density allowed in the R-3 zoning is not cohesive with the surrounding neighborhoods, and she is concerned about the Town's ability to police proffer compliance. Councilman Wade pointed out that the Town's Comprehensive Plan calls for housing for the elderly and that changes to these plans, once rezoned, are unlikely. Town Clerk Stipes polled Council on the motion as follows: Carter – NAY; Showalter – NAY; Stipes – NAY; Vanhoozier – AYE; Wade – AYE. This request is denied.

- b. A Conditional Use Permit request by Sabrina Davidson-Ratcliffe (agent for property owner Thelma Musselman) for property at 762 Tower Road (tax parcel 531-((A))-11) for a family day home serving six through twelve children in the R-1 Single-Family Residential District. Councilman Vanhoozier made a motion to accept the Planning Commission's recommendation to issue the Conditional Use Permit with four conditions, seconded by Councilman Wade. Councilwoman Carter suggested Council add a condition to the Permit requiring a six month compliance review. Councilman Vanhoozier amended his motion to include a condition requiring a six month compliance review as suggested, seconded by Councilman Wade. Town Clerk Stipes polled Council as follows: Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE. It was noted by the Town Manager that the Town received a letter from a neighboring property owner opposing this request.
  - c. Request from Bev Walters of NRV Cares. Councilman Wade made a motion to allow NRV Cares to use the evergreen tree in the downtown square, or a different location if the tree isn't available because of downtown renovations, for its Tree of Hope fundraiser for the next three years. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
2. **BLACKSBURG TRANSIT CONTRACT.** Councilman Stipes made a motion to approve the Blacksburg Transit Contract and to move ahead with plans for the expansion of bus service in Christiansburg, seconded by Councilman Showalter. Town Clerk Stipes polled Council as follows: Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
  3. **AQUATIC CENTER FEES AND HOURS OF OPERATION -** Councilman Stipes made a motion to approve the membership fees and hours of operation as presented by Councilman Vanhoozier, seconded by Councilman Showalter. Town Clerk Stipes polled Council as follows: Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
  4. **STIPES AND VANHOOZIER – Street Committee recommendation on:**
    - a. Boundary Line Vacation Plat, Montgomery County Courthouse, creating 2 lots, located at South Franklin Street, East Main Street, Pepper Street and First Street. Councilman Stipes explained this request for abandonment of internal lot lines creating two lots from thirteen lots. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilman Vanhoozier. Town Clerk Stipes polled Council as follows: Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
    - b. Plat Showing Relocation/Vacation of Lot Line between Lots 8 and 9, Section V, Falling Branch and Lot 34, Section VIII, Phase V, Falling Branch, containing 3 lots, located on Copper Beech Court and Glade Drive. Councilman Stipes explained that this request is the result of land encroachment between property owners. This action will tidy up the lot lines between three lots. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilman Vanhoozier. Town Clerk Stipes polled Council as follows: Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.

#### TOWN MANAGER REPORTS:

**MONTHLY BILLS –** On motion by Councilman Wade, seconded by Councilwoman Carter, Council voted to approve the monthly bills to be paid 10 November, 2009, in the amount of \$1,497,286.91. AYES: Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

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

December 1, 2009

1. Rezoning Request, A Agricultural to R-3 Conditional Multi-Family Residential, Melody Drive.
2. Conditional Use Permit Request for a cell tower on Palmer Street (Abbott Bus site).

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

TOWN MANAGER TERPENNY reported that the Town has the opportunity to participate with the New River Valley Planning District Commission to develop a regional energy plan through the Department of Mines, Minerals and Energy Efficiency. Mayor Ballengee noted that this opportunity is consistent with the Town's Go Green initiatives and the newly adopted Vision 2020. It is the consensus of Council to participate in this partnership with New River Valley Planning District Commission.

VAL TWEEDIE, FINANCE DIRECTOR/TREASURER updated Council on the fees associated with the credit card/debit card service soon to be offered to the public as a payment option. After Ms. Tweedies' report and resulting discussion by Council, Mayor Ballengee stated he will place this matter on the November 17<sup>th</sup> Town Council agenda for public comment.

MAYOR BALLENGEE referred a request from Attorney Henry Whitehurst to lift parking restrictions along the downtown Courthouse block during construction of the new Courthouse to the Street Committee for review and recommendation. Mr. Whitehurst's business is located along this block and parking has become an issue since construction has begun on this block.

PROPOSED BUSINESS PLAN FOR BUS SERVICE. Councilman Stipes made a motion to approve the bus routes and fare structure as presented by Ms. Rebecca Martin of Blacksburg Transit earlier in the meeting. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:46 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor