

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF DECEMBER 15, 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 DECEMBER 15, 2009 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor Ann H. Carter; D. Michael Barber; Bradford J. Stipes; 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: Ann H. Carter; Kevin Conner; Steve Huppert; Wayne Booth; Mike Byrd; Vacant. ABSENT: Craig Moore.

VICE-MAYOR CARTER stated there was a quorum present of Council Members and Planning Commission Members.

NOTE: Vice-Mayor Carter presided over the meeting until Mayor Ballengee's arrival at 8:00 P.M.

PLEDGE OF ALLEGIANCE.

**JOINT PUBLIC HEARING**

1. A rezoning request by Hash Investments, LLC for property between Roanoke Street and Prospect Drive (an approximately 3.8 acre portion of the total 4.837 acre tax parcel 500 – ((4)) – 1) from A Agricultural to I-2 General Industrial. The property is scheduled as Industrial in the Future Land Use Map of the Christiansburg Comprehensive Plan. Mr. Thom Rutledge, Project Manager for Hash Investments, explained that this request is to develop the last portion of the property and will complete the planned development. He is requesting I-2 General Industrial because it allows for more uses than B-3 General Business. Much of the surrounding property is zoned B-3 General Business with the northern boundary being I-2 General Industrial District.
2. A rezoning request 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-1 Single-Family Residential (22.59 acres) and R-3 Multi-Family Residential (6.25 acres) with proffers. The property is scheduled as Residential Transition in the Future Policy Map of the Montgomery County Comprehensive Plan. Mr. Steve Semones of Balzer and Associates, representative of F & B Land, LP, explained that he has worked to modify the request to address the concerns expressed when this request was previously brought before Council. In addition to the previously submitted proffers dated November 18, 2009 and November 30, 2009 (attached), the applicant is offering an additional eight (8) proffers in an effort to address some of the concerns noted by Town Council and neighboring residents. These proffers are attached herewith. Councilman Showalter asked if the previous statement by Steve Semones that Bishop's Gate and Diana Drive would be paved within six (6) months of the start of construction was still valid; Semones replied that the developer intends to pave these roads as previously stated. Mr. David Powell of West View Drive in neighboring Harkrader Estates, along with his wife, said construction vehicles currently use Harkrader Street to access Mudpike Road, which he understands should not be the case. Also, he is concerned with the proposed lot sizes, noting they are significantly smaller than those in the Harkrader development creating an awkward transition. Mr. Mike Miller expressed some of the same concerns as Mr. Powell, commenting that the development has the potential to become low-income housing, which is not consistent with the surrounding neighborhoods. Mr. Miller suggested that a double line of staggered trees would be a better buffer than the proposed. Mr. Miller also has serious concerns about the construction traffic and believes enforcement from the Town is necessary to prevent the traffic from utilizing Harkrader Street to access Mudpike Road. Mr. Miller stressed that the concerns need to be considered before Council votes on the matter.
3. Contingent on item 2, a Conditional Use Permit request by F & B Land, LP for property on the southern side of Diana Drive (a 6.25 acre portion of tax parcels 525 – ((A)) – 4, 4C, 4D, 4E, 4F, 4G, and 4H) for a planned housing development in the R-3 Multi-Family Residential District. Mr. Steve Semones of Balzer and Associates, representative of F & B Land, LP, explained that this Conditional Use Permit request is contingent on the above rezoning request. Mr. Semones

introduced Mr. Bret Massey, a housing consultant who has worked with Balzer and Associates on this project. Mr. Massey explained the special housing regulations, including age restriction and federal grant funding. The general concept is to provide affordable housing for elderly citizens and is guided by federal government regulations. During Council discussion, Councilman Vanhoozier noted that a site plan is required by the Town before construction can begin and concerns about parking can be addressed at that time. Carol Lindstrom and Lisa Gardner both voiced their support for the proposed development.

#### **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 1, 2009. Noting two minor corrections by Council, Councilman Barber made a motion to approve the minutes with corrections, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

#### **CITIZEN HEARINGS:**

1. Planning Commission's Recommendations on:
  - a. A rezoning request by Kenneth R. and Darlene S. Lancaster for property at the end of Melody Drive (tax parcels 525 – ((A)) – 15 and 26A) from A Agricultural to R-3 Multi-Family Residential with proffers. The property contains approximately 3.75 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan and Urban Expansion in the Future Policy Map of the Montgomery County Comprehensive Plan. The Joint Public Hearing was held on December 1, 2009. Planning Commissioner Conner read the Planning Commission's resolution recommending Town Council rezone the property as requested with proffers. The Planning Commission vote consisted of four ayes, one nay, and one abstention.
  - b. A Conditional Use Permit request by Fred W. Abbott for property at 1840 Palmer Street, N.W. (tax parcel 466 – ((1)) – 1) for a communications tower in the I-2 General Industrial District. The Joint Public Hearing was held on December 1, 2009. Planning Commissioner Conner read the Planning Commission's resolution recommending that Town Council table the request for the purpose of forwarding it to the Board of Zoning Appeals for review and recommendation.
  - c. Citizen's Comments:
    - i. Ann Hess of League of Women Voters commended the Town on its planning efforts, and expressed the League's support of the referendum to change the Town's election dates from May to November. Ms. Hess suggested the Town further change election policy to reflect term dates beginning in January.
    - ii. Lisa Gardner, Phlegar Street, thanked the Mayor for the illumination of the flag in town square. Ms. Gardner said she is campaigning for a law enforcement memorial to be placed in the square alongside the war memorials.

2. Aquatic Center Update – Architect Glen Reynolds, along with Sam Lionberger and Butch Osbourne of Lionberger Construction, provided Council with an update of the progress being made at the aquatic center site. Mr. Reynolds noted that the project has fallen behind schedule this month with trying to tie up finishing touches to the interior construction. The interior is mostly completed with the exception of the competition pool. Some of the challenges causing delays are recent changes to the conduits and the ripple effect of those changes. Mr. Reynolds reported that the completion date is expected to now be mid- to late February. Mr. Reynolds commented that workers are on the site seven days a week in an effort to complete the site. Council thanked Mr. Reynolds, Mr. Lionberger, and Mr. Osbourne for the update.

#### **DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:**

1. TOWN COUNCIL ACTION ON:
  - a. A rezoning request by Kenneth R. and Darlene S. Lancaster for property at the end of Melody Drive (tax parcels 525 – ((A)) – 15 and 26A) from A Agricultural to R-3 Multi-Family Residential with proffers. The property contains approximately 3.75 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan and Urban Expansion 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 request, seconded by Councilman Stipes. After some discussion by Council, Town Clerk Stipes polled Council on the vote as follows: Barber – AYE; Carter – AYE; Showalter – NAY; Stipes – AYE; Vanhoozier – AYE; Wade – AYE. As a result of the discussions regarding this request, Councilman Stipes said there is a need to revisit the zoning ordinance regarding greenspace requirements; and Councilman Showalter suggested requiring sidewalk construction for all R-2 Two-Family Residential development.

- b. A Conditional Use Permit request by Fred W. Abbott for property at 1840 Palmer Street, N.W. (tax parcel 466 – ((1)) – 1) for a communications tower in the I-2 General Industrial District. Councilman Barber made a motion to accept the Planning Commission's recommendation to table the request, forwarding it to the Board of Zoning Appeals for review and recommendation. Councilman Showalter seconded the motion and Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
- 2. RESOLUTION OF SUPPORT FOR A CHANGE IN ELECTION DATES. Councilman Stipes made a motion to adopt the Resolution of Support for a Change in Election Dates, seconded by Councilman Showalter. Councilman Barber commented that he does not support the change in election dates from May to November, and that he is opposed to the resulting shortening of term durations. Councilman Barber said he was elected to serve a four-year term in 2008 and he fully expects to serve that obligation. According to the Resolution, the terms for those elected in 2008 will expire on December 31, 2011, rather than August 31, 2012. And, the terms of those elected in May 2010 will expire on December 31, 2013, rather than August 31, 2014. Town Clerk Stipes polled Council as follows: Barber – NAY; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE. A copy of the Resolution is attached herewith and made a part of these minutes.
- 3. UPDATED EMERGENCY OPERATIONS PLAN. Mayor Ballengee called for a motion to update the Emergency Operations Plan. Councilman Barber made a motion to update the Updated Emergency Operations Plan, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
- 4. STIPES AND BARBER – CEMETERY COMMITTEE REPORT. The Cemetery Committee submitted to Council for review a copy of its recommendations for reorganizing the operations of Sunset Cemetery. It is the consensus of Council to vote on this matter at the January 5, 2010 meeting, allowing the opportunity for public comment. A copy of the Cemetery Committee recommendations is attached herewith and made a part of these minutes. It was noted by the Cemetery Committee that the proposed fees are the median for the New River Valley.
- 5. STIPES AND VANHOOZIER – Street Committee report/recommendation on:
  - a. Lot Line Revision for Flinchum & Flinchum, LLC, R.C. Hammes Map of Lots 40, 41, 42, & 43; creating 2 lots; located on Hammes Street. Councilman Stipes reported that this request is to vacate two interior lot lines creating two lots from the existing four for duplex construction. All is in order with the plat and Councilman Stipes made a motion to approve the request, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
  - b. Lot Line Revision of Raintree Village, Section II, Lots 11 and 12 for Randy L. Gibson; creating 2 lots; located on Rainbow Street. Councilman Stipes reported that the information for this request has not been released by the Planning Department and will not be presented tonight.

#### TOWN MANAGER REPORTS:

TOWN MANAGER TERPENNY reported that two responses were received from the bid request for employee Christmas gift certificates. Wades Supermarket bid proposal was for an eight-percent (8%) discount; Food Lion's bid proposal was for a five-percent discount. Manager Terpenny recommended Town Council approve the bid proposal from Wades Supermarket. Councilman Vanhoozier made a motion to accept Wade's bid proposal to provide Christmas gift certificates for all full-time, and permanent part-time, Town employees at an eight-percent (8%) discount. The motion was seconded by Councilman Wade. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

TOURISM DEVELOPMENT COMMISSION. Town Manager Terpenny reported that the Tourism Development Commission (TDC) has applied for federal 501c designation. As part of the process to separate the TDC from the Chamber of Commerce, the TDC needs approval of the Tourism Contract from the local governments participating in the Commission. Changes to the updated contract include removing the TDC from all association with the Montgomery County Chamber of Commerce. Once the tourism contracts have been approved by the TDC, they will be reviewed by the appropriate locality for approval. The TDC is in the process of relocating to a new site. Councilman Showalter, Council's representative on the TDC, thanked the Town for its involvement by heading up the tourism contract.

VIRGINIA DEPARTMENT OF TRANSPORTATION AGREEMENT. Town Manager Terpenny reported that an agreement has been received from Virginia Department of Transportation (VDOT) reflecting changes to the State funding formula. The result of these changes is an increase in costs to the Town of approximately \$6,000 for the Phase I of the Peppers Ferry

Road widening project. Town Manager Terpenny requested authorization from Town Council to sign the said agreement. Councilman Vanhoozier made a motion to authorize the Town Manager to execute the funding agreement with VDOT, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

**HUCKLEBERRY TRAIL AGREEMENT.** Town Manager Terpenny reported that when the easements were dedicated for the Huckleberry Trail twenty years ago, Montgomery County assumed responsibility for the project. Because of this, the TEA-21 funding is in the name of Montgomery County, even though the Town agreed to pay the matching funds. Montgomery County has issued and adopted a Memorandum of Understanding of this situation and has submitted the Memorandum to Christiansburg for adoption. Councilman Wade made a motion to authorize the Town Manager to execute the Memorandum of Understanding, seconded by Councilman Barber. 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 9:15 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor