

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF MARCH 2, 2010 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 MARCH 2, 2010 AT 7:30 P.M.

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

ADMINISTRATION PRESENT: Assistant Town Manager Helms; Town Clerk Michele M. Stipes; Planning Director Wingfield; Town Attorney Kai Memmer; Finance Director Val Tweedie; Human Resources Director Clay McCoy; Aquatics Director Terry Caldwell. ABSENT: Town Manager Terpenny.

PLANNING COMMISSION MEMBERS PRESENT: Chairperson Craig Moore; Mike Byrd; Kevin Conner; Steve Huppert. ABSENT: Ann H. Carter; Wayne Booth.

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

PLEDGE OF ALLEGIANCE.

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 February 16, 2010. Councilman Barber made a motion to approve the Minutes as presented, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

CITIZEN HEARINGS:

1. Ms. Connie Turner to address Council. Ms. Connie Turner presented Council with a request to install a new sewer line on Alleghany Street. Ms. Turner has suffered numerous sewer backups into her home in recent years, and on December 9, 2009 a sewer backup into her home damaged her basement. Ms. Turner commented that, because of her previous complaints, town crews are aware of the sewer backups along this street as well as the numerous patches to the sewer and water lines. Upon an investigation after the December 9th incident, Ms. Turner said the Town insurance denied responsibility for the backup even though there were roots, grease, and ground water in the Town sewer lines. Ms. Turner expressed her frustration with the Town's insurance representatives, stating they were slow to respond and insensitive to her situation. Ms. Turner said the Town has checked the line with a TV camera several times in recent years, even cutting roots from the line and flushing the line. Ms. Turner said that in 2003 she paid to have a new sewer line installed on her property and feels that the backup issues are coming from an old, inadequate town sewer line. Ms. Turner was able to use her own homeowner's insurance to cover the costs of the damage, but now faces the reality of increased insurance costs and the constant worry about this situation occurring again if the Town doesn't replace the sewer line on Alleghany Street, taking precautions to prevent a backup from happening again. Ms. Turner asked that the Town notify her of how this request will be addressed, requesting that a plan of action be put in place within the next thirty days. A copy of Ms. Turner's formal written request is attached herewith.
2. Glen Reynolds and Sam Lionberger, III – Update on Aquatic Center. Mr. Reynolds and Mr. Lionberger updated Council on the progress being made at the aquatic center site. The upper floor of the facility is complete and ready to be furnished; the leisure pool markings are complete and ready for plastic coating, and pool deck tiling has begun; framing of the bleachers has begun. Mr. Lionberger was happy to report that plans are to begin filling the leisure pool and the therapy pool within the next three to four weeks. The team reported several outdoor delays due to winter weather and low temperatures. Concrete for sidewalks can not be poured until the ground temperature warms and the ground dries out. The heating system for the facility will be completed once the weather warms up. Light fixtures are installed and conduits in place. Identification signs are being created. Exterior work continues to be a challenge, but the crews continue to work through weather. Placement of camera locations is to be determined this week, which must be done before bleacher placement. Once the front sidewalk has been poured, aquatic staff can occupy the building. Town IT staff is wiring for computer and telephone systems. Outside

work will move quickly once the weather breaks and the ground thaws. Town Council thanked Mr. Lionberger and Mr. Reynolds for the update.

3. Mr. Craig Moore, Planning Commission Chairman, to address Council regarding open space and sidewalk requirements. Mr. Craig Moore asked Town Council to clarify its direction that the Planning Commission review open space and sidewalk requirements (see Town Council Minutes of 2/16/10). Per Mr. Moore, the Planning Commission is unclear as to whether the Town Council wants the Commission to study if open space and sidewalk requirements *should* be modified; or does Town Council want the open space and sidewalk requirements modified and it want the Planning Commission to focus on design standards. If the direction was for the Planning Commission to focus on design standards, then the time involvement will be greater than three months. Some of the areas that would need to be studied for a design plan for sidewalks are: Cost, drainage, curb/gutter, maintenance, ditches, environmental impact, connectivity, and safety. Minimum requirement threshold and usage would need to be studied for open space modification. Mayor Ballengee, noting that Town Council needs to give the Planning Commission perimeters for review, turned to Councilman Showalter for comment. Councilman Showalter suggested Town Council have a work session to review VDOT's minimum standards on these issues as a starting point. The Planning Commission would be involved with this work session. A work session date of March 23, 2010 was determined by Council, with a time to be announced at a later date.
4. Planning Commission recommendation on:
 - a. A rezoning request by Mr. and Mrs. Johnny Charlton Martin and Johnny C. Martin, Jr. for property at 3295 and 3301 Roanoke Street (an approximately 1.3 acre portion of the total 36.798 acre tax parcel 502 – ((9)) – 5C and an approximately 0.65 acre portion of the total 4.0756 acre tax parcel 502 – ((9)) – 5) from A Agricultural, R-1 Single-Family Residential, and R-1A Rural Residential to B-3 General Business. The property is scheduled as MU-1 Mixed Use: Residential - Limited Business in the Future Land Use Map of the Christiansburg Comprehensive Plan. The Public Hearing was held February 16, 2010. Planning Commission Chair Moore read the Planning Commission's resolution recommending Town Council approve the request with proffers. Planning Commission vote was AYES – 5; ABSENT - 1.
 - b. Contingent on item 5, a Conditional Use Permit request by Johnny C. Martin, Jr. for property at 3295 and 3301 Roanoke Street (an approximately 1.3 acre portion of the total 36.798 acre tax parcel 502 – ((9)) – 5C and an approximately 0.65 acre portion of the total 4.0756 acre tax parcel 502 – ((9)) – 5) for contractor equipment storage in the B-3 General Business District. The Public Hearing was held February 16, 2010. Planning Commission Chair Moore read the Planning Commission's resolution recommending Town Council approve the request with three conditions. A copy of the resolution and conditions is attached herewith. Planning Commission vote was AYES – 5; ABSENT - 1.
5. Citizen's Comments:
 - a. Lisa Lucas Gardner expressed several concerns to Council: Asked for an update on her previous request regarding abandoned vehicles – determine what the term "shield" means; Town flag in downtown square flown inconsistently, suggested the Police Department be in charge of raising and lowering the flag daily; Police Department Citizen's Support Group has denied her request to be a member; opposed to the tinted windows on police patrol cars. Announced a benefit will be held at the Cruisin' Christiansburg motorcycle rally on March 24 to raise money for the family of a Blacksburg Police Officer who lost his life two years ago. Invited all to attend.
 - b. Mr. Greg Nagy addressed Council in support of the zoning permit request by Charles S. Wimmer for an auto body shop at 895 Park Street. Mr. Nagy, a Christiansburg resident and former small business owner in Town, stressed the importance of the Town supporting small businesses, stating that small towns depend on small businesses. Mr. Nagy thanked the Town for the support he was given during the twelve years he was in business, suggesting that the Town continue its support of small business through the zoning permit request before them tonight.
 - c. Mr. Scott Cooper of 170 Baldwin Lane addressed Council regarding an emergency situation he has recently encountered. Mr. Cooper said that when he purchased his home in May 2008, he was told by the realtor that the home was on public sewer, which was a factor in his decision to buy this particular home. Recently, he and his family have begun to smell sewer odor in their yard and bathrooms. Upon investigation by the Town's water department, it was realized that Mr. Cooper's home was not on public sewer, but instead has a septic system. Since Mr. Cooper was unaware of the septic system, there has been no maintenance performed and now he is in a position where he is required by *Town Code* to connect to the nearby Town sewer lines at a cost of \$3,000.00. Mr. Cooper said he was laid-off from his job last year and simply can not afford the connection fee. Mr. Cooper pointed out that the Town has collected over

twelve years worth of revenue from this property for services never rendered. In light of the situation, Mr. Cooper asked that the Town absorb the \$3,000.00 connection fee, so that he can connect his property to public sewer immediately. Council discussed this situation and agreed to deduct the cost of the connection fee from sewer payments made for this property and reimburse the remainder which the property owner can then use to cover the costs of running a line into the home. Attorney Memmer asked that she be allowed to research this matter tomorrow for legal boundaries before a firm decision is made by Council.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council action on:
 - a. A rezoning request by Mr. and Mrs. Johnny Charlton Martin and Johnny C. Martin, Jr. for property at 3295 and 3301 Roanoke Street (an approximately 1.3 acre portion of the total 36.798 acre tax parcel 502 – ((9)) – 5C and an approximately 0.65 acre portion of the total 4.0756 acre tax parcel 502 – ((9)) – 5) from A Agricultural, R-1 Single-Family Residential, and R-1A Rural Residential to B-3 General Business. The property is scheduled as MU-1 Mixed Use: Residential - Limited Business in the Future Land Use Map of the Christiansburg Comprehensive Plan. Assistant Town Manager Helms noted that the Town received a letter in support of this request, which was signed by six people. Councilman Barber made a motion to accept the Planning Commission recommendation to approve the request, seconded by Councilman Wade. Town Clerk Stipes polled Council on the motion as follows: Barber – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
 - b. Contingent on item 5, a Conditional Use Permit request by Johnny C. Martin, Jr. for property at 3295 and 3301 Roanoke Street (an approximately 1.3 acre portion of the total 36.798 acre tax parcel 502 – ((9)) – 5C and an approximately 0.65 acre portion of the total 4.0756 acre tax parcel 502 – ((9)) – 5) for contractor equipment storage in the B-3 General Business District. Councilman Vanhoozier made a motion to accept the Planning Commission recommendation to issue the Conditional Use Permit with three (3) conditions. Councilman Stipes seconded the motion. Town Clerk Stipes polled Council on the motion as follows: Barber – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
 - c. A zoning permit request by Charles S. Wimmer for property at 895 Park Street (tax parcel 498 – ((12)) – 22) for an auto body shop in the I-2 General Industrial District. Mr. George Eanes requested the opportunity to speak to this matter, even though the Public Hearing was held in February. Mayor Ballengee, recognizing Mr. Eanes as owner of the auto body shop allowed him to address Council. Mr. Eanes explained that his business is in restoring old cars, and he also provides service on campers and recreational vehicles for Shelor Automotive Group. Mr. Eanes said he has had no complaints from area residents and Assistant Town Manager noted that the Town has received a few letters of support for Mr. Eanes from area residents. Councilman Wade asked Mr. Eanes if he could comply with the eleven (11) conditions set forth in the zoning permit. After reviewing the conditions, Mr. Eanes said he would gladly comply with the eleven conditions. Councilman Wade made a motion to approve the zoning permit, subject to the eleven conditions, seconded by Councilman Barber. Town Clerk Stipes polled Council on the motion as follows: Barber – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.

TOWN MANAGER REPORTS:

1. Monthly Bills. On motion by Councilman Barber, seconded by Councilman Vanhoozier, Council voted to approve the monthly bills to be paid 10 March, 2010, in the amount of \$1,523,691.16. AYES: Barber, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
2. Assistant Town Manager Helms reported that *Christiansburg Town Code* must be amended if Town Council wants to honor Valley Curbside Recycling's request for advertising support. Councilman Barber suggested that Council set a Public Hearing for this amendment and waive the Public Hearing fee. Councilman Barber made a motion to set a Public Hearing for an ordinance amendment pertaining to Valley Curbside Recycling's request, and to waive the fee for said Public Hearing. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Showalter, Stipes, Vanhoozier, Wade. At the recommendation of Assistant Town Manager Helms, Councilman Wade then made a motion to set the Public Hearing for April 6, 2010, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
3. On behalf of the Downtown Events Committee, Councilman Wade requested that Main Street be closed from Phlegar Street to the intersection of East Main and North Franklin on May 29th, beginning at 2:00 P.M., for the Cruisin' Christiansburg event. On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to approve the request as follows: AYES: Barber, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

4. Resolution of Recognition. Mayor Ballengee presented to Council for adoption a Resolution of Recognition of the Christiansburg High School Wrestling Team. The wrestling team won the 2010 Virginia State AA Championship Wrestling Matches for the ninth consecutive State Championship. A copy of the Resolution of Recognition is attached herewith and made a part of these minutes. Councilman Barber made a motion to adopt the Resolution, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Showalter, Stipes, Vanhoozier, Wade. NAYS: None. Mayor Ballengee announced that the Resolution will be presented to the Coaches and team members at the March 16th Town Council meeting. Councilman Barber urged Council to also recognize the Christiansburg High School Track Team for its recent championship win. Mayor Ballengee agreed and replied that he would prepare a Resolution for the track team to be presented at a future meeting.
5. Councilman Showalter requested that Council members be advised of the staff responses to Ms. Connie Turner's request and Mr. Scott Cooper's request.
6. In response to Lisa Lucas Gardner's concerns regarding abandoned vehicles, Mayor Ballengee asked Town Attorney Memmer to research the Town's options and advise Town Council accordingly.

ADJOURN:

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

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor