

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF AUGUST 3, 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 AUGUST 3, 2010 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: Planning Director Randy Wingfield; Town Clerk Michele M. Stipes; Public Relations Officer Becky Wilburn; Finance Director/Treasurer Val Tweedie; Human Resource Director Clay McCoy; Town Attorney Kai Memmer.

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

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

PLEDGE OF ALLEGIANCE.

PUBLIC HEARING

1. Community Development Block Grant (CDBG) – Consolidated Plan and Annual Action Plan. Planning Director Wingfield reported that the Town is eligible to receive approximately \$113,000 through a Community Development Block Grant for sidewalk projects and water and sewer upgrades in the Park Street District. Planning Director Wingfield explained that this area is eligible to receive these funds due to the income levels of the residents living in this district. A Resolution of Support for this grant will be presented at the August 17, 2010 Town Council meeting.

JOINT PUBLIC HEARING

1. A rezoning request by Wally L. Young and Alvin D. Lester et al., Wallace B. Lester, and John Lester for property on the southern side of Radford Street located west of Melody Drive (tax parcels 525 – ((A)) – 27, 30, and 45) from A Agricultural to R-1 Single-Family Residential. The property contains approximately 8.25 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. Ms. Vi Dupree, President of the HOA in Windsong Heights expressed concerns relating to this request, specifically the domino effect on the area if this property is connected to Melody Drive. Ms. Dupree asked that each Council member visit Melody Drive to determine the impact this rezoning would have on existing real estate values and the overall quality of life. She urged Council to consider school bus access and the effect of additional traffic. Mr. Carlos Lester said he and his family own three parcels of land in this area that were annexed by the Town. He asked that these parcels be rezoned from A Agricultural to R-1 Single Family Residential in compliance with the Town's Land Use Map. Mr. Bryan Rice said he owns property adjacent to the Lester property and has worked with the family. Mr. Rice noted the proffers offered by the Lester's. Mr. Rice spoke in favor of the rezoning and subsequent development. Planning Director Wingfield reported that the Town received a letter from Montgomery County Public Schools in reference to the student population increase that may occur with this development.
2. A Conditional Use Permit request by Jason Blackburn (acting as agent for property owner John W. Eanes, Jr.) for a commercial garage at 1020 Radford Street (tax parcel 525 – ((A)) – 11) in the B-3 General Business District. Mr. John Eanes, owner of 1020 Radford Street, said that the property has operated as a commercial garage for many years and he was unaware that a CUP was necessary for this use. Mr. Eanes expressed to Council the financial impact the CUP process is having on the owner of the garage, Mr. Jason Blackburn, and he asked if Mr. Blackburn can continue operating during this process. It was noted that a gap in property usage during the years resulted in the necessity of a CUP. Planning Director Wingfield clarified that the prior Business License that was issued for the business allows for car detailing only.

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 July 20, 2010. Councilman Showalter requested that the Minutes of June 20, 2010 be amended to clarify that Mr. Fralin's statement regarding ownership was in reference to a portion of Albert Lane and not the Shaeffer property to the north of his land. Councilman Wade made a motion to approve the minutes with amendments as requested, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

CITIZEN HEARINGS:

1. Planning Commission recommendations on:

- a. Conditional Use Permit renewal request by Main Street Baptist Church for industrialized building units being utilized as offices and classrooms at 106 W. Main Street (tax parcel 526 – ((A)) – 201) in the B-2 Central Business District. Planning Commission Chair Moore read the Planning Commission resolution recommending Town Council renew the CUP as requested with two conditions. Planning Commission voted as follows: 4 Ayes; 0 Nays. A copy of the resolution with conditions is attached herewith and made a part of these minutes.
- b. A Conditional Use Permit request by Oscar Gray (acting as agent for property owner Rakesh Aggarwal) for a game room at 1225-C Roanoke Street (tax parcel 528 – ((A)) – 92) in the B-3 General Business District. Planning Commission Chair Moore read the Planning Commission resolution recommending Town Council issue the CUP as requested with nine conditions. Planning Commission voted as follows: 4 Ayes; 0 Nays. A copy of the resolution with conditions is attached herewith and made a part of these minutes.
- c. A rezoning request by Albert Land, LP for property on the northern side of Peppers Ferry Road, N.W. located on Albert Lane and at the end of Sage Lane (tax parcels 404 – ((A)) – 2 and 8) from A Agricultural to R-1 Single-Family Residential with proffers. The property contains 21.61 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Planning Commission Chair Moore reported that at this time the Planning Commission is unable to provide Town Council with a recommendation regarding this request. The motion made during the Planning Commission meeting died for lack of a second. Mayor Ballengee called a short recess to allow the Town Attorney to research the appropriate action to be taken by Council.

Mayor Ballengee called the Regular Meeting of Council to order and Town Attorney Memmer reported that pursuant to *Christiansburg Town Code*, Town Council is permitted to take action on a Joint Public Hearing matter without a recommendation from the Planning Commission.

2. Rebecca Martin – Update on Christiansburg Bus System. Ms. Rebecca Martin provided Council with a presentation offering an overview of the newly established Christiansburg bus system. Ms. Martin reviewed operating and capital revenues, partnership information, ridership totals, testimonials, and proposed changes for future success in Christiansburg. Ms. Martin thanked members of the Christiansburg Working Group who worked along with her: Mayor Ballengee, Councilman Vanhoozier, Mr. Dan Brugh, Mr. Lance Terpenny, and Town Planner Nichole Hair. A copy of the presentation in part is attached herewith for informational purposes.
3. Citizen's Comments.
 - a. Mr. Harold Shelton of Christiansburg commented on the Blacksburg Transit presentation, specifically noting the cost of service compared to the ridership.
 - b. Lisa Gardner, Phelgar Street, voiced her support for the public transportation system offered by Blacksburg Transit. Ms. Gardner commented that the bus service meets the needs of many in the community and she stressed the importance of keeping the service affordable. Ms. Gardner asked Council to give the bus service time to grow in Christiansburg.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Town Council action on:

- a. A Conditional Use Permit renewal request by Main Street Baptist Church for industrialized building units being utilized as offices and classrooms at 106 W. Main Street (tax parcel 526 – ((A)) – 201) in the B-2 Central Business District. It was noted by Planning Director Wingfield that this CUP is non-transferrable. Councilman Vanhoozier made a motion to renew the CUP with two conditions as recommended by the Planning Commission. Councilman Wade seconded the

motion and Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.

- b. A Conditional Use Permit request by Oscar Gray (acting as agent for property owner Rakesh Aggarwal) for a game room at 1225-C Roanoke Street (tax parcel 528 – ((A)) – 92) in the B-3 General Business District. Councilman Barber made a motion to issue the CUP with nine conditions as recommended by the Planning Commission. Councilman Stipes seconded the motion. Councilman Barber noted that Mr. Gray invited Council to review the CUP in six months for compliance, and the Planning Commission recommended a four month review, which was set as a condition of the CUP. Councilman Barber has known Mr. Gray for years and wants to see him given this opportunity believing that it will be well managed. Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
- c. A rezoning request by Albert Land, LP for property on the northern side of Peppers Ferry Road, N.W. located on Albert Lane and at the end of Sage Lane (tax parcels 404 – ((A)) – 2 and 8) from A Agricultural to R-1 Single-Family Residential with proffers. The property contains 21.61 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Mayor Ballengee reported that the Planning Commission met today at 3:00 P.M. to discuss this rezoning request, but postponed the meeting until 6:30 P.M. for lack of a quorum. Mayor Ballengee further noted that two members of the Planning Commission were absent from the 6:30 P.M. meeting and had not had an opportunity to be a part of the discussions on this request. Councilman Wade made a motion to approve the request, and Councilman Barber seconded the motion. Councilman Vanhoozier said he could support this request to rezone the property, noting that the developer would need to come back before Council for a Conditional Use Permit if the property is to be used for a planned housing development; at that time, Council can restrict the use of Sage Lane to emergency vehicle use only. Councilman Wade agreed with Councilman Vanhoozier's comments. Councilman Stipes indicated his support for the designated open space on the concept drawing, which totaled approximately twenty-percent. Councilman Stipes asked if the concept drawing is binding, if open space can be proffered. Planning Director Wingfield informed Councilman Stipes that the concept drawing is not binding and that according to the subdivision ordinance the Town can not require more than ten-percent dedication exclusive of street and stormwater management areas. Councilman Stipes further commented that the concept drawing indicated a good use of land and offered good connectivity; however, the second access, while acceptable, is not shown to be brought out to Route 114. Councilman Stipes supports Sage Lane as an emergency vehicle access. Councilman Stipes generally supports the rezoning request, but would like additional review time. Councilwoman Carter noted that a planned housing development has not been proffered by the developer and Council does not know the intentions for the property once it is rezoned. In response to Councilman Stipes concerns about the amount of open space, Planning Director Wingfield informed Council that it can place as a condition of a Conditional Use Permit (if a planned housing development is requested) the amount of open space desired. Councilman Barber expressed frustration that the concept plan submitted by the developer isn't binding and that Council has no way of knowing what is planned for the property once rezoned. Because of this fact, Councilman Barber said he is unable to support the request. Councilman Showalter asked the developer if he is currently in business negotiations with adjacent property owners. The developer, Robert Fralin, replied that he is not. Mr. Fralin suggested Town Council consider tabling the request for further review and recommendation by the Planning Commission. Councilman Wade agreed that there are many unanswered questions regarding this request, and he would like to see the Planning Commission further review the matter at a time when all members can be present. Councilman Wade withdrew his motion to approve and Councilman Barber withdrew his second to the motion. Councilman Wade then made a motion to table the rezoning request and send it to the Planning Commission for further review and recommendation. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None. Mayor Ballengee commented that this matter will be placed on the August 17, 2010 Town Council agenda.
2. Fiscal Year 2010 – 2011 Budget cuts. Town Council reviewed budget amendments detailed by the Finance Director according to Council's direction. The budget amendments totaling \$728,227 include expenditure decreases such as: Reduction in supplies (P&R); salary reductions from hiring delays of vacancies; elimination of one police vehicle, east end engineering survey, one pickup truck (PW), and Fall Clean-up; and a reduced cost estimate for Alleghany Street and Miller Street projects. With these and other expenditure decreases, and various revenue increases, Town Council is able to reduce the budget deficit to \$1,520,900, which will be taken from reserves to balance the budget. Since the change in the budget is more than \$500,000, the Town must set a Public Hearing before adopting the amendment, and Town Attorney Memmer stated that since the total budget change is over 1%, the Town should advertise the amendment in detail. Mayor Ballengee said he will set this matter as a Public Hearing on the August 17, 2010 agenda for discussion. Council thanked Finance Director/Treasurer Tweedie and Human Resource Officer Clay McCoy for their responsiveness to Council on this matter. Council directed Planning Director Wingfield to advertise the budget amendment in detail. Planning Director Wingfield

stated that the Town should advertise that it will not offer Fall Clean-up. Councilman Showalter commented that it is important to note in the advertisement that while Fall Clean-up is being eliminated, the Town will continue to provide leaf pick-up for residents.

3. Memorandum of Understanding – Sustainable Communities Consortium. Planning Director Wingfield reported that Council received a copy of the Memorandum of Understanding, the purpose of which is to provide a mutual understanding of the agencies forming the New River Valley Sustainable Communities Consortium that will be working collaboratively to prepare a grant application for submission to the Department of Housing and Urban Development Sustainable Communities Regional Planning Grant Program, and to successfully complete the work if the grant application is funded. Councilman Wade made a motion to adopt the Memorandum of Understanding, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None. A copy of the Memorandum of Understanding is attached herewith and made a part of these minutes.
4. Councilman Stipes and Councilman Vanhoozier – Street Committee Report:
 - a. Subdivision Plat From Records for Meadow Development Corporation; creating 1 lot; located at the corner of Keystone Drive and Kensington Way. Councilman Stipes reported that this request is in relation to the Kensington development. The request is to divide a 1.393 acre parcel from a larger lot for anticipated future R-1 Single Family Residential development. Councilman Stipes reported that this plat conforms with the subdivision ordinance, noting that a planned housing development has been approved for this property and will be brought to Council in the future. Councilman Stipes made a motion to approve the request, seconded by Councilman Vanhoozier. Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
 - b. Caldwell Subdivision Plat for William Thomas & Jacqueline W. Caldwell Showing Existing Lot 8A and New Lot 8D; creating 2 lots; located on Scattergood Lane. Councilman Stipes reported that this is the Caldwell Monument property and the request is to subdivide the monument building from the personal residence effectively making two lots from one. Councilman Stipes noted that the monument property is serviced by a septic tank, which upon failure will be upgraded to Town sewer. 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: Barber – AYE; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.
 - c. Subdivision of Lot 12A, Phase XII, Christiansburg Industrial Park, creating two lots, Prospect Drive. Councilman Stipes reported that this request is the subdivision of Lot 12 to Lot 12A and 12B. The plat conforms to Town Code and Councilman Stipes made a motion to approve the request, seconded by Councilman Vanhoozier. Town Clerk Stipes polled Council as follows: Barber – AYE; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Wade, Council voted to approve the monthly bills to be paid 10 August, 2010, in the amount of \$2,066,352.51. AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

PLANNING DIRECTOR WINGFIELD reported that the Town has applied for an Urban Development Area Planning Grant from VDOT in the amount of fifty thousand dollars.

MAYOR BALLENGEE reported that Councilwoman Carter has served as Council representative on the _____ for many years. Councilwoman Carter's term on Council expires August 31, 2010 and Mayor Ballengee asked Council to consider a suitable appointment to this committee. Councilwoman Carter commented that she has enjoyed serving in this capacity and that the committee meets four times per year.

MAYOR BALLENGEE and Council members discussed the job description being drafted for the vacant Town Manager position. Mayor Ballengee reported that he would like the document finalized this week and asked each member of Council to review and make changes to their satisfaction. Councilman Barber suggested that Council could consider hiring a company to assist in the hiring of a new Town Manager. A local company in Riner specializes in this service and has offered to supply Council with an information packet. Estimated fees for this service are twenty thousand dollars. Mayor Ballengee reviewed the option of the Town handling the hiring on its own, which would include advertising, group screening, and interview committee, and final selection by Council, much in the same manner used in hiring the Police Chief. Mayor Ballengee estimated a six month process until a final hire. Councilman Wade voiced his support of the Town

handling the hiring process itself, which will save money and include citizen involvement. Councilman Stipes agreed with Councilman Wade. Various advertising venues include Virginia Municipal League and Virginia Local Government Management Association. Mayor Ballengee said he would like to have the advertisement posted by September 1, 2010. Mayor Ballengee reported that former Town Manager Lance Terpenny has served on the Blacksburg-Christiansburg-VPI Water Authority for many years and is willing to continue to serve in this capacity if Council so desires. This is a one-year appointment by Town Council. Councilman Vanhoozier remarked it is a good idea to keep Mr. Terpenny on the Authority because there is work in progress that he is involved with. Councilman Stipes suggested requiring a staff member to also attend the meetings as a liaison for the Town, requesting that Acting Town Manager Helms be responsible for choosing the staff member. Councilman Barber made a motion to reappoint Lance Terpenny to the Blacksburg-Christiansburg-VPI Water Authority for a term of twelve months commencing September 1, 2010, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

COUNCILWOMAN CARTER asked for an update on her previous request concerning heavy trucks utilizing College Street from Depot Street to Moose Drive as an access street. The Street Committee reported that consideration was given this matter with a desire to identify the present volume of trucks using College Street; however, the Town's traffic counting equipment is currently inoperable. The Street Committee further reported that Montgomery County has directed its school bus drivers to avoid College Street except for student pick-up and drop-off. Councilman Barber again suggested using Ellett Drive and Miller Street as examples and posting weight restriction signage. The Street Committee will continue working on this matter to determine a recommendation.

COUNCILMAN SHOWALTER asked for an update on the audio/video progress. Public Relations Officer Wilburn reported that she is working on a Memorandum of Understanding between Montgomery County and Christiansburg, which she will present to Council for approval.

COUNCILMAN SHOWALTER asked for an update on paperless billing. Financial Director/Treasurer Tweedie reported that the Town would most likely need another software upgrade in order to offer this service.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:55 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor