

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF DECEMBER 21, 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 DECEMBER 21, 2010 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; D. Michael Barber; Cord Hall; Steve Huppert; D. Henry Showalter; Bradford J. Stipes; James W. Vanhoozier. ABSENT: None.

ADMINISTRATION PRESENT: Interim Town Manager Barry Helms; Town Clerk Michele M. Stipes; Town Attorney Jim Guynn; Assistant to the Town Manager Adam Carpenetti; Public Relations Officer Becky Wilburn.

PLANNING COMMISSIONERS PRESENT: Chairman Craig Moore; Kevin Conner; Joe Powers. ABSENT: Barry Akers; Mark Caldwell; Ann H. Carter; Meghan Dorsett.

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 Regular Meeting Minutes of December 7, 2010. There being none, Councilman Vanhoozier made a motion to approve the Minutes as presented, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

I. CITIZEN HEARINGS:

1. Planning Commission's recommendation on:

- a. A request by Cellco Partnership dba Verizon Wireless to amend Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for telecommunications structures. Planning Commission Vice-Chair Conner presented the Planning Commission's recommendation that Town Council approve the request by Cellco Partnership to amend Chapter 30 of the Christiansburg Town Code. Vice-Chair Conner provided Council with a copy of the recommendation explaining that it was amended to include minor changes necessary to provide consistency in wording. The Planning Commission vote was five ayes, no nays, two abstentions.
- b. Contingent on Item 1, a Conditional Use Permit request by PR Financing Limited Partnership for a 125' communications monopole at 100 New River Road (tax parcel 435 – ((A)) – 41) in the B-3 General Business District. Vote 5 to 1 with 2 abstentions. Planning Commission Vice-Chair Conner read the Planning Commission's Resolution recommending Town Council issue the Conditional Use Permit with eleven conditions. A copy of the Conditional Use Permit and eleven conditions are attached herewith.
- c. A Conditional Use Permit request by Dan Steinberg (acting as agent for property owners Loy D. and Mary E. Burch) for manufacture and assembly of smoking pipes and accessories at 3145 N. Franklin Street (tax parcels 406 – ((4)) – 22 and 23) in the B-3 General Business District. Planning Commission Chairman Moore read the Planning Commission Resolution recommending Town Council approve the Conditional Use Permit with three conditions. A copy of the Resolution and three conditions are attached herewith. Planning Commission vote was eight ayes; no nays.
- d. Council's intention to adopt an ordinance amending Chapter 26 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to adoption of Virginia Department of Transportation Secondary Street Acceptance Requirements and pedestrian accommodation, street sections, and parking requirements. Planning Commission Chairman Moore read the Planning Commission's Resolution recommending Town Council adopt the ordinance amending the Christiansburg Town Code as presented by the Planning Commission. Planning Director Wingfield presented Council with the amended ordinance reflecting minor changes made to the recommendation during the December 20, 2010 Planning Commission meeting. Planning Director Wingfield reviewed these

changes with Council, and provided a comparison of the recommended amendment as compared to the VDOT Secondary Street Acceptance Requirements. If adopted by Council, a copy of the recommended ordinance amendment will be attached herewith. Planning Director Wingfield clarified that existing streets would not fall under secondary street requirements. Town Council expressed its appreciation for the extra effort given by the Planning Commission and for the presentation of the recommended ordinance amendment.

2. Anne Thompson with the TriAdventure, Fitness in Action Triathlon to address Council on a proposed triathlon on June 26, 2011. Ms. Anne Thompson introduced her assistant Kelly McPherson and thanked Council for the opportunity to speak. Ms. Thompson said she was approached by the Aquatic Center requesting TriAdventure, Fitness in Action Triathlon organize a local triathlon. Ms. Thompson said she is excited to be a part of this community event. Ms. Thompson said the Sheriff's Department and the Christiansburg Police Department will be involved in organizing and policing the event. Town Attorney Guynn said there are many things to consider with an event of this nature, including the liability that results from closing public streets. Attorney Guynn stressed the importance of following the USA Triathlon Guidelines, at a minimum, commenting that an endeavor of this nature can be great or tragic. Attorney Guynn informed Council that the Town's involvement would not fall under sovereign immunity, and that any injuries would result in no immunity to the Town for anyone involved. Ms. Thompson said that Ms. McPherson designed the course routes with the Christiansburg Police Department for safety, and that the Police Department has recommended the number of officers per intersection, along with other safety measures, to make the triathlon course as safe as possible. Ms. McPherson said the major street closings would be on a Sunday morning from 7:00 A.M. to 12:00 P.M., and they will be proactive in letting the community know of the event and street closings. Five hundred to six hundred people are expected to participate in the triathlon, which is set to begin and finish at the Aquatic Center. Registration is set to begin in late January and Ms. Thompson is hoping to get approval from Town Council soon. Officer Chris Ramsey submitted to Town Council the event proposal with route outline for review. Councilman Huppert suggested that Officer Ramsey come before Town Council in early January to discuss and address Council and community concerns. It was suggested that the Street Committee review and make a recommendation on the street closings for the event. However, Councilman Barber commented that if the Police Department has set the street closings at its discretion that should be adequate and not need the attention of the Street Committee. Mayor Ballengee turned the matter over to Attorney Guynn and the Police Department for review and recommendation.
3. Citizens' Comments
 - a. Tacy Newell – resident of Arrowhead Trail and a downtown property owner. Ms. Newell thanked the Council members for their service to the community. She asked for a revisit on the historic districts overlay, a matter that has been before Council numerous times, but not approved. Ms. Newell said she had hoped that Town Council would consider the three separate historic districts in Christiansburg and do an overlay with finite boundaries. This action would open up access to state dollars for buildings in the historic districts, including her building downtown. Review requirements are needed. Because of Council's decision in the past not to take action on a historic district overlay, her plan to use grants to convert the top floor of her downtown building into residential units was eliminated. To do this, Ms. Newell stated she needs the historic district overlay and requirements. Another matter of concern to her is the status of looking at Conditional Use Permits that are approved and whether or not they are in compliance. Common practice by the Town is to review CUP's upon complaint. Ms. Newell suggested a review plan for all Conditional Use Permit's issued to ensure compliance of conditions. Ms. Newell asked if the Town has the money, resources, and personnel that would allow for this? Ms. Newell also took a minute to recognize the transitions taking place within town government. Specifically, the hiring of Police Chief Sisson, and Finance Director/Treasurer Valerie Tweedie, approval of priority based budgeting, hiring of a Public Information Officer, and the updated website. Ms. Newell said she understands there is a RFP out in search of a headhunter to help hire a new Town Manager; however, she believes the Town has good in-house staff capable of hiring a Town Manager. Ms. Newell recommended Town Council consider hiring Interim Town Manager Barry Helms to serve as Town Manager, and spend the search resources on finding a successor for the Town Manager when Mr. Helms needs to be replaced. Ms. Newell wished Happy Holidays to Council.
 - b. Carol Lindstrom – resident of Depot Street. Ms. Lindstrom thanked Town Council for video production of its Council meetings, the updated website, the hiring of Finance Director Valerie Tweedie, Public Relations Officer Becky Wilburn, and Interim Town Manager Barry Helms. Ms. Lindstrom said she believes there is much community support for hiring Mr. Helms to serve as Town Manager. She thanked Town Council and staff for the improvements to town government. Mayor Ballengee thanked Ms. Lindstrom for taping the Town Council meetings and making them available to the public.

III. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS

1. Town Council action on:

- a. A request by Cellco Partnership dba Verizon Wireless to amend Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for telecommunications structures.

Councilman Vanhoozier made a motion to accept the Planning Commission's recommendation to approve the request to amend Chapter 30 of the Christiansburg Town Code in regards to provisions for telecommunications structures. Councilman Huppert seconded the motion. Councilman Hall stated that he spoke with Mr. Cowan of Verizon Wireless and he appreciates the presentation by Mr. Cowan at the December 7, 2010 meeting. However, Councilman Hall voiced his concerns with the aesthetics of the monopole, given that the location is extremely visible. Councilman Hall noted that directly behind the New River Valley Mall are the Villas at Peppers Ferry neighborhood, and other residential neighborhoods affected by the visibility of the monopole. Councilman Hall said he is not in a position to support or deny the request at this point, and he wants to approach citizens affected by visibility before taking action and he recommended tabling the request until the January 18, 2011 Council meeting, noting that Verizon has said it would begin construction of the pole in six months. Councilman Hall said he believes the monopole would be used by the Town's emergency services eventually, and appreciates the consideration by Verizon. Councilman Hall asked that information about the monopole be provided to the public through local media. Councilman Vanhoozier said this motion is for the ordinance amendment, not the Conditional Use Permit. Councilman Hall replied that he is considering the two together. Councilman Vanhoozier asked Mayor Ballengee to separate the issues for two separate votes by Council. Mayor Ballengee responded that procedures are in place for notifying the public of requests that come before Council, and ample time allowed for public comment. These guidelines were adhered to in this case and the Town has received no response from community. Councilman Hall said he would like to go door to door to speak with residents, stressing that he is not attacking the necessity of this utility, but simply realizing that once approved there is no going back. Mr. Cowan commented that he has provided ample information on the matter and he is inclined to approve with the Mayor's comments that visibility of the monopole is not a concern of the neighboring residences, but acknowledging that many may not be aware of the request. Mr. Cowan, said Verizon Wireless tried to keep the visibility to a minimum through their choice of mountings placed on the monopole. All spots other than the top most mounting ring could be flush mount on the monopole to keep it aesthetically tidy. Councilman Showalter asked if it is typical to allow for municipal service on the pole. Mr. Cowan answered that Verizon tries to accommodate the needs of the locality in which a monopole is placed. Interim Town Manager Helms said that often the Town will request a spot poles placed in town limits. Councilman Stipes stated that he will not support the request this evening. He, too, has considered the necessity of the utility, but has concerns with potential aesthetics of the pole. Councilman Stipes supports the recommendation to table the request until next month for additional time to address concerns. Councilman Stipes said he does not have a problem with the 125 foot tower ordinance revision so long as every request must come before Council for a Conditional Use Permit. Councilman Stipes said he believes the renderings provided by Verizon are misleading because they don't reflect the monopole as it will appear with all the spots filled. Councilman Stipes stated that he is willing to act on the request to amend the zoning ordinance, but not the Conditional Use Permit request. Attorney Guynn said he is concerned with wording in the Planning Commission resolution that adds confusion about the height of poles allowed by right, and those requiring a Conditional Use Permit. Attorney Guynn said the wording is ambiguous and could be challenged, recommending that the ordinance provide that all poles require a Conditional Use Permit regardless of height, which Council agreed would clarify the regulation. After listening to the discussion by Council, Planning Director Wingfield recommended adding a second sentence to the residential provision that states "...monopoles not to exceed 70 feet." Councilman Vanhoozier made a motion to amend his original motion to include the changes as recommended by Attorney Guynn and Planning Director Wingfield. Councilman Huppert seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Councilman Barber then made a motion to approve the ordinance amendment request as recommended by the Planning Commission, with the amendments made by Council. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

- b. Contingent on Item 1, a Conditional Use Permit request by PR Financing Limited Partnership for a 125' communications monopole at 100 New River Road (tax parcel 435 – ((A)) – 41) in the B-3 General Business District. Councilman Stipes and Councilman Hall said they will not support the recommendation in present form out of concern with future aesthetics. Councilman Hall recommended tabling the request until January for further review. Councilman Vanhoozier argued that ample community notice has been given and resulted in no community response. Councilman Stipes said if the request is approved and four arrays are placed on the pole, Council will hear from the community; the rendering didn't reflect this potential. Mr. Cowan said that the top

mount for Verizon would be as shown on rendering; any others will be a flush mount to reduce visibility. Mr. Cowan said Verizon is willing to amend the mounting specifications, if pleasing to Council. Councilman Hall understands procedures are in place, but stated this is a special circumstance that will have an effect on anyone in the area, and anyone who lives in area. Councilman Hall said he doesn't understand the harm in requesting a couple more weeks before voting. Attorney Guynn pointed out that Mr. Cowan mentioned that his client offered additional conditions to those submitted, and Council can require additional conditions. Councilman Barber asked Mr. Cowan to provide a picture of exact expectation of how the monopole will look with all spots occupied, and then Council will take action. Mr. Cowan said he can not guarantee that the other spots will be occupied, but offered again to place further restrictions if this will please Council. Councilman Hall made a motion to table the request until January 4, 2011, contingent on receiving an updated drawing from Mr. Cowan. Councilman Showalter seconded the motion. Councilman Barber noted that the utility has been proven to be needed in this area of Town, and urged Council to not delay the matter past January 4, 2011. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

- c. A Conditional Use Permit request by Dan Steinberg (acting as agent for property owners Loy D. and Mary E. Burch) for manufacture and assembly of smoking pipes and accessories at 3145 N. Franklin Street (tax parcels 406 – ((4)) – 22 and 23) in the B-3 General Business District.

Councilman Barber made a motion to accept the Planning Commission recommendation to issue the CUP with three conditions. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Vanhoozier. NAYS: Stipes.

d. Council's intention to adopt an ordinance amending Chapter 26 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to adoption of Virginia Department of Transportation Secondary Street Acceptance Requirements and pedestrian accommodation, street sections, and parking requirements. Councilman Hall made a motion to accept the Resolution as presented by the Planning Commission and revised by Town Council, seconded by Councilman Showalter. Councilman Stipes commended the Planning Commission for its extra work on this matter, but asked Town Council to consider the following recommendations: 1) To allow either sidewalks or 10 foot multiuse paths so long as it connected to each lot in the development and connected to adjacent properties where proposed roadway connections are shown. Councilman Stipes recommended site plan reviews by Town staff, instead of Town Council as recommended by the Planning Commission. Councilman Huppert stated his support for the recommendation that Town Council provide site plan reviews as a way for Town Council to stay updated on development in town. 2) Councilman Stipes further recommended a revision that would eliminate the potential for streets to be built narrower than thirty-feet for two way traffic for secondary streets with curb and guttering. Mayor Ballengee noted that he hasn't heard a lot of public support for mandatory sidewalks. Councilman Hall said there is a misconception within the community that sidewalks will become mandatory for existing neighborhoods, thus costing property owners money to install sidewalks. Councilman Hall stressed that this is not so, the ordinance, if adopted by Council, will apply to future developments only. Councilman Hall said he believes there is much public support for sidewalks and pedestrian facilities, which was the number one issue that came up during his election campaign. Attorney Guynn asked for clarification as to the process to be used for site plan approval. Councilman Stipes replied that town staff would review the site plans and at that time direct where the path needs to go to connect to existing parcels. Councilman Vanhoozier said he will support the motion if it is amended as recommended by Councilman Stipes, which gives equal preference to sidewalks and multiuse paths. Councilman Hall made a motion to adopt both amendments as recommended by Councilman Stipes, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. Nays: None. Councilman Hall then made a motion to accept the Planning Commission's recommendation to adopt the Virginia Department of Transportation Secondary Street Acceptance Requirements and pedestrian accommodation, street sections, and parking requirements, as amended by Town Council. Councilman Showalter seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Aye, Hall - Aye, Huppert - Aye, Showalter - Aye, Stipes - Aye, Vanhoozier - Aye.

2. Community Housing Partners loan request. Councilman Barber reported that the conditions in the original loan documents must be changed before the refinancing may proceed. The State must approve this change. Because of this information, Councilman Barber requested to table the request until Community Housing Partners provides the approval from the State.

3. Appointment of Christiansburg's alternate representative to the New River Valley Emergency Communication Regional Authority. Meetings are held on the last Thursday of each month. Christiansburg representative is Interim Town Manager Barry Helms. Interim Town Manager Helms recommended Town Council appoint Assistant to the Town Manager Adam Carpenetti to serve as the alternate. Councilman Barber made a motion to accept the recommendation to appoint Adam Carpenetti to serve as the alternate on the New River Valley Emergency Communication Regional Authority. Councilman Huppert seconded the motion and Town Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Mayor Ballengee thanked Mr. Carpenetti for his willingness to serve.
4. Hazard Mitigation Plan. Interim Town Manager Helms reported that the New River Valley Planning District Commission has prepared a Hazard Mitigation Plan, which is being reviewed in place for five years. Interim Town Manager Helms provided Council with the section pertaining to Christiansburg, reporting that a consensus of support is needed by Town Council. The Hazard Mitigation Plan will then be submitted by the PDC to the Federal Emergency Management Agency (FEMA) for approval, at which point it will come back before Council for final adoption. Interim Town Manager Helms asked Council to review and present comments or concerns at the next Town Council meeting.
5. Recommendation to Montgomery County Board of Supervisors for Christiansburg's representative to The Fire and Rescue Commission. James W. Epperly is our current representative whose term is expiring. Councilman Barber made a motion to recommend the reappointment of Mr. James Epperly to serve another three year term as representative to the Fire and Rescue Commission. Councilman Stipes seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. Councilman Hall said he has had the opportunity to talk with Mr. Epperly and his is impressed by Mr. Epperly's immense knowledge of the Fire and Rescue Departments. Mayor Ballengee said he will send a letter to the Montgomery County Board of Supervisors recommending this reappointment.
6. Reappointments to the Recreation Advisory Commission. Terms expire Dec. 31, 2010 for Doris Oliver, Michael Saylor, and Jim Williamson. Ms. Oliver, Mr. Saylor, and Mr. Williamson were present and introduced by Mayor Ballengee. All agreed to serve another term on the Recreation Advisory Commission. Councilman Hall made a motion to reappoint Doris Oliver, Michael Saylor, and Jim Williamson to serve another four year term on the Recreation Advisory Commission, seconded by Councilman Stipes. Councilman Barber said he has worked with these three individuals for the last ten years and they are all contributing members, well versed in needs of citizens, and each attend the monthly meetings. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. Mayor Ballengee thanked each for their service to the community.
7. Appointment to the Planning Commission to fill the unexpired term of Mr. Wayne Booth. Mayor Ballengee presented to Council the formal resignation of Mr. Wayne Booth from the Planning Commission. Councilman Barber made a motion to accept the resignation, with regrets, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

Mayor Ballengee then explained that if Council chose to use the same balloting point system used to appoint the most recent Planning Commission members, the person to be appointed would be Jennifer Sowers. Councilman Vanhoozier said he supports continuing to use this method, noting that the Planning Commission vacancies had been advertised in due process, and Council personally interviewed applicants. Councilman Vanhoozier made a motion to appoint Jennifer Sowers to fill the unexpired term of Wayne Booth, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Mayor Ballengee will notify Ms. Sowers of her appointment. Councilman Huppert recommended Town Council begin the practice of recognizing departing Planning Commissioners for their service to the Town.

8. Mr. Stipes and Mr. Vanhoozier - Street Committee report/recommendations on:
 - a. Plat Showing Lot Line Vacation Between Tax Parcel 527 - ((A)) - 57 and Tax Parcel 527 - ((A)) - 58; creating 1 lot; located at 13, 15, and 17 W. Main Street. Councilman Stipes presented a plat of the property explaining the request to vacate an internal lot line creating one large lot from two smaller lots. Councilman Barber made a motion to approve to plat as presented, second by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

IV. TOWN MANAGER'S REPORT

PUBLIC HEARING REQUEST(S) – Interim Town Manager Helms presented the following requests and recommended setting the Public Hearings as indicated:

January 4, 2011

- a. Intent to sign a contract for the Diamond Hills Park stream bank stabilization project.

On motion by Councilman Barber, seconded by Councilman Vanhoozier, Council voted to set the Public Hearing(s) as indicated. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier.

January 18, 2011

- a. Request to vacate of portion of Farmview Road N.E.

On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to set the Public Hearing(s) as indicated. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier.

PARKS AND RECREATION DEPARTMENT AWARDS. Interim Town Manager Helms turned Council's attention to the copy of Our Health magazine each member received at the beginning of the meeting, noting that in the magazine the Christiansburg Parks and Recreation Center won the Bronze award for Blue Ridge Best of: Fitness Centers, and the Gold award for Blue Ridge Best of: Senior Center. Mayor Ballengee commended the Parks and Recreation department for its outstanding service to the community.

BLACKSBURG TRANSIT RIDERSHIP UPDATE. Councilman Vanhoozier provided Council with an accounting of the Christiansburg bus ridership through October, reporting that he has requested from Ms. Becky Martin a ridership accounting through November. Once he receives this report from Blacksburg Transit, Councilman Vanhoozier will email the information to each Councilmember. Mayor Ballengee announced that a commuter bus will run from Christiansburg to Blacksburg beginning January 3, 2011.

PROPOSED FARMER'S MARKET. Councilman Huppert reported that he has received positive support from the community resulting from his farmer's market presentation during the last Council meeting. Councilman Huppert reiterated his request that \$1,000 be provided through the tourism budget to be used as seed money for the farmer's market. Councilman Huppert then stressed to Council the importance of considering finances, both revenues and expenses, at all times throughout the year. Mayor Ballengee thanked Councilman Huppert for his leadership in beginning the steps to establishing a farmer's market in Christiansburg.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:30 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor