

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF FEBRUARY 15, 2011 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 FEBRUARY 15, 2011 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor Michael D. Barber; Steve Huppert; Henry D. Showalter; Bradford J. Stipes; James W. Vanhoozier. ABSENT: R. Cord Hall.

ADMINISTRATION PRESENT: Interim Town Manager Barry Helms; Town Clerk Michele M. Stipes; Town Attorney Jim Guynn; Assistant to the Town Manager Adam Carpenetti; Human Resource Director Clay McCoy; Finance Director/Treasurer Valerie Tweedie.

PLANNING COMMISSION MEMBERS PRESENT: Chairperson Craig Moore; Barry Akers; Ann Carter; Kevin Conner; Meghan Dorsett; Joe Powers; Jennifer Sowers. ABSENT: Mark Caldwell.

MAYOR BALLENGEE announced there was a quorum of Council present and opened the meeting with the Pledge of Allegiance.

AGENDA AMENDMENT – Mayor Ballengee recommended an amendment to the Closed Meeting portion of the agenda excluding Section 2.2-3711A(1), Code of Virginia, from the Closed Meeting discussion. Councilman Vanhoozier made a motion to amend the agenda as recommended, seconded by Councilman Showalter. Council voted as follows: AYES: Barber, Huppert, Stipes, Vanhoozier. NAYS: None.

Presentation of a Resolution of Recognition to Deborah Akers who received the 2010 Governor's Award for Outstanding Contribution to EMS. Mayor Ballengee introduced Ms. Akers and her family and presented her with a Resolution of Recognition for her outstanding service to the community, and for her volunteer service on the Christiansburg Rescue Squad. A copy of the Resolution is attached herewith and made a part of these minutes. Ms. Akers thanked Town Council for the recognition saying it was a privilege to be associated with the Christiansburg Rescue Squad since 1999. The Resolution was adopted by Council at a previous Town Council meeting.

JOINT PUBLIC HEARING

1. A Conditional Use Permit request by Patricia Cline Epperly (acting as agent for property owner Epperly Elite Training Center, LLC) for a private school at 100 Central Avenue (tax parcel 467 – ((18)) – 1) in the B-3 General Business District.

Mr. Jason Watson said he is partnering with Epperly Elite Training Center to begin a private school in Christiansburg. Mr. Watson said 100 Central Avenue is an ideal location that is easily accessible, has ample recreation space, low traffic, and room for future expansion. Planning Commissioner Meghan Dorsett asked several questions pertaining to future growth and outdoor recreation space. Mr. Watson explained that the school will begin by serving grades Kindergarten through second grade and will expand to meet future needs. Mr. Watson again stated that the school will offer ample indoor and outdoor recreation space. Mayor Ballengee asked if private schools come under state requirements for space and usage. Mr. Watson replied that State accreditation is not required for private schools, but it is encouraged. Ms. Carol Lindstrom commented that this request is a good example of why Conditional Use Permits should be considered individual, without "cookie-cutter" guidelines. Mr. Watson thanked Town Council for its consideration.

2. A Conditional Use Permit request by Albert Land, LP for a Planned Housing Development on Albert Lane and at the end of Sage Lane (tax parcels 404 – ((A)) – 2 and 8 and 434 – ((A)) – 8) in the R-1 Single-Family Residential District and R-3 Multi-Family Residential District.

Mr. Steve Semones of Balzer and Associates, representing Albert Land, L.P. reported that when the Town rezoned the property in this request, it asked that Albert Land, L.P. submit a lay-out of the Conditional Use Permit design. Albert Land, L.P. is now requesting a Conditional Use Permit for a Planned Housing Development. Mr. Semones reviewed the seven proffers that were submitted at the time of rezoning, along with three additional proffers offered with the Conditional Use Permit. A copy of the ten proffers is attached herewith. Mr. Semones added that the development will be similar to New River Village in design and density. Sidewalks and trails have been designed to meet the newly adopted development ordinance of the Town Code. Regarding the Sage Lane access to the development, Albert Land, L.P. has proffered to gate the access for emergency vehicle use only; however, Mr. Semones said the developer is willing to comply with the wishes of Council regarding the Sage Lane access.

Mr. Bo Keister of Sage Lane said he appreciates Mr. Fralin's willingness to work with the residents of Sage Lane concerning the access point at the end of Sage Lane. Mr. Keister said it is his understanding that the decision was to gate the Sage Lane access and hopes this is not in question. Mr. Keister said if the Sage Lane access is not to be gated, the residents of Sage Lane do not support the request. Mr. Keister commented that he appreciates the efforts of the Town's rescue personnel and suggested that the gate operate remotely so as to not place a burden on those responding to emergencies.

Mr. Chris Penney of Tallulah Circle questioned the necessity of connecting the new development to Sage Lane. Mr. Semones explained the design from an engineering standpoint including site distance, traffic flow, and intersection requirements used to make the decision to place the access at the end of Sage Lane. Mr. Penney responded that Sage Lane and the nearby surrounding streets are dangerous because of the road design and he is concerned with the safety of his and neighborhood children. Mr. Penney said he is also concerned that he may lose some of his back yard when the new throughway is developed. Mr. Penney said he is not against development, just poor planning. Mr. Semones told Mr. Penney that there are no plans to take any of his property with the road development and there is a distance buffer designed from a safety standpoint.

Mr. Brian Wells of Tallulah Circle said he understands the main corridor is planned to run parallel with his back yard and he is concerned about the safety of his children while playing outside. Mr. Wells suggested a buffer of fencing to ensure safety. Mr. Fralin of Albert Land, L.P. said he is willing to build a fence of adequate height. Mr. Wells recommended an eight-foot fence to be constructed before road construction begins.

Ms. Vicky Erbe of Tallulah Circle said her rear property line is within close distance of the planned road and she supports the recommendation of a proffered buffer between the road and property lines. Ms. Susan Brickhouse of Tallulah Circle echoed Ms. Erbe's comments, stating she supports what has been voiced by her neighbors. Several other residents of Tallulah Circle voiced their concern with planned walkway design, property de-valuation, and the desire for a wall buffer between the planned road and existing property lines.

Mr. Darren Williams of Sage Lane said he understands the concerns of the Tallulah Circle residents, but his main concerns are with his family's safety and with gating the access point on Sage Lane, suggesting the lane be single car width with a gate. Mr. Williams said he appreciates Mr. Fralin's willingness to be fair in his compromise. Mayor Ballengee noted that the plans submitted by Mr. Fralin call for the Sage Lane access to be gated emergency vehicle access only.

Mr. Dexter Albert and Mrs. Lorrie Albert said they are not against the proposed Planned Housing Development, but are concerned with stormwater run-off from New River Village dumping onto their property. Mrs. Albert asked about the stormwater management plans for the new development out of concern for possible contamination of her creek and pond. Mrs. Albert questioned the safety and visibility of the nearby pump station, and the planned speed limit for the road to be developed. Mr. Semones informed the Alberts' that the pump station access will remain open and will not be impacted by development of the new road. Mr. Semones then explained that stormwater management will be put in place to prevent run-off and any contamination of the nearby creek and pond. A culvert will be added as part of the stormwater management system which will minimally raise the Alberts' road. Mr. Albert provided Council with a letter from attorney Christopher Tuck regarding the use of a fifty-foot property easement.

Mr. Michael Bean, who serves on the Homeowners Association board said that the housing development is not the issue, only ingress and egress to the property. Mr. Bean said the Town and the developer should focus on addressing that concern.

Mr. Deveron Milne of the Christiansburg Rescue Squad commented that if the Sage Lane access is gated for emergency vehicle use only, the gate should be sensed and activated by the same system used presently at the Town's traffic signals.

Mr. Michael Spurlock of Tallulah Circle voiced his concern with the turning lane in and out of the new subdivision. Mr. Spurlock asked if a stop, or yield, sign is planned for this intersection. Mr. Spurlock also voiced his concern with the extremely poor condition of the walking trail in New River Village, stating he hopes the trail built through the new development will be of better quality. Councilman Huppert agreed that the walking trail has deteriorated and is in need of upgrading. Mr. Fralin also agreed that the walking trail is in bad condition and explained that New River Village was built in Phases, with the trail initially proposed to be a gravel path. The trail was installed properly, but was not properly maintained. Mr. Fralin said he did not propose a gravel path for the new subdivision. Mr. Howd Albert recommended paved walking trails which would be more practical and useful. Ms. Carol Lindstrom asked who was responsible for maintaining the walking trails in New River Village. Mr. Fralin answered that the Homeowner's Association is responsible for maintenance once the trail is accepted by the Town.

A resident of Sage Lane asked that the Conditional Use Permit not be issued until a buffer wall is built. She also asked that Council consider the existing school bus stops in this area and asked Council for assurance of a future stop light.

Planning Commissioner Joe Powers, noting the property zoning of R-1 Single-Family Residential, asked for the justification of choosing to ask for a Conditional Use Permit to develop a Planned Housing Development. Planning Commissioner Powers noted the significant requirement differences with respect to lot size, right-of-way width, and setbacks. Mr. Semones referenced a letter from Balzer and Associates, Inc., dated February 11, 2011, stating the developer's position in requesting a Planned Housing Development. A copy of the letter is attached herewith. Mr. Fralin said his goal is to provide housing to folks of every age and socioeconomic status, which helped him determine that a Planned Housing Development is the best use of this property.

Planning Commissioner Dorsett commented that the information packet provided by the Planning Department for this request is inadequate and does not address the dam at the end of the existing pond designed for agricultural run-off, filling, and procedures to ensure proper drainage. Also unaddressed is the sloping topography; Ms. Dorsett said she believes fill dirt will be necessary for each lot. Ms. Dorsett said she believes one lot is located in the floodplain. Mr. Semones responded that planning a development is a process and decisions regarding the pond and dam are a part of that process. The dam and pond, which must meet code, will need to be analyzed and decisions made after analysis. The developer must adhere to guidelines set forth by Department of Environmental Quality, and the Town of Christiansburg. Mr. Semones further explained the stormwater management system planned for the development that includes the pond, noting the concept is not complete and is in need of more engineering and soil studies. Mr. Semones also explained soil characteristics and classifications, noting that the property contains a high amount of clay, which is not unusual in Christiansburg. Because of this, each house built on site must pass a required shrink/swell soil test. Mr. Semones also noted that, according to FEMA standards, no portion of this property is located in a flood plain.

Councilman Stipes thanked Mr. Fralin for staying true to his word and providing a Conditional Use Permit request for Council's consideration. Councilman Barber, noting the suggestion of a remote activated gate at the end of Sage Lane, asked if funding for this could come from the Rescue Squad's discretionary fund.

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 February 1, 2011. There being none, Mayor Ballengee announced the Minutes approved as presented.

CITIZEN HEARINGS:

1. Mr. Wayne Mohammed to give an update on the Christiansburg Institute. Mr. Mohammed was not present.

2. Citizens' Comments:

- a. Mr. Dexter Albert of Albert Lane said he brought a concern regarding poor water pressure at his mother's home on Orchard Street. Mr. Albert said the water pressure of thirty pounds is an ongoing problem that has not been addressed by the Town. Councilman Stipes reported that Mr. Wayne Nelson, Director of Engineering and Public Works, researched this matter when Mr. Albert first brought it to Council and found that the measured water pressure meets State requirements. Interim Town Manager Helms reported that the Virginia Department of Health requires twenty pounds of water pressure to residences, further reporting that the Town is studying water pressure in areas of town, but have not reached this area, yet. Interim Town Manager Helms stated to increase water pressure at this location would require higher elevation of the water tank, not replacement of the water lines. Mr. Albert said he believes Montgomery County requires private water pressure to be fifty pounds and insisted that, in his mother's situation, the problem is with the flow, not the elevation of the water tank.
- b. Ms. Connie Turner of Alleghany Street asked when she could expect work to begin on the Alleghany Street sewer line upgrade. Interim Town Manager Helms said work is scheduled to begin on Alleghany Street the first of March.
- c. Ms. Carol Lindstrom suggested Town Council consider holding Joint Public Hearings outside of regular Town Council meetings to eliminate confusion at the meetings.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

TOWN MANAGER REPORTS:

Interim Town Manager Helms presented Council with the bid results for the Christiansburg Fire Department renovation project. Bids include replacing HVAC systems and lighting in the fire station, and fixing any resulting wall damage. The low bid received was \$554,990, noting that 10% of the bid price is for lighting. Interim Town Manager Helms asked for authority to award the contract that includes replacement of light fixtures. Noting that the bids came in over-budget, the Town would need to amend the budget to draw funds from reserves. Mayor Ballengee suggested Town Council consider drawing the shortage from money reserved for the fire department building. Councilman Barber made a motion to award the contract that includes replacement of light fixtures, seconded by Councilman Stipes. Council chose to leave to Interim Town Manager Helm's discretion the decision of where to draw the fund shortage. Councilman Barber asked if there would be a penalty clause for completion delays over one hundred twenty-eight days. Interim Town Manager Helms said scheduled events at the Fire Department may cause delays that are out of the control of the contractor. Councilman Showalter asked Interim Town Manager Helms if he checked costs for accuracy since the bids are significantly higher than what was budgeted. Interim Town Manager Helms replied that the budgeted amount did not include the lighting replacement or repair of wall damage resulting from heating register replacement. Town Attorney Jim Guynn recommended that the motion include authorizing Interim Town Manager Helms to execute the contract, and Councilman Barber amended his motion accordingly. Councilman Stipes seconded the amended motion. Town Clerk Stipes polled Council as follows: Barber – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.

Interim Town Manager Helms reported that adjustments have been made to the Thursday garbage pick-up routes in the Oak Tree area. The reason for the change is to create more efficient routes.

Interim Town Manager Helms announced a Finance Committee meeting scheduled for February 28, 2011 to discuss revenue projections. Department heads have submitted budgets and prioritizations, and the \$100 survey will be sent to citizens through the water bills.

Interim Town Manager Helms referred to a letter, included in the agenda packet, from a Christiansburg resident requesting that the Town waive their sewer connection fee due to unusual hardship. Mayor Ballengee turned the matter over to the Water, Sewer, and Solid Waste Committee for review and recommendation.

Councilman Huppert asked for a timeline of the steps to a completed budget. Interim Town Manager Helms said numerous work sessions with Council will be held, along with meetings of the Finance Committee. The Public Hearing is expected to be held the first or second Town Council meeting in May, 2011. The budget must be approved before July 1, 2011.

Councilman Showalter referenced an email he sent Councilmembers on Sunday regarding organizations seeking grants/funding in budget. Councilman Showalter recommended the Town prepare an application process, with a deadline, for organizational purposes and for clarification of where the requested funds will be spent. Councilman Showalter urged Council to consider implementing this system for the current budget process, suggesting the Finance Committee design an application and bring to Council for approval. Mayor Ballengee turned this recommendation over to the Finance Committee for review and recommendation.

Councilman Huppert reported that a meeting to discuss the future farmer's market is scheduled for tomorrow at 2:00 PM at the Montgomery Museum.

CLOSED MEETING:

1. Request for a Closed Meeting under Section 2.2-3711 A(29), *Code of Virginia*, for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Councilman Barber made a motion to enter into a Closed Meeting, seconded by Councilman Showalter. Town Clerk Stipes polled Council as follows: Barber – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.
2. Reconvene in Open Meeting. Councilman Barber made a motion to reconvene in Open Meeting, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.
3. Certification. Councilman Stipes moved to certify that the Town Council of the Town of Christiansburg, meeting in Closed Meeting, to the best of each member's knowledge, discussed only the matters lawfully exempt from open meeting requirements by Virginia Law and only such matters as are identified in the Resolution to enter into Closed Meeting. Councilman Barber seconded the certification and Town Clerk Stipes polled Council as follows: Barber – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
4. Council Action on the Matter. Councilman Vanhoozier made a motion to hire Springsted to assist and advise the Town in its search for a Town Manager on contractual terms approved by the Town Attorney, and to authorize the Mayor to execute the contract on behalf of the Town. Councilman Stipes seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Aye; Huppert – Nay; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. Mayor Ballengee said Human Resource Director Clay McCoy will be in touch with Springsted to begin working on the details of the contract.

ADJOURNMENT:

There being no further business to bring before Council, the meeting was adjourned at 9:44 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor