

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF SEPTEMBER 20, 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 SEPTEMBER 20, 2011 AT 7:30 P.M.

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

ADMINISTRATION: PRESENT: Interim Town Manager Barry D. Helms; Town Clerk Michele M. Stipes; Town Attorney Jim Guynn; Assistant to the Town Manager Adam Carpenetti; Engineering Director Wayne Nelson; Town Planner Nichole Hair; Finance Director/Treasurer Valerie Tweedie.

PLEDGE OF ALLEGIANCE.

MAYOR BALLENGE requested that the agenda be amended to include the following: 1) Professional Fee Proposal by the Planning Commission; 2) A presentation by Mr. John Tuttle of Servpro regarding clean-up of methamphetamine labs; and 3) A subdivision plat for Bruce A. Moses for property located in Cheadle's Trailer Park. Councilman Stipes made a motion to approve the amendments, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

PUBLIC HEARING

1. Proposed Water Supply Plan. Interim Town Manager Helms explained that Christiansburg joined Blacksburg in forming a Regional Water Supply Plan, which is prudent since both localities receive water from the same source. Director of Engineering Wayne Nelson and representatives from Blacksburg worked together to create the plan, the details of which can be found on the Town's website. This plan is required by the State for emergency management. Interim Town Manager Helms asked Council to review the plan and be prepared to vote on the matter at the October 20, 2011 regular Town Council meeting.
2. Proposed Ordinance that would implement the Drought Response and Contingency Plan. Interim Town Manager reported that this proposed ordinance authorizes Town Council and the Town Manager to take action at its discretion in the event of severe drought or water shortage.

REGULAR MEETING

MAYOR BALLENGE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of September 6, 2011. There being no corrections, minutes were approved as presented. Councilman Barber made a motion to approve the minutes, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

CITIZEN HEARINGS:

1. Christiansburg Comprehensive Plan update by Meghan Dorsett. Ms. Dorsett provided Council with a handout that corresponded with her Power Point presentation reporting on the "Create Christiansburg" community survey developed by the subcommittee of the Planning Commission focusing on the Christiansburg Comprehensive Plan. Ms. Dorsett reported that four hundred seventy-two surveys were returned, representing 3.2% of the town's population. Ms. Dorsett provided an overview of the participants, including the geographic distributions made up of eight quadrants. Ms. Dorsett noted that the distributions cannot be checked against census data at this time. Distributions by employment and location of work; educational attainment; home ownership and housing type, were also reviewed. The results of the survey will be split into nine categories for the comprehensive plan. Ms. Dorsett reported that according to the survey aspects of the Town that are

popular with respondents are the downtown flower boxes, the Police Department, the bus service, the Recreation Center, and the Aquatic Center. Aspects of the Town reported as unpopular by respondents are the Town's land planning, town government, and the street cleaner. Ms. Dorsett said workshops are ongoing and she invited all those interested to attend.

2. Planning Commission's recommendations on:
 - a. Conditional Use Permit request by Lenzkes Clamping Tools, Inc. for a commercial garage at 845 Radford Street (tax parcels 525 – ((A)) – 41, 42, and 43) in the I-1 Limited Industrial District. Interim Town Manager Helms reported that the Planning Commission is recommending tabling the request for further review.
3. Christiansburg Planning Commission Representative – Request for authorization to hold separate Public Hearings during regular Planning Commission meetings. Interim Town Manager Helms, on behalf of Planning Commission Chairman Craig Moore, reported that the Planning Commission voted at its last meeting to hold separate Public Hearings from Town Council. The vote by the Planning Commission was eight ayes, no nays, and one absent. Mayor Ballengee asked that this matter be delayed until a representative from the Planning Commission can be present to discuss the matter and answer questions of Council. Council agreed to discuss this matter at the October 18, 2011 Town Council meeting.
4. Mr. John Tuttle, a resident of Sapphire Drive, and employee of Servpro, a company involved in the clean-up of meth labs in the area, presented information to Council to help in the understanding of the magnitude of involvement in cleaning up meth labs. Mr. Tuttle stated that Building Official, Jerry Heinline met with him and property owners impacted by meth labs, to gain knowledge that would aid in improving the draft Clean-up Requirements for Clandestine Labs, previously submitted to Council for review. Mr. Tuttle provided background on the history of methamphetamine, and pointed out items/chemicals that may indicate the presence of a meth lab, including photographs of actual meth labs. Mr. Tuttle reviewed the general guidelines for cleanup of meth labs that includes replacement of ventilation system, contamination removal and disposal (draperies/carpet, etc), cleaning of all surfaces, replacement of plumbing, repainting after cleaning, and lastly, testing and clearance done by a third party. Mr. Tuttle briefly discussed the cost of meth lab clean-up, which varies depending on each situation, and can be from fifteen hundred dollars up to ten thousand dollars. There are no standards and no State funding available to cover these costs, and that it is left to each locality's discretion to decide who is responsible for these cost. Mr. Tuttle reported that he has cleaned up ten meth labs in the New River Valley over the past eight months.
5. Professional Fee Proposal. Interim Town Manager Helms reported that the Planning Commission has been doing a study on Historic Districts, and is requesting funds to hire a professional consultant to assist in the study. Mayor Ballengee referred the request to the Finance Committee for review and recommendation.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Town Council action on:
 - a. Conditional Use Permit request by Lenzkes Clamping Tools, Inc. for a commercial garage at 845 Radford Street (tax parcels 525 – ((A)) – 41, 42, and 43) in the I-1 Limited Industrial District. Councilman Barber made a motion to table the request for further review, as recommended by the Planning Commission. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
2. Conditional Use Permits: Town compliance practices and citizen notifications (Councilman Hall). Councilman Hall raised his concerns with the Town's current complaint based policy on Conditional Use Permit (CUP) compliancy. Councilman Hall questioned citizens' ability to hold each other accountable when the conditions set forth in CUP's are not easily available to the public. Councilman Hall asked if this information can be posted on the Town's website, and questioned why the Town doesn't have a compliance officer who can review and monitor each CUP for compliance. Mayor Ballengee responded that the high volume of active CUP's with conditions issued by the Town make it difficult and time-consuming to regulate. Town Planner, Nichole Hair, who reviews compliance complaints, said that once a complaint is received, a sight visit is done within twenty-four hours, which involves her and Ordinance Officer Cridlin. If the complaint is valid, the CUP holder has a two-week period to come into compliance. Ms. Hair reported that the Town currently has five to six hundred active CUP's, the majority of which have no annual review. She monitors violations every day that also includes high grass complaints and debris complaints, and performs annual reviews every Friday. Ms. Hair said that the Planning Department has considered a GIS system that would link Conditional Use Permits with property, but cost is an issue. Councilman Barber suggested mailing adjoining property owners the conditions set forth in issued CUP's in the same manner that adjoining property owners are notified of rezoning or CUP requests. Councilman Hall suggested imposing an annual renewal fee as a compliance check, and Interim Town Manager Helms said he will research this suggestion to see if the Town is authorized to impose such a fee. Mayor Ballengee asked Ms. Hair to keep record of complaints and number of property visits for the next four or five months for review material. Interim Town Manager Helms said he would report to

Council at the October 18, 2011 Town Council meeting his findings on posting CUP's on the Town's website and the possibility of imposing an annual renewal fee.

3. Update on *Christiansburg Town Code Recodification* (Councilman Stipes). Interim Town Manager Helms reported that the Town Code is currently on the Town's website. The Town is under contract with MuniCode of Florida for the recodification, and the next meeting with MuniCode is scheduled for next week. Town Staff has reviewed all appropriate material and is prepared for the meeting with MuniCode. Interim Town Manager Helms said he will keep Council updated on the progress of this process.
4. Adoption of a proposed ordinance amending Chapter 28 "Traffic and Motor Vehicles" of the Christiansburg Town Code in regards to provisions for idling vehicles. Interim Town Manager Helms reported that the proposed changes to the ordinance are the result of numerous complaints in Town, especially along Alleghany Street. Councilman Hall said Class 1 Misdemeanor status is too severe for this type of infraction and that he does not support the proposed amendment. Council agreed with Mr. Hall's comments. Attorney Jim Guynn said that over the last year, he has had at least three complaints from staff in Christiansburg with idling trucks in neighborhoods. Mr. Guynn said he looked at zoning as a way to control this situation, but found that Christiansburg has always allowed trucks in neighborhoods, even though there is no right or reason to have a truck in a residential neighborhood. The common argument is that a truck driver needs his truck for his livelihood and has no other place to park it except for at his residence. Mr. Guynn said the problem is balance between the truck owner and the neighbors, the issue being fumes and noise from running motors. With the assistance of Interim Town Manager Helms, Council looked at other violation classes. Councilman Vanhoozier said he supports a fine up to five hundred dollars, and Councilman Hall suggested considering Class 4 Misdemeanor with the first violation, moving to Class 3 Misdemeanor with future violations, with a letter of warning before charging with a misdemeanor. Mayor Ballengee referred this matter to the Planning Commission for review and recommendation.
5. Council to set the personal property tax relief percentage at 45% as required by the Personal Property Tax Relief Act. Council must set the personal property relief percentage each year. Interim Town Manager Helms explained that the requirement to update rates annually for Personal Property Tax Relief Act is a result of legislative action in 2004. In 2004, legislature capped the dollar amount each locality is entitled to receive from the State of Virginia. This year the rate is to be set at 45%. This action is part of the phase out of the car tax relief imposed several years ago and applies to personal vehicles only. Councilman Stipes made a motion to set the Personal Property Tax Relief rate at 45% for the tax year 2012, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
6. Appointment of a Town Manager. Mayor Ballengee gave a brief history on Council's decision to hire a Professional firm, Springsted of Richmond, to assist in the hiring of a new Town Manager, and the process used in choosing a candidate. Mayor Ballengee expressed his appreciation for Springsted's assistance, and thanked Council for the time and dedication it devoted to this endeavor. Councilman Vanhoozier then made a motion to appoint Mr. Barry Helms Town Manager, effective September 20, 2011. Councilman Barber seconded the motion and Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Nay; Huppert – Aye; Showalter – Nay; Stipes – Aye; Vanhoozier – Aye. Mayor Ballengee said he will present Mr. Helms with an employment contract, on Council's behalf, later this week.
7. Mr. Barber and Mr. Huppert – Water, Sewer & Solid Waste Committee recommendation on:
 - a. Request by Mr. Bud Akers for a variance that would allow the continued use of a septic tank at 1145 West Main Street. This request was brought before Council at the September 6, 2011 Town Council meeting. Councilman Barber reviewed request and Town policy, noting that the request was prompted by family's concern with the fragile state of their motion due to her age. The family has paid the fee required to hook onto the Town sewer system. Councilman Barber reported that the Water, Sewer & Solid Waste Committee is recommending Ms. Thompson be allowed to continue using her septic systems as long as she is alive and living in house, with the house remaining in her name, with no change in usage of the property, and no further problems with septic system. The fee paid will stay with property. If stipulations are not met, then the property would be required to hook onto the Town sewer system. Attorney Jim Guynn said enforcing any ordinance is discretionary, but if a complaint is received, the Town would need to look at this matter again. From a policy standpoint, Attorney Guynn noted that this decision could affect future decisions. Interim Town Manager Helms reported that the intent of the ordinance is to protect the health of the community, and that the Engineering Department did a sight visit and determined that the septic system is in proper working order, including the drain fields. Interim Town Manager Helms noted that, per policy, Ms. Thompson will begin paying the monthly minimum water/sewer usage fee since the sewer hook-up fee was paid. Councilman Stipes said he supports the recommendation, including the payment of the monthly bill, providing that the situation is monitored for changes in the

septic tank performance that would pose health risks to the community. Mayor Ballengee recapped the recommendation which includes accepting the hook-up fee, waiving immediate hookup, and billing each month for minimum sewer. Attorney Guynn recommended Interim Town Manager Helms reviews these matters with the family of Ms. Thompson before Council takes action on the recommendation. Council will vote on this matter at a future meeting.

8. Mr. Stipes and Mr. Vanhoozier - Street Committee report/recommendation on:
 - a. Lot Line Vacation Survey of Tax Parcels 528 – ((A)) – 70, 528 – ((A)) – 72C & 528 – ((6)) - 1; creating two lots; located on Chinquapin Trail. Councilman Stipes reported that this request will vacate two lot lines, creating two lots from three. The Street Committee has reviewed the request and found it is in conformance with the Subdivision Ordinance, and Councilman Stipes made a motion to approve the plat, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - b. Plat Showing Relocation/Vacation of Boundary Lines for Leroy M. Linkous; creating two lots; located on S. Franklin Street. Councilman Stipes reported that this request is to vacate a boundary line, converting two parcels into one. Councilman Stipes noted that this action will bring the property in closer compliance with the Subdivision Ordinance. Councilman Stipes made a motion to approve the plat, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - c. Plat Showing the Relocation/Vacation of Lot Line between Lots 3 and 4 and Lot 152; Christiansburg Institute Property; creating two lots; located on Scattergood Drive, N.W. and Independence Boulevard N.W. Councilman Stipes reported that this request is to vacate internal lot lines creating two lots from three. All is in order with the plat and Councilman Stipes made a motion to approve the plat, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - d. Plat Showing Relocation/Vacation of Lot Line for Teel & Duncan, Inc. and Dale & Freda Teel Family Limited Partnership; 2 lots; located on First Street, Hickok Street, and Second Street. Councilman Stipes reported that this request was previously approved by Council in 2007, but was not recorded within the sixty day limit. All is in order with the plat and Councilman Stipes made a motion to approve the plat, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - e. Plat showing Relocation/Vacation of Lot Line between Natalie H. Cheadle and Bruce A. Moses; containing 3 lots; located on East Street and Roanoke Street. Councilman Stipes reported that Mr. Moses plans to buy a portion of the Cheadle's property, and vacate a lot line to create additional property to accommodate a future building. Councilman Stipes reported that the request is in compliance with the Subdivision Ordinance and he made a motion to approve the plat as presented. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - f. Report on traffic calming device on South Franklin Street. Councilman Stipes reported that the Town engineering staff reviewed the request for a traffic calming device on South Franklin Street, along with the Street Committee. The review, based on VDOT's requirements for traffic control, found that traffic volume and speed along this street does not fall within the guidelines for placement of a traffic calming device.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUEST(S) – Interim Town Manager Helms presented the following request and recommended setting the Public Hearing for October 18, 2011.

1. Community Development Block Grant – Annual Action Plan.

On motion by Councilman Barber, seconded by Councilman Vanhoozier, Council voted to set the Public Hearing for October 18, 2011. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

FALL CLEAN-UP WEEKS. Interim Town Manager Helms reported that the Public Works Department will conduct Fall Clean-Up weeks October 1, 2011 through October 15, 2011. The Fall clean-up announcement and details will be posted on the Town's website and published in the local newspapers.

Interim Town Manager Helms announced that the Christiansburg Aquatic Center has recently won two awards. The Virginia Recreation and Park Society has named the Christiansburg Aquatic Center the "Best New Facility" for population under 25,000, and Aquatics International magazine has selected the Christiansburg Aquatic Center as one of thirteen "Best-in Class" facilities for its "Best of Aquatics" award.

Interim Town Manager Helms reported that changes to the recycling program will take affect this month. The recycling facility will soon begin accepting plastics numbered 1 through 7, except Styrofoam and plastic bags. Recycling containers will have new signage to reflect this change. Mixed paper and newspaper will now be collected together in one bin instead of separate bins.

REAPPOINTMENT TO THE NEW RIVER VALLEY AGENCY ON AGING – Councilman Barber made a motion to reappoint Mr. Scott Weaver to serve another term as representative on the NRV Agency on Aging, and to reappoint Councilman Steve Huppert to serve as alternate. Councilman Showalter seconded the motion and Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

MAYOR BALLENGEE AND COUNCIL MEMBERS expressed their appreciation to Mr. Barry Helms for his service to the Town as Interim Town Manager for over one year.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:45 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor