

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF AUGUST 5, 2008 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 5, 2008 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Huppert, Stipes, and Wade. COUNCIL MEMBERS ABSENT: Councilman Canada and Councilwoman Carter. Also present Town Manager Terpenney, Assistant Town Manager Helms, Town Clerk Stipes, Planning Director Wingfield, and Town Attorney Memmer.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Booth, Byrd, Poff, Simmons, and Vanhoozier. PLANNING COMMISSION MEMBERS ABSENT: Commissioners Moore and Carter.

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

PLEDGE OF ALLEGIANCE led by Planning Commissioner Poff.

JOINT PUBLIC HEARING

1. An ordinance in regards to a rezoning request by Cheryl A. Hessney, Joshua D. and Sara T. Akers, and William C. Osborne for property at 470, 500, and 520 Montgomery Street (tax parcels 497 – ((A)) – 80 and 497 – ((27)) – 1 and 2) from R-2 Two-Family Residential to B-3 General Business. The property contains approximately 1.5 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Applicant Cheryl Hessney, owner of the property at 470 Montgomery Street, was present and explained to Council that she would like to turn her home into a bed and breakfast. Her home, built in 1907, is registered with the National Registry of Historical Places. Three of the four bedrooms would be used as guest rooms, with possible expansion of one additional bedroom upstairs. Ms. Hessney showed Council a picture of her property. She also explained that the property owners of 500 and 570 Montgomery Street, who are included in the rezoning request to connect the Hessney property to existing B-3 zoning, intend to remain completely residential and have proffered such. Ms. Megan Dorsett expressed her support of the request commenting that a bed and breakfast is an economically viable usage of the property.

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 15, 2008. Councilman Wade made a motion to approve the minutes as presented, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

CITIZEN HEARINGS:

MAYOR BALLENGEE opened the Citizen Hearings for those desiring to address Council.

PLANNING COMMISSION'S RECOMMENDATIONS ON THE JOINT PUBLIC HEARING REQUESTS:

1. An ordinance in regards to a rezoning request by Cheryl A. Hessney, Joshua D. and Sara T. Akers, and William C. Osborne for property at 470, 500, and 520 Montgomery Street (tax parcels 497 – ((A)) – 80 and 497 – ((27)) – 1 and 2) from R-2 Two-Family Residential to B-3 General Business. The property contains approximately 1.5 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. At Chairperson Simmons' request, Manager Terpenney read the Planning Commission's resolution recommending Town Council approve the rezoning request with proffers, by unanimous vote. A copy of the Resolution is attached herewith and made a part of these minutes.

MS. TACY NEWELL-FOUTZ complained to Council that mini-bikes and pocket-rockets are being ridden at high speeds along Kiwanis Lane in Christiansburg. She has contacted the Police Department numerous times with this complaint, to no avail. Ms. Newell-Foutz said she understands this property is privately owned, but because of her concern for public safety, she suggested

the Town place speed bumps along the lane to slow down traffic. She said the bikes are a nuisance. Mayor Ballengee questioned the Town's authority to force speed bumps on privately owned property, but will study the matter.

MR. HAROLD SHELTON commented on the recent decision by Council to enforce a two-hour limitation on parking in the downtown area. Mr. Shelton would like the Town to consider a different method of monitoring than chalking tires. Mayor Ballengee commented that the Town is still working on the details and will take his concerns under advisement.

LISA LUCAS GARDNER of 11 Phlegar Street brought several of her thoughts before Council. First, she said she believes the Town would benefit from a noise ordinance and suggested the Town form a review committee to research the matter. Secondly, she said she believes the Town needs a fence ordinance to protect citizens from the bad discretion of others. Third, she wants the Town to review the Police Department's policy of take-home vehicles for officers living out of Town; how many, how much it costs, and if it is necessary. Next, she said she wants the Town to adopt a policy requiring a thirty-day response time for citizen requests and concerns. Also, she said she wants citizen representation on every committee formed by Council. And lastly, she said she does not like the order by which the Town conducts its Council meetings and wants opening citizen comments and closing citizen comments during every meeting.

There being no one else to address Council, MAYOR BALLENGEE closed the Citizen Hearings.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

COUNCIL ACTION ON THE PLANNING COMMISSION'S RECOMMENDATIONS ON THE JOINT PUBLIC HEARING REQUESTS:

1. An ordinance in regards to a rezoning request by Cheryl A. Hessney, Joshua D. and Sara T. Akers, and William C. Osborne for property at 470, 500, and 520 Montgomery Street (tax parcels 497 – ((A)) – 80 and 497 – ((27)) – 1 and 2) from R-2 Two-Family Residential to B-3 General Business. Councilman Wade made a motion to approve the request with proffers, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

RECOMMENDATION FOR REAPPOINTMENT TO THE BOARD OF ZONING APPEALS FOR JAMES W. KIRK. On motion by Councilman Wade, seconded by Councilman Huppert, it was resolved to recommend and request the reappointment by the Circuit Court of Montgomery County, Virginia, of James W. Kirk to the Board of Zoning Appeals of said Town for a five year term beginning September 1, 2008 and expiring August 31, 2013. Council voted on the motion as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

CONSIDERATION OF HUCKLEBERRY TRAIL BRIDGE OVER PEPPERS FERRY ROAD. Council has reviewed the Huckleberry Trail bridge designs presented to them by Gay and Neel, Inc., at the June 17, 2008 Town Council meeting. Mayor Ballengee reported that the link truss design is the most favorable by Council, and the price range is economically feasible. The bridge is to be fully enclosed with a concrete deck. Mr. Conner of Gay and Neel will make this recommendation to the Friends of the Huckleberry. Mr. John Neel wanted to clarify his comments at the June 17th meeting regarding ADA compliance of the bridge. Mr. Neel said that there are two different types of handicap accessibility according to ADA guidelines, which are access to buildings and access to facilities. The Huckleberry Trail and bridge can incline ten to eleven percent and still be considered handicap accessible specific to American Society of Highway and Transportation Officials (ASHTO) guidelines. In short, he commented, the trail from the mall to the bridge, and the bridge, will be ADA compliant. Mr. Neel said he understands that his previous comments caused some confusion and he apologized for that. Mr. Conner noted that the steepest portion of the existing Huckleberry Trail is fourteen percent; the bridge will be eleven percent. Mr. Conner said he plans to submit the funding application by the October 1 deadline. The Commonwealth Transportation Board will need a dollar amount by this date. Councilman Barber made a motion to approve the link truss design, seconded by Councilman Huppert. Council voted as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

RESOLUTION REQUIRED BY THE INTERNAL REVENUE SERVICE FOR VRS PAYMENTS. Manager Terpenney presented to Council a resolution affirming authorization to pick-up employee's contribution to Virginia Retirement System for the Town as required by the Internal Revenue Service. A copy of the resolution is attached herewith and made a part of these minutes. Councilman Barber made a motion to adopt the resolution, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

CONSIDERATION OF MILEAGE REIMBURSEMENT RATES. Mayor Ballengee reported that the Internal Revenue Service has approved mileage reimbursement up to \$0.585/mile. After discussion by Council, Councilman Barber made a motion to increase the Town's mileage reimbursement rate from \$0.485/mile to \$0.585/mile. Councilman Wade seconded the motion and Council voted on the motion as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

SEWER SERVICE AREA AGREEMENT. Town Manager Terpenney reported that some time ago a local Baptist church was donated land off Route 114, just outside Town limits. The church has requested Town sanitary sewer service. This can be done at no cost to the Town, however, sewer contracts with the County would need to be amended. Engineers would need to first perform a study to determine if capacity is available, before negotiating with the County. Town administration has no objections to moving forward with this request. Councilman Stipes made a motion to begin the process of providing the requested sanitary sewer service, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

MR. STIPES AND MR. CANADA – Street Committee Recommendations on:

1. Plat showing vacation of interior lot lines Cambria Pointe, Phase I and relocation of public utility easements for SHAH Development, LLC; creating 1 lot; located on Cambria Street, N.W. Councilman Stipes reported that Council previously approved storage building construction on this site and this request is to vacate the interior utility easements to allow for wider easements around the perimeter of the property. All is in order and Councilman Stipes made a motion to approve the request, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.
2. Cornerstone Townhomes, Phase III; creating 3 lots; located on Scott Street, N.E. This request is to create three lots from four for townhouse development. Property setbacks conform to Town Code and all is in order with the plat. Councilman Stipes made a motion to approve the request, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.
3. Plat showing boundary line adjustment and sanitary sewer easement dedications between tax parcels 525 – ((A)) – 7 & 525 – ((A)) – 4A; contains 2 lots; located on Radford Street, N.W. Councilman Stipes reported that this request is for a slight boundary line adjustment between two consenting property owners. The plat has been reviewed by the Town's engineering staff and all is in order. Councilman Stipes made a motion to approve the request, seconded by Councilman Huppert. Council voted as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

CLOSED MEETING:

1. MAYOR BALLENGEE requested a Closed Meeting under Section 2.2-3711A(3), *Code of Virginia*, for the discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. On motion by Councilman Barber, seconded by Councilman Wade, Council voted to enter into a Closed Meeting. Town Clerk Stipes polled Council as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.
2. MAYOR BALLENGEE declared Council out of Closed Meeting and into Regular Session. Town Clerk Stipes polled Council as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.
3. CERTIFICATION – Councilman Barber 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 Huppert seconded the certification and Council voted as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Huppert, Council voted to approve the monthly bills to be paid 10 August, 2008, in the amount of \$2,982,029.77. AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNEY reported that Ms. Terry Caldwell has been hired as the Town's new aquatic center director. Ms. Caldwell will have an office in the Town Hall and her first direction will be to develop a complete business plan for the aquatic center. Ms. Caldwell will begin working August 18.

PUBLIC HEARING REQUEST – Town Manager Terpenney presented the following requests and recommended setting the Public Hearings for September 16, 2008:

1. Sewer easement vacation request, New River Valley Mall.
2. Conditional Use Permit request, 870 Park Street, stock pen, overnight boarding.

On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to set the Public Hearings for September 16, 2008. Council voted on the motion as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY reported that, at Council's request, Mr. Sandy Bennett plans to attend the August 19 Town Council meeting to address Council's questions regarding his CUP extension request. Mayor Ballengee commented that he did a site visit and the facility is near operational.

COUNCILMAN WADE made a motion to authorize the Town Manager to sign VDOT documents for water and sewer easements along Pepper's Ferry Road. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Huppert, Stipes, and Wade. NAYS: None.

MANAGER TERPENNY reported that Council is invited to attend Airgas Corporation's ribbon cutting ceremony in the Christiansburg Industrial Park at 10:30 a.m. on August 14th.

MANAGER TERPENNY passed around to Council an invitation to an elected officials' picnic to be held in Pulaski County. Manager Terpenney will respond for Council.

MANAGER TERPENNY reported that the Town of Christiansburg Parks and Recreation Department will host the 2010 World Series Dixie Youth League Tournament. Fifteen states will be represented. This is a tremendous honor and it will take a lot of work to prepare for this event. Council commended Art Price and his staff for this achievement.

AT THE AUGUST 5, 2008 TOWN COUNCIL MEETING, Ms. Shirley Hallock questioned the Town on payments received from Pepsi pursuant to its contract with the Town. The Town received a ten-thousand dollar check from Pepsi in May 2006 and a ten-thousand dollar check in May 2007. Ms. Hallock questioned receipt of the second ten-thousand dollar check. Pepsi has fulfilled its contractual obligation and the contract is now expired. Councilman Barber suggested sending vending sales out for bid.

MAYOR BALLENGEE appointed Councilman Huppert, Councilman Wade, Planning Commissioner Simmons, First National Bank Director, Sam Tollison, and one member to be named at a later date, to a Contributions Committee to solicit funding for furnishings and fixtures for the aquatic center. Mayor Ballengee said this is a good way for the community to have ownership in the project.

COUNCILMAN HUPPERT commended the street department crews for a great job with the beautiful flowers and light poles along Main Street.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:25 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor