

CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF FEBRUARY 7, 2012 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 7, 2012 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. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Barry D. Helms; Town Clerk Michele M. Stipes; Town Attorney Jim Guynn ; Assistant to the Town Manager Adam Carpenetti; Director of Engineering and Public Works Wayne Nelson; Finance Director/Treasurer Valerie Tweedie; Planning Director Randy Wingfield; Aquatics Director Terry Caldwell.

PLEDGE OF ALLEGIANCE.

PUBLIC HEARING

1. A proposed ordinance amendment to Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for private recreational facilities in the I-1 Limited Industrial District with a Conditional Use Permit. Mr. David Harding addressed Council on behalf of NRV Hurricanes, an organization through which baseball and softball teams are formed for boys and girls ages fourteen and under. Mr. Harding said that approximately fifty families are participating on numerous teams. The former Reed Lumber property is the practice and play sight for the teams with facility use from October through March, and April through September with open facility hours each day per week. The facility offers batting cages and pitching mounds. Mr. Harding stated that fundraisers and business donations will help to financially support the organization. Vehicle access is from Sullivan Street with on sight parking. Mr. Harding thanked Council for considering this request. Town Manager Helms read the Planning Commission Resolution recommending Town Council adopt an ordinance amendment to Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for private recreational facilities in the I-1 Limited Industrial District with a Conditional Use Permit. The Planning Commission vote was unanimous. A copy of the Resolution is attached herewith.
2. Contingent on Item 1, a Conditional Use Permit request by David Harding (agent for property owner Connie Reed) for a private recreational facility at 195 Sullivan Street (tax parcels 526 – ((3)) – 71) in the I-1 Limited Industrial District. Town Manager Helms read the Planning Commission Resolution recommending Town Council issue the requested Conditional Use Permit with eight conditions. A copy of the CUP and eight conditions is attached herewith. The Planning Commission vote was unanimous.
3. A proposed ordinance amendment to Chapter 30 "Zoning" of the Christiansburg Town Code in regards to multi-family density allowances in the B-3 General Business District. Mr. Steve Semones of Balzer and Associates addressed Council on behalf of the owner and contract purchaser of the property in this request. Mr. Semones explained the request to amend the Town Code to allow multi-family development in the B-3 General Business District, with a CUP, for the purpose of allowing higher development density of twenty units per acre. Even though the request is to allow a density of twenty units per acre, the developer is proposing to build only fourteen units per acre. Councilman Barber asked why the request is to allow twenty units per acre if the developer is only planning to construct fourteen units per acre. Mr. Semones replied that the developer is considering the future, which might include expanding up to twenty units per acre. Town Manager Helms reported that the Planning Commission had a tie vote on this matter and therefore does not have a recommendation for Council at this time.

Mr. Samuel Bauer, 100 Alleghany Street, spoke of his concerns with this request and the generality of raising development density in the B-3 General Business District. Mr. Bauer commented that while there is a level of protection with Conditional Use Permits, he understands that, for various reasons, CUP's often aren't properly monitored. Mr. Bauer stated that the ramifications of allowing high density in all B-3 General Business Districts could pose problems in the future. Mr. Bauer stated that he is not necessarily concerned with this immediate project, but the effect this change could have on future development.

Ms. Carol Lindstrom, Depot Street, echoed the concerns voiced by Mr. Bauer. Ms. Lindstrom said this specific

development will be beneficial for the town, but is concerned with a change allowing high density in B-3 General Business districts town-wide. Ms. Lindstrom suggested finding a different way to allow this project to move forward with amending the Town Code.

4. Contingent on Item 3, a Conditional Use Permit request by Balzer and Associates, Inc. (agent for property owner RWW36, LLC) for a planned housing development at the end of Farmview Road, N.E. (tax parcels 436 – ((A)) – 37, 38, 39, 40, and 41 and a portion of 436 – ((A)) – 35 and 36) in the B-3 General Business District. Ms. Christa Hinckerman, a Blacksburg resident for forty-six years and owner of a house in Wheatland Hills, stating she is not speaking for Wheatland Hills, said she has been to all the meetings involving this request, has walked the property, and has concluded that this project would be a good addition to the neighborhood. Ms. Hinckerman urged Council to address access and traffic concerns, including construction traffic, immediately, before construction begins.

Mr. Steve Semones, Balzer and Associates, included a packet of material for Council to review regarding the planned housing development. Mr. Semones also provided aerial maps of the twenty-one acres to be developed, and examples of projects the contractor has worked on in the past. Mr. Semones said he and the developer have studied the Town Comprehensive Plan and Town Code to determine the best and allowed usage of the property. Various options for development were discussed and a decision made, resulting in the need to request a Town Code amendment to allow twenty units per acre with a multi-family development. Town Code currently allows ten units per acre with multi-family development. Mr. Semones pointed out that Town Council and the Planning Commission would be able to review all aspects of the development through a Conditional Use Permit. Mr. Semones explained the planned housing development to include a Class A apartment complex, with a club house, gym, and outdoor pool, along with other amenities. The project will be developed in Phases, with continuous construction through completion. Mr. Semones said he has been studying ways to mitigate some of the concerns with traffic and noise, with traffic the main concern due to the condition of Farmview Drive, the intersection with North Franklin Street, and lack of a second access point. Ms. Semones said he reviewed a traffic study from 2006 in determining traffic in the Wheatland Hills area. At the request of the Town's Engineering Department, Mr. Semones updated this information using a VDOT traffic study from 2009, and he determined that this development would not have a major impact on the Wheatland Hills intersection. Mr. Semones reported that he anticipates the construction of two hundred and ninety units, and assured Council that a secondary access point will be put into place near the Kmart building before the two hundredth unit receives a Certificate of Occupancy. An existing gas line through the area poses a problem in determining adequate ingress/egress. Councilman Hall asked if cost is the main concern with location of a secondary road because of the gas line. Mr. Semones said that they have several options for placement of the secondary road, but want to determine the best access for the future of the development. Mr. Semones confirmed that Farmview Drive will need to be upgraded to meet Town Code. Mr. Semones and Council discussed the concerns and possible solutions concerning the usage and condition of Farmview Drive, the intersection of Farmview Drive and North Franklin Street, and the best option for a secondary access point. Mr. Semones stated that he is working with Town staff to determine the best solution to each of these concerns. Councilman Barber stressed that road solutions are needed before proceeding with the project. Several Council members and Mayor Ballengee stated that they have visited the property and are aware of the specific traffic concerns that need to be addressed. Mr. Semones said he believes that the traffic impact of the units will be known with construction of the first two hundred units, and that if it is determined at that time that improvements are needed, then the developer would provide improvements. Mr. Semones stated that preliminary reports indicate that the development would not put undue burden on the Farmview/North Franklin intersection. Farmview Road would be used by construction traffic, but the developer said he would ensure that noise and mess is kept to a minimum. The secondary access road will not be built to handle construction traffic.

Town Manager Helms read the Planning Commission Resolution recommending Town Council issue the Conditional Use Permit with twelve conditions. A copy of the CUP with twelve conditions is attached herewith. The Planning Commission vote was unanimous.

Mr. Samuel Bauer stated that most of his concerns have been addressed by Mr. Semones, and while he is usually opposed to large developments, he is impressed by the responsible nature of the developers in this matter. Mr. Bauer asked that Town Council require construction of a secondary access before development construction proceeds to eliminate potential public safety issues.

Mr. Gary Hash, on behalf of John and Ann Hairston who own property on Farmview Drive, said that the Hairstons' are supportive of progress, but want the issues surrounding traffic concerns addressed before the project proceeds.

Ms. Carol Lindstrom, Depot Street, said, although this seems to be a beneficial project, traffic is a concern and would be exacerbated if there is only one point of access into the development, which could create complications for the

Wheatland Hills retirement community. Ms. Lindstrom stressed the need for a secondary access point into the development.

Councilman Stipes, in support of the development, stated that a traffic study done to VDOT standards would be a simple solution to the traffic concerns. Councilman Stipes stated that a traffic study in this area would serve the town and citizens well, and that VDOT has agreed to review a traffic study, which could be included in the site plan. Councilman Hall asked if a traffic study should be done before Council action on this matter. Councilman Stipes stated that the Street Committee and town staff would participate in the study and solutions resulting from the study. Councilman Barber stated his concern with changing the ordinance to allow higher density in B-3 General Business zoning throughout the town, and questioned if the town could find a solution to allowing the higher density without changing the ordinance. Councilman Vanhoozier said that if the ordinance is amended as requested, a Conditional Use Permit would be required for all B-3 General Business District to be developed at the higher density.

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 January 17, 2012 and the special meeting Minutes of January 24, 2012. Councilman Hall, made a motion to approve the Minutes of January 17, 2012 as presented, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Councilman Barber made a motion to approve the Minutes of January 24, 2012 as presented, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

II. CITIZEN HEARINGS:

1. Ms. Sue Farrar and Ms. Miller of the Lewis Miller Museum to address Council with a request for support of the annual Local Government Challenge Grant. Ms. Miller addressed Council on behalf of the Lewis Miller Museum regarding the annual application for the Local Government Challenge Grant for the Lewis Miller Museum. The Virginia Commission of Arts will match the funds contributed by the Town. Ms. Miller asked Council to approve filing of the grant application, which must be received by the Virginia Commission of Arts by April 1, 2012. Virginia requires that the Town commit to its intent to contribute the funds at this time and funds would be allocated in the 2012 – 2013 budget year. Ms. Miller said that the Lewis Miller Museum is requesting an additional \$5,000 to help with replacing the roof of the building as a result of an inspection. The museum is campaigning for funds from members and citizens, and grants are being sought to help fund the roof replacement. Ms. Sue Farrar said she has been with the museum for three years, and she thanked Council for its past and continued support. Ms. Farrar explained a newsletter that is provided to the community by the museum, and noted that visitor and memberships continue to increase over the years
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2. Mr. Tim Carden, Drug Enforcement Administration, to address Council regarding industrial hemp farming. Mr. Carden, Roanoke DEA agent and former resident of Christiansburg, said he supervises enforcement of DEA in thirty-four counties, with twenty-five years with DEA and thirty years in law enforcement. Mr. Carden was asked by Councilman Hall to come before Council to discuss the legalization issues with hemp and DEA's standpoint on industrial hemp farming. Councilman Hall explained to Mr. Carden the resolution before Council in support of industrial hemp farming. Mr. Carden said his response to the hemp issue, including industrial hemp farming, is simple: hemp is marijuana and hemp contains a psychoactive ingredient; marijuana is illegal and is a violation of the Controlled Substance Act. Mr. Carden stressed that although hemp uses a different name, it is still marijuana, still contains a psychoactive ingredient, and is still illegal against federal law. Mr. Carden said that some states have adopted laws in contrast to federal law, but if hemp is grown in Montgomery County, Virginia under present law, it would be investigated as a crime and prosecuted. Councilman Huppert said he understands that hemp is a low grade of marijuana and would take a large amount to produce a psychoactive reaction. Mr. Carden said the psychoactive ingredient, THC, is present in all forms of marijuana, including hemp. Mr. Carden urged Council to take this issue very seriously. Councilman Barber said that the resolution is not proposing that we legalize growing hemp, but instead urges legislation to change the laws allowing the state to issue licenses to grow industrial hemp, noting that many products used in the United States contains hemp grown in other countries. Mr. Carden responded that hemp is not grown in the United States for a reason, and that many crops are grown around the world that are not grown in the United States. Mr. Carden further stated that if Virginia passed a law legalizing hemp crops, DEA would oversee the

matter and would never issue permits for growth of hemp. Mayor Ballengee asked if the chemical properties are different between hemp and marijuana. Mr. Carden stated that the chemical properties are exactly the same and that there is not distinction between marijuana and hemp. Councilman Hall said that .03 of THC was the distinction given to Council, in a previous presentation, between hemp and marijuana. Mr. Carden said he has seen marijuana grown in different grades and sold for psychoactive effect. Mayor Ballengee said that according to the resolution at hand there is a distinction between marijuana and industrial hemp. Mr. Carden responded that the verbiage doesn't matter, hemp is still marijuana.

3. Citizens' Comments.

- a. Mr. Jim Politis, who originally brought the issue of industrial hemp farming to Council, said he is trying to change legislation regarding hemp farming at the federal level. Mr. Politis agreed that Mr. Carden gave a factual presentation, and agreed that hemp is an illegal substance if grown without a permit. Mr. Politis said he is trying to change legislation to make obtaining a permit easier, with his intention being to boost business opportunities and local economic growth. Mr. Politis said he believes there is much support for this from local manufacturers and Virginia Tech. Mr. Politis stated that from what he has read, a THC level of .03 is not enough to produce a psychoactive effect, and at Councilman Hall's urging, gave assurance to Council that he believes no psychoactive effect can be obtained from smoking industrial hemp and that the THC cannot be abstracted from the plants. Councilman Showalter asked Mr. Politis why he is interest in industrial hemp farming now, and asked if the matter has been discussed at the federal level. Mr. Politis said he has been working on this matter for three years in response to high unemployment and the loss of many domestic jobs to overseas. Mr. Politis believes industrial hemp farming is something that can spark the economy. Mr. Politis said industrial hemp farming proposal was brought before the federal government in 1999 and again in 2001, but he is unsure of the reasons the government turned it down.

III. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Proposed amendment to the Meals Tax ordinance of Chapter 11 "Finance and Taxation" of the Christiansburg Town Code. Councilman Hall made a motion to adopt the proposed amendment, seconded by Councilman Vanhoozier. Councilman Barber explained that the amendment will allow the Town more options in collecting delinquent taxes from businesses. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
2. Reappointment of Jennifer Sowers to the Christiansburg Planning Commission. Ms. Sowers' term expired February 2, 2012. Councilman Barber made a motion to reappoint Jennifer Sowers to the Planning Commission, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. Council thanked Ms. Sowers for her service on the Planning Commission.
3. Resolution in support of Industrial Hemp Farming. Resolution provided to Council. Councilman Hall made a motion to not endorse the Resolution in Support of Industrial Hemp Farming, seconded by Councilman Showalter. Councilman Hall pointed out that the Town hasn't received comments from citizens in support of this resolution, and federally the growth of marijuana has been illegal for eighty years. Councilman Hall stated that the chemistry hasn't been done and, according to Mr. Politis, hemp is grown as a dense crop. Councilman Hall said there is no room in Christiansburg for this type of farming and he is not going to support the resolution just because other localities have. Councilman Hall noted that the Christiansburg Police Chief and the Montgomery County Sheriff do not support this resolution. Councilman Showalter said that in 1999, Virginia passed a resolution in support of industrial hemp farming, but the resolution was rejected by the federal government. Councilman Showalter said he doesn't want to impede business opportunities, but that this is a federal decision. Councilman Barber noted that this is more of a petition than a resolution in support of industrial hemp farming, simply a way to get the matter before the legislators. Councilman Vanhoozier said he is not in support of the resolution as worded, and that more studies need to be done on hemp farming, with his main concern being that hemp could be used to obtain a psychoactive effect. Councilman Stipes stated that he isn't in support of, or opposition to, industrial hemp farming, but agrees with Councilman Hall's comment that allowing this type of farming would not impact the citizen's of Christiansburg, so he sees no point in supporting the resolution. Councilman Huppert said he was impacted by Mr. Carden's comments that DEA can't distinguish hemp from marijuana. Town Clerk Stipes polled Council on the motion to not endorse the resolution as follows: Barber – Nay; Hay – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
4. Annual taxi cab license renewal for Christiansburg Cab Service. Town Manager Helms submitted to Council taxi cab license renewal applications for Christiansburg Cab Service, Inc., and its drivers. The Christiansburg Police Department has investigated Christiansburg Cab Service, Inc., and its taxi cab drivers and recommends approval. The

license applications are kept on file in the Treasurer's Department. On motion by Councilman Barber, seconded by Councilman Hall, Council voted to approve the requested taxi cab license renewals for Christiansburg Cab Service and its drivers. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

5. Discussion regarding the unsolicited PPEA proposal for a Pavement Maintenance Program. Town Manager Helms reported that the Town received a Public Private Education Facilities and Infrastructure Act of 2002 proposal from The Lanford Brothers Company. The proposal is to help town staff evaluate the information received from Virginia Tech Transportation Institute, provide a plan for pavement maintenance work, provide construction services, and conduct training for the Town's street maintenance crews. Town Manager Helms asked Council to accept the proposal for consideration and to authorize him to advertise for competing proposal. Councilman Vanhoozier made a motion to approve Town Manager Helm's request, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
6. Closed Meeting:
 - a. Councilman Barber made a motion to enter into a Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(1) for the discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. The Closed Meeting is being held to discuss the Planning Commission applicant interviews held January 24, 2012. Councilman Vanhoozier seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.
 - b. Reconvene in Open Meeting. Councilman Vanhoozier made a motion to reconvene in Open Meeting, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
 - c. Certification. Councilman Vanhoozier 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, seconded by Councilman Barber. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
 - d. Council action on the matter. Mayor Ballengee reported that Town Council would appoint the Planning Commission member(s) at the next regular meeting of Council.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to approve the monthly bills to be paid on February 10, 2012, in the amount of \$ 2,275,967.51. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

PUBLIC HEARING REQUEST(S) – Town Manager Helms presented the following request and recommended setting the Public Hearing for March 6, 2012.

1. Council's intention to adopt an ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to residential density allowances in the Residential, Mixed Use, and Business Districts.

On motion by Councilman Barber, seconded by Councilman Huppert, Council voted to set the Public Hearing for March 6, 2012. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

TOWN MANAGER HELMS reported that a Public Hearing is required for the Joinder Study and he asked if Council would prefer to hold its own Public Hearing or hold a joint hearing with Blacksburg. Council agreed that since it has already met with Blacksburg in a public meeting, it would prefer to hold an independent Public Hearing. Councilman Showalter asked when the town could expect answers to the questions that arose during the joint meeting with Blacksburg. Town Manager Helms replied that he expects to have that information for Council by the end of February.

ADJOURNMENT:

There being no further business to bring before Council the meeting was adjourned at 10:15 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor