

CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF FEBRUARY 21, 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 21, 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.

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 February 7, 2012. Councilman Vanhoozer made a motion to approve the Minutes of February 7, 2012 as presented, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

II. CITIZEN HEARINGS:

1. Revised recommendation from the Planning Commission on 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. The original recommendation was made at the February 7, 2012 Council meeting. Town Manager Helms reported two revisions recommended by the Planning Commission which are included as conditions in the Conditional Use Permit. The two revisions are: (1) The development shall provide a second public ingress/egress access easement or public street including trail or sidewalk directly connecting to Laurel Street, Welcome Street, Sycamore Street, or Peppers Ferry Road prior to the issuance of the Certificate of Occupancy for the two hundredth unit or five years from the issuance of the first Building Permit, whichever occurs first; and (2) The approval shall be subject to a revised traffic study prepared by a Virginia Professional Engineer including Peak Hour turning movement counts (TMC) performed for A.M., Midday, and P.M. peaks at the intersection of Farmview Road and North Franklin Street; future build out year of the development accounting for background traffic growth, at a rate determined by VDOT historical traffic counts or VDOT/Town planning data; site trip generation volumes to anticipated future year no-builds volumes; and future year site development traffic analyzed using Highway Capacity Software or Synchro, to determine impacts to the existing traffic signal with the following Measures of Effectiveness to be evaluated: movement and intersection delay, Level of Service, queues, to determine capacity constraints related to development, and to identify mitigation solutions. Approval of the Conditional Use Permit shall be subject to the site plan addressing recommended improvements of the revised traffic study to the satisfaction of the Town Engineer. Planning Director Randy Wingfield noted that the developer made the recommendation as to the secondary road access this week, and that the Planning Commission recommendation the prior week tied the provision of a second entrance to the Certificate of Occupancy for the two hundredth unit rather than the first unit.

Mr. Samuel Bauer, Alleghany Street, said he came prepared to ask Council to require that a second access be constructed at the onset of the project and he is please that this issue has already been provided for in the revised recommendation by the Planning Commission. Mr. Bauer expressed his support for the general construction plan, for Balzer and Associates, and for Mega-Builders, who Mr. Bauer said has been responsible in planning this development and responsive in addressing the concerns of citizens.

Mr. Steve Semones of Balzer and Associates reiterated what Town Manager Helms reported, and referenced a letter provided to Council pertaining to the secondary access, which would be a twenty-four foot access drive installed prior to the Certificate of Occupancy in response to citizen and Council concerns.

Ms. Christa Hinckleman of Wheatland Hills, speaking only on her own behalf, expressed her support for this development stating she was satisfied that her street concerns had been addressed.

2. Citizens' Comments.
 - a. Mr. Samuel Bauer, Alleghany Street, addressed Council with his concern regarding a potential change in the density in the B-3 General Business District. Mr. Bauer said he understands that this change is necessary for the Planned Housing Development at Farmview Road, but is concerned about the town-wide implications considering the large amount of property in Town zoned B-3 General Business District.
 - b. Ms. Carol Lindstrom, Depot Street, said she, too, is concerned with changing the B-3 General Business zoning in regards to density, especially if this action results in additional CUP requests by developers. Ms. Lindstrom mentioned the recent discussions of Council concerning the lack of a proper and efficient system for monitoring active CUP's. Ms. Lindstrom stated that changing the ordinance to allow Conditional Use Permits is equivalent to "no zoning", and that it would benefit citizens to have something cleaner, with less flexibility than a Conditional Use Permit. Ms. Lindstrom suggested Council find an effective way to utilize existing resources. Council inquired about the Town posting Conditional Use Permits online. Planning Director Wingfield said he is currently in the process of posting active Conditional Use Permits, and conditions, on the Town's website for public access. Ms. Lindstrom urged the Town to educate the public to assist in monitoring active Conditional Use Permits for compliance, and to create an anonymous complaint system through the website. Planning Director Wingfield said the Planning Department is monitoring new CUP's with conditions on a monthly basis. Mr. Wingfield stated he would like to perform an annual review on all active CUP's, but that is not possible for his staff at this time.

III. DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council action on:
 - a. 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. Town Manager Helms read the Planning Commission resolution recommending Town Council amend the Town Code as requested. The Planning Commission vote was unanimous. A copy of the resolution is attached herewith. Councilman Barber made a motion to accept the Planning Commission's recommendation, seconded by Councilman Vanhoozier who requested that the "non-profit" status be stricken from the wording in the resolution, believing that a distinction in the type of organization is not necessary. Councilman Barber said he disagrees with Councilman Vanhoozier's reasoning, but was willing to amend his motion to accept the Planning Commission's recommendation with the amendment requested by Councilman Vanhoozier. Councilman Vanhoozier seconded the motion and Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.
 - b. 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 approval with eight (8) conditions. The Planning Commission vote was unanimous. A copy of the resolution is attached herewith. Councilman Hall made a motion to accept the Planning Commission's recommendation, seconded by Councilman Barber. Councilman Hall commented that the condition regarding excessive noise seems inconsistent with the noted hours of operation. Councilman Vanhoozier clarified the Planning Commission discussion regarding excessive noise and the hours of operation, and that the business owner recommended the change. Councilman Hall amended his motion to accept the Planning Commission's recommendation with the modification that the daily hours of operation be extended from 9:00 p.m. to 11:00 p.m. Councilman Barber seconded the amended motion. Mayor Ballengee noted that if problems arise concerning noise or the hours of operation, Town Council can re-visit the Conditional Use Permit with the required one year review. Town Clerk Stipes polled Council on the amended motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.
 - c. 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. Town Manager Helms reported a tie vote by the Planning Commission, and therefore, no recommendation. Councilman Barber made a motion to approve the ordinance amendment request, seconded by Councilman Stipes. Councilman Stipes made a statement addressing the concerns with the Conditional Use Permit process for the B-3 General Business District, noting that increasing the permissible number of units (from the current ten) will not disallow Council involvement, and that this action

will effectively result in “down-zoning”. Councilman Stipes further noted that Christiansburg has an above-average amount of land dedicated to commercial development, the goal of which is to have more people live where they shop, which is evidenced through mixed use zoning. Councilman Stipes stated that after much review, he is comfortable supporting this amendment request and that there are controls in place to address issues that may arise. Councilman Vanhoozier agreed that controls are in place with a Conditional Use Permit, and further added that the Town can monitor compliance through site plan review and approval. Councilman Hall said he understands the concerns voiced regarding spot zoning and asked why Council hasn’t discussed rezoning the property as an alternative to amending the ordinance. Councilman Stipes pointed out that the developer did not ask to rezone the property. Councilman Hall stated he is impressed with the project and believes it is a good use of this property, he is also satisfied that the secondary road access issue has been properly resolved, but still believes that rezoning the property may be a more responsible way of handling the density issue. Councilman Barber commented that Council needs to vote on the request at hand, and that a rezoning request would hold up the process for another month or more. Councilman Barber stated that this is a viable project and he is ready to vote on the matter. Councilman Hall stated that a rezoning may be the better long-term plan for Town growth. Councilman Vanhoozier offered remarks that he has heard at various meetings addressing this type of concern. Councilman Vanhoozier stated his support for the request at hand, noting that the Planning Commission is considering a change in density in many of the existing zonings, and is something that will be brought before Council for consideration in the future. Mayor Ballengee thanked Councilman Stipes for his comments concerning division of property in this area and various property uses. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Nay; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

- d. 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. Town Manager Helms read the Planning Commission resolution recommending issuing the Conditional Use Permit with thirteen (13) conditions. A copy of the Planning Commission’s recommended conditions is attached herewith. Planning Commission vote was Ayes – 6; Absent – 2. Councilman Barber made a motion to accept the Planning Commission’s recommendation to issue the Conditional Use Permit with thirteen conditions, seconded by Councilman Vanhoozier.

Mayor Ballengee offered condolences to the Hairston family on the recent loss of Mr. John Hairston. The Hairston family owns property off Farmview Road and have expressed concern with the proposed development by Mega-Builders. Mayor Ballengee said that he is not aware of any negative impact to their property as a result of the proposed development, and that the integrity of their property will remain the same. Councilman Stipes commented that if the developer is willing to build a secondary access road prior to the issuance of the Certificate of Occupancy for first unit instead of the two hundredth unit, then he proposed striking the wording “or five years from the issuance of the first Building Permit, whichever occurs first” from the fifth condition in the CUP. This suggested amendment to the CUP was agreed to by Councilman Barber and Councilman Vanhoozier. Councilman Stipes then explained the anticipated traffic study at the request of Councilman Hall, adding that he believes the Town should begin requiring traffic impact analysis for large scale developments in the future. Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Nay; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye. Mayor Ballengee requested that the Street Committee study the feasibility of requiring traffic impact analysis for large scale developments and to provide a recommendation on this matter to Council.

Mayor Ballengee apologized to Councilman Huppert for overlooking his request to amend the agenda prior to the beginning of the meeting. Councilman Huppert made a motion to amend the agenda to include the reconsideration of the vote taken by Council at the February 7, 2012 Council meeting regarding the industrial hemp farming resolution. Councilman Barber seconded the motion. Councilman Vanhoozier stated that if Council is to reconsider the same resolution presented at the February 7, 2012 meeting, he will not support the motion, but if the resolution is reworded, he will support the motion to reconsider the matter of industrial hemp farming. Councilman Showalter concurred with Councilman Vanhoozier’s comments. Council voted on the motion to amend the agenda as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes. NAYS: Vanhoozier. Mayor Ballengee amended the agenda to add this matter as Item 6 under III. Discussions by Mayor and Council members.

- 2. Appointment of Planning Commission member(s). Mayor Ballengee reported that background checks are in progress with two completed and one pending further information from the applicant. The two applicants under consideration are Ashley Parson and Henry Collins, both of whom would be appointed to serve a four-year term. Councilman Barber made a motion to appoint Ashley Parson and Henry Collins to both serve a four year term on the Planning Commission,

seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. Ms. Parson's and Mr. Collin's terms will begin February 22, 2012, and will expire February 21, 2016.

3. Easement relocation for Belk department store. Town Manager Helms reported that a Public Hearing is required for this easement vacation, which can be scheduled for March 20, 2012. Councilman Barber made a motion to set the Public Hearing for March 20, 2012, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
4. Taxi cab operator's license for one driver of Christiansburg Cab Service. Town Manager Helms reported that a taxi cab operator's license renewal application has been received for Tiffany Lee Wood to drive for Christiansburg Cab Service. The Police Department has approved the applicant and Town Manager Helms recommended approval by Council. Councilman Barber made a motion to approve the renewal application for Tiffany Lee Wood, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
5. Discussion and action on policy for the recognition of High School Sports achievements. Mayor Ballengee announced that the Christiansburg High School wrestling team recently won its 11th state championship, acknowledging that Town Council publicly recognizes this type of state championship win. Councilman Showalter brought before Council the suggestion to honor the Christiansburg High School Girls Cross Country team, which placed at the state level competition. Mayor Ballengee asked Council for direction in recognizing various high school athletics. In the past, Council has generally recognized state championship wins. Councilman Showalter discouraged setting a policy for recognition of high school athletics, but agrees general guidelines would be helpful in preventing recognition from becoming too broad. Councilman Stipes commented that he is willing to trust Council member judgment in recommending recognition on a case by case basis. Councilman Hall concurred. Councilman Vanhoozier said he also agrees with Councilman Stipes and added that he would like to see more community involvement in recognizing youth athletics, suggesting setting aside a time each year for town-wide recognition. Councilman Hall suggested recognizing individual athletes, not just teams. Mayor Ballengee said it is important not to usurp recognitions by the Montgomery County School Board. Councilman Barber mentioned it is important for these achievement recognitions to be all-encompassing, including academic accomplishments. The consensus of Council is to offer recognition for state championship wins, and to consider recommendations of individual Council members regarding the recognition of other honors. Mayor Ballengee presented to Council for approval resolutions of recognition for the following Christiansburg High School students who've recently won state level championships: Leah Piemonte, Ron Piemonte, Travis Hudson, and Rochelle Evans. Mayor Ballengee also presented a resolution of recognition for the 2011 Girls Cross Country team for placing third in the Virginia High School League Group AA Championships. Councilman Hall made a motion to approve the five Resolutions of Recognition, seconded by Councilman Stipes. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None. A copy of each resolution is attached herewith.
6. Councilman Huppert's request to reconsider a resolution in support of Industrial Hemp Farming. Councilman Huppert provided brief background information on former presentations and Council discussions regarding industrial hemp farming, including a proposed resolution of support, initially proposed by Mr. Jim Politis. Town Council voted to not approve the resolution proposed by Mr. Politis. Councilman Huppert asked if Council would consider a different resolution regarding industrial hemp farming, mentioning that two different resolutions regarding industrial hemp farming have been approved by the House Senate. Councilman Huppert suggested using those resolutions as a basis for a resolution for Council's consideration. Councilman Hall asked Councilman Huppert why he is seeking to draft a resolution to mimic resolutions passed by the House Senate, questioning why a resolution from Christiansburg is necessary. Councilman Huppert replied that the resolutions were passed more than ten years ago, and he would like to pass a resolution in support of training and investigation of industrial hemp farming. Councilman Huppert then made a motion to reconsider a resolution in different form in regards to industrial hemp farming, seconded by Councilman Barber. Councilman Vanhoozier and Councilman Showalter both noted that, while Council is discussing this matter, at this time there is nothing for Council to consider, suggesting Councilman Huppert draft a resolution for Council discussion and consideration. Councilman Stipes agreed, suggesting this matter be placed on the next Council agenda with a specific document for consideration. Councilman Huppert agreed to prepare a document for Council consideration. Councilman Showalter suggested providing a letter to Christiansburg's Delegate in the House of Representative to bring this matter to their attention. Councilman Hall restated his concerns regarding the chemistry behind hemp and the information brought to them by law enforcement. Councilman Huppert stated he will provide Council with a revised resolution and he withdrew his motion, prompting Councilman Barber to withdraw his second to the motion.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUEST(S) – Town Manager Helms presented the following requests and recommended setting the Public Hearings for April 3, 2012.

1. Rezoning request for 175 East Street, for 6.6 acres from I-2 General Industrial Zoning to B-3 General Business Zoning District, Cheadle Trailer Park.
2. Contingent on the above rezoning request, a Conditional Use Permit request for an overnight park at 175 East Street, Cheadle Trailer Park.

On motion by Councilman Barber, seconded by Councilman Vanhoozer, Council voted to set the Public Hearings for April 3, 2012 as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

RESOLUTION AUTHORIZING TOWN MANAGER HELMS TO SIGN AGREEMENTS WITH VDOT - On motion by Councilman Vanhoozier, seconded by Councilman Hall, Council voted to adopt a resolution authorizing Town Manager Barry Helms to sign agreements with the Virginia Department of Transportation pertaining to the Urban Project Construction Agreement, Project Number 0114-154-101, which is part of the Route 114 widening project. Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

TOWN MANAGER HELMS provided each Council member with a copy of the Strategic Communications Plan, which Public Information Officer Becky Wilburn will present at the March 6, 2012 Council meeting.

TOWN MANAGER HELMS reported that Mayor Ballengee received a notice from the Virginia Department of Corrections for a proposed lease for a probation and parole office at 8 Radford Street. A Public Hearing can be scheduled if desired. Mayor Ballengee noted that the Department of Corrections has had a parole office located in Christiansburg in the past, and that inmate would not be housed at this address. Councilman Stipes recommended that the Town, as a courtesy given the nature of the business, provide notification to adjacent property owners, and offer addition information through the Town Manager's office. Town Manager Helms agreed. Councilman Hall raised the concern with the close proximity to a Montgomery County school facility, noting that convicted sex offenders reporting for probation would be within five hundred feet of the school facility, which is prohibited. Town Manager Helms said he will notify the State Department of Corrections of this concern.

ADJOURNMENT:

There being no further business to bring before Council the meeting was adjourned at 9:09 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor