

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF SEPTEMBER 16, 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 SEPTEMBER 16, 2008 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenny, Assistant Town Manager Helms, Town Clerk Stipes, Planning Director Wingfield, and Town Attorney Representative Erin Hapgood.

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

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

PLEDGE OF ALLEGIANCE led by Councilman Vanhoozier.

**JOINT PUBLIC HEARING**

1. A Conditional Use Permit request by Christiansburg Livestock Market (acting as agent for property owner Julia Stewart Milton) for property located at 870 Park Street (tax parcel 498 – ((A)) – 87) for keeping of livestock overnight (utilizing an enclosure for more than 100 fowl and enclosed pasture or range with an area less than 100 square feet for each small animal or 4,000 square feet for each larger animal, such as horses, ponies, cattle or sheep) in the I-2 General Industrial District. Town Manager Terpenny commented that operation at the livestock market hasn't changed much over the years, but there has been some overnight keeping of livestock in the past. The operation has been grandfathered, but, overnight keeping, requires a Conditional Use Permit. When necessary, cattle would be kept overnight from Thursday to Friday morning, including being fed and watered. The Town has received no complaints with this operation, and Manager Terpenny presented letters of inspection and support from State Department of Agriculture, and Appalachian Veterinary Services.
2. A Conditional Use Permit request by Gillespie and Linkous Properties, L.L.C. for property located at 1750 Depot Street, N.E. (tax parcels 498 – ((A)) – 98A and 98C) for a towing service in the B-3 General Business District. The owner of the property, known as Lightnin Lube, is seeking to expand his minor towing business. There is no vehicle storage on the property.

**PUBLIC HEARING**

1. Sewer easement vacation – New River Valley Mall. Town Manager Terpenny explained that, at the time the New River Valley Mall was expanded to include the "power center", several easements were created in anticipation of use for utilities, water, sewer, and such. Upon completion of the development several easements were not utilized, including this easement. There were no questions or comments on this matter.

**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 September 16, 2008. Councilman Showalter proposed numerous amendments to the discussion led by County Registrar Randy Wertz, and an addition to the Town Treasurer's reappointment. Councilman Barber made a motion to approve the minutes as amended by Councilman Showalter, seconded by Councilwoman Carter. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, 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. A Conditional Use Permit request by Christiansburg Livestock Market (acting as agent for property owner Julia Stewart Milton) for property located at 870 Park Street (tax parcel 498 – ((A)) – 87) for keeping of livestock overnight (utilizing an enclosure for more than 100 fowl and enclosed pasture or range with an area less than 100 square feet for each small animal or 4,000 square feet for each larger animal, such as horses, ponies, cattle or sheep) in the I-2 General Industrial District. At Chairperson Simmons' request, Secretary Terpenny read the Planning Commission's resolution recommending Town Council issue the CUP with six (6) conditions by unanimous vote. A copy of the resolution and six conditions is attached herewith and made a part of these minutes.
2. A Conditional Use Permit request by Gillespie and Linkous Properties, L.L.C. for property located at 1750 Depot Street, N.E. (tax parcels 498 – ((A)) – 98A and 98C) for a towing service in the B-3 General Business District. Secretary Terpenny read the Planning Commission's resolution recommending Town Council issue the CUP with twelve (12) conditions by unanimous vote. A copy of the resolution and six conditions is attached herewith and made a part of these minutes.

PRESENTATION ON PROPOSED NEW MONTGOMERY COUNTY COURTHOUSE. Mr. Jack Murphy of Thompson and Litton said he has been working with Montgomery County for two years on the new courthouse master plan. The master plan has already been approved by the Montgomery County Board of Supervisors and a copy of the master plan was distributed to each Councilmember. Development will be done in two phases, the second of which is unapproved and still under review. Mr. Murphy explained the details of the plan, and answered Council's questions. He further explained that, at this time, the County is seeking information from the Town on the definition of "parking structure", which will aid in finalizing plans for parking. The Town currently does not have an ordinance in place governing parking structures, which is necessary for guiding the development of the parking structures for the Courthouse. Mr. Clay Goodman, County Administrator, commented that the County has a purchase option on recently razed property on Roanoke Street, which, if finalized, will be used for additional Courthouse parking. The only on-street parking will be handicapped parking along Pepper Street. Mr. Murphy discussed in detail the plans for parking, including a parking deck. Approximately 264 parking spaces will be provided in the immediate vicinity, plus additional parking at the planned Public Safety building, which is currently the existing Courthouse. Mr. Murphy commented that the number of parking spaces provided is determined by the overall square footage of the building, with designations for staff, etc. Town Manager Terpenny stated that the Town has already begun working on defining parking structure requirements. A copy of the material discussed is attached herewith and made a part of these minutes.

SHANE ADAMS OF MONTGOMERY COUNTY CHAMBER OF COMMERCE TO ADDRESS COUNCIL. Mr. Shane Adams, Director of the Montgomery County Chamber of Commerce, presented to Council his semi-annual report indicating an increase in tourism expenditures as a whole. Mr. Adams reviewed the report with Council, and also reviewed information provided in the summary of the Tourism Research and Strategic Plan, prepared by Randall Travel Marketing, Inc., dated August 2008. A copy of both reports is attached herewith and made a part of these minutes. Mr. Adams informed Council that an audit has been completed and was found to be sound. Mr. Adams then proudly announced that the Montgomery County Chamber of Commerce was recently awarded the Southeast Tourism Society's Shining Example Award for Best Chamber and Visitor's Center of the Year. Nominees are evaluated on the overall performance of the organization. Mr. Adams commended his staff, and gave special recognition to staff member Aradia Zenobia. Mr. Adams commented that the Chamber hopes to soon begin focusing on local education programs. Councilwoman Carter congratulated Shane, and the Chamber, for receiving national recognition, and Mayor Ballengee also expressed his congratulations. Town Council thanked Mr. Adams for his report.

REPORT FROM PARKS AND RECREATION DEPARTMENT ON RECENT TOURNAMENTS AND 2010 DIXIE WORLD SERIES. Mr. Art Price, Director of Parks and Recreation, and Mr. Chuck Muncy, Supervisor of Outdoor Sports Facilities and Parks, presented Council with information on the Dixie Boys Baseball, Inc., 2010 Dixie Boys World Series, and a list of the tournaments held at Harkrader Sports Complex in 2007 and 2008. This information is attached herewith and made a part of these minutes. Mr. Price and Mr. Muncy expressed their excitement at being chosen to host the 2010 Dixie Boys World Series, and thanked the Town, and particularly Town Manager Terpenny, for the continued support shown the Parks and Recreation Department. Manager Terpenny commented that both men are responsible for the success of the baseball program and for putting the Town of Christiansburg "on the map". Mr. Muncy said they are in the beginning phases of planning for the 2010 tournament and will be appointing numerous committees to aid in the planning. Before the meeting began, Mr. Price gave each person at the Council table a goody bag filled with promotional items from the Recreation Center. Council thanked Mr. Price and Mr. Muncy for their hard work and dedication and for taking the time to share this information with the Town.

KEVIN STONER gave Council a brief update on the Tech-Tech Tailgate Party held downtown on September 12, and commented he will present Council with a formal report in the future. Mr. Stoner called the event a success and took the

opportunity to thank the following Town of Christiansburg employees who helped with the event: Steven Whitt, Larkin Caldwell, Curtis Lucas, Billy Woolwine, Brandon Weddle, Shawn Campbell, Debbie Gibson, James Hanshaw, Dale Gillespie, David Sutphin, and Tommy Sullivan, all of the Public Works Department; Charlton McCoy, Ryan Hubble, Shawn Stump, and Willie Odem, of the Parks and Recreation Department. He then thanked the owner of Macado's restaurant who provided a hospitality room and free meal for police personnel and Town of Christiansburg employees who helped with the event.

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:**

1. A Conditional Use Permit request by Christiansburg Livestock Market (acting as agent for property owner Julia Stewart Milton) for property located at 870 Park Street (tax parcel 498 – ((A)) – 87) for keeping of livestock overnight (utilizing an enclosure for more than 100 fowl and enclosed pasture or range with an area less than 100 square feet for each small animal or 4,000 square feet for each larger animal, such as horses, ponies, cattle or sheep) in the I-2 General Industrial District. Councilman Stipes made a motion to accept the Planning Commission's recommendation to issue the CUP with six conditions. Councilwoman Carter seconded the motion and Council voted as follows: AYES: Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None. ABSTAIN: Barber (related to the business owner).
2. A Conditional Use Permit request by Gillespie and Linkous Properties, L.L.C. for property located at 1750 Depot Street, N.E. (tax parcels 498 – ((A)) – 98A and 98C) for a towing service in the B-3 General Business District. Councilman Wade made a motion to accept the Planning Commission's recommendation to issue the CUP with twelve conditions. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.
3. Sewer easement vacation – New River Valley Mall. Councilman Wade made a motion to approve the sewer easement vacation request, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

**DISCUSSION REGARDING PLANNING COMMISSION APPOINTMENT PROCESS.** Councilman Showalter questioned the Town's current Planning Commission appointment process, noting that he thinks candidates should come before Council before an appointment is made. Town Manager Terpenny commented that Town Code provides only that the appointment be made by Town Council, but noted that Planning Commission appointments may fall under FOIA guidelines for Closed Meetings. Mayor Ballengee stated that the Planning Commission, in determining a candidate recommendation, considers the candidates' geographic area in Town, knowledge, and experience, and he is hesitant to bring applicants before Council during a Council meeting. Councilman Showalter suggested Town Council hold a work session for this purpose, and, in effect, eliminate the Planning Commission's involvement. Councilman Wade commented that he values the Planning Commission's input because the members will be working directly with the appointee, and the serving members are better aware of the Planning Commission's needs. Councilman Wade said he would support Town Council reviewing the Planning Commission's recommendation. Councilman Barber agreed, noting that he, too, sees value in the Planning Commission's recommendation. Mayor Ballengee said there is currently a vacancy on the Planning Commission and asked Council how it would like to fill the seat. Councilman Vanhoozier said he would like advice from the Town Attorney on options available, but also noted that he sat on the Planning Commission recently during the advertising/interviewing process and believes it went very well. Councilman Vanhoozier further commented that all Planning Commission meetings are open to the public and he encouraged Councilman Showalter to attend the meetings. When questioned by Council as to his intent, Councilman Showalter remarked that he wants to skip the "go-between" committee, since the final decision is made by Council. He then commented that he is not questioning Dan Canada's recent appointment to the Planning Commission. Councilman Stipes made a motion to direct the Planning Commission to make a recommendation to Council, with the option for Town Council to consider other candidates, if desired. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Carter, Stipes, Vanhoozier, and Wade. NAYS: Showalter. Councilwoman Carter further encouraged those interested to attend the Planning Commission interviews.

**RESOLUTION REGARDING REGIONAL WATER SUPPLY PLANNING AND LETTER OF INTENT SUBMISSION.** Town Manager Terpenny explained that the General Assembly has mandated the development of local and regional water supply plans and the State Water Control Board has developed regulations to implement this planning process. Because of these guidelines, the Town of Christiansburg is now required to complete a water supply plan. Manager Terpenny presented to Council, for adoption, a resolution of agreement to participate with the Town of Blacksburg in the development of a regional water supply plan that will comply with mandated regulations. The resolution further serves as a Letter of Intent from the Town

of Christiansburg to complete the water supply plan by November 2, 2011. A copy of the resolution is attached herewith and made a part of these minutes. Councilwoman Carter made a motion to approve, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

**RESOLUTION OF RECOGNITION FOR FORMER COUNCILMAN DAN CANADA.** Mayor Ballengee asked Vice-Mayor Stipes to present the Resolution of Recognition to Mr. Canada. Vice-Mayor Stipes read the resolution recognizing Mr. Canada's dedicated service to the Town while serving on Town Council. Mr. Canada thanked the Mayor, Councilmembers, and citizens for the opportunity to serve on Town Council and for tonight's special recognition. Mr. Canada said he is proud to call Christiansburg his home. Councilman Wade made a motion to adopt the Resolution, seconded by Councilwoman Carter. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None. A copy of Mr. Canada's resolution is attached herewith and made a part of these minutes.

**MAYOR BALLENGEE** presented to Council for approval a Resolution for former Councilmember Steve Huppert recognizing his dedication to the citizens of Christiansburg through his service on Town Council. Mayor Ballengee stated that Mr. Huppert is currently in Williamsburg and Council can present the resolution to him at a future Town Council meeting. Councilman Barber made a motion to adopt the Resolution of Recognition for former Councilmember Steve Huppert, seconded by Councilman Vanhoozier. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None. A copy of the resolution is attached herewith and made a part of these minutes.

**RESOLUTION TO IDENTIFY TOWN MANAGER AS PRINCIPAL POINT OF CONTACT FOR COMMISSION ON LOCAL GOVERNMENT.** Town Manager Terpenny explained that during the boundary line adjustment agreement process with Montgomery County, the Town was required by the State to identify a contact person during the period of the Commission on Local Government's review. At that time, Town Council appointed Town Attorney Jim Guynn to be the contact person. Attorney Guynn now recommends that the appointment be transferred to the Town Manager for practical reasons. Mayor Ballengee presented to Council a resolution identifying the Town Manager as the principal point of contact for this purpose. Councilman Barber made a motion to adopt the resolution, seconded by Councilman Stipes. Council voted on the motion as follows: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None. A copy of the resolution is attached herewith and made a part of these minutes.

**APPOINTMENT TO NEW RIVER VALLEY AGENCY ON AGING.** Councilwoman Carter commented that Mr. Scott Weaver has been dedicated to this agency for many years, and she made a motion to reappoint him to the New River Valley Agency on Aging, with Mr. Steve Huppert acting as alternate member. Councilman Barber seconded the motion, and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

**DISCUSSION REGARDING CIGARETTE TAX.** Mayor Ballengee reported that it has come to the attention of the Town that a business in Town has not been paying its cigarette tax, with approximately fifty-thousand dollars owed in back taxes. The owners claim they were told by a Town employee that they are outside town limits and so they have not been collecting the cigarette tax from patrons. It was noted that the business does pay town utilities and holds a town business license. The Town Manager recommended deferring the matter to the Town Attorney to review, and further recommended the Town Attorney review options for deterring this type of action in the future. Mayor Ballengee agreed and deferred as recommended. Assistant Town Manager Helms reported that the business is now complying with cigarette tax laws. It was suggested by Councilman Barber that the Town set up a payment plan for the business to begin paying the back taxes owed.

**RELOCATION OF PUBLIC NOTICE BULLETIN BOARD.** After Council discussion, it was the consensus of Council to relocate the public notice bulletin board outside the front entrance in an enclosed, weather-proof structure; and to temporarily place the board in the first floor foyer area until an adequate outdoor structure is created.

**MR. STIPES AND MR. VANHOOZIER – Street Committee Recommendation on:**

1. Downtown Parking Enforcement. Councilman Stipes reported that the Street Committee met again tonight, with Police Chief Sisson, to further discuss enforcement of the three hour parking limit in the downtown area as determined at the August 19<sup>th</sup> meeting. The Street Committee recommends the three hour parking limit go into effect November 1, 2008. Councilman Stipes said enforcement will require additional Police Department staff, but noted that this will provide a good opportunity for monitoring of handicapped parking spaces. Councilman Stipes further commented that the Street Committee will meet again to select signage.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUESTS – Town Manager Terpenny presented the following requests and recommended setting the Public Hearings for October 7, 2008:

1. Street vacation request, Phase I, Robinhood Estates.
2. Stormwater management easement vacation, Robinhood Estates.
3. Disposition of public property, sewer pump station lot, Robinhood Estates.

On motion by Councilwoman Carter, seconded by Councilman Barber, Council voted to set the Public Hearings for October 7, 2008. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

COUNCILWOMAN CARTER commented on a letter sent to Council from Joseph W. Young asking Council to consider passing an ordinance requiring scooter operators to wear eye protection and helmets. Mr. Young believes this would help educate and protect Christiansburg citizens who choose to ride smaller means of transportation. Mr. Young is the first recipient of the Richard G. Ballengee Leadership and Service Award. Councilman Barber commented that he passed the letter along to Chief Sisson for review and recommendation. A copy of the letter is attached herewith and made a part of these minutes.

COUNCILMAN VANHOOZIER brought up the idea of the Town creating a pathway (walking/bicycle) along Cambria Street from Sleepy Hollow Road to the Recreation Center. Town Council has shown an interest in providing for use of alternate transportation, and this is a route frequently used by pedestrians. Councilman Vanhoozier said this subject was brought up frequently by the community during his election campaign. Councilman Vanhoozier suggested a feasibility study, possibly involving the Town Manager and the Street Committee. Mayor Ballengee directed this matter to the Town Manager.

COUNCILMAN BARBER reported that a Cemetery Committee meeting will be held at Town Hall tomorrow, September 17, at 3:00 p.m.

COUNCILMAN SHOWALTER commented that, during his election campaign, he notified the Town that an old cemetery along Pepper Street was being used as a dump site. The property was immediately cleaned up by Town crews and Councilman Showalter asked that his gratitude be passed along to those responsible.

COUNCILMAN WADE suggested the Town look into other options/ideas to improve the process of Planning Commission discussions during Town Council meetings. Councilwoman Carter agreed commenting that often new information is presented during that time that needs to be considered. Councilman Vanhoozier commented that the Planning Commission has discussed this same issue numerous times and he, along with Councilmen Barber and Stipes support Councilman Wade's suggestion. Mayor Ballengee directed Town Manager Terpenny to study this matter and report his findings to Council.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 10:14 P.M.

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor