

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF JUNE 5, 2012 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON JUNE 5, 2012 AT 7:30 P.M.

**COUNCIL MEMBERS PRESENT:** Mayor Richard G. Ballengee; Vice-Mayor James W. Vanhoozier; D. Michael Barber; Cord Hall; Steve Huppert; D. Henry Showalter; Bradford J. Stipes. **ABSENT:** None.

**ADMINISTRATION PRESENT:** Town Manager Barry Helms; Town Clerk Michele Stipes; Town Attorney Jim Guynn; Assistant to the Town Manager Adam Carpenetti; Finance Director/Treasurer Val Tweedie, Town Planner Nichole Hair; Public Relations Officer Becky Wilburn.

**PLEDGE OF ALLEGIANCE.**

**PUBLIC HEARING**

1. A Conditional Use Permit request by David Botos for a major home occupation (powder coating) at 625 Walters Drive (tax parcel 404 – ((3)) – 51) in the R-1 Single-Family Residential District. The Town has received three letters in opposition to this request and a letter from Mr. Botos explaining his intent.
2. A proposed ordinance amendment to Chapter 30 “Zoning” of the Christiansburg Town Code in regards to definitions, provisions for Conditional Use Permits, parking, setbacks, permitted uses, height regulations, townhouse regulations, site plan review, and variances. Town Manager Helms reviewed the proposed changes to the ordinance, a summary of which was included in the agenda packet.

Mr. Bob Poff of Christiansburg expressed concern with the proposed changes to the parking requirements contained in the ordinance. Mr. Poff said the changes are a step in the right direction, but that more detailed requirements and considerations were needed concerning parking in the Central Business District, and for apartment and townhouse developments where the type of structure should be considered in determining the appropriate parking requirement. Mr. Poff asked Council to give consideration to his comments.

3. A request to vacate a 20-foot easement for public and/or private utilities and drainage on the western property line at 690 Radford Street (tax parcel 526 – ((26)) – 1). There was no one to speak for or against this request.

**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 May 15, 2012. There being none, Councilman Barber made a motion to approve the Minutes as presented, seconded by Councilman Vanhoozier. Council voted on the motion as follows: **AYES:** Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. **NAYS:** None.

**CITIZEN HEARINGS:**

1. Mr. Dennis Nagel to update Town Council on the Christiansburg Soccer Club and to offer to provide support for Depot Street Park. Mr. Dennis Nagel reported to Council on the success of the Christiansburg Soccer Club and thanked Council for its support and responsiveness in 2008 when he first brought this concept to Council. Mr. Nagel said as a show of appreciation, the Christiansburg Soccer Club Board has authorized a donation to the Town, up to five thousand dollars, to be used in developing the Depot Street Park, which is currently in the planning stages. Mr. Nagel said there is room for an academy level soccer field at Depot Street field, which the Christiansburg Soccer Club would be interested in utilizing, if developed. Mr. John Neel, Gay and Neel, Inc., said he believes the Depot Street field can be configured to meet the needs of the soccer club. Councilman Huppert offered to take anyone interested to tour the Depot Street Park property.
2. Christiansburg Public Works employee recognition for accomplishments at the regional equipment rodeo. This matter was postponed until the June 19, 2012 regular Council meeting.

3. Citizen Comments.

There were no citizen comments.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Town Council action on:
  - a. Council's intention to adopt an ordinance in regards to a request by Kelly Stanley to vacate an unbuilt portion of Red Oak Drive extending from the built portion of Red Oak Drive to Pear Street (40 feet in width by 200 feet in length). The Public Hearing was held May 15, 2012. Councilman Barber clarified that if the right-of-way is vacated, the property would be split equally between the two adjoining property owners. Councilman Stipes commented that there are several implications that need consideration and he offered for the Street Committee to study this request and bring a recommendation to Council. Councilman Huppert stated his support for allowing the Street Committee to study the matter. Councilman Hall made a motion to refer the request to the Street Committee for review, with a recommendation to be provided to Council at the June 19, 2012 regular Council meeting. The motion was seconded by Councilman Huppert. Councilman Barber, concerned with the lack of timeliness in resolving this matter, questioned why the request was not turned over to the Street Committee when first brought to Council. Mayor Ballengee asked if the Town anticipates developing the unbuilt paper street in this request, and Town Manager Helms replied that there are currently no plans to develop the unbuilt portion of Red Oak Drive. Council voted on the motion as follows: AYES: Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: Barber.
  - b. A Conditional Use Permit request by PR Financing Limited Partnership for a carnival at 100 New River Road (tax parcel 435 – ((A)) – 41) in the B-3 General Business District. The Public Hearing was held May 15, 2012. Planning Commission Chairman Craig Moore read the Planning Commission resolution recommending Town Council issue the Conditional Use Permit with sixteen conditions. The Planning Commission vote was: 7 Ayes, 2 Absence, 0 Nays. Councilman Huppert commented that the applicant attended the Planning Commission meeting and has agreed to the conditions. Councilman Vanhoozier made a motion to deny the request, seconded by Councilman Stipes. Councilman Vanhoozier said his concern is because the event is not sponsored by a local civic organization, and with this type of event, the potential exists for problems to arise. Councilman Vanhoozier said he has been involved with carnivals in the past and he doesn't believe this will benefit the Town or its citizens. Councilman Hall respectfully questioned CUP condition #13 which states that the carnival shall be required to staff the event with at least two uniformed Christiansburg Police Officers and the carnival shall be responsible for paying the overtime rate for each officer. Councilman Hall expressed concern that it may require more than two uniformed officers and recommended increasing the requirement to at least three uniformed officers. Councilman Hall also questioned the insurance policy and supports increasing the liability amount even though he understands the current amount is fairly standard. Councilman Barber spoke to his experiences with Kiwanis carnivals and questioned if the New River Valley Mall has considered the liability aspects as owners of the property. Councilman Barber said the carnival would be a profitable event, but has some discomfort in his mind with this request. Mayor Ballengee said to his knowledge there have been no significant incidents associated with carnivals sponsored by civic organizations in Christiansburg because of adequate supervision through the sponsorship; however, there isn't a local sponsor for this carnival. Councilman Stipes said he would be more supportive of the request if it were sponsored by a local community organization. It was noted that the profits from the carnival would remain with the carnival company to finance travel to the next destination. Council invited Police Chief Sisson to provide his thoughts on the required number of uniformed Police Officers. Police Chief Sisson said that the Police Department has worked carnivals in the past with two uniformed officers, but would be willing to provide any number of officers desired by Council. Councilman Hall, after discussing this matter, said he supports requiring four uniformed Police Officers. Mr. Ron Tucker, Christiansburg resident, said he believes positive aspects of the carnival would be the benefit to local businesses through patronage, and the enjoyment of attending the carnival. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Nay; Huppert – Nay; Showalter – Nay; Stipes – Aye; Vanhoozier – Aye. Hearing a tie, Mayor Ballengee voted Nay on the motion to deny the request. Councilman Hall made a motion to issue the Conditional Use Permit with an amendment to condition #13 to state "The carnival shall be required to staff the event with at least four uniformed Christiansburg Police Officers, with additional Officers at the discretion of the Town Manager or Police Chief, and the carnival shall be responsible for paying the overtime rate for each officer." Councilman Showalter seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Nay; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Nay; Vanhoozier – Nay. Hearing a tie, Mayor Ballengee voted Aye to issue the CUP with the amended condition as stated in the motion.
  - c. Proposed fee increases for FY 2012 – 2013 – The Public Hearing was held May 15, 2012. Councilman Vanhoozier suggested allowing an exemption for non-profit organization for false alarm fees, which was supported by Councilman Stipes. Councilman Hall asked for clarification to the \$250 fee for private fireworks. Town

Manager Helms reported that the fee is all-encompassing for exploding fireworks including firecrackers. After considering this clarification, Council requested that the \$250 fee for private fireworks be stricken from the budget. Councilman Barber made a motion to approve the proposed fee increases for FY 2012 - 2013 with an amendment to strike the private fireworks fee. The motion was seconded by Councilman Hall and Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

- d. Proposed tax increases for FY 2012 – 2013 – The Public Hearing was held May 15, 2012. Councilman Huppert made a motion to approve the taxes for FY 2012 – 2013 as proposed, effective July 1, 2012, seconded by Councilman Vanhoozier. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
- e. Resolution regarding Virginia Retirement System (VRS) percentage rate (5%). Town Manager Helms reported that recent laws passed by the General Assembly require that employees pay the member contributions to VRS, instead of the Town, which will go into effect July 1, 2012. Town Manager Helms presented two resolutions for Council's consideration concerning this change. The first resolution is in support of employees paying the full 5% rate the first year, as opposed to a phase-in of 1% for five years, and is recommended by Town Manager Helms. Councilman Barber made a motion to approve the resolution as recommended by Town Manager Helms, seconded by Councilman Hall. Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.

The second resolution presented to Council for consideration acknowledges that its contribution rates effective July 1, 2012 will be 13.04%, which is recommended by Town Manager Helms and is included in the FY 12-13 budget. Councilman Barber made a motion to adopt the resolution as presented, seconded by Councilman Hall. Town Council voted as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

- f. Proposed FY 2012 - 2013 Budget. Finance Director/Treasurer Val Tweedie reviewed with Council a few minor changes made to the budget since last provided to Council, but she stated that the changes did not have a significant impact on the budget. Councilman Showalter recommended Council take advantage of early work sessions to study the matter of fiscal reforms, and suggested the first be held in July 2012. Mayor Ballengee suggested Council look at their calendars and be prepared to set a date at the next regular Council meeting. Councilman Stipes stated that he wants to see a vetted Capital Improvements Plan next budget year. Councilman Hall questioned the bond situation for next year and Ms. Tweedie provided him with several options to replace the bond, commenting that these options would be discussed at future planning work sessions. Councilman Stipes made a motion to adopt the budget for FY 2012 – 2013 as presented with the minor changes reviewed by Ms. Tweedie. Councilman Barber seconded the motion and Town Clerk Stipes polled Council as follows: Barber – Aye; Hall – Nay; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
- 2. Report by Councilman Barber on the Recreation Advisory Commission's review and recommendation of the age limit of parental supervision at the Recreation Center. The age limit is currently 8-years of age. Councilman Barber reported that Mr. Brad Epperley, Director of Parks and Recreation, has recommended that children under eleven (11) years of age be accompanied by an adult unless participating in a Recreation Center activity. Children under the age sixteen (16) must go to the lobby of the Recreation Center thirty minutes prior to the facility's closing to contact a guardian to pick them up. This new policy would take affect August 1, 2012, will ample community notification. Mayor Ballengee stated that Council action is not required for placement and enforcement of this policy.
- 3. Town Manager Helms to provide information regarding city status. Town Manager Helms provided Council with a packet of information containing the details to be considered when considering city status. He also provided Council with the State Code requirements for obtaining city status, and a list of pros and cons as listed by Assistant Town Manager Wingfield. Town Manager Helms reviewed each of these with Council and offered to answer questions. Councilman Barber suggested that Council take the next three to six months to determine the amount of revenue that could be generated by obtaining city status. Councilman Showalter said it is important to establish an accurate blue print for future use by the Town.
- 4. Mr. Stipes and Mr. Vanhoozier – Street Committee report/recommendation on:
  - a. Plat Showing Relocation/Vacation of Lots Lines Creating Lot 16A & Lot 22A; creating 2 lots; located on Hill Street, N.E. Councilman Vanhoozier explained this request to vacate lot lines making four lots into two. The request conforms to the subdivision ordinance and Councilman Vanhoozier made a motion to approve the request, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
  - b. Subdivision Plat for Richard H. Helbing and Vicky Helbling Living Trust and RVP, Investments, LLC; creating 2

lots; located on Radford Street. Councilman Vanhoozier reported that this property is located on Radford Street and Hill Street, and is one large lot to be divided into two lots. The request conforms to the subdivision ordinance and Councilman Vanhoozier made a motion to approve the request, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

**TOWN MANAGER REPORTS:**

**MONTHLY BILLS** – On motion by Councilman Stipes, seconded by Councilman Vanhoozier, Council voted to approve the monthly bills to be paid on June 8, 2012, in the amount of \$1,190,116.15. 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 July 3, 2012:

1. A Conditional Use Permit request by Jason Blackburn for a commercial garage in the B-3 General Business District, 100 Radford Street.

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

**TOWN MANAGER HELM** noted that a copy of the Joinder Agreement has been provided to each Council member to prepare for the work session on June 12, 2012 at 6:00 PM at Town Hall.

**TOWN MANAGER HELMS** reported that the first Emergency Management Service revenue recovery meeting will be held at the Christiansburg Aquatic Center on June 14, 2012 at 7:00pm.

**TOWN MANAGER HELMS** reported that Christiansburg and Montgomery County will hold a citizen's academy in August 2012 and applications to participate will be accepted through July 1, 2012. More information can be obtained on the Town's website.

**TOWN MANAGER HELMS** announced that the Virginia Municipal League's annual conference will be held in Williamsburg on September 23, 24, and 25, and he asked Council to let the Clerk know who plans to attend.

**MAYOR BALLENGEE** announced that the Montgomery County Chamber of Commerce is participating in a food drive to help provide food during the summer months for local children who receive reduced or free lunches at school. There will be a box provided for food donations in the lobby of Town Hall, the Aquatic Center, and the Recreation Center through July 4, 2012. The Chamber will provide publicity.

**COUNCILMAN HUPPERT** spoke favorable of the Christiansburg Aquatic Center, but said he has received negative comments from the community on the facility's holiday closing schedule. Councilman Huppert suggested the Town devise a schedule that would allow the Aquatic Center and the Recreation Center to be open during some holidays.

**ADJOURN:**

There being no further business to bring before Council, the meeting was adjourned at 9:17 PM.

---

Michele M. Stipes, Clerk of Council

---

Richard G. Ballengee, Mayor