

**CHRISTIANSBURG TOWN COUNCIL  
CHRISTIANSBURG, MONTGOMERY CO., VA.  
MINUTES OF JUNE 19, 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 19, 2012 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor James W. Vanhoozier; D. Michael Barber; Steve Huppert; D. Henry Showalter; Bradford J. Stipes. ABSENT: R. Cord Hall.

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield; Town Clerk Michele Stipes; Town Attorney Jim Guynn; Finance Director/Treasurer Val Tweedie; Director of Engineering and Public Works Wayne Nelson; Public Relations Officer Becky Wilburn.

PLEDGE OF ALLEGIANCE.

**PUBLIC HEARING**

1. A Conditional Use Permit request by Carl McNeil for a planned housing development at the intersection of Depot Street N.E. and Harless Street (former tax parcel 497-((A))-288; lots 1 – 3; in the recently approved “Plat showing Harless Corner”) in the B-3 General Business District. Mr. Jason Underwood, Wistaria Drive, addressed Council on behalf of Mr. Carl McNeil. Mr. Underwood explained Mr. McNeil’s intention to stick-build three single-family, affordable homes, similar to the existing homes on Harless Street. Councilman Barber questioned the size of the lots as compared to the surrounding neighborhood. Mr. Underwood replied that the lots are slightly smaller, but will be developed in a manner consistent with the surrounding area. Councilman Huppert raised a question about stormwater drainage in the area. Mr. Underwood said he is unaware of any existing drainage issues. Assistant Town Manager Wingfield confirmed that there are existing stormwater management inadequacies, the details of which will be provided to Mr. McNeil by the Town Engineering Department.

**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 June 5, 2012. There being none, Councilman Barber made a motion to approve the Minutes as presented, seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

**CITIZEN HEARINGS:**

1. Planning Commission recommendation on:
  - a. 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. Town Manager Helms read the Planning Commission resolution recommending Town Council deny the request. The Planning Commission vote was Aye: 6; Nay: 1; Absent: 2.
  - b. 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 reported that the Planning Commission recommends Town Council adopt the proposed amendment to the ordinance as submitted for review at the June 5, 2012 Council meeting.
  - c. 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). This matter did not go before the Planning Commission for review.

2. Mr. Dan Brugh to brief Council on changes to the Metropolitan Planning Organization (MPO). Mr. Dan Brugh provided Council with an update on impending changes to the MPO structure to include the City of Radford and Pulaski County in the MPO. These areas were determined to qualify for urban designation after the 2010 census, and as required by Federal regulations, must be incorporated into the MPO within 12 months from March 2012. Discussions have already begun on the details of incorporating these two localities into the MPO, which includes the need for a new Memorandum of Understanding with the Governor's office to identify the localities and the details of the MPO. Mr. Brugh reported that the MPO Policy Board has designated an advisory committee to study this matter and provide recommendations for the consideration of the Board. Mr. Brugh stated that this change will impact the financial aspect of the MPO, the exact details of which will be determined later in the planning process. Council thanked Mr. Brugh for the update, and Councilman Stipes noted that Mr. Brugh, through the MPO, was integral in securing funding for the Route 114 widening project.
3. Christiansburg hotel owners to address Council regarding lodging tax. Fourteen local hoteliers, represented by Mr. Mike Patel, owner of Rodeway Inn in Christiansburg, and board member of the Asian American Business Association, voiced opposition to Council's recent decision to increase the transient lodging tax by two-percent for a total tax of nine-percent. Mr. Patel spoke to the lack of communication from the Town concerning the consideration and subsequent adoption of the transient lodging tax increase in the F.Y. 2012 – 13 Budget. Mr. Patel was concerned that hotel owners weren't given the opportunity to address this matter or provide information that may have impacted the decision of Council. Mr. Patel said that at nine-percent, Christiansburg has one of the highest transient lodging tax rates in the country, which will be detrimental to the hotels in the area. Groups such as tour buses and construction companies are often on a tight budget and will take the transient lodging tax into account when choosing a hotel. Many hotels are booked through online companies that compare rates, including tax rates. Mr. Patel said this is a concern because travelers do not have to travel far to have other, less expensive options, such as Salem or Radford, and he fears this recent action by Council will negatively impact the revenue generated by Christiansburg hotels. Mr. Patel asked that Council provide him with information on how tax monies are spent in the Town. Mr. Dan Patel, past President of the Asian American Business Association, and property owner in Christiansburg, echoed the concerns of Mr. Mike Patel, stressing that Christiansburg risks losing business because of this recent action. Mr. Patel noted that two-percent tax will not yield much funding, but could cost a lot in lost business because of the overall nine-percent tax, which travelers can easily avoid. Mr. Patel asked Council to discuss this matter to determine if it made the best decision. Mr. David Smith of Quality Inn in Christiansburg also echoed the concerns of Mr. Mike Patel and spoke about the tour groups that have booked rooms months in advance and will now fall short on covering the tax amount due. Mr. Smith stated that someone would need to pay the nine-percent tax due the Town on rooms booked at the seven-percent tax rate. Mr. Smith said the hoteliers weren't given time to prepare for this increase and asked Council to give these concerns some consideration. Mayor Ballengee recommended the Finance Committee review the consideration of an extension on existing room contracts, and Councilman Barber noted that the Finance Committee would need to meet soon because of the July 1, 2012 effective date. Finance Director/Treasurer Val Tweedie reported that the projected annual revenue generated by the two-percent increase is \$231,400. Mayor Ballengee explained that Council discussed numerous ideas for raising revenue and lodging tax seemed to be the least offensive to citizens. Mayor Ballengee said Council will need to decide if it wants to discuss this decision if a recommendation is received from the Finance Committee.
4. Christiansburg Public Works employee recognition for accomplishments at the regional equipment rodeo. Mr. Wayne Nelson, Director of Engineering and Public Works, introduced and recognized several Public Works employees who participated and placed in the Equipment Rodeo held at the Roanoke Civic Center in April 2012. Mr. Steven Ray Dalten placed first in the zero turn mower competition; Mr. Travis Lester placed first in the front ender loader competition; Mr. Jason Price placed second in the backhoe competition; and Mr. Brad Phillips placed first in the backhoe competition and second in the zero turn mower. Mr. Nelson stated that each of these men began working for the Town as laborers, and trained and received promotions under the guidance of Mr. Ricky Bourne, Superintendent of Public Works, and Mr. Jim Lancianese, Assistant Superintendent of Public Works.
5. Citizen Comments.
  - a. Mr. David Botos, Walters Drive, applicant for a major home occupation at 625 Walters Drive currently before Council for consideration, said he is aware that the Town has received numerous letters of opposition to his request from the community and he wanted to address the concerns as he understands them. Mr. Botos said he has powder coated from his residence for two years, as a hobby, and is unaware of any negative impacts to the community or complaints resulting from this activity. Smoke, fumes, and hazardous waste would not be generated by his business, and Mr. Botos said the only impact would be a slight increase in traffic volume.
  - b. Mr. Joe Powers addressed Council on behalf of the Planning Commission regarding the 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. Mr. Powers stated that the proposed amendment is minor in detail, but that the Planning Commission will make changes according to Council wishes. Mr. Powers spoke to the comments expressed at the June 5, 2012 Council meeting by Mr. Bob Poff concerning parking requirements for antique shops, the downtown area, and residential zonings. Mr. Powers explained that antique shops are categorized as retail under the current parking regulations, which explains the questionable parking requirements for this type of business. Mr. Powers said that antique shops can be added as a specific category with its own specific parking space details. Concerning the downtown parking matters, an in depth study is planned for the downtown area once construction is completed on the new Montgomery County Courthouse and town staff can get an accurate view of the parking needs throughout this area of Town. Mr. Powers offered to answer any questions of Council.

- c. Mr. Chris Tuck, attorney representing Mr. Paul Duncan regarding the request to close a portion of Red Oak Drive. Mr. Tuck spoke in support of denying the request since the road was a dedicated public easement at the time of purchase for all property owners along this street. Mr. Tuck reported that there is no room at the end of the street for a cul-de-sac and closing the street would land lock a subdivided lot approved by the Town. Mr. Tuck stated that property rights must be considered by Council in considering this request and he asked that Council deny the request.

#### DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

##### 1. Town Council action on:

- a. 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. Noting that numerous neighboring property owners have contacted him with concerns regarding this request, and hearing no positive support for the request, Councilman Stipes made a motion to accept the Planning Commission's recommendation to deny the request, seconded by Councilman Vanhoozier. Town Manager Helms reported that Councilman Hall stated by telephone his support for the Planning Commission's recommendation to deny out of concern for protecting the integrity of the R-1 Single-Family Residential zoning. Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
  - b. 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. Councilman Vanhoozier expressed concern that there were still questions regarding the proposed ordinance amendment that had not been addressed by the Planning Commission or Council pertaining to parking requirements. He asked that Town staff prepare a list of public comments heard at the most recent Planning Commission meeting to be addressed before Council takes action on this matter. Councilman Vanhoozier noted that the parking requirements take a town-wide approach and the downtown area might be better served by categorizing distinctions. Councilman Vanhoozier said he would prefer to take action on a complete document, not one with a pending review once the courthouse construction is complete. Councilman Showalter asked if it would be detrimental to businesses if the amendment is adopted tonight with the intent to revise after the pending downtown study. Planning Commissioner Powers replied that it would not be detrimental. Assistant Town Manager Randy Wingfield explained the impact the amendment would have to businesses if adopted as presented including the proposed increase in parking requirements for multi-family development being the only use increasing requirements for parking. Councilman Barber noted that if the amendment is adopted as is to reduce parking space requirements, and it is not enforced until January 1, the courthouse construction should be completed by then. Council further discussed the immediate parking requirement relief provided by the amendment and also the need for further review in the Central Business District. Councilman Stipes made a motion to accept the recommendation by the Planning Commission to adopt the amendment, with the exception of the multi-family parking requirements, which are to be studied upon completion of the Montgomery County Courthouse. Councilman Vanhoozier seconded the motion, and Town Clerk Stipes polled Council on the motion as follows: Barber – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier – Aye.
  - c. 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). Councilman Vanhoozier made a motion to vacate the 20-foot easement at 690 Radford Street as requested, seconded by Councilman Stipes. Council voted on the motion as follows: AYE: Huppert; Showalter; Stipes; Vanhoozier. NAY: Barber.
2. Appointment of representative to the Virginia's First Regional Industrial Facility Authority. Mr. Barry Helms is the current representative whose term expires June 30, 2012; Mr. Helms is willing to serve another term. Councilman Vanhoozier made a motion to reappoint Mr. Helms to serve another term on the Virginia's First Regional Industrial Facility Authority, seconded by Councilman Huppert. Council voted on the motion as follows:

AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

3. Request to freeze step increases for new hires, effective July 1, 2012. Town Manager Helms explained that his recommendation to freeze step increases for new hires, effective July 1, 2012, is the result of Council's request for a review of the employee compensation plan. Town Manager Helms said it is his hope that within the next year he can provide Council with a study that will assist it in determining if the current pay scale needs modification. Councilman Vanhoozier made a motion to approve the request, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
4. Mr. Stipes and Mr. Vanhoozier – Street Committee report/recommendation 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 and the matter was referred to the Street Committee on June 5, 2012. Councilman Stipes reported that the Street Committee has studied this request, including a site visit, and has spoken with adjoining property owners, but it unable to bring a recommendation to Council at this time. The Street Committee members were unable to reach a consensus and, therefore, the decision will need to be made by Council. Councilman Stipes stated that if Council chooses to approve the request, he recommended that the street vacation not extend past the Stanley's rear property line. Councilman Vanhoozier agreed that the Street Committee was unable to reach consensus after its review. Councilman Stipes (not on behalf of the Street Committee) spoke to the existing zoning, which is B-3 General Business, and the partial development of the forty-foot right-of-way that has led to the disharmony of the property owners. Councilman Stipes voiced his concern that there is presently no wherewithal to construct a suitable turn around if the street is vacated, and the property owner most impacted with the turnaround situation is not in favor of request. Councilman Stipes said he believes it is not responsible land usage to vacate the unbuilt portion of Red Oak Drive. Councilman Vanhoozier stated that there has been much review and discussion with Town personnel regarding this request, and currently there are no plans to construct the road through. Also, if the road were constructed as a dead-end, it would not impact town services to the properties along this street. Councilman Vanhoozier made a motion to vacate the one hundred foot portion of Red Oak Drive adjacent to the Stanley's property, not to extend beyond the Stanley's rear property line. The motion was seconded by Councilman Showalter. Town Manager Helms reported that Councilman Hall, by telephone, stated his support for approving the request. It was noted that there are no utilities located in the portion of the street to be vacated. Town Clerk Stipes polled Council as follows: Barber – Aye; Huppert – Aye; Showalter – Aye; Stipes – Nay; Vanhoozier – Aye.

#### TOWN MANAGER REPORTS:

WORK SESSION to discuss budget ideas for F.Y. 2012 – 13. Councilman Barber made a motion to set the work session for July 31, 2012 at 6:00 P.M., seconded by Councilman Showalter. Council voted on the motion as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

Finance Committee meeting to discuss TWO-PERCENT tax increase. Council discussed scheduling a Finance Committee meeting to review the comments expressed by local hoteliers. However, Mayor Ballengee stated that proper notification of Council's intent to increase the lodging tax by two-percent was given in accordance with state and local requirements, along with social media notification, providing plenty of opportunity for the community to voice concerns before action was taken by Council. After much consideration, it was the consensus of Council to leave the two-percent tax increase, effective July 1, 2012.

FAMILY MEDICAL LEAVE ACT extension request by a Town employee. Town Manager Helms reported that he recommends extending the leave through July 22, 2012, noting that the employee will use banked sick leave. Approving the request will hold the employee's job through July 22, 2012. Councilman Vanhoozier made a motion to approve the request, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

TOWN MANAGER HELMS reported that Town Planner Nichole Hair was recently promoted to serve as the Town's new Planning Director. Ms. Hair will fill the position vacated by Mr. Randy Wingfield who was recently promoted to Assistant Town Manager.

TOWN MANAGER HELMS reported that the request for the Public Hearing set for the July 3, 2012 Council meeting was withdrawn by the applicant.

#### ADJOURN:

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

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Michele M. Stipes, Clerk of Council

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Richard G. Ballengee, Mayor