

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF NOVEMBER 3, 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 NOVEMBER 3, 2008 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Richard G. Ballengee; Vice-Mayor Bradford J. Stipes; D. Michael Barber; Ann H. Carter; D. Henry Showalter; James H. Vanhoozier; H. Earnest Wade. ABSENT: None

PLANNING COMMISSION MEMBERS PRESENT: Chairman Steve Simmons; Wayne Booth; Michael Byrd; Dan R. Canada; Ann H. Carter; Craig Moore; Vacant Seat. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager R. Lance Terpenny; Assistant Town Manager Barry D. Helms; Town Clerk Michele M. Stipes; Town Planner Nichole Hair; Town Attorney Kai Memmer. ABSENT: None.

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

PLEDGE OF ALLEGIANCE.

JOINT PUBLIC HEARING

1. Request to amend Chapter 30 "Zoning" of the Christiansburg Town Code in regards to allowances for janitorial and exterminating services. Mr. Chris Nininger submitted a packet of information pertaining to his exterminating business, Bug Man Exterminating. Bug Man Exterminating has been in operation in Roanoke since 1994, and is Southwest Virginia's largest independently owned pest control company. The company uses environmentally friendly products and has been nominated four times in the last five years for small business of the year, receiving that award once. Mr. Nininger pledged that his business will, if permitted, create long-term employment opportunities for three full-time employees, including 401(K) and profit-sharing options, and medical, dental, and life insurance. Storage of chemicals on the site will not exceed 100 gallons of concentrate and the site, a former auto shop, has a waste containment drain in the floor. Mr. Nininger thanked Council for its consideration.
2. Contingent upon item 1, a Conditional Use Permit request by Nininger Investments, L.L.C. for property at 945 Radford Street (tax parcels 525 – ((1)) – 3 and 4) for an exterminating service in the B-3 General Business District. There were no comments for or against this request.
3. A rezoning request by Gary Harris for property at 1225 Murray Street (tax parcel 468 – ((A)) – 118) from A Agricultural to R-1A Rural Residential. The property contains 2.547 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Applicants, Jean and Gary Harris, are requesting rezoning to allow a family day home serving six to twelve children. There were no questions for the Harris'.
4. Contingent upon item 3, a Conditional Use Permit request by Gary Harris for property at 1225 Murray Street (tax parcel 468 – ((A)) – 118) for a family day home serving six through twelve children in the R-1A Rural Residential District. There were no comments 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 Minutes of October 7, 2008. Councilman Wade directed Town Clerk Stipes to amend the Planning Commission procedure discussion to reflect that "the Planning Commission will meet prior to a scheduled Public Hearing". Town Clerk Stipes noted the amendment. Councilman Barber made a motion to approve the minutes with the amendment, seconded by Councilwoman Carter. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

CITIZEN HEARINGS:

MAYOR BALLENGEE opened the Citizen Hearings for those desiring to address Council.

1. Citizen Comments:
 - A. Tacy Newel-Foutz brought to Council's attention a problem with frequent sewer back ups along portions of Main Street. These back ups, she believes, are from the recent downtown renovations. She also said she previously made the Town aware of a hairline crack in the sidewalk near the front of her building, but has received no response on this matter.
 - B. Mr. David Smith, General Manager of Quality Inn in Christiansburg, voiced his opposition to the proposed cap on the tourism initiative funding, supporting the Tourism Development Commission's marketing efforts.
 - C. Mr. Buck Woodyard of Slate Creek subdivision, addressed Council regarding a petition he and his neighbors previously submitted to the Town requesting Council action concerning undeveloped lots in their neighborhood. According to the petition, the developer has stopped construction with many lots undeveloped and unkempt. Mayor Ballenghee commented that he reviewed the petition and referred it to the Town Attorneys for a recommendation, but has not heard back at this time. He hopes to have resolution to the matter by the next regular Town Council meeting. The developer has been notified by the Town to clean up the property. A copy of the petition is attached herewith and made a part of these minutes.
2. Tracy Roberts to address Council regarding the Sign Ordinance. Ms. Tracy Roberts, owner of Three Pines Center on Radford Road in Christiansburg, brought several ongoing concerns before Council: 1) After being in operation for one year, there is still no corrected turning lane on Radford Road for her required driveway; 2) She questioned the timeline for the promised septic system; 3) The Town turned paid water off during working hours without notification, violating HIPPA; and 4) There is still confusion as to the location of the property line which affects placement of her previously permitted signage. Ms. Roberts said she is in a dispute with the Town over her permanent signage and is in the process of taking legal action to reach a resolution. According to Ms. Roberts, in 1997 she was issued a permit for her temporary signage and the sign location was approved by the Town. Her permanent signage is in the process of being erected twelve feet behind the temporary location, and now the Town Planning Department has ordered her to remove it due to setback violation based on an erroneous setback set in 1950. She offered two options for resolution: 1) Allow a variance of a few feet for the property line permitting the sign to remain in its current location; 2) Adjust the property's tax assessment and enforce the 1950 setback to every business owner not grandfathered on the entire strip of Radford Road. Ms. Roberts provided documentation from the Town, along with sketches of her signage and placement. A copy of Ms. Roberts' information is attached herewith and made a part of these minutes.

There being no one else to address Council, MAYOR BALLENGEE closed the Citizen Hearings.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Website Update – Councilman Stipes gave a brief update on the progress of the website. Creation of the website, initially scheduled to launch this fall, has proven to be more complex than anticipated. As a result, the Town will apply additional resources for town staff to expedite completion of the project. Councilman Stipes will provide a further update in one month, with hopes of resetting a launch date at that time.
2. Huckleberry Trail Extension Update – Councilman Stipes was pleased to report that the federal grant application requesting \$657,000 to fund the Huckleberry Trail bridge over Route 114, has been resubmitted. The application received much support from Montgomery County, sponsor of the application; Friends of the Huckleberry; Gay and Neel, Inc.; and many individuals and businesses within the community, and Councilman Stipes thanked all of them for their efforts. A decision on the application will be made in March by the Commonwealth Transportation Board.
3. Proposed Cap on the Tourism Initiative Funding – Councilman Barber made a motion to cap the tourism initiative funding to 85% of the 1% lodging tax, with the Town retaining the remaining 15% to promote Christiansburg tourism related activities. Councilwoman Carter seconded the motion. It was noted that placement of the cap will not decrease the amount of funding contributed to the TDC. Councilman Vanhoozier stated that, while he will support the motion, he insists on the preparation of a plan outlining the usage of the remaining 15%. Town Clerk Stipes polled Council on the motion: Barber – AYE; Carter – AYE; Showalter – AYE; Stipes – AYE; Vanhoozier – AYE; Wade – AYE.

4. Resolution Honoring Sergeant Kenneth Gibson – Mayor Ballengee presented to Council a Resolution honoring local, fallen soldier, Sergeant Kenneth Gibson. Councilman Vanhoozier made a motion to adopt the resolution, seconded by Councilman Stipes. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None. The Resolution will be presented to Sergeant Gibson's family at a future meeting and will be attached to the minutes at that time.
5. Closed Meeting:
 - a. Mayor Ballengee requested a Closed Meeting under Section 2.2-3711A(3), *Code of Virginia*, for the discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. On motion by Councilman Barber, seconded by Councilman Wade, Council voted to enter into a Closed Meeting. Town Clerk Stipes polled Council as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
 - b. Mayor Ballengee declared Council out of Closed Meeting and into Regular Session.
 - c. Certification – Councilwoman Carter 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. Councilman Barber seconded the certification and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Vanhoozier, seconded by Councilman Barber, Council voted to approve the monthly bills to be paid 10 November, 2008, in the amount of \$2,178,570.95. AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, and Wade. NAYS: None.

PUBLIC HEARING REQUESTS – Town Manager Terpenny presented the following request and recommended setting the Public Hearing as indicated:

November 18, 2008

1. Upgrade to Chapter 10 "Erosion and Sediment Control", *Christiansburg Town Code*, to comply with State Code.

On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to set the Public Hearing for November 18, 2008. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

TOWN COUNCIL authorized the Town Manager to begin the bidding process for the annual employee Christmas gift certificates given each year to full-time, salaried, and permanent, part-time employees. The bid requests are sent to Christiansburg grocery stores. In lieu of the annual employee gift of a shirt, jacket, etc., Council directed this additional cost be added to the amount of the gift certificates. Councilman Vanhoozier made the motion, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:26 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor