

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF NOVEMBER 18, 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 18, 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; Vacant Seat. ABSENT: Craig Moore.

ADMINISTRATION PRESENT: Town Manager R. Lance Terpenney; Assistant Town Manager Barry D. Helms; Town Clerk Michele M. Stipes; Town Planner Nichole Hair; Town Attorney Susan Waddell. ABSENT: None.

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

PLEDGE OF ALLEGIANCE.

PRESENTATION OF RESOLUTION HONORING SERGEANT KENNETH GIBSON – Vice-Mayor Stipes read the resolution and presented a framed copy to Sergeant Gibson's parents. Sergeant Gibson's wife is living in Hawaii and was unable to attend tonight's meeting. A copy of the resolution is attached herewith and made a part of these minutes.

JOINT PUBLIC HEARING

1. An ordinance amending Chapter 3 "Advertising" of the Christiansburg Town Code in regards to provisions for marquee, roof, and secondary roof signage. Town Manager Terpenney explained that this amendment is intended to provide a second definition and clarification for roof top and marquee signs. There were no comments for or against this proposed amendment.
2. An ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to allowances for bed and breakfast inns. There were no comments for or against this proposed amendment.
3. An ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for parking facilities. Town Manager Terpenney explained that this amendment will provide regulations for parking garage facilities.

PUBLIC HEARING

1. Proposed amendments to Chapter 10, Erosion and Sediment Control Ordinance, *Christiansburg Town Code*. Town Manager Terpenney explained that the proposed amendments are minor changes to reflect *State Code* changes that are referenced. The amendments will also add comments within our code to reference *State Code*.

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 November 4, 2008. There being no changes the minutes were approved as presented.

MAYOR BALLENGEE presented to Council an amended agenda adding the presentation of Police Department Accreditation Certificate. Councilman Vanhoozier made a motion to adopt the amended agenda, seconded by Councilman Barber. 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. Presentation of Police Department Accreditation Certificate. Mr. Fred Newman, Sheriff of Washington County, Virginia, and Mr. Gary Roach, Police Chief of Pulaski, Virginia, and Mr. Gerald Holt of Roanoke County, Virginia (unable to attend) recognized Christiansburg Police Department's successful completion of the reaccreditation program. One hundred and eighty accepted standards must be met, and an agency must maintain accreditation files and report on an annual basis in order to obtain reaccreditation. Chief Roach presented the reaccreditation award to Christiansburg Police Chief Mark Sisson. Chief Sisson thanked Council for providing the resources necessary for the Police Department to achieve and maintain accreditation, and he thanked those in attendance. Chief Sisson recognized Lieutenant Chris Ramsey and Officer Gary Fields for the integral role they played in achieving reaccreditation status. He also thanked each member of the police department for their dedication in serving the Town with professionalism, integrity, and honor.
2. Planning Commission's recommendations on the following Joint Public Hearing requests:
 - a. An ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to allowances for janitorial and exterminating services. Secretary Terpenney read the Planning Commission's resolution recommending Town Council approve the ordinance amendment. A copy of the resolution is attached herewith and made a part of these minutes.
 - b. 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. Secretary Terpenney read the Planning Commission's resolution recommending Town Council issue the Conditional Use Permit with no conditions. A copy of the CUP is attached herewith and made a part of these minutes.
 - c. An ordinance in regards to 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. Secretary Terpenney read the Planning Commission's resolution recommending Town Council approve the rezoning request. A copy of the resolution is attached herewith and made a part of these minutes.
 - d. 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. Secretary Terpenney read the Planning Commission's resolution recommending Town Council issue the Conditional Use Permit with six (6) conditions. A copy of the CUP is attached herewith and made a part of these minutes.
3. Citizen Comments:
 - a. Ms. Ann Hess addressed Council regarding the conditions set forth by the Planning Commission in the Conditional Use Permit requested by Gary Harris for a family day home in the R-1A Rural Residential District. Ms. Hess noted that the Virginia Department of Social Services regulates and oversees the activities outlined in Condition #6 of the Conditional Use Permit, and therefore, this Condition may be seen as redundant.
 - b. Mr. Harold Shelton of Christiansburg addressed Council with several concerns. The format of the Town's Personal Property Tax tickets is difficult for him to understand and he would like to see more detailed information on the tickets in the future. He expressed his concern about the cap Town Council placed on the lodging tax contributions to the Tourism Development Committee and questioned the destination of the retained funds. Mr. Shelton expressed his disapproval of a letter he received from the Town asking for donations from Town businesses to provide additional support for completion of the aquatic center, especially in light of the recent increase in business license fees. Mr. Shelton also noted that there was no cost information in the recent bus survey he received in the mail.
 - c. Ms. Virginia Abraham, LPN, CMT, expressed to Council her support for Ms. Tracy Roberts, who brought to the attention of Council at the November 4 Regular Town Council meeting, her dispute with the Town over placement of her business sign. At the November 4 meeting, Ms. Robert's provided Council with supporting information and asked for resolution. A copy of Ms. Abraham's letter of support is attached herewith and made a part of these minutes.
 - d. Carol Lindstrom of Christiansburg asked Council for an update on the aquatic center contract with Virginia Tech, and the status of the aquatic center business plan. Mayor Ballengee reported that a Director for the aquatic center has been hired and is currently in the process of developing the business plan. Town Manager Terpenney added that the Virginia Tech contract has been forwarded to the Town's attorney, Jim Guynn, who is in the process of reviewing the contract.

- e. Lisa Gardner of Phlegar Street asked for an update on the downtown parking matter, such as sign placement. She also informed Council that her neighbor has numerous unregistered vehicles parked in his driveway that are not being taxed. Mayor Ballengee assured Ms. Gardner that he will inform the Town's Ordinance Enforcement Officer of her concern. Manager Terpenney commented that the engineering department is planning placement and preparing to order the signs.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Council action on the Planning Commission's recommendations:
 - a. An ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to allowances for janitorial and exterminating services. Councilman Wade made a motion to adopt the ordinance amendment, seconded by Councilwoman Carter. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
 - b. 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. Councilman Barber made a motion to issue the CUP with no conditions, seconded by Councilman Stipes. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
 - c. An ordinance in regards to 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. Councilman Wade made a motion to approve the rezoning request, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
 - d. 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. Councilman Barber submitted a letter of support from neighboring property owners, Curtis and Mary Lovern. Councilman Barber made a motion to issue the CUP with six conditions, seconded by Councilman Vanhoozier. Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.
2. Sunset Cemetery – Final transfer of assets to the Town of Christiansburg. Councilwoman Carter submitted to Council a list outlining the timeline of asset transfers from Sunset Cemetery to the Town of Christiansburg. A copy of this list is attached herewith and made a part of these minutes. Councilwoman Carter asked that, in the future, specific data be provided to the Montgomery Museum on burials, for genealogy purposes. Councilman Stipes reported that there will be a Cemetery Committee meeting on Wednesday, November 26, at 3:00 p.m.

TOWN MANAGER REPORTS:

PUBLIC HEARING REQUESTS – Town Manager Terpenney presented the following request and recommended setting the Public Hearing for December 16, 2008:

1. Boundary Line Adjustment – Harkrader Sports Complex.

On motion by Councilman Wade, seconded by Councilman Barber, Council voted to set the Public Hearing for December 16, 2008. Council voted on the motion as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

TOWN MANAGER TERPENNEY provided an update on the Town's Revenue Sharing Agreement with Montgomery County. Representatives from the Town and Montgomery County met today and toured the area with the Commission on Local Government. Afterwards, oral presentations were made to the Commission regarding the agreement.

MANAGER TERPENNEY provided each Councilmember with a copy of the response from the Planning Department to Tracy Roberts regarding her sign placement dispute. Each Councilmember is asked to review the response and be prepared to give direction at the December 2, 2008 regular Town Council meeting.

MANAGER TERPENNEY addressed the petition submitted by residents of Slate Creek Commons at the November 4, 2008 regular Town Council meeting asking that the idol construction project in their neighborhood be cleaned up. Manager Terpenney noted at the last meeting that the project is governed by the *State Building Code*, and the Town has no authority in its ordinances

for enforcing clean up. Town Attorney Susan Waddell concurred, commenting that the developer has an active building permit. Manager Terpenney said that the Town did send the developer a letter requesting clean-up of the site, and some of the building materials have been removed as a result. However, the construction equipment remains.

AT MANAGER TERPENNEY'S inquiry, Councilman Wade made a motion to authorize payment of the annual Montgomery County Chamber of Commerce membership fees in the amount of \$972.50. Councilman Vanhoozier seconded the motion and Council voted as follows: AYES: Barber, Carter, Showalter, Stipes, Vanhoozier, Wade. NAYS: None.

COUNCILMAN STIPES reported that the Website Committee met on Monday, November 17, and developed a detailed game plan for completing and launching the new website. Councilman Stipes indicated a projected launch date of January 2009 and further noted that additional resources are in place to help complete the project.

COUNCILMAN BARBER questioned the Planning Commission's progress in recommending an appointee to fill the vacant seat on the Planning Commission. Manager Terpenney replied that the Planning Commission discussed this recommendation at its meeting yesterday and voted to recommend Town Council appoint Mr. Steve Huppert. Based on that information, acknowledging it is not on the agenda, Councilman Barber made a motion to appoint Mr. Steve Huppert to fill the vacant seat on the Planning Commission, seconded by Councilman Wade. Council voted 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 8:50 P.M.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor