

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

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

ADMINISTRATION PRESENT: Town Manager Barry Helms; Assistant Town Manager Randy Wingfield; Town Clerk Michele Stipes; Town Attorney Jim Guynn; Planning Director Nichole Hair; Director of Engineering and Public Works Wayne Nelson, Assistant to the Town Manager Adam Carpenetti, Finance Director/Treasurer Valerie Tweedie.

PLEDGE OF ALLEGIANCE.

PUBLIC HEARING

1. Council's intention to adopt an ordinance vacating a prescriptive easement on the private portion of East Street. Applicant, Mr. Matthew Cheadle, explained that an eight hundred foot portion of the prescriptive easement runs through private property in Cheadle's Mobile Home Park. This portion has been maintained for the last thirty-three years entirely by the owners of Cheadle's Mobile Home Park, but it is open access to the public. The owners are now asking that the Town vacate this portion of the easement, thus closing it off to the general public. By being a prescriptive easement, the Town can relinquish the easement and allow Mr. Cheadle to close the access. Mr. Cheadle said this request was brought to Council at the time the property was purchased and was denied by Council. Mayor Ballengee said he understands Mr. Cheadle's concerns, but stated he would like the Street Committee to review the request and make a recommendation to Council. Assistant Town Manager Randy Wingfield confirmed that the request was previously denied by the Town Manager because the easement had operated as a street open to the public for decades and has functioned as such. Councilman Stipes noted that many side streets in Town are under prescriptive easement and that this is not a unique situation. Mayor Ballengee referred this request to the Street Committee for review and recommendation to Council.

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 July 17, 2012. There being none, Councilman Vanhoozier made a motion to approve the Minutes as presented, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

CITIZEN HEARINGS:

1. Request by the Salvation Army to hang a banner across Main Street advertising Community Day of Giving 2012. Event will be held August 18, 2012 from 11:00 a.m. to 4:00 p.m. at the Salvation Army located at 1125 Roanoke Street. Planning Director Nichole Hair presented this request on behalf of the representatives of the Salvation Army. Ms. Hair reported that authorization from Town Council is required because the event is not sponsored by the Town. Town Manager Helms commented that he provided a copy of the present policy on Town sponsored events to Council in the agenda packet, noting that ideally a representative should come before Council with the request. Noting that the event date is before the next regular Council meeting, Councilman Vanhoozier, in support of good citizenship, made a motion to approve the request and to offer to place the banner for the Salvation Army, seconded by Councilman Stipes. Councilman Showalter stressed the importance of adhering to policy requirements that requests for non-Town sponsored events should be brought before Council by a representative of the event. Council voted on the motion as follows: AYES: Barber; Hall; Huppert; Showalter; Stipes; Vanhoozier. NAYS: None.
2. Citizen Comments.
 - a. Mr. Bill Parker of Old Dominion Security Systems, operating for forty-one years in the Town of Christiansburg, said he has numerous questions regarding the proposed false alarm reduction policy. He asked that a representative from an alarm system company be made available to address community concerns. Mr. Parkers said he also would

like the opportunity to meet with the committee that drafted the proposed document. Mayor Ballengee replied that the proposal came from the Police Department and was not drafted by a committee appointed by Council. He also commented that this has been a matter of concern in the past, and the proposed document would require that Christiansburg businesses register alarm systems with emergency dispatch. Mr. Parker spoke in support of the Police Department personnel and requested the opportunity to meet with them prior to Council action on this matter. Mayor Ballengee reported that the Town has received a letter in opposition to this matter from Christiansburg business owner, Mr. Joel Sutphin.

- b. Rita Irvin of the Christiansburg Institute reported to Council that the Institute is planning an “around the world” cooking event on October 20, 2012, and she asked that the Town consider sponsoring the event as an outreach to the entire County. Ms. Irvin said the Institute is also interested in placing an advertisement banner downtown. Ms. Irvin also requested that representatives from Council be present to speak at the event. Planning Director Nichole Hair informed Ms. Irvin that a sign permit and formal, specific request to Council is required to place a banner, provided by the organizers, in Town.
- c. Mr. Patrick Saunders of Majestic Drive addressed Council regarding the high traffic volume and violations on Majestic Drive, which is used by many citizens as a cut-through opposite ends of Town. Mr. Saunders said the Police Department has been diligent in writing traffic tickets, but isn’t able to provide the amount of attention needed. According to Mr. Saunders, much of the traffic problems are the result of a lack of restrictions on the street. Ms. Saunders said he is hopeful that the pending traffic calming program will provide the measures needed to make this a safer street, and he asked that Majestic Drive be considered a pilot street for the program.
- d. Joe Walker of Miller Street addressed Council regarding a notice of ordinance violation from the town concerning horses kept on his property. Mr. Walker explained that he placed the horses on his property out of necessity and asked for a grace period to allow time for him to seek an ordinance amendment that would allow for horses at this location. Mr. Walker said he plans to present this matter to the subcommittee of the Board of Zoning Appeals for consideration. Town Manager Helms stated that this matter was brought to his attention by a citizen asking if horses were allowed in residential zonings, and not a complaint about these particular horses. Town Attorney Guynn commented that Council has three choices concerning this matter. First, it could amend the zoning town-wide, or it could rezone that particular piece of property, or it could request a variance, which according to Mr. Guynn, is not often favored by the Courts. A Conditional Use Permit does not allow for horses in residential zonings, however, Attorney Guynn advised that an application be made so that Town staff has reason to believe the applicant is going forward in good faith. Mr. Walker stated that if his request is not supported by the subcommittee of the Planning Commission, he will pursue other measures to get consideration for administrative approval. According to Mr. Walker, the subcommittee will meet during the last week of this month. Councilman Hall said he sees no reason not to allow a reasonable extension, recommending Council grant a thirty (30) day extension to Mr. Walker. Town Manager Helms said he is authorized to grant an extension; however, if the Planning Commission wants to include the request with other ordinance amendment considerations, it will take several months to complete the review process. Mr. Walker said he would like an extension through finalization of the process. Mayor Ballengee asked Town Manager Helms to grant an extension of time to Mr. Walker and to show leniency as determined appropriate by Town staff.
- e. Matthew Cheadle, owner of Cheadle’s Mobile Home Park, addressed Council regarding the Town’s billing methods for sewer and water to trailer parks. The billing is based on the number of spaces provided in the park, not the number of rented spaces. Mr. Cheadle asked for consideration, beginning the 2013-2014 budget year, of a guideline that would allow billing exemptions for lots that haven’t been rented in more than one year. Mr. Cheadle said he has fourteen mobile home lots that have been vacant for over a year, and his Town utility charges include these vacant lots.
- f. Samuel Bower of Alleghany Street spoke in support of the efforts of the Street Committee and Town staff in creating the traffic calming program, specifically commending Assistant Town Manager Randy Wingfield on drafting the document. Mr. Bower said he supports the document and asked that Council adopt the proposed document. Mr. Bower’s one area of concern was with the fifty percent response rule required to receive consideration under the traffic calming program. Mr. Bower’s believes this is an unreasonable percentage and recommended a thirty-three percent response requirement.
- g. Ms. Connie Turner of Alleghany Street addressed Council on behalf of the Christiansburg Alumni Return Committee, thanking the Town for displaying the event banner that included the Town Seal. Ms. Turner provided the Town with an event announcement poster and asked that the Town display it in Town Hall. On a personal note, Ms. Turner thanked Town crews for continuing to water-down Alleghany Street during construction to control the dust level. She also spoke favorable of the flower boxes along Main Street.

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

1. Reappointment of Ms. Ann Carter to the Planning Commission. Ms. Carter's four-year term on the Planning Commission expires August 31, 2012. Councilman Stipes made a motion to reappoint Ms. Carter to serve another four-year term on the Planning Commission, seconded by Councilman Barber. Council voted on the motion as follows: AYES: Barber; Hall; Huppert; Showalter; Stipes; Vanhoozier. NAYS: None. Ms. Carter was present and Mayor Ballengee thanked her for her willingness to continue to serve the Town in this capacity. NAYS: None.
2. Recommendation of appointment to the Board of Zoning Appeals. Mr. Jack Akers' five-year term on the BZA expires August 31, 2012 and he is not seeking reappointment. It was the consensus of Council to advertise the vacancy, using the interview process to determine a recommendation for this seat. Mayor Ballengee requested that Planning Director Nichole Hair prepare and post the advertisement.
3. Discussion and action on Commercial Alarm Registration and False Alarm Ordinance. Council was provided a draft copy of the document dated July 17, 2012 in the agenda packet. Councilman Barber said the document is more in depth than he originally favored and recommended tabling the matter until the Town has a chance to form a committee to review the proposal. Councilman Barber said he also supports a meeting with professionals from an alarm company to address questions. Councilman Vanhoozier concurred, opposing the stated fee for registering alarms with the Police Department dispatch. Councilman Hall expressed support for tabling the matter, stating that information from an expert is needed, and opposing the stated registration fee. He also noted that there is ambiguous wording regarding "resident commercial" that needs clarification, and he expressed concern with other provisions in the proposal. Councilman Showalter commented that the registration fees may be intended to offset administrative costs associated with registering. Councilman Stipes reported that the intent of this policy is to reduce false alarms, not to be a source of revenue through registration fees. Noting that Police Chief Sisson drafted the alarm reduction proposal, Councilman Barber recommended Town Council meet with him and representatives from the alarm company industry to clarify several points of concern and help revise the document into something more acceptable to Council. According to Council's wishes, Mayor Ballengee appointed an ad hoc committee to work with the Police Department on this matter, and Councilmen Barber and Hall volunteered to serve on the committee. Police Chief Sisson and a member of the Finance Department would also serve on the committee. Councilman Barber made a motion to table this matter for study by the ad hoc committee, seconded by Councilman Hall. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.
4. Discussion and action on traffic calming program. Assistant Town Manager Randy Wingfield provided Council with a short video by VDOT explaining its traffic calming program and outlining various traffic calming options. Assistant Town Manager Wingfield reported that the Town is not required to follow the criteria of VDOT, but that the video was offered to provide a visual example of various options available for consideration. After viewing the video, Assistant Town Manager Wingfield explained that the proposed traffic calming program brought to Council for consideration requires two-part action by Council: First, Council would vote on the Traffic Calming Program; then it would vote on recommendations pertaining to specific streets. He then explained in detail the guidelines and criteria set forth in the proposed document, and the specific details for several streets in Town, noting that the main consideration in developing the document was the impact measures might have on emergency vehicles. Council discussed in detail Paragraph 5 of the Process and Selection Method requiring that fifty percent of the neighborhood ballots sent out must be returned and of the fifty percent, fifty-one percent must be in support of the specific traffic calming measures and the proposed project, or the project will not proceed, and alternate measures may be considered. Council expressed concerns that it may be unreasonable to expect a ballot return of fifty percent and recommended that the criteria to proceed be based on the requirement that fifty-one percent of the ballots returned be in support of the project and the recommended traffic calming measures. Mayor Ballengee noted the effectiveness of street signs prohibiting large trucks on Alleghany Street and suggested this as a possible measure on Majestic Drive, until it can be reviewed for consideration under the traffic calming program. Assistant Town Manager Wingfield commented that Majestic Drive is included in the recommendations as a future street for consideration. Mayor Ballengee asked Town Attorney Guynn to review the document for legality, which Town Attorney Guynn said he has already done. His only concern was the format with which the document was presented. Attorney Guynn said the document should be presented in ordinance form, which would provide familiarity and allow for recodification. If the document was presented in ordinance form it would also provide greater enforceability, and would bind Council and the Town to a certain set of standards. Council was complimentary of the document and expressed interest in taking action at the next regular Council meeting, providing that it had been reformatted to an ordinance document. Mayor Ballengee asked Attorney Guynn to reformat the document in ordinance form, change the fifty-one percent requirement to be based on the total number of ballots returned, and include the consideration of various sign placements prohibiting through - traffic, limiting weight, etc. Town Manager Helms noted that public meetings would be required for any action considered by Council for any street in Town.

5. Discussion and action on the proposed Cemetery Advisory Committee. An outline recommendation from the Cemetery Committee was provided to Council in the agenda packet. Council expressed general support for the initial outline of the proposed Cemetery Advisory Committee, and Councilman Stipes said that specific details will be provided at a later date if Council wishes to proceed. Councilman Barber recommended addressing attendance in the policy. Councilman Stipes reported that the development of a Cemetery Master Plan is scheduled for this year and a Cemetery Advisory Committee would be beneficial for the plan's development. It was the consensus of Council to proceed based on the outline recommendation provided. Mayor Ballengee requested that Assistant to the Town Manager Adam Carpenetti proceed with advertising for positions on the Cemetery Advisory Committee.
6. Councilmen Stipes and Vanhoozier – Street Committee report/recommendation on:
 - a. Plat Showing Boundary Line Adjustment Tax Parcels 365 – ((39)) – A & 466 – ((A)) – 1 hereby creating Parcels “A”, “B”, & “C”, Trail Easement & Right-of-Way Dedication; creating 4 lots; located on Cambria Street, N.W., Phoenix Blvd, N.W. and Roundabush Drive, N.W. Councilman Stipes reported that this request is to divide one large parcel into three smaller parcels. The request includes a thirty-foot trail easement and right-of-way dedication for the Huckleberry Trail extension. The plat conforms with the subdivision ordinance and Councilman Stipes made a motion to approve the plat as presented, seconded by Councilman Vanhoozier. Council voted on the motion as follows: Barber – Aye; Hall – Aye; Huppert – Aye; Showalter – Aye; Stipes – Aye; Vanhoozier - Aye.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Vanhoozier, seconded by Councilman Barber, Council voted to approve the monthly bills to be paid on August 10, 2012, in the amount of \$2,839,765.97. Council voted on the motion as follows: AYES: Barber, Hall, Huppert, Showalter, Stipes, Vanhoozier. NAYS: None.

TOWN MANAGER HELMS provided Council with an update on the progress of the Huckleberry Trail extension project dated August 7, 2012, a copy of which is attached.

MAYOR BALLENGEE reported that The Crooked Road will hold a public meeting at Town Hall at 2:00 p.m. on August 15, 2012 as part of the process to obtain National Heritage Area status. All are invited to attend.

COUNCILMAN HALL reported that he has received numerous complaints from citizens regarding the hazardous conditions of the intersection at Patrick's Way and North Franklin Street. Town Administration is aware of the complaints and Mayor Ballengee said he would have the Engineering Department study the intersection and make a recommendation to Council.

ADJOURN:

There being no further business to bring before Council, the meeting was adjourned at 9:50 PM.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor