

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF JULY 17, 2007 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 JULY 17, 2007 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Canada, Carter, Huppert, Stipes, and Wade. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenny, Town Clerk Stipes, Planning Director Wingfield, and Town Attorney Memmer.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Booth, Byrd, Carter, Moore, Poff, and Simmons. PLANNING COMMISSION MEMBERS ABSENT: Commissioner Vanhoozier.

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

PLEDGE OF ALLEGIANCE led by Councilman Wade.

PUBLIC HEARING

1. Aquatic Center Bond. Town Manager Terpenny explained that the needed two million dollar bond will provide immediate funds for construction to begin. Virginia Tech's annual payments of two hundred fifty thousand dollars will cover both debt service and interest. Ned Skinner, Head Swim Coach for Virginia Tech, thanked Council for the opportunity to participate in the ownership of this exciting facility. The facility will be a great experience for beginner swimmers, as well as master swimmers, and those swimming for leisure. Coach Skinner said there are only two facilities in the region that can host ACC tournaments and he is excited to soon be one of those host localities. Mayor Ballengee commented that Virginia Tech's partnership made the fifty-meter pool possible. Ms. Amy Briele, a coach at Christiansburg High School, and coach of a local summer swim league, said she is excited about this facility and believes it will be a wonderful asset for the community. Ron Piemonte, Diving Coach at Virginia Tech, said the impact of a facility of this magnitude will be incredible. Coach Piemonte expects swimming and diving levels to increase, which will result in high level competitions. The New River Valley will become well known across the Country as a result of these competitions. Mr. Bill Beecher has been a swimmer for most of his life and he said he is excited about this facility, which will be fabulous for both competition swimming and leisure swimming. Mr. Jon Jaudon, Associate Director of Athletics at Virginia Tech, said Virginia Tech is one-hundred percent committed to its partnership with Christiansburg, and is grateful for the opportunity to be a part of this facility. Mr. Jaudon said it has been a joy working with Manager Terpenny in planning the facility, and thanked him for the great leadership he has demonstrated though out the planning process. Floor plans of the facility are on display on the second floor of Town Hall.

JOINT PUBLIC HEARING

1. A Conditional Use Permit request by Christopher A. Varner for property at 1150 Hans Meadow Road (tax parcel 498 - ((9)) - 40) for a major home occupation (moving service) in the R-1 Single-Family Residential District. Ms. Donna Varner explained to Council that her business isn't operating out of her home; she is just using her residential address as a business address. There are no employees and no advertising. A truck used for the business is parked at the residential site and has been for the past thirteen years. She has received no complaints about the truck during the past thirteen years. Town Manager Terpenny explained that the Town was made aware of the home occupation during the annual street paving. Manager Terpenny advised the Varners that they needed to apply for a business license and a Conditional Use Permit in order to comply with Town Code. Manager Terpenny said the Town has received no complaints in the past regarding this property.

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 July 3, 2007. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

PLANNING COMMISSION'S RECOMMENDATIONS ON THE JOINT PUBLIC HEARING REQUESTS:

1. A Conditional Use Permit request by Christopher A. Varner for property at 1150 Hans Meadow Road (tax parcel 498 – ((9)) – 40) for a major home occupation (moving service) in the R-1 Single-Family Residential District. Planning Commission Chairperson Simmons asked Secretary Terpenny to read the recommendation. Secretary Terpenny read the resolution recommending Town Council issue the Conditional Use Permit with one condition. A copy of the resolution and condition 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:

COUNCIL ACTION ON THE PLANNING COMMISSION'S RECOMMENDATIONS:

1. A Conditional Use Permit request by Christopher A. Varner for property at 1150 Hans Meadow Road (tax parcel 498 – ((9)) – 40) for a major home occupation (moving service) in the R-1 Single-Family Residential District. Councilman Barber made a motion to accept the Planning Commission's recommendation to approve the request with one condition. Councilman Stipes seconded the motion and Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE PUBLIC HEARING REQUEST:

1. Council action on the Aquatic Center Bond. Councilman Wade made a motion to approve the aquatic center bond, seconded by Councilman Barber. Town Clerk Stipes polled Council on the motion as follows: Barber- AYE; Canada – AYE; Carter – AYE; Huppert – AYE; Stipes – AYE; and Wade – AYE. The bond is unanimously approved.

RECOMMENDATION FOR APPOINTMENT TO THE BOARD OF ZONING APPEALS. On motion by Councilman Barber, seconded by Councilwoman Carter, it was resolved to recommend and request the reappointment by the Circuit Court of Montgomery County, Virginia, of L. Jack Akers to the Board of Zoning Appeals of said Town for a five year term beginning September 1, 2007 and expiring August 31, 2012. On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

ELECTED OFFICIALS CODE OF ETHICS. Councilman Stipes made a motion to adopt the *Elected Officials Code of Ethics*, seconded by Councilman Huppert. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None. Mayor Ballengee will provide a copy of the adopted *Elected Officials Code of Ethics* to each Councilmember, and to the local press.

COUNCILMAN HUPPERT – UPDATE ON SUMMER CONCERT. Councilman Huppert presented to Council a printed ad for *Pickin' on the Museum*, a free summer concert event to be held on July 28th from 5:00 P.M. to dark at the Montgomery Museum. The event will feature live music by several local bands, and food and drinks will be available by Due South BBQ and Coffee Depot. The Christiansburg Parks and Recreation Department will help with set up and clean up. Councilman Huppert thanked Old Town Printing for donating the advertisement printing, and also thanked Dominoes Pizza for delivering the ads free of charge to its customers. The Health Department has approved the event. Council thanked Councilman Huppert for his participation in organizing the event, and several Councilmembers voiced their support for organized, community events in the downtown area.

MR. BARBER AND MR. STIPES – Street Committee Recommendations on:

1. Resubdivision Plat for Michael S. Abraham & Jane L. Abraham, 2 lots, Prospect Drive, N.E. Councilman Barber explained that Mr. & Mrs. Abraham already own this tract in the Industrial Park and they want to split the lot to further develop Phase II of their business. The request is for financial purposes only. All is in order with the request and Councilman Barber made a motion to approve the request, seconded by Councilman Wade. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

CLOSED MEETING:

1. Request for a Closed Meeting under Section 2.2-3711A(5), *Code of Virginia*, for the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the

community. On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to enter into a Closed Meeting. Town Clerk Stipes polled Council as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

2. Upon a motion by Councilman Barber, seconded by Councilman Wade, Mayor Ballengee declared Council out of Closed Meeting and into Regular Session. Town Clerk Stipes polled Council as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.
3. 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 business 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, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER REPORTS:

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

August 7, 2007

1. Conditional Use Permit request, commercial garage in the B-3 General Business District, 730 Roanoke St.

On motion by Councilman Barber, seconded by Councilman Wade, Council voted to set the Public Hearing for August 7, 2007. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

August 21, 2007

1. Street Vacation request – 5' strip of Pickett and Jackson Street.
2. Amendment to Conditional Use Permit for Conner's Mobile Home Park for expansion.

On motion by Councilman Wade, seconded by Councilman Barber, Council voted to set the Public Hearings for August 21, 2007. Council voted on the motion as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY reminded Council of the VML Committee meetings on Thursday and asked those planning to attend to let him know.

TOWN MANAGER TERPENNY reported that Tom Poff has requested that the Town take over the right-of-way known as Kiwanis Lane. The right-of-way goes through Southern States property and Mr. Poff is interested in the Town taking over the portion of road from the Town parking lot to his property. Manager Terpenny suggested turning the request over to the Street Committee for review and recommendation. Councilman Wade commented on the deterioration of the entire Kiwanis Lane and suggested working with Southern States to provide maintenance for the entire right-of-way. Manager Terpenny agreed with this idea and Councilman Huppert commented that he would support the Town maintaining the entire right-of-way. One setback to this suggestion is that a study will need to be done to determine if the railroad right-of-way runs with Kiwanis Lane. Mayor Ballengee turned the request over to the Street Committee for review and recommendation. Manager Terpenny said he would have the engineering department research the railroad property for the Street Committee.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 8:43 P.M. On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted as follows: AYES: Barber, Canada, Carter, Huppert, Stipes, and Wade. NAYS: None.

