

**Christiansburg Planning Commission  
Minutes of February 18, 2014**

Present: Matthew J. Beasley  
Ann H. Carter  
Harry Collins  
Ashley Cowen  
M.H. Dorsett, AICP  
David Franusich (arrived at 7:30 p.m.)  
Jonathan Hedrick  
Steve Huppert  
Craig Moore, Chairperson (arrived at 7:15 p.m.)  
Joe Powers, Vice-Chairperson  
Jennifer D. Sowers (arrived at 7:30 p.m.)  
Nichole Hair, Secretary <sup>Non-Voting</sup>

Absent: none

Staff/Visitors: Missy Martin, staff  
Cindy Wells Disney, Montgomery County Planning Commission  
David Smith, 2790 Roanoke Street  
Linda Hylton, 2790 Roanoke Street  
Dennis Dowdy, 2790 Roanoke Street  
Jennifer Lawrence, 10 Patricia Lane  
Laura Justice, 2790 Roanoke Street  
Glenwood Martin, 1230 Roanoke Street  
Becky Cook Mann, 1200 Roanoke Street  
Dana Chudzik, 1230 Roanoke Street

Vice-Chairperson Powers called the meeting to order at 7:05 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia to discuss the following items:

Public Comment.

Vice-Chairperson Powers opened the floor for public comment. Hearing no public comments, Vice-Chairperson Powers closed the public comment period.

Approval of meeting minutes for January 13, 2014.

Vice-Chairperson Powers introduced the discussion. Commissioner Dorsett made a motion to approve the Planning Commission meeting minutes. Commissioner Carter seconded the motion, which passed 8-0.

Public hearing for a Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District.

Vice-Chairperson Powers introduced the discussion. Ms. Hair stated the application is for a dancehall in association with a restaurant. Ms. Hair commented the applicant is in attendance. Mr. David Smith stated he has applied because the Huckleberry had been there for 20 plus years. Ms. Linda Hylton read a petition which has received over 350 signatures. Ms. Hylton stated the intent is to provide a safe environment and arrangements have been made with the Super 8 will allow patrons to stay in the hotel at half price. Ms. Hylton added it is the desire of the applicant to serve the community with poker runs and events for the Fire Department and Rescue Squad. Ms. Hylton stated there has been confusion over why TJ's Pub and Grill was allowed to operate without going through the public hearing process and not being required to add a sprinkler system. Mr. Dennis Dowdy stated there has been confusion over the use type of a restaurant with a dance floor. Mr. Dowdy added the Huckleberry opened in 1984 and operated almost continuously before a new tenant took over the building. Mr. Dowdy stated TJ's Pub and Grill opened a few years ago before closing in December.

Ms. Jennifer Lawrence stated she has lived on Patricia Lane for years during which time she has endured loud noise and intoxicated people walking on Roanoke Street. Ms. Lawrence added she has safety concerns regarding the dancehall.

Ms. Laura Justice stated there is only one entrance to the Wagon Wheel and she disputes the complaint over noise. Ms. Justice stated there is a different crowd now compared to TJs.

Vice-Chairperson Powers requested the applicant meet with staff to clarify issues. Vice-Chairperson Powers indicated he would like to have the Building Official to attend the next meeting with the building drawings submitted. Vice-Chairperson Powers requested feedback from Chief Sisson including any reports of noise complaints and any incidents in relation to the business location.

Ms. Justice stated the band is cut off at midnight on Friday and Saturday nights and then the business is closed between 1 a.m. and 1:30 a.m.

Ms. Lawrence stated she has continued to hear the music even with the change in ownership.

Ms. Anita Griffith stated she first attended the Huckleberry and also attended TJ's. She added there was an issue with motorcycle gangs but the Wagon Wheel intends to be family oriented.

Public hearing for a Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District – (continued).

Commissioner Collins inquired about what is located on the property now. Mr. Smith stated it is a restaurant with dancing on Friday and Saturday night. Mr. Smith stated the restaurant is open two and a half days, being open on Sunday night from 6 p.m. to 10 p.m.

Commissioner Hedrick inquired if the applicant was under the impression the former lease was running a dancehall. Mr. Dowdy stated he was unaware there was a difference between a restaurant and a dancehall.

Conditional Use Permit request by Twin Oak Properties, L.L.C. for a commercial garage at 1230 Roanoke Street (tax parcel 498 – ((7)) – 17 and 18) in the B-3 General Business District.

Chairperson Moore introduced the discussion. Mr. Glenwood Martin stated this in the former United Muffler location. Mr. Martin added Power Zone had been located in the building recently but that business has expanded and moved out. Mr. Martin added the building was designed for a commercial garage. Commissioner Collins inquired about the addressing of the two buildings. Mr. Martin indicated there are two separate addresses.

Commissioner Powers stated there is always a concern of inoperable vehicles with commercial garages. Mr. Martin stated as part of the lease, all vehicles must be removed in 60 days. Commissioner Huppert inquired about the number of parking spaces available. Mr. Martin stated there are 9 spaces in the front with the two bays and additional parking in the rear of the property. Mr. Dana Chudzik stated there will not be issues with old cars and parts on the property because he would like to compete with other repair shops. Mr. Chudzik added he will be adding slates to the fence to keep vehicles hidden behind the fence.

Ms. Becky Cook Mann stated she owns the adjoining property and has no objections to the request.

Chairperson Moore read the drafted conditions:

1. The property is to be maintained in a clean, sanitary, and sightly manner.
2. This permit is for a commercial garage, not a body shop or towing service or for conducting bodywork.
3. All parts, including faulty parts, tires, etc. are to be kept inside the garage or a fully enclosed building (including a roof) until disposal.
4. All waste petroleum products and/or chemicals are to be disposed of properly and are not to accumulate upon the premises. Provisions are to be made for the capture of leaking petroleum products and/or chemicals.

Conditional Use Permit request by Twin Oak Properties, L.L.C. for a commercial garage at 1230 Roanoke Street (tax parcel 498 – ((7)) – 17 and 18) in the B-3 General Business District – (continued).

5. There will be no storage of vehicles upon the premises except for vehicles occasionally left for repair. All vehicles left for repair are to be kept on-premises and not within any public right-of-way or adjacent property. All vehicles on the property are to have a State inspection decal that is either valid or dated within 90 days of its expiration.
6. Mechanical work is to be done inside the building and not outside.
7. There are to be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
8. There are to be no discernible noises to residential properties in the nearby vicinity between 7:00 p.m. and 7:00 a.m.
9. This permit shall be revocable for violations of Chapter 4 “Advertising” of the Christiansburg Town Code occurring on the property.
10. All towed vehicles and/or vehicles left for repair are to be store inside the building.
11. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
12. This permit is subject to the requirement of a site plan to be reviewed and approved by Town staff.
13. This permit shall be subject to review by the Planning Commission in one year.

Ms. Hair sated number 10 should be stricken because number 5 addresses the storage of vehicles. Ms. Hair also indicated a full site plan for the property will not be required, but verification of the parking and landscaping required for the property will need to be done.

Other business.

Chairperson Moore introduced the discussion. Commissioner Huppert presented information from a tourism training he attended.

Ms. Hair noted the agenda reflected an error in the meeting time and apologized for the error. The public hearing items and meeting were correctly advertised with the local newspaper and on the Town’s website.

Ms. Hair requested guidance on three Code items. The Commission agreed the Development Subcommittee could review those items.

There being no more business Chairperson Moore adjourned the meeting at 8:45 p.m.

**Christiansburg Planning Commission  
Minutes of March 3, 2014**

Present: Matthew J. Beasley  
Harry Collins  
Ashley Cowen  
M.H. Dorsett, AICP  
David Franusich  
Jonathan Hedrick  
Steve Huppert  
Craig Moore, Chairperson  
Joe Powers, Vice-Chairperson  
Nichole Hair, Secretary <sup>Non-Voting</sup>

Absent: Ann H. Carter  
Jennifer D. Sowers

Staff/Visitors: Kali Casper, staff  
Jerry Heinline, Building Official  
Chief Mark Sisson, Police Chief  
Chief Billy Hanks, Fire Chief  
David Smith, 2790 Roanoke Street  
Linda Ince, 270 Robert Street  
Tammy Germany, 215 Robert Street  
Sherri Collins, 450 Tower Road  
Greg Duncan, 500 Roanoke Street  
Linda Hylton, 2790 Roanoke Street  
Laura Justice, 2790 Roanoke Street  
Glenwood Martin, 1230 Roanoke Street  
Several others

Chairperson Moore called the meeting to order at 7:01 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia, following the pledge of allegiance, to discuss the following items:

Public Comment.

Chairperson Moore opened the floor for public comment. Hearing no public comments, Chairperson Moore closed the public comment period.

Approval of meeting minutes for February 18, 2014.

Chairperson Moore introduced the discussion. Commissioner Dorsett made a motion to approve the Planning Commission meeting minutes. Commissioner Cowen seconded the motion, which passed 9-0.

Public hearing for a rezoning request by Mark Willard for property located at 205 Robert Street, S.E. tax parcel 527 – ((17 BK A)) – 29R) from B-3 General Business to R-2 Two-Family Residential.

Chairperson Moore introduced the discussion. Greg Duncan indicated he was the applicant's cousin and wishing to build a single-family home that would blend into the neighborhood. Ms. Germany of 215 Robert Street asked if it would be a single-family home and asked how to prevent flooding to the neighboring houses as that lot has standing water. Chairperson Moore asked if the Town has received complaints regarding that lot. Ms. Hair responded no. Ms. Ince of 270 Robert Street responded that she has lived there for 12.5 years and the lot has always been flooded. Commissioner Powers asked to see the property on the map. Commissioner Powers asked about the zoning designation. Ms. Hair responded the parcel is zoned business. Commissioner Dorsett asked if it was from the last rezoning where a line was drawn adjoining Roanoke Street. Ms. Hair responded that was more than likely. She added the lot is approximately 80 feet wide and can only accommodate a single-family home, but the request is for R-2 zoning since that is the adjoining zoning. With no more speakers, Chairperson Moore closed the public hearing.

Commissioner Huppert asked where the neighbors live on the map. The neighbors identified their locations. Commissioner Huppert asked about the flooding concern. Ms. Germany noted the lot sits down low and there is the potential for flooding. Commissioner Collins asked about how the applicant will deal with stormwater. Mr. Duncan noted the street has curb and gutter, any runoff will be directed from the house into the street system. Ms. Hair added it will be reviewed in the development process and be discussed further with Engineering. Chairperson Moore asked if there were any proffers being made regarding a single-family home. Ms. Hair indicated there are no proffers but the lot constraints would only allow for a single-family home.

Commissioner Dorsett made a motion to recommend to Town Council the rezoning request for approval. Commissioner Beasley seconded the motion. Commissioner Huppert asked about speaking with Mr. Walters from Engineering first. Commissioner Cowen noted a business use could be built currently. Commissioner Dorsett noted the stormwater issues are generally dealt with during lot grading and the building permit process. Commissioner Moore noted residential use would be a more restrictive land use. He added a rezoning would be in accordance with the Comprehensive Plan Future Land Use Map. The motion passed 9-0.

Conditional Use Permit request by Twin Oak Properties, L.L.C. for a commercial garage at 1230 Roanoke Street (tax parcel 498 – ((7)) – 17 and 18) in the B-3 General Business District.

Chairperson Moore introduced the discussion and reviewed the drafted conditions.

1. The property is to be maintained in a clean, sanitary, and sightly manner.
2. This permit is for a commercial garage, not a body shop or towing service or for conducting bodywork.

Conditional Use Permit request by Twin Oak Properties, L.L.C. for a commercial garage at 1230 Roanoke Street (tax parcel 498 – ((7)) – 17 and 18) in the B-3 General Business District – (continued).

3. All parts, including faulty parts, tires, etc. are to be kept inside the garage or a fully enclosed building (including a roof) until disposal.
4. All waste petroleum products and/or chemicals are to be disposed of properly and are not to accumulate upon the premises. Provisions are to be made for the capture of leaking petroleum products and/or chemicals.
5. There will be no storage of vehicles upon the premises except for vehicles occasionally left for repair. All vehicles left for repair are to be kept on-premises and not within any public right-of-way or adjacent property. All vehicles on the property are to have a State inspection decal that is either valid or dated within 90 days of its expiration.
6. Mechanical work is to be done inside the building and not outside.
7. There are to be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
8. There are to be no discernible noises to residential properties in the nearby vicinity between 7:00 p.m. and 7:00 a.m.
9. This permit shall be revocable for violations of Chapter 4 “Advertising” of the Christiansburg Town Code occurring on the property.
10. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
11. This permit is subject to the requirement of a site plan to be reviewed and approved by Town staff.
12. This permit shall be subject to review by the Planning Commission in one year.

Commissioner Dorsett made a motion to recommend to Town Council the Conditional Use Permit be approved with the drafted conditions. Commissioner Hedrick seconded the motion. Commissioner Huppert asked the applicant if the conditions were acceptable. Mr. Martin responded yes. The motion passed 9-0.

Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District.

Chairperson Moore introduced the discussion. Chairperson Moore asked if the Town has received any correspondence. Ms. Hair noted the attorney clarification, building plans, and police data are included in the Planning Commission packet and noted the Building Official, Police Chief, and Fire Chief are all in attendance to answer questions. Commissioner Collins asked the applicant about the percentage of food versus beverages. Mr. Smith responded approximately 75% food and 25% beverages. Commissioner Collins asked about the age for entrance into the establishment. Mr. Smith responded the age is 21. Commissioner Powers asked if the 75% versus 25% is in dollar amounts. Mr. Smith responded yes. Commissioner Collins asked about the petition and if the people under 21 had been to this location. Ms. Hylton clarified anyone 21 and under can eat in the restaurant.

Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District – (continued).

Commissioner Collins asked about designated drivers the applicant proposed to use. Ms. Hylton responded the ABC discouraged the business getting involved in providing drivers. Commissioner Collins asked about the hours for alcohol sales. Ms. Hylton responded 6 p.m. to 2 a.m. Commissioner Collins asked when the band stops playing. Ms. Hylton responded 1 a.m.

Commissioner Collins asked about security on the premises. Mr. Smith responded there are bouncers. Commissioner Collins asked Chief Sisson if the applicant would be responsible for actions of people in their building. Chief Sisson responded that criminally they would not be responsible but may be found responsible in civil litigation. Commissioner Collins asked about procedure for noise complaints. Ms. Hair noted the Planning Commission can include conditions regarding noise.

Commissioner Collins asked if the Police Department has any sort of permits for this type of business. Chief Sisson responded no. Commissioner Dorsett asked about noise levels and complaints. Chief Sisson responded the Police Department has investigated complaints. He added the statistics provided are for the last 5 years at 2790 Roanoke Street, which includes 3 different bars and the hotel. Chief Sisson noted there have been a few drunk in public, which are typical of a bar but no other issues have been documented with the current business owners. He added there was one noise violation in the last five years but there are more than that in residential neighborhoods daily.

Commissioner Franusich asked about a comparison with the rest of Town in terms of call volume. Chief Sisson stated historically there has been increased call volume associated with the property. Commissioner Hedrick asked if the data showing 18 ambulance calls is typical of hotels. Chief Sisson responded that over a 5 year period, it is typical. Commissioner Hedrick asked about the rationale behind a 5 year time frame. Chief Sisson responded the data is what is currently available without a hand search of records. Commissioner Powers noted it is approximately 30 calls a year and asked if that amount is typical of a commercial establishment. Chief Sisson responded that it is likely close to typical. He noted the call volume will increase with a bar. Commissioner Huppert asked about the average age of clientele. Ms. Hylton said they range from 21 to 80 years old. She added the clientele is different and no longer a biker bar. Commissioner Hedrick asked if any additional security measures have been considered. Ms. Hylton responded they need to consider them if approved.

Commissioner Collins asked if smoking was permitted. Ms. Hylton said not in the building. Commissioner Collins asked about an emergency evacuation plan. Ms. Hylton said there are five exits and all are posted. Commissioner Collins asked if Chief Hanks has any concerns from his visit. Chief Hanks responded no concerns and that it seemed orderly. He added they refused service to an intoxicated individual.



Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District - (continued).

Commissioner Huppert asked about the number of people allowed in the establishment. Mr. Heinline noted in 2011 the previous applicant requested to operate as a bar. Mr. Heinline added 'bar' is a generic term that does not apply to the building code; instead there are nightclubs and restaurants. The applicant wanted to operate as a restaurant and so tables were required to be placed on the dance floor. Commissioner Huppert asked how many people are permitted. Mr. Heinline responded there can be 193 people as a restaurant based on 5,000 square feet of the building. He added anything exceeding 99 people for a nightclub must have a sprinkler system and anything exceeding 300 people for a restaurant must be sprinkled. Commissioner Hedrick asked if the establishment included a sprinkler system. Ms. Hylton responded there is not a sprinkler system as they do not own the building and the owner will not add one. Commissioner Collins asked how many people would be allowed if the tables were removed from the dance floor. Mr. Heinline responded it would then be considered a nightclub and could only have 99 people. Commissioner Dorsett asked about expanding the restaurant.

Ms. Hylton responded regarding the 10% dance floor area. She added they plan to expand to 12,000 square feet. Mr. Heinline responded that a sprinkler would be required with expansion. He added a restaurant with more than 5,000 square feet must also be sprinkled. Commissioner Hedrick asked for clarification on the number of people allowed. Mr. Heinline responded 99 people as a nightclub and 193 people as a restaurant. Ms. Hair indicated per the Town Attorney, the 10% area does not apply to zoning and building but gives localities the ability to require permits and other licenses for a dance hall.

Ms. Hylton asked about continuing live entertainment as a restaurant. Mr. Heinline responded yes with tables on the dance floor. Mr. Heinline reviewed the process for a change of use within the building code. Commissioner Dorsett asked if the establishment has always been a nightclub. Mr. Heinline responded it may have operated that way but was not permitted as a nightclub. He noted that it was permitted as a restaurant. He added it has not had building code safety issues to his knowledge.

Commissioner Hedrick asked about any regulations regarding charging to enter a restaurant. Mr. Heinline responded nothing in the building code. Ms. Hylton noted they were misled by the previous tenant. Mr. Heinline added the previous tenant was not forthright with the Town. He noted the building plans stamped by an architect show the layout as a restaurant. Commissioner Franusich asked about how to enforce proper usage. Mr. Heinline suggested securing the tables to the floor. Commissioner Huppert asked about a ratio of tables. Mr. Heinline responded it can be designed numerous ways as long as it complies with the building code.

Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District (continued).

Commissioner Powers asked about the 5,000 square foot threshold for a sprinkler system. Mr. Heinline responded it would be required for anything over 5,000 square feet and has since 1978. Commissioner Franusich asked if they were grandfathered. Mr. Heinline responded yes and the previous tenant was restricted from using the upstairs. He added one of the inspectors did not know of this previous requirement. Commissioner Powers asked if the landowner has been in contact regarding this. Mr. Heinline has spoken with Mr. Dowdy once about this.

Ms. Hylton asked if they could have more people as a restaurant than a nightclub. Mr. Heinline responded yes. Commissioner Powers noted it would require a sprinkler system due to the size. Mr. Heinline responded it is grandfathered. Commissioner Powers asked if restaurant could be expanded. Mr. Heinline responded it would require a sprinkler system if it was expanded. Commissioner Cowen asked if the applicant still wants a conditional use permit if they are limited to 99 people. The applicants responded no. Mr. Heinline explained the safety concerns are inherent in a nightclub. Commissioner Hedrick noted he will be abstaining from the vote as his church is adjacent to this location. He added that the area is more developed than previously.

Mr. Heinline noted the property could continue to operate as a restaurant. Mr. Heinline added the building code considers the primary use of the building. Multiple commissioners asked for clarification regarding what constitutes a nightclub. Mr. Heinline noted the music creates the nightclub. Commissioner Franusich asked for further clarification. Commissioner Dorsett concurred. Mr. Heinline and Chief Hanks clarified the building code defines it as “any building in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing”. Commissioner Dorsett noted without a dance floor, it could be a restaurant with live music. Commissioner Hedrick asked for further clarification. Mr. Heinline and Ms. Hair noted the building code looks at the primary use of the building. Mr. Heinline reviewed the definition again. Commissioner Dorsett asked for clarification. Ms. Hair responded it is regarding the main use of the building. Chief Hanks noted some localities issue two use groups to some buildings as they operate restaurants during the day and nightclubs in the evening. He added this could be considered in the future.

Commissioner Dorsett noted the applicant could have the restaurant, bar, and live music and no dance floor. Commissioner Hedrick responded that is open to interpretation particularly due to the hours of operation. Mr. Smith noted they would like to expand their hours of operation. Ms. Hylton added they have been misled and that they cannot run a business with 85 customers allowed.

Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District (continued).

Commissioner Cowen asked if approval of the application would limit the business to 99 people and how they can remain operating as a restaurant. Ms. Hair responded it could be withdrawn, denied, or tabled if there are concerns regarding the use. Commissioner Powers added the request could be withdrawn up until Town Council votes on it. Ms. Hylton responded they would like to withdraw the application in that case. Mr. Heinline noted that as long as the tables remain on the dance floor it can operate as a restaurant.

Ms. Casper clarified that regardless of the outcome of the application for a conditional use permit, they can continue to operate as a restaurant by-right. Ms. Hair noted they could make the decision on how to operate if the request is approved. Ms. Casper added they could use the conditional use permit and increase occupancy in the future if they were able to provide a sprinkler system. Commissioner Huppert suggested a rent increase to pay for the sprinkler system if the owner was interested.

Chairperson Moore noted the conditional use permit could potentially be valid for two years. Commissioner Collins asked how many people have been frequenting the business. Mr. Smith responded approximately 85 on Saturday and 67 on Friday. Ms. Hylton asked if a sprinkler system would allow for more people without tables on the dance floor. Ms. Hair responded yes assuming the conditional use permit is approved by Town Council. Commissioner Hedrick asked about tabling the request until the building is sprinkled. Commissioner Powers responded the Planning Commission must act on it within a reasonable amount of time. Commissioner Dorsett noted the applicant can continue to operate as is and with an approved request, they have two years to put in a sprinkler system and increase occupancy.

Commissioner Collins suggested adding a sign to the property. Ms. Justice noted they would like to make the establishment a better place. Commissioner Collins asked about the ID process. Ms. Justice responded they double-check IDs; once to enter and then again at the bar. Mr. Smith noted underage patrons can eat dinner but cannot come in for the bands. Ms. Hylton responded they check IDs with no exceptions. Commissioner Hedrick recommended checking in with the neighbors. Ms. Hylton added they want to change the reputation of the business.

Chairperson Moore reviewed the drafted conditions:

1. This permit shall be revocable for violations of Chapter 4 "Advertising" of the Christiansburg Town Code occurring on the property.
2. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
3. The facility is limited to no more than 6 pool tables.
4. This permit shall be subject to review by the Planning Commission in one year.

Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District (continued).

Commissioner Dorsett added she would like to condition hours of operation. Commissioner Dorsett asked about controlling noise in the parking lot. Ms. Hylton responded they have walkers who check the parking lot but cannot control what goes on at the hotel. She added they fenced in the patio to avoid people sneaking in liquor. After discussion, Commissioners came to a consensus on the following additional conditions:

5. All entertainment, including but not limited to bands, karaoke and djs, shall end by 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday nights and by 1 a.m. on Saturday and Sunday mornings.
6. Before this Conditional Use Permit may be utilized for the operation of a dancehall/nightclub with more than 99 occupants, a sprinkler system will be required to be installed per Building Code.
7. This permit is nontransferable and to remain with the applicant, Holiday Lodge, Inc.
8. The property is to be maintained in a clean, sanitary, and sightly manner.

Chairperson Moore asked staff for any additional thoughts on conditions. Chief Sisson responded no and he will report back on the data when the permit is reviewed.

Ms. Hair reviewed the drafted conditions:

1. This permit shall be revocable for violations of Chapter 4 "Advertising" of the Christiansburg Town Code occurring on the property.
2. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
3. The facility is limited to no more than 6 pool tables.
4. This permit shall be subject to review by the Planning Commission in one year.
5. All entertainment, including but not limited to bands, karaoke and djs, shall end by 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday nights and by 1 a.m. on Saturday and Sunday mornings.
6. Before this Conditional Use Permit may be utilized for the operation of a dancehall/nightclub with more than 99 occupants, a sprinkler system will be required to be installed per Building Code.
7. This permit is nontransferable and to remain with the applicant, Holiday Lodge, Inc.
8. The property is to be maintained in a clean, sanitary, and sightly manner.  
This permit shall be revocable for violations of Chapter 4 "Advertising" of the Christiansburg Town Code occurring on the property.
9. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
10. The facility is limited to no more than 6 pool tables.
11. This permit shall be subject to review by the Planning Commission in one year.

Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District (continued).

12. All entertainment, including but not limited to bands, karaoke and djs, shall end by 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday nights and by 1 a.m. on Saturday and Sunday mornings.
13. Before this Conditional Use Permit may be utilized for the operation of a dancehall/nightclub with more than 99 occupants, a sprinkler system will be required to be installed per Building Code.
14. This permit is nontransferable and to remain with the applicant, Holiday Lodge, Inc.
15. The property is to be maintained in a clean, sanitary, and slightly manner.

Commissioner Cowen made a motion to recommend to Town Council the Conditional Use Permit be approved with the drafted conditions. Commissioner Franusich seconded the motion which passed 8-0, with Commissioner Hedrick abstaining.

Other business.

Chairperson Moore introduced the discussion. No other business was heard.

There being no more business Chairperson Moore adjourned the meeting at 8:45 p.m.

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Craig Moore, Chairperson

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Nichole Hair, Secretary<sup>Non-Voting</sup>



# TOWN OF CHRISTIANSBURG

100 East Main Street

Christiansburg, VA 24073

Phone (540) 382-6120 Fax (540) 381-7238

## Conditional Use Permit Application

Landowner: Holiday Lodge, Inc. Agent: Jenniss M. Dewdy  
 Address: 510-B South Main St. Address: 3009 Lancaster Dr.  
Blacksburg, VA 24060 Blacksburg, VA 24060  
 Phone: 540 443 0059 Phone: 540 452-0991

I am requesting a Conditional Use Permit to allow a dancehall

on my property that is zoning classification B-3 under Chapter 30: Zoning of the Christiansburg Town Code.

My property is located at 2790 Roanoke Street

Tax Parcel(s): 501-((5))-2

DM  
01-21-14

Fee: \$750.00

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge. I understand that Conditions may be placed on my property in regards to the above mentioned use/activity. I also understand that the Conditional Use Permit may be revoked and/or additional Conditional Use Permits required should questions regarding conformity arise.

Signature of Landowner(s): Jenniss M. Dewdy Date: 1-16-2014  
 \_\_\_\_\_ Date: \_\_\_\_\_  
 \_\_\_\_\_ Date: \_\_\_\_\_

This request was approved / disapproved by a vote of the Christiansburg Town Council on \_\_\_\_\_ . Any Conditions attached shall be considered requirements of the above request.

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

# Resolution of the Town of Christiansburg Planning Commission

## *Conditional Use Permit Application*

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a request made by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501- ((5)) – 2) in the B-3 General Business District, has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (**permit / do not permit**) the issuance of a Conditional Use Permit (CUP) to Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District.

THEREFORE be it resolved that the Christiansburg Planning Commission (**recommends / does not recommend**) that the Christiansburg Town Council approve the Conditional Use Permit with the following conditions:

1. This permit shall be revocable for violations of Chapter 4 “Advertising” of the Christiansburg Town Code occurring on the property.
2. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
3. The facility is limited to no more than 6 pool tables.
4. This permit shall be subject to review by the Planning Commission in one year.
5. All entertainment, including but not limited to bands, karaoke and djs, shall end by 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday nights and by 1 a.m. on Saturday and Sunday mornings.
6. Before this Conditional Use Permit may be utilized for the operation of a dancehall/nightclub with more than 99 occupants, a sprinkler system will be required to be installed per Building Code.
7. This permit is nontransferable and to remain with the applicant, Holiday Lodge, Inc.
8. The property is to be maintained in a clean, sanitary, and sightly manner.

Dated this the 3<sup>rd</sup> day of March 2014.

---

Craig Moore, Chairperson  
Christiansburg Planning Commission

The above Resolution was adopted on motion by Cowen seconded by Franusich at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Public Hearing on the above request on February 18, 2014. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBERS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Matthew J. Beasley	X			
Ann H. Carter				X
Harry Collins	X			
Ashley Cowen	X			
M. H. Dorsett, AICP	X			
David Franusich	X			
Jonathan Hedrick			X	
Steve Huppert	X			
Craig Moore, Chairperson				
Joe Powers, Vice-Chairperson	X			
Jennifer D. Sowers				X

---

 Craig Moore, Chairperson

---

 Nichole Hair, Secretary <sup>Non-voting</sup>





**ESTABLISHED**  
**NOVEMBER 10, 1792**

**INCORPORATED**  
**JANUARY 7, 1833**

**MAYOR**  
D. MICHAEL BARBER

**COUNCIL MEMBERS**  
SAMUEL M. BISHOP  
R. CORD HALL  
STEVE HUPPERT  
HENRY SHOWALTER  
BRADFORD J. "BRAD" STIPES  
JAMES W. "JIM" VANHOOZIER

**TOWN MANAGER**  
BARRY D. HELMS

**DIRECTOR OF FINANCE/**

**TOWN TREASURER**  
VALERIE L. TWEEDIE

**CLERK OF COUNCIL**  
MICHELE M. STIPES

**TOWN ATTORNEY**  
GUYN, MEMMER &  
DILLON, P.C.

# *Town of Christiansburg, Virginia 24073*

**100 East Main Street ~ Telephone 540-382-6128 ~ Engineering Fax 540-381-7238**

## **Town of Christiansburg Planning Staff Report**

Planning Commission Public Hearing Date: Tuesday, February 18, 2014 at 7:00 p.m.

Town Council Public Hearing Date: Tuesday, March 11, 2014 at 7:00 p.m.

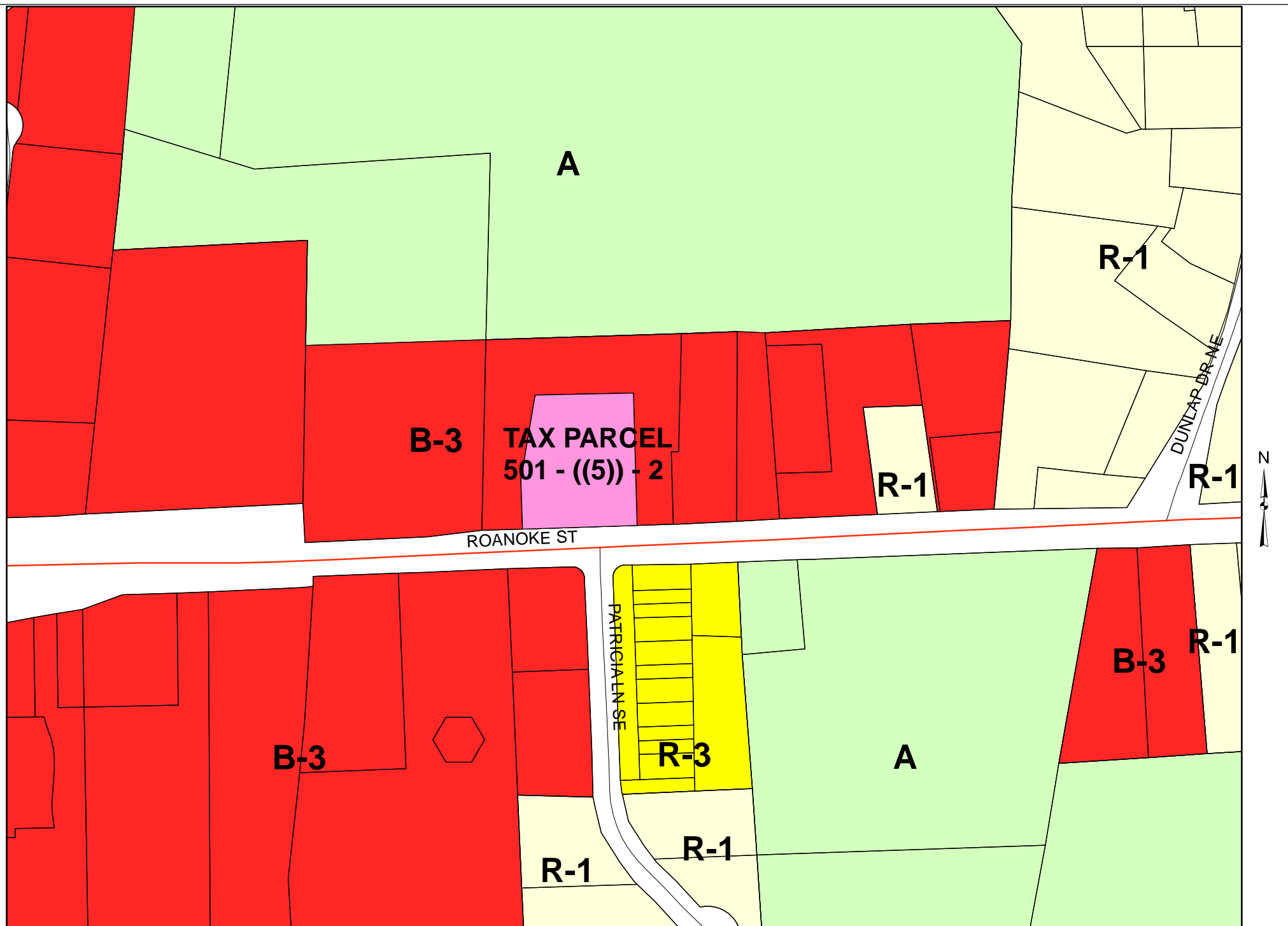
Application Type: Conditional Use Permit

Applicant: Holiday Lodge, Inc.

Location: 2790 Roanoke Street (tax parcel 501 – ((5)) – 2)

The Town of Christiansburg has received a Conditional Use Permit request by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District. The property contains approximately 1.4004 acres. The property is scheduled as Business/Commercial in the Future Land Use Map of the Christiansburg Comprehensive Plan.

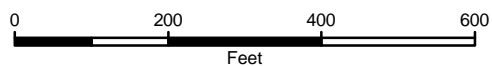
The property does not lie within the 100-Year and 500-Year Flood Hazard Areas. The property does not lie within a Historic District. The adjoining properties are zoned B-3 General Business, and R-3 Multi-Family Residential. The adjoining properties contain residences, businesses, and vacant land.



CUP REQUEST: 2790 Roanoke Street

PC: FEBRUARY 8, 2104

TC: MARCH 11, 2014







## Legend



501-((5))-2

CUP REQUEST: 2790 ROANOKE STREET

PC: FEBRUARY 18, 2014

TC: MARCH 11, 2014

0 100 200 300  
Feet



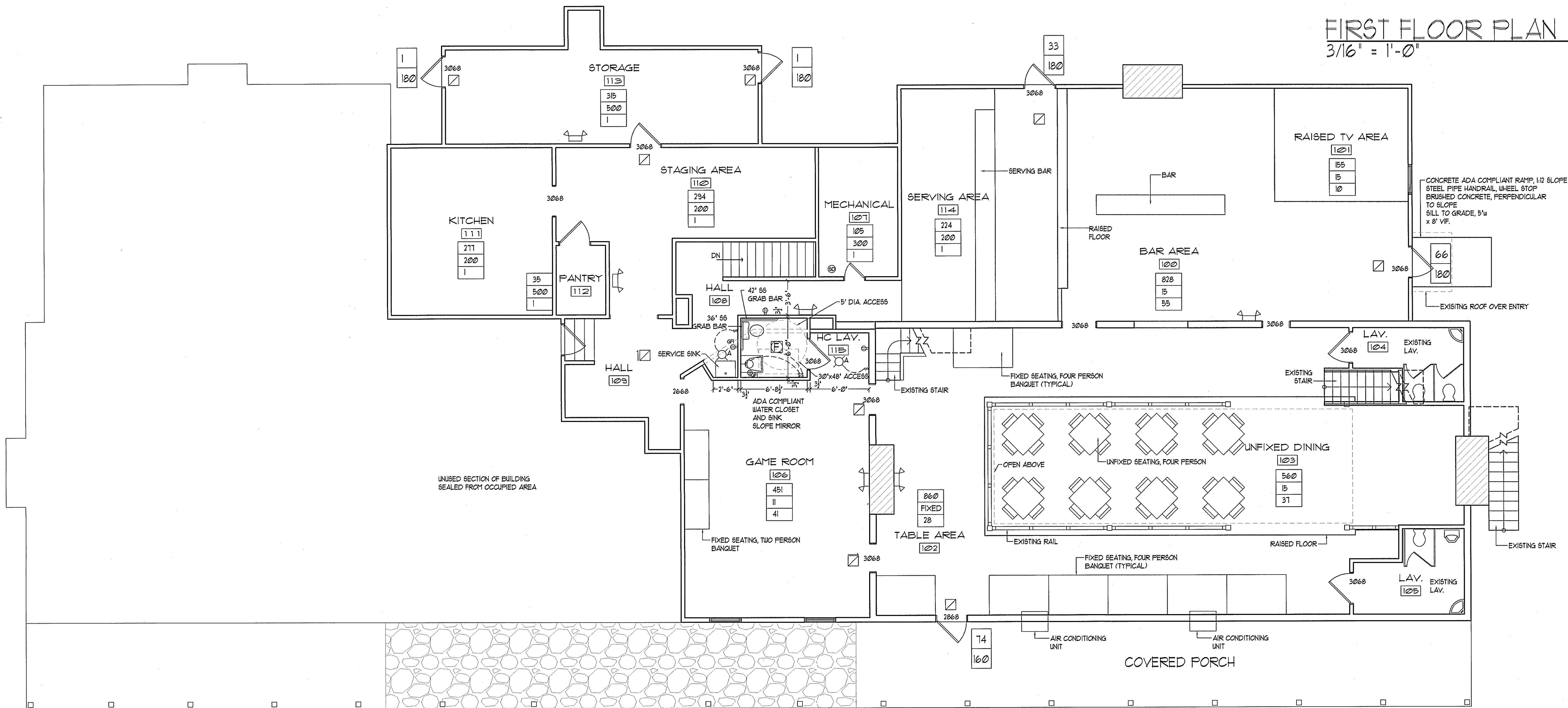
**CUP: 2790 ROANOKE STREET - DANCEHALL - 2014**

<b>Tax Map #</b>	<b>Owner (s)</b>		<b>Mailing Address</b>	<b>City, St, Zip</b>
501- 5 1	SHREE SAI BABA LLC	DBA SUPER 8 MOTEL	2780 ROANOKE ST	CHRISTIANSBURG VA 24073
501- 5 2	HOLIDAY LODGE INC		510 B SOUTH MAIN ST	BLACKSBURG VA 24060
501- 13 11	LAWRENCE JAMES M	LAWRENCE AMALIA W	378 LAWRENCE RD	BLUEFIELD VA 24605
501- 13 A	HAMILTON PL HOMEOWNERS ASSOC			CHRISTIANSBURG VA 24073
501- 1 26A	SHAH DEVELOPMENT LLC		P O BOX 1499	CHRISTIANSBURG VA 24068
501- 1 27	CHRISTIAN GROWTH CENTER INC		1850 ELECTRIC WAY	CHRISTIANSBURG VA 24073



# FIRST FLOOR PLAN

3/16" = 1'-0"



## FLOOR ALLOWANCE PER OCCUPANT - FIRST FLOOR

KEY	FUNCTION OF SPACE	TABLE 1004.1	NUMBER OF OCCUPANTS
B	UNFIXED DINING - RAISED	15 SF	31
A	BAR - LOOSE TABLE & CHAIRS	15 SF NET	65
M	MECHANICAL/ELECTRICAL	300 SF GROSS	1
A	GAME ROOM	11 SF NET	41
S	STORAGE	500 SF GROSS	2
E	KITCHEN/STAGING/SERVING	200 SF GROSS	3
TOTAL OCCUPANTS			143

## FLOOR ALLOWANCE PER OCCUPANT - BALCONY FLOOR

KEY	FUNCTION OF SPACE	TABLE 1004.1	NUMBER OF OCCUPANTS
A	ASSEMBLY - FIXED BOOTH	1100 SF	44 (50 LIMIT @ BALCONY)
TOTAL OCCUPANTS			44
TOTAL BUILDING OCCUPANTS:			183

130 down  
45 up

## LEGEND

IBC	
SQUARE FOOTAGE	951
SF PER OCCUPANT	20
OCCUPANT LOAD	47
42'	MAXIMUM TRAVEL DISTANCE TO EXIT
15	DOORWAY OCCUPANT LOAD
15	DOORWAY MEANS OF EGRESS CAPACITY. DOORS ARE 36" WIDTH FOR SINGLE DOORS, UNLESS OTHERWISE INDICATED.

## WALL KEY

	CONCRETE
	51 GRAVEL
	BRICK VENEER
	EARTH
	DEPOLITION
	NEW WALL CONSTRUCTION
	EXISTING WALL
	CONCRETE MASONRY UNIT (CMU)

## UTILITIES LEGEND

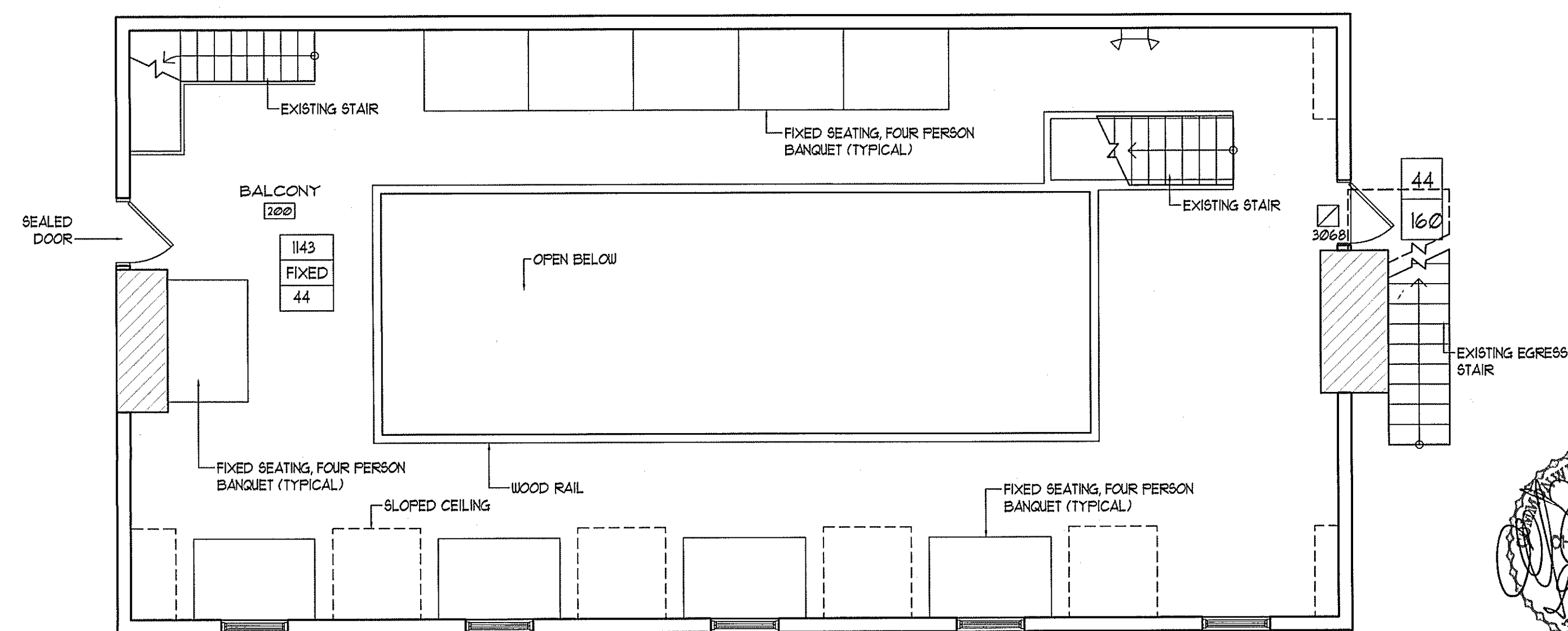
	RETURN (HVAC)
	SUPPLY GRILL (HVAC)
	DUPLEX OUTLET (gr, waterproof)
	SWITCH
	3-WAY SWITCH
	THERMOSTAT
	WALL LIGHT FIXTURE
	SMOKE DETECTOR
	CEILING LIGHT FIXTURE
	FANLIGHT FIXTURE
	DOOR CHIME

	CABLE TV OUTLET
	TELEPHONE
	LIGHT FIXTURE (FLUORESCENT)
	EMERGENCY LIGHT
	WASTE LINE (approx)
	LIGHT FIXTURE (2x4 FLUORESCENT)
	EXIT SIGN WITH DIRECTION ARROW
	DOOR BELL BUTTON
	PANEL BOX

LOCATIONS ARE SUGGESTED  
VERIFY IN FIELD PER BUILDING CODE

## Building Plan Review

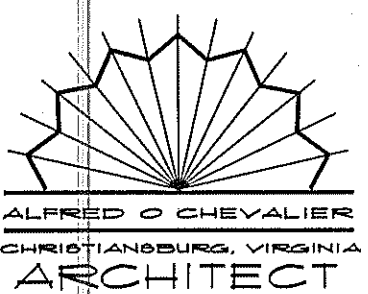
Site Plan	_____
Contractors Name	_____
Phone No.	_____
Owner	_____
Job Address	_____
Allowed Date	_____
Approved by	_____
Reviewed by	_____
Town Copy	_____
Contractors Copy	_____



# SECOND FLOOR PLAN

3/16" = 1'-0"

PREPARED FOR ANTHONY MARTIN  
RESTAURANT FLOOR PLAN  
ROANOKE ROAD, CHRISTIANBURG, VIRGINIA



FLOOR  
PLANS


DATE	JUNE 2011	PROJECT	10-02
SCALE	AS NOTED	DRAWN	AOC

A.1

ARCHITECTURAL

MEMORANDUM

TO: Nichole Hair, CZA  
Planning Director/Zoning Administrator

FROM: Theresa J. Fontana, Guynn, Memmer & Dillon, P.C., Town Attorneys 

DATE: February 26, 2014

SUBJECT: Virginia Code § 15.2-912.3- Regulation of dance halls by counties, cities, and towns.

This memo is in response to the question you recently raised concerning whether Virginia Code § 15.2-912.3 defines a public dance hall for the purposes of the Town's zoning ordinance. In short, the answer is no. Section 15.2-912.3 was enacted to give towns (and other localities) the authority to regulate "public dance halls" as defined therein to the extent that a town may require a special permit, require the payment of a license tax, and require the dance hall to operate pursuant to certain enacted rules and regulations.

To be clear, this statute has no bearing on the Town's zoning ordinance and whether a CUP may be required for the business at issue.

Attachment:

Virginia Code § 15.2-912.3

§ 15.2-912.3. Regulation of dance halls by counties, cities and towns.

For the purposes of this section, "public dance hall" means any place open to the general public where dancing is permitted; however, a restaurant located in any city licensed under § [4.1-210](#) to serve food and beverages having a dance floor with an area not exceeding 10 percent of the total floor area of the establishment shall not be considered a public dance hall.

Any locality may by ordinance regulate public dance halls in such locality, and prescribe punishment for violation of such ordinance not to exceed that prescribed for a Class 3 misdemeanor.

Such ordinance shall prescribe for: (i) the issuance of permits to operate public dance halls, grounds for revocation and procedure for revocation of such permits; (ii) a license tax not to exceed \$600 on every person operating or conducting any such dance hall; and (iii) rules and regulations for the operation of such dance halls. Such ordinances may exempt from their operation dances held for benevolent or charitable purposes and dances conducted under the auspices of religious, educational, civic or military organizations.

No county ordinance adopted under the provisions of this section shall be in effect in any town in which an ordinance adopted under the provisions of this section is in effect.

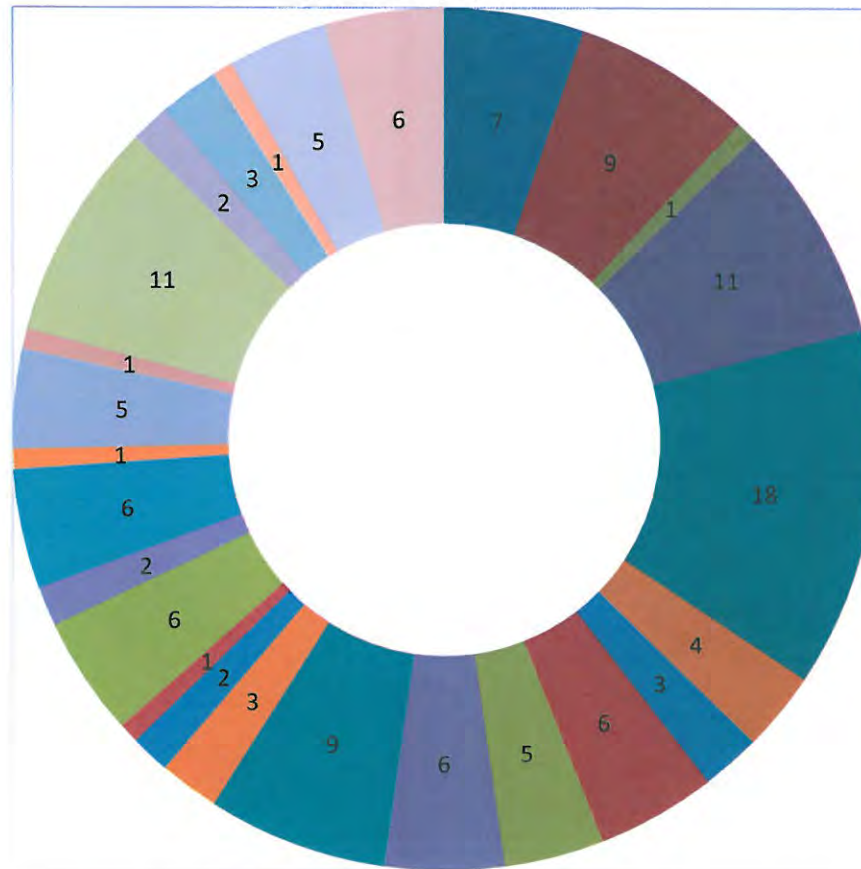
(Code 1950, § 18.1-354; 1960, c. 358; 1962, c. 620; 1975, cc. 14, 15, § 18.2-433; 1978, c. 661; 1993, c. 866; 2004, c. [462](#).)

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[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

## 2790 Roanoke St-Calls for Service

01/01/2009-02/19/2014



- |                               |                       |                        |                          |
|-------------------------------|-----------------------|------------------------|--------------------------|
| 10-50 Crash (7)               | 911 Hang-up (9)       | Aggravated Assault (1) | All Other (11)           |
| Ambulance Calls (18)          | Assault (4)           | BOLO (3)               | Civil Disturbance (6)    |
| Drive Under the Influence (5) | Drug Violation (6)    | Drunk in Public (9)    | Extra Patrol Request (3) |
| Intimidation (2)              | Kidnapping (1)        | Larceny (6)            | Larceny from Vehicle (2) |
| Mutual Aid (6)                | Noise Violation (1)   | Phone Complaint (5)    | Reckless Driving (1)     |
| Suspicious Person (11)        | Town Notification (2) | Transient (3)          | Trespassing (1)          |
| Vandalism (5)                 | Well Being Check (6)  |                        |                          |



## TOWN OF CHRISTIANSBURG

To Whom It May Concern,

We the people of Montgomery county, Town of Christiansburg and surrounding areas and travelers from various locations are submitting a petition concerning the wagon wheel pub and grill, formerly known as TJZ pub and grill, and also the Huckleberry. We ask that the committee reconsider the dance floor in question. This site has always had live entertainment and a dance floor and is actually the heart of the establishment. Without the dance floor the wagonwheel cannot prosper as previous owners have done. As this is the only establishment of this type in our local area that caters to patrons of all ages from 21 and up rather than primarily students to deny our dance floor would cause not only our business to lose revenue, it would also adversely affect other local businesses as well. Local restaurants have reported that their sales on our dance nights have increased substantially. Convenience stores gas stations and motels have all stated the same. Increased sales by all of the afore mentioned businesses will of course increase revenue for the town and county from taxes. We at the wagonwheel pub and grill are dedicated to our customers and strive to provide provide all the amenities they require. We also strive to maintain a respectful working relationship with our town. We promise to abide by state and local rules and regulations to the best of our ability. Our primary goal is to offer a variety of activities that will not only

boost local economy, but will also provide a relaxed and safe atmosphere for our patrons. Thank you for your attention to this matter.

Wagon Wheel Pub & Grill

Owner: David Smith

Names Below have Read Petition  
Concerning Wagon Wheel Pub & Grill

James Z. Humble 1600 Simpson Rd. AD. C12 C. 12, VA 24073 540-1600  
Mike Pech 641-4051 1871 Camp St. P.O. Box 49 R. 11-1 VA 24073  
James C. Coker 1009 Breunel Lane B. Burg. VA 24060 540-231-31  
Dustin Leonard 2500 Glade Dr. Christiansburg VA 540-41-902  
Rosey C. Coker 3300 Alpineville In. Al. W. S. C. 540-818-955  
Jeffrey Thompson 2500 Graystone Rd. Radford VA 357-440  
Traws Dalton 2514 Wintergreen Drive Radford VA 230 1168  
Joe Tilson 1201 Kaffman Ave. Bonie, TX, this is a good place!  
Bill Weir 2635 Roanoke St 540 382 0261  
John 305 Overland Dr. Christiansburg, VA 24073  
Dawn Rakes " " "  
Lauren C. Moses 4023 Clinton Avenue Roanoke VA 541-473  
Connie Thompson 7763 Wilson General Highway VA  
Ronald Thompson 11 11 731-0872  
Mike Foster 403 Third St. C. Burg, VA, 24073  
Sue D. D. 245 W. 1st Line Apt #3 C. Burg, VA 24073  
Annette H. 175 East St. Lot 4 Christiansburg, VA 24073  
Cedra Hodge 175 East St. Lot 4 Christiansburg VA 24073  
Eric Cunningham 300 Chelsea C. P. C. Burg VA 24073  
Joey Montgomery 780 N. 3rd St. Wytheville VA 24382 540-904-1211  
Andrew Cunningham 2263 Highland Circle Christiansburg VA 24073  
Bill Thomas 335 Adams C. Burg  
C. C. 11111 P.O. Box 1594 Silver Vm  
1977 North Fork Dr. Christiansburg VA  
Judy 1925 Second St. Radford VA 24111  
7293 Roundhouse St. Falls Church VA 22044  
2300 2nd St. Radford VA 24111



Laura Justice (540-557-1086)

358 Camp Creek Rd. NW.

Rincon VA. 24149

ANITA GRIFFITH 2351 INDIGO RD. C-BURG VA 540-382-4725

Linda Hiltner P.O. Box 2123 C-Burg 540-815-831

Justin Bailey 10 Emerald Dr. 540-641-344

Gabe Taylor 25 Haverly 540-444-1460

MARTY GORDON 1417 MERRIMAC RD. B-Burg 257-1149

Laura Gray PO Box Two Blue Ridge 540-577-574

Evan Eppley 1164 Brooke Rd Elliston 540-560-71

Wendy Hill 825 E. Main St. Chburg (540) 392-2465

Katie Hill 825 E. Main St. Chburg (540) 392-701

Army Zinkgraves PO Box 933 Pambrake, VA

Lamya Cruz 5002 Essex Bburg 4041-09164

David Jones 1002-2 Jackson Hill Road B-Burg 540-

Gary Altman PO Box 6573 C-burg VA 392-6329235

Phyllis Profit Sanders 3130 Stroubles Ch Rd. Chburg 552-5

Christina Hamlin 301 Givens lane #173 Blacksburg 540

Toranne Jones 301 Givens lane #32 Blacksburg 540

Thomas Jones 301 Givens lane #32 Blacksburg, VA 24

Melissa Sheppard 100 P.T. Travis Ave. Radford Va 24141

Jason Payne 40 Overland Dr. Christiansburg, VA 24073

Dee Williams 530 Elliott Rd C-Burg 9, VA 240

Mike Blod 220 Cambridge St. C-Burg 9, VA 240

Gary Hamblen 1190 Spruce Street Christiansburg

Tina Smith P.O. Box 477 Radford Va 241

Linda Gerson 179 East St 1st

David Gerson Christiansburg



250-9249 Wayne Dalton 3359 H. Hou Village Loop Pulaski VA  
231-5293 Charles Lee 1420 Mahew St C'burg Va 24073  
613-6766 BOBBY BAILEY 200 Hickmat Hill Rd  
540-239-5770 Ashley A Quesenberry SHOUSE LLC  
540-505-7574 ~~Don W. W.~~ 3836 Truman Ave Lot 9 C'burg VA 24073  
540-577-6714 STEVE M. M. 211 Floyd Ave Pulaski VA 24301  
540-980-9800 Patty Lane 7800 Main St Pulaski VA 24301  
540-553-2223 Kellin Stoke 2852 Old Rt 100 Rd Draper VA 24324  
540-320-2909 Judy DeHart 110 Linkous Ave Apt C Dublin VA 24084  
540-616-4534 Robbie Rakes 110 Linkous Ave Apt C Dublin VA 24084  
540-553-5801 ~~Eric Fickel~~ 10 Linkous Ave Apt C Dublin VA 24084  
540-320-5837 Kelley N Plaugher 905 Pen Hill Rd C-burg VA 24073  
540-641-4315 Nathan Gilman 780 Whit Pine Pr C-burg Va 24073  
540-391-2077 Lisa Huff 220 ~~Virginia Dr~~ Virginia Dr C-burg Va 24073  
540-357-3614 Dustin Watters 403 3rd St C-burg VA 24073  
540-392-2965 Ashley Hill 825 E Main St Christiansburg VA 24015  
540-605-0225 RODNEY LOWE 291 Barley Rd. Riner VA 24149  
540-994-0136 Sondi Trebek 4407 John Buford Ave Pulaski Va 24301  
540-980-7491 Angie Rorer 3249 Shamrock Hollow Pulaski Va 24301  
Victoria R. R. R.  
540-951-0571 Larry Dalton P.O. Box 2403 C'burg VA 24066  
Bob Davis  
540-230-2148 Stacy Parley Pulaski VA  
540-239-9365 Chaylen Duncan - 747 Walton Rd. Radford, Va.  
540-268-2566 Tyler Roney 10303 Goodview Rd.  
540-268-2566 Sue Spradlin - 10303 Goodview Rd.  
540-287-4753 Kimberly Humphrey 105 Loreet Lane Christiansburg, Va



11  
LUNA HILLON P.O. Box 2123 C Bay VA 24073 815-831

DAVID C DALTON

HAROLD ISSA 3031 Radford Rd. 24073 382-83

TRAVIS SMITH 3031 Radford Rd. 24073 382-83

William C Reed 1530 Spruce St. Christiansburg VA 24073 381-10

Jane A Reed 140 Cullen Ct C-Bay VA 24073 392-46

Beggs H Reed 1640 Hantt Dr. Christiansburg 24073 639-56

Ronald L Reed 1640 Gandy Dr. Christiansburg VA 392-56

Lisa Sutphin 1339 Rock Rd Christiansburg VA 1655

Lillian McPeak 4339 Gold Rush Pilot, VA 641

DAVID Smith 25 Mt Pleasant Chgo Ia 24073

Raymond Justice 1090 Lexington Ln River VA 391-2086

Christopher DuTey 376 Camp Creek Rd River 589-3426

P.J. Holland 376 Camp Creek Rd River 589-3385

Jerry Holland 376 Camp Creek Rd. River 521-4040

Tom Fishman 640 Dusty Rock River 763-3444

John Layman 899 Dusty Rock River 763-4037

~~Ly~~ Stanton Va 540-280-7009

~~L. Davis~~ Shreve 540-817-1532

Wesley Duncan Wesley Duncan 2763 Viewland Circle, Christiansburg 320 893

Angie Jewell 6503 Riverview Dr. Radford, VA 540-392-71

Teresa Pratt 4455 McCoy Rd, Blacksburg Va. 230-26

Barry Vaught P.O. Box 639 Radford

Nina & Brandon Tross P.O. Box 1113 Radford VA 2414

Angela Poston 526 E. Main St Pilot Mtn NC 2781 (540) 577-77

Jamya Baker Giles CO Va (336) 406 6283

~~King Hill~~ Montgomery Co. VA 589-6074

Rosezonda Martin Mont. Co. Va 599-4078

Jane Miller

P.O. III

Chilando VA. 24530 (434-770-2928)

Alan Thompson

Mike Hines Maryland, 301-448-8410

Chuck Ridgell P.O. Box 201 Bel Air MD VA  
Bobb Taylor 1339 Rock Rd. #89 Cburg VA.

OFF DONALD BRATTEN JR. BB# 104721  
635 5th St. Pulaski VA 24301

Angel Griffith

P.O. Box 6033

C-burg VA 24008

Kelly Langat - 905 Denhill Rd. Showers VA

Wanda Goble (215 Orange Leaf Ct #

Jeff Linkous 1642 prou blvd C-burg VA

Stephanie Dulland

1 Coors

Jerry De Hamblin

Donna Williams

Lisa Miller

Jana Caswell

Brian Bratts 464 Rock Lane B-Burg 540-357-6234

540) 641-1050

-

540 392-1853



DD: 935

Sarah Lane 4001 Northwood Rd Elliston VA 24087 540-216-0220  
Steve & Kathy Hynes 103 Hill St NE 382-1629  
Sonja Schiist 136 Danley Rd. Warrenton NE  
Billy & Sharon Payne 136 Danley Rd. Warrenton NE 27007  
Terresa Willard 383 Simmons Rd Pilot Mtn VA  
Sharon 3804 Praline Place Roanoke 24012 27041  
Rene Harris 2133 Bluefield Ave Roanoke 24012 977-2620  
Torge Eamery 3880 Christiansburg VA 24075 443-635-7307  
David Gutierrez 5144 Winchester Way Blacksburg VA 24060  
Jimmy Wiley 401 Fairfax St Blacksburg VA 24060  
Money Grubb 401 Fairfax St Blacksburg VA 24060  
Brenden Booth 210 Hickok St Christiansburg VA 24013  
D.M.V. 1693 Mount Vernon Rd B. Burg  
Sam Mason 51415 Norris Park Rd Blacksburg VA 24060  
Tony Wiley 5814 North Main St B. Burg (540) 629-3978  
David Girard 401 Fairfax St Blacksburg VA  
Robin Blanks 430 School Ln C'burg 3912181  
Howie 927 Conner Lane B. Burg VA  
Jon Marie French 404 East Main St #6 C'burg VA 24073 235-6383  
Kim Thason Charg VA  
Sherman Wright 3670 Conrad Landing Rd. Pulaski VA  
Paul Sumath 1920 Case Knife Rd Pulaski VA  
Amy Linkous PO Box 933 Pembroke VA 24134  
Yadon 1325 CRAYS mt 20 CR, VA 24073







~~Mark D~~ Shenandoah VA 21162 339-1003  
~~James D~~ Shenandoah VA 21162 339-1003  
Dawn Dumas Shenandoah 21162 312-8317  
Madeline Dumas Shenandoah 21162 312-4903  
Marc Alan LeBlanc Pulaski, VA 24301 980-4121  
Taylor Ross McCoy Christiansburg VA 24073 276-970-1749  
Judy L Pearson Blacksburg VA 24060 540-818-9693  
~~John L Pearson~~ Roanoke, VA 24014 540-520-0808  
~~Mike L Pearson~~ Roanoke, VA 24014 540-555-9700  
Kathy Ronder Salem, VA 24153 540-384-6000  
Patty R Roanoke VA 24018 314-2537  
Michael Radford VA 24141 80-239-7775  
Kara Creeg Clburg VA 24073 540-808-8081  
Jodi Creeg Clburg VA 24073 540-250-7860  
Mary Greer Clburg VA 24073 540-811-8352  
David Greer Christiansburg VA 24073 540-449-9666  
Connie Greer Salem, VA 24153 540-548-8106  
Liz Flower Salem VA 24153 540-384-1836  
Betty Gilman Salem, VA 24153 540-387-2441  
Vickie Gilman B-Bus VA 540-320-2441  
Shelie Mellack Roanoke, VA 24018 540-355-0131  
Lisa Long 402 Miller St. SEC'burg VA 24073 449-2041  
Maurice D. Dooly 700 Lenoir St. Clburg VA 24073 540-629-4895  
Melissa Narrows 540-599-0093

Mike



Beth Weidmann	C-burg	577-9749
Kiam Layne	B-burg	250-8223
Jason Edmonson	C-burg	808-9149
<del>John McNeil</del>	C-burg	818-4130
<del>John Johnson</del>	N.S.N.C.	336-46714192
Tassie Valley	Richmond, NC.	336-320-3479
Jenny Quigley	Hillville, Va	(276) 266-0968
<del>John R. R.</del>	Galax, VA	270-233-1238
Danielle Hodge	Cburg	540-278-3765
Trevor Janney	Cburg	(540) 682-3675
Mitchell Burk	Burg	505-7023
Mike Trump	B. burg	
B. Smith	Radford	
Joe McWilliam	Radford	
<del>Michael</del>	Pulaski	(540) 641-0142
<del>John</del>	Pulaski	
John G. R.	Cburg	(540) 230-3457
Quelley	C-burg	(540) 392-7234
R. Henderson	Cburg	540-760-9820
Sam Helme	Cburg	540-838-1338
Joe Dancer	C-burg	804-513-9625
Kevin Hunter	Cburg	540 831-0415
Robert L. L.	B'burg	540 392-6905
<del>John</del>	Cburg	540 392-6331
R. J. B.	Radford	540-581-2098
CHRIS NANCE	Bedford, VA	540-355-5921

Todd Pinner	L-Burg	434-665-4508
Monica Rich	Radford	540-577-8130
Mike Sayer	Pulaski	540-577-8130
Angie Fowler	Radford Va	540-352-3052
Joe Tomlin	Dubois Va	540 616 7700
Gashq McCraw	C'burg	540/357-2208
<del>Bruce Underhill</del>		339 5266

Alyssa Siquales	B Burg	
Lori Mumpkin	B-Burg	546-235-630
Kim Johnson	B-Burg	540-230-5803
Samantha Cox	Radford	
Ashley A. Jansenberg	B-Burg	540 238-5770
Christina Hamlin	B-burg	(540) 449-2359
Anthony Atkins		
Melvin TALLER		
Shawn Rep	Christiansburg	(540) 392-0327
R/h dos	chr 'im	

Lance Cragger	Pulaski	320-8202
Glenn Harkins	Pulaski	
Gary Allen	C Burg	V.A. Whit
Billy Jones	C-burg	
Kim Burt		
<del>L. Wright</del>	Pulaski	(540) 200-5999
Melissa Bratten	Pulaski	(540) 641-0795
Frank Gandy		
Phil E. Hilt		540 818-6477



Angela Pates

~~Wesley H~~

Krystal Compton 392-9934

Alishe White 629-4939

Dickona Lutton 641-3514 - W

Cornie Seale 320-4562

Mark Rorer 320-8883

Deana Gebhart 357-2223

~~Travis McWhorter~~ 252-214

Paul Ch 641-0402

Stacy Ch 449-4856

~~Chad~~ 339-8705

~~Jeffrey~~ 540-63-2270

Mark Robbins 540-831-0826

~~Chris~~ 540-641-1956

Angela Wharton 540-230-1320

Mark Wharton 540-835-9162

~~Chris~~ 352-1111

Jellyfish, Texas

Judy Anderson

540-219-3871

Wesley Gordon

540-239-4984

~~Travis~~

540-239-4226

~~Travis~~

(540) 200-5999

Mark E. McConat

540-577-0008

Lori Dalton

540-626-5769

Matthew Dalt

540-626-5769

Jana Booth

320-4644

Rebecca Boathe	731- 1638
Deenie Boathe	731- 1638
Melanie Wright	381-2996
Melvin Wright	381-2996
Chasity Blackenship	540-392-4304
Brandee <del>Cantrell</del>	540-599-3148
Barbara Quisenberry	540-921-7888
Christina McCallister	540-392-2127
Mark Weddel	540-838-5190
Ashley Anderson	540-293-6968
Col Palmer	540-818-2363
Deborah Cook	540-695-0668
Brian Horne	540-588-6880
Chad Waldron	540-312-1194
Bryan Weddel	540-357-4317
Eric Cuzick	540-357-3879
Amy Cuzick	540-357-3876
Raven Cuzick	540-357-3889
Samanta Sweeney	540-330-2849
Crystal Shorrel	520-401-4978
Jolene Johnson	540-320-8655
Lisa Burre	540-320-1627
Richie Miller	540-299-8821
Houston Sowers	540-320-2925
Barry Hall	540-525-0599
Shirley Sandoz	540-449-4719
Melinda Creed-Lavern	540-262-8056



Robert Schaefroth - River, VA 381-0270

Laurie J. Grasso 212-3976

Victor McEntire 748-8388

Tonya McFay 214-489-1014

Dan Bough 540-382-0996

William 30-381-2252

Justice & Son's Construction Inc. 540-557-7086

358 Camp Creek Rd. NW. River VA. Alfred Justice, Jr.

Jean Wright Floyd VA. 540-641-7774

~~Laddie Jones~~ 100 RADFORD ST.  
~~Cambria~~ C'BURG.

3014 VIKTOR SWITZER RD  
CLBERTG

Larry Albert

Kate Jo F

(945 Collins St. Apt 3)

410 HOWERY ST

C'burs 24073

Karl Witt

540-018-2342

120 Sapphine Avenue

C-burg 24073

Alison Goforth

540-250-6416

5470 Broad Shoals Rd

Rich VA 24149

Latrell Keys

540 818 4412

Lorraine Chinnery

J Chinnery

Radford 24141

Melissa Hovinger

540-818-3469

Enrique Tomas A.B

540 392 3600

Helmer Dalton

Sandy Cox

C'Burg

357-3650



Charles D. Winters  
935 OAK DRIVE  
CHARLESTON, SC 29403

Phenakia Curtis  
10 North College St.  
Christiansburg VA 24023

Sandy Gussler - Louisa  
1471 Clovermark Ln  
Pembroke VA 24136

Michelle Lukers 540-818-9303  
353 Merrimac Rd #8 Blacksburg VA

Philip Zick 540-230-0783  
601 Merrimac Rd #4 Blacksburg VA

Brucey Hughes 540-831-9132  
600 Peppers Ferry Rd Christiansburg VA

Charity A. Miller 342 Maxine Dr B'burg 791-8614  
Chulepa Miller ~~342~~ 342 Maxine Dr B'burg (paphave)  
Dan, Miller 540-818-4110  
Wilson Miller 601 Merrimac Rd Apt 6 540-641-5166  
Blacksburg VA 24060

Staci E. Altier 540-230-8274

John H. Altier 540-641-3088  
Miranda Smith 540-449-6663



# TOWN OF CHRISTIANSBURG

100 East Main Street

Christiansburg, VA 24073

Phone (540) 382-6120 Fax (540) 381-7238

## Conditional Use Permit Application

Landowner: TWIN OAKS Properties LLC Agent: Glenwood MARTIN

Address: 1230 Roanoke St Address: 1733 White Oak Ln

Christiansburg VA 24073 Christiansburg, VA 24073

Phone: Cell 540-250-8201 Phone: 540-382-7266

I am requesting a Conditional Use Permit to allow Commercial ~~Auto~~ Repair

on my property that is zoning classification B-3 under Chapter 30: Zoning of the Christiansburg Town Code.

My property is located at 1230 Roanoke St Christiansburg, VA

Tax Parcel(s): HAN Meadows 498-7 17, 18 PLOTS 17 & 18

DM  
6-1-24-14

Fee: \$750.00

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge. I understand that Conditions may be placed on my property in regards to the above mentioned use/activity. I also understand that the Conditional Use Permit may be revoked and/or additional Conditional Use Permits required should questions regarding conformity arise.

Signature of Landowner(s): Glenwood Martin Date: 1-21-2014

Date: \_\_\_\_\_

Date: \_\_\_\_\_

This request was approved / disapproved by a vote of the Christiansburg Town Council on \_\_\_\_\_ . Any Conditions attached shall be considered requirements of the above request.

Town Manager \_\_\_\_\_

Date \_\_\_\_\_

# Resolution of the Town of Christiansburg Planning Commission

## *Conditional Use Permit Application*

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a request made by Twin Oak Properties for a commercial garage at 1230 Roanoke Street (tax parcels 498 – ((7)) – 17 and 18) in the B-3 General Business District, has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (**permit / do not permit**) the issuance of a Conditional Use Permit (CUP) to Twin Oak Properties for a commercial garage at 1230 Roanoke Street (tax parcels 498 – ((7)) – 17 and 18) in the B-3 General Business District.

THEREFORE be it resolved that the Christiansburg Planning Commission (**recommends / does not recommend**) that the Christiansburg Town Council approve the Conditional Use Permit with the following conditions:

1. The property is to be maintained in a clean, sanitary, and sightly manner.
2. This permit is for a commercial garage, not a body shop or towing service or for conducting bodywork.
3. All parts, including faulty parts, tires, etc. are to be kept inside the garage or a fully enclosed building (including a roof) until disposal.
4. All waste petroleum products and/or chemicals are to be disposed of properly and are not to accumulate upon the premises. Provisions are to be made for the capture of leaking petroleum products and/or chemicals.
5. There will be no storage of vehicles upon the premises except for vehicles occasionally left for repair. All vehicles left for repair are to be kept on-premises and not within any public right-of-way or adjacent property. All vehicles on the property are to have a State inspection decal that is either valid or dated within 90 days of its expiration.
6. Mechanical work is to be done inside the building and not outside.
7. There are to be no loud offensive noises so as to constitute a nuisance to the residential properties in the vicinity.
8. There are to be no discernible noises to residential properties in the nearby vicinity between 7:00 p.m. and 7:00 a.m.
9. This permit shall be revocable for violations of Chapter 4 “Advertising” of the Christiansburg Town Code occurring on the property.
10. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
11. This permit is subject to the requirement of a site plan to be reviewed and approved by Town staff.
12. This permit shall be subject to review by the Planning Commission in one year.

Dated this the 3rd day of March 2014.

---

Craig Moore, Chairperson  
Christiansburg Planning Commission

The above Resolution was adopted on motion by Dorsett seconded by Hedrick at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Public Hearing on the above request on February 18, 2014. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBERS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Matthew J. Beasley	X			
Ann H. Carter				X
Harry Collins	X			
Ashley Cowen	X			
M. H. Dorsett, AICP	X			
David Franusich	X			
Jonathan Hedrick	X			
Steve Huppert	X			
Craig Moore, Chairperson	X			
Joe Powers, Vice-Chairperson	X			
Jennifer D. Sowers				X

---

 Craig Moore, Chairperson

---

 Nichole Hair, Secretary <sup>Non-voting</sup>



**ESTABLISHED**  
NOVEMBER 10, 1792

**INCORPORATED**  
JANUARY 7, 1833

**MAYOR**  
D. MICHAEL BARBER

**COUNCIL MEMBERS**  
SAMUEL M. BISHOP  
R. CORD HALL  
STEVE HUPPERT  
HENRY SHOWALTER  
BRADFORD J. "BRAD" STIPES  
JAMES W. "JIM" VANHOOZIER

**TOWN MANAGER**  
BARRY D. HELMS

**DIRECTOR OF FINANCE/**

**TOWN TREASURER**  
VALERIE L. TWEEDIE

**CLERK OF COUNCIL**  
MICHELE M. STIPES

**TOWN ATTORNEY**  
GUYNN, MEMMER &  
DILLON, P.C.

# *Town of Christiansburg, Virginia 24073*

100 East Main Street ~ Telephone 540-382-6128 ~ Engineering Fax 540-381-7238

## Town of Christiansburg Planning Staff Report

Planning Commission Public Hearing Date: Tuesday, February 18, 2014 at 7:00 p.m.

Town Council Public Hearing Date: Tuesday, March 11, 2014 at 7:00 p.m.

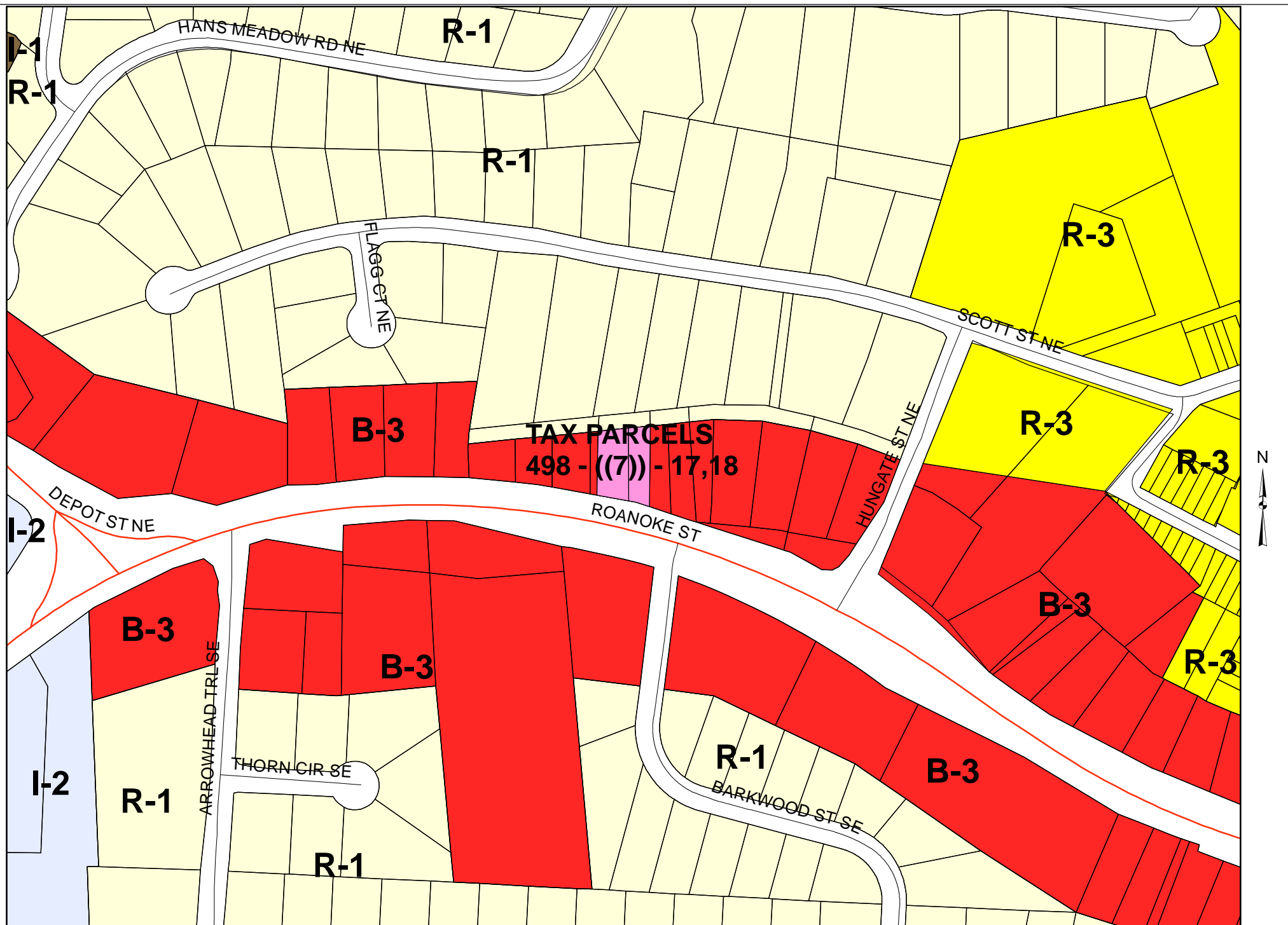
Application Type: Conditional Use Permit

Applicant: Twin Oak Properties, LLC

Location: 1230 Roanoke Street (tax parcels 498 – ((7)) – 17 and 18)

The Town of Christiansburg has received a Conditional Use Permit request by Twin Oak Properties, LLC for a commercial garage at 1230 Roanoke Street (tax parcels 498 – ((7)) – 17 and 18) in the B-3 General Business District. The property contains approximately .389 acres. The property is scheduled as Business/Commercial in the Future Land Use Map of the Christiansburg Comprehensive Plan.

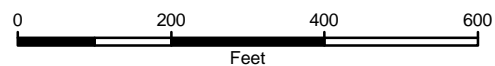
The property does not lie within the 100-Year and 500-Year Flood Hazard Areas. The property does not lie within a Historic District. The adjoining properties are zoned B-3 General Business, and R-1 Single Family. The adjoining properties contain residences, businesses, and vacant land.



CUP REQUEST: 1230 Roanoke Street

PC: FEBRUARY 8, 2104


TC: MARCH 11, 2014







## Legend

 498-((7))-17,18

CUP REQUEST: 1230 ROANOKE STREET

PC: FEBRUARY 18, 2014

TC: MARCH 11, 2014

0 100 200 300  
Feet





**CUP: 1230 Roanoke Street - commerical garage - 2014**

<b>Tax Map #</b>	<b>Owner (s)</b>		<b>Mailing Address</b>	<b>City, St, Zip</b>
498- A103A	VARNEY TERESA C		1225 SCOTT ST	CHRISTIANSBURG VA 24073
498- A103	SIMMONS LUMMON T JR	SIMMONS CHERYLL P	1235 SCOTT ST	CHRISTIANSBURG VA 24073
498- A104	EASTRIDGE CHRISTOPHER C	EASTRIDGE TRACEY D	1245 SCOTT ST	CHRISTIANSBURG VA 24073
498- A113	JERRY MICHAEL STONE & MARY	EVELYN STONE REV LIVING TR	3555 TYLER RD	CHRISTIANSBURG VA 24073
498- A113A	COOK FAMILY TRUST	C/O CHEROKEE R COOK	P O BOX 3562	RADFORD VA 24143
498- 7 14,15,16	MOSES PROPERTIES LLC		1460 PINE ST	CHRISTIANSBURG VA 24073
498- 7 17,18	TWIN OAKS PROPERTIES LLC		1733 WHITE OAK LN	CHRISTIANSBURG VA 24073
498- 7 18A,19,20*	COOK FAMILY TRUST	C/O CHEROKEE R COOK	P O BOX 3562	RADFORD VA 24143
528- A 92	AGGARWAL RAKESH		127 S WASHINGTON ST	PULASKI VA 24301

**AN ORDINANCE TO AMEND CHAPTER 28 “SOLID WASTE” OF THE  
CHRISTIANSBURG TOWN CODE IN REGARDS TO DEFINITIONS,  
TOWN-ISSUED GARBAGE CARTS, GARBAGE COLLECTION,  
AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Town of Christiansburg owns and maintains solid waste disposal equipment and operates same for the benefit of its garbage collection customers; and,

WHEREAS, a public hearing of Council of the Town was held March 11, 2014 and,

WHEREAS, in order to effectively operate and maintain its solid waste disposal equipment and efficiently provide garbage collection service, the Town must have appropriate regulations for such service;

THEREFORE, be it ordained by the Council of the Town of Christiansburg, Virginia that it hereby amends Sections 28-1, 28-32, 28-33, 28-34, 28-35, 28-37, 28-40, 28-41, 28-43, 28-44, 28-45, 28-46, 28-47, 28-49, 28-52, and 28-54 and repeals Section 28-36, 28-50, and 28-53 of Chapter 28 “Solid Waste” of the *Christiansburg Town Code* as follows:

**ARTICLE I. IN GENERAL**

**Sec. 28-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ashes* means ashes, cinders or clinkers.

*Bulk item* means any large item not placed within a Town-issued garbage cart or dumpster, including but not limited to a major household appliance, large rug, mattress, bed springs, or furniture.

*Garbage* means refuse and waste, such as vegetable or animal matter, that attends the preparation, use, cooking, dealing or storing of same or any other matter that is subject to decay or fermentation, but excludes dishwater, rubbish and ashes.

*Garbage collection service* means the collection of garbage, rubbish, trash and ashes by the town.

*Hazardous material* means “hazardous material” as define in Code of Virginia § 10.1-1400, as amended.

*Hazardous substance* means “hazardous substance” as define in Code of Virginia § 10.1-1400, as amended.

*Hazardous waste* means “hazardous waste” as define in Code of Virginia § 10.1-1400, as amended.

*Household hazardous waste* means “household hazardous waste” as define in Code of Virginia § 10.1-1400, as amended.

*Rubbish or trash* means paper, floor sweepings, old discarded clothing, boots and shoes, bottles, broken glass, tin cans and all such rubbish that accumulates from a household or business, except ashes or other heavy materials.

*Sludge* means “sludge” as define in Code of Virginia § 10.1-1400, as amended.

*Tree, brush or shrubbery* means tree trimmings, brush and shrubbery with limbs not in excess of four inches in diameter and cut into pieces.

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**(Code 1972, § 15-1; Code 1992, § 24-1)**

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### **Sec. 28-2. Authority of health officer, etc.**

The health officer or other duly authorized official, as appointed by the town manager, shall have the authority to visit the premises or building of any resident, housekeeper, hotel, restaurant or storekeeper at any reasonable time and to make inspection of garbage, refuse, waste or ashes and to order the proper handling and disposition of same.

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**(Code 1972, § 15-2; Code 1992, § 24-2)**

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### **Sec. 28-3. Sweeping and depositing certain materials in streets, etc.**

- (a) It shall be unlawful for any person to deposit or cause to be deposited upon the sidewalks, streets, roads, lanes or alleys or in any catchbasin or drain paper, rags, old shoes, clothing, tin cans, bottles, fruit or vegetable peelings, dead animals, leaves or any other refuse or waste.
- (b) It shall be unlawful for any householder, storekeeper or other person, by himself or his agent, to sweep from any house, yard or store any dirt or refuse in or upon any sidewalk or public street, lane, road or alley.
- (c) All such material shall be placed in receptacles and disposed of as provided in this chapter. However, the owner has the option of making proper disposition by himself

or his agent and in all such cases must haul and deposit such material in an approved disposal facility.

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*(Code 1972, § 15-3; Code 1992, § 24-3)*

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**Sec. 28-4. Dumping ashes in streets, etc., prohibited; exception.**

It shall be unlawful for any person to dump ashes or other such materials in any street, road, lane, alley or drain within the town, except by special permission of the town manager.

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*(Code 1972, § 15-4; Code 1992, § 24-4)*

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**Sec. 28-5. Accumulation of refuse or garbage.**

Any person allowing refuse or garbage to accumulate on his premises in a manner that would become offensive or unsanitary shall be guilty of creating a nuisance.

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*(Code 1972, § 15-5; Code 1992, § 24-5)*

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**Sec. 28-6. General penalty.**

Except as otherwise provided in this chapter, a violation of any provisions of this chapter shall constitute a Class 1 misdemeanor.

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*(Code 1992, § 24-6)*

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**Secs. 28-7—28-30. Reserved.**

**ARTICLE II. COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, ETC.**

**Sec. 28-31. Where garbage collection service to be provided.**



- (a) The town shall provide garbage collection service on the terms and conditions set out in this article only to citizens, residents and business establishments located within the corporate limits of the town.
- (b) However, in those instances where the established route of the garbage truck causes it to pass through an area outside the corporate limits of the town, garbage pickup service may then be provided with the approval of the town manager to residents of that area requesting such service.
- (c) The aforementioned established route or routes shall be subject to change at any time and should such change occur, garbage pickup service to residents along the former route shall then be discontinued.

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**(Code 1972, § 15-6; Code 1992, § 24-31)**

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**Sec. 28-32. Garbage cans or commercial plastic garbage bags carts to be provided by householders, etc. Town; use of Town-issued garbage carts.**

All householders or occupants of any residence, apartment or trailer and all operators of hotels, motor courts, restaurants, lodginghouses, boardinghouses or other business houses shall provide themselves with one or more standard, commercial plastic garbage bags not greater than 50 pounds or watertight garbage cans or containers of a capacity of not less than ten and not exceeding 32 gallons and not greater than 100 pounds. Each such receptacle or can shall be equipped to prevent access of flies and other insects, rodents, dogs or other animals. Such plastic bags, cans or receptacles shall be used for all garbage set out for removal by the town according to the provisions of this article. locations with garbage collection service shall be provided garbage carts by the Town unless serviced by dumpster garbage collection service. Such garbage carts issued by the Town of Christiansburg shall remain the property of the Town of Christiansburg. Customers who move outside the garbage collection service area or who otherwise cease garbage collection service with the Town are obligated to return the Town-issued garbage cart within 30 days of cessation of service. Customers who move within the garbage collection service area are obligated to notify the Town utility billing staff of any address change prior to or upon relocation.

The Town-issued garbage carts shall be used for all garbage set out by the garbage customer for removal by the Town according to the provisions of this article. Customers shall adhere to a maximum weight limitation of 300 pounds for 96-gallon Town-issued garbage carts and 150 pounds for 48-gallon Town-issued garbage carts.

It shall be unlawful for any individual or business to utilize Town-issued garbage carts for disposal of garbage, refuse, waste, etc. in carts that are assigned to other customers. It shall be the responsibility of all customers to properly identify their Town-issued garbage cart. Determination of whether or not Town-issued garbage carts are being utilized by a properly assigned customer shall be done by the Town in accordance with individual Town-issued garbage

cart identification numbers and their corresponding account information in the records of the Town.

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*(Code 1972, § 15-7; Code 1992, § 24-32)*

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**Sec. 28-33. Containers Town-issued garbage carts to be drained of excessive moisture.**

All ~~cans or containers~~ Town-issued garbage carts, as provided for in [section 28-32](#), shall be drained of any excessive moisture before being set out for removal.

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*(Code 1972, § 15-8; Code 1992, § 24-33)*

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**Sec. 28-34. Use of paper or pasteboard boxes, plastic bags, etc. as containers prohibited.**

No paper or pasteboard boxes, plastic bags, etc. shall be used as containers for garbage, rubbish, trash or ashes set for collection. Only Town-issued garbage carts or dumpsters are acceptable for Town garbage collection service.

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*(Code 1972, § 15-9; Code 1992, § 24-34)*

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**Sec. 28-35. Town cleanup; tree trimmings and brush hauling.**

- (a) The town shall provide tree and brush hauling and other town approved materials at no charge during the special two weeks of cleanup during the spring and two weeks in the fall within the corporate limits of the town. Cleanup shall be for residences and churches only and shall be limited to materials generated on the residential or church premises of the pick-up only. Town council shall have the authority to cancel cleanup.
- ~~(b) Tree and brush trimmings may be tied in small bundles or placed in containers and placed with the regular garbage for pickup by the garbage trucks during normal garbage pickup.~~
- (c) ~~At all other times, tree~~ Tree trimmings and brush pickup service shall be provided on an on-call basis during normal working hours, provided they are placed next to the street right-of-way. When such services are provided to any person or business, there shall be a charge, as provided for in [section 28-44](#)(f).

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*(Code 1972, § 15-10; Code 1992, § 24-35)*

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**~~Sec. 28-36. Containers for rubbish and trash.~~**

~~Rubbish and trash may be placed in the same can, container or plastic bag provided for garbage. Where rubbish and trash are to be placed in separate containers, then the containers shall be either of wood, plastic or metal, but not exceeding four cubic feet capacity. Such containers shall be provided with handles and tightfitting lids for sanitary reasons and to prevent scattering.~~

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*(Code 1972, § 15-11; Code 1992, § 24-36)*

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**~~Sec. 28-37. Ashes and ash containers~~ Prohibited materials.**

~~No hot ashes or embers shall be permitted in garbage or garbage containers placed for town collection.~~

Placing hazardous waste, hazardous substances, household hazardous waste, biohazardous waste, sludge, pharmaceutical waste, pressurized containers, combustible or explosive material, construction waste, electronic waste, hot ashes or embers, human excreta (excluding diapers), animal manure (excluding household pets), dead animals or portions of dead animals, automotive waste including tires and batteries, grease from restaurants or other business uses, liquids, appliances, earth, tree stumps, asphalt, brick, concrete, bulk items, and similar materials for collection in either Town-issued garbage carts or dumpsters shall be prohibited.

---

*(Code 1972, § 15-12; Code 1992, § 24-37)*

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**~~Sec. 28-38. Garbage, etc., to be set out for collection according to schedule.~~**

~~All garbage, rubbish, trash and ashes shall be set out for removal at regular periods according to schedule.~~

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*(Code 1972, § 15-14; Code 1992, § 24-39)*

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**~~Sec. 28-39. Accumulation of garbage, etc., prohibited.~~**

Garbage, tree and brush trimmings, trash and ashes shall not be allowed to accumulate, causing a large quantity to be set out for collection at one time.

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*(Code 1972, § 15-15; Code 1992, § 24-40)*

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**Sec. 28-40. Garbage collection crew not to enter building to remove garbage, etc.; garbage cart assistance.**

The garbage collection crew shall not enter any building to remove garbage, rubbish, trash or ashes regardless of whether or not such materials is within Town-issued garbage carts. The garbage collection crew shall remove Town-issued garbage carts only through request by the customer through the Town's Garbage Cart Assistance Form application process. The Town reserves the right to deny any request through the Town's Garbage Cart Assistance Form application process without proper medical documentation regarding the inability to perform the removal of the Town-issued garbage cart(s) by all individuals residing at the customer service location.

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*(Code 1972, § 15-17; Code 1992, § 24-41)*

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**Sec. 28-41. Town garbage truck not to remove unprepared garbage, etc.; duty of owner or tenant.**

- (a) The town garbage truck shall not haul away any garbage, rubbish, trash, ashes, etc., that are not prepared and placed in suitable containers, as provided in this article. The Town has the right to specify particular pick-up locations for each individual Town-issued garbage cart and it shall be the responsibility of the customer to insure that the Town-issued garbage cart is in the specified pick-up location and oriented as directed by the Town.
- (b) Any matter set out for collection which does not comply with the provisions of this article will not be collected by the town garbage truck, but must be removed by the owner or tenant of the premises involved.

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*(Code 1972, § 15-18; Code 1992, § 24-42)*

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**Sec. 28-42. Town garbage truck not to remove loose leaves, refuse, etc., from building operations.**

The town garbage truck shall not haul away loose leaves, grass, cuttings, weed or hedge trimmings, tree trimmings, branches, limbs or similar matter, nor refuse and trash, from building operations.



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(Code 1972, § 15-19; Code 1992, § 24-43)

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**Sec. 28-43. Service charges—Residential and domestic.**

- (a) *Residential garbage service.* For a minimum fee, as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council, payable and billed along with water and sewer services, the town will provide one weekly pickup and disposal of garbage, rubbish, trash, ashes, etc., ~~not exceeding the contents of three 32-gallon containers or the equivalent volume of smaller containers in Town-issued garbage carts.~~ The basis of the fee computation shall be on a single-family unit using a ~~maximum of not more than three 32-gallon containers or the equivalent volume of smaller containers~~ single Town-issued garbage cart to be picked up by the garbage collection truck once a week. Users utilizing additional Town-issued garbage carts shall be billed per additional Town-issued garbage cart at a rate specified in the Town Garbage Service Fee Schedule, which may be amended from time to time by Town Council. If all occupants of a customer service location are not physically capable of utilizing 96-gallon Town-issued carts they may request two 48-gallon Town-issued carts through the Town's Garbage Cart Request Form but will be billed at a rate equivalent to only one 96-gallon Town issued cart. The Town reserves the right to deny any request through the Town's Garbage Cart Request Form application process without proper medical documentation regarding the inability to utilize the Town-issued 96-gallon garbage cart by all individuals residing at the customer service location. The Town shall change customers a fee as specified in the Town Garbage Service Fee Schedule for changing Town-issued garbage cart sizes.
- (b) *Outside town.* The minimum fee for the above collection outside the corporate limits shall be as set forth herein or as established in the latest edition of the town garbage utilities service fee schedule, which may be amended from time to time by town council.
- (c) *Excess volume.* ~~With the exception of bagged leaves, for all All garbage, rubbish, trash and ashes set out for collection, the volume of which exceeds the maximum of three 32-gallon containers, there will be an additional charge as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council~~ shall be contained with Town-issued garbage carts. Excess volume that is not contained within Town-issued garbage carts will not be picked up.
- (d) *Apartments condominiums, townhouses, and other buildings having multiple units— Fee and dumpster requirement provisions.* For apartment houses, condominiums, and other buildings having multifamily multiple units, excluding townhouses, the minimum fee for garbage collection service shall be for each family unit in the same building. Apartment houses, condominiums, and other buildings having multiple units with 8 or more units or any customer service location requesting more than four Town-issued garbage carts shall be required to have dumpster service. Townhouses are eligible for individual billing at the regular billing rate for individual customers. The Town may require dumpster service for any apartment house,

condominium, townhouse, or other development when the Town makes determination that Town-issued garbage cart service is not practical due to maneuverability or other operational issues caused by topography or other site constraints.

- (e) *Same—Billing.* In apartment houses and other buildings having multifamily units, the same owner, agent or tenant who is responsible for the payment of water and sewer service bills shall also be responsible for all the fees for garbage collection services in such buildings and shall be billed according to rates contained in this article.
- (f) *Tree and brush hauling.* The minimum fee chargeable for a town pickup of tree trimmings and brush shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council. Charges for a full or partial truck load or more shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council.
- (g) *Repair and replacement.* Customers are responsible for repair or replacement costs of Town-issued garbage carts at a rate established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by Town Council, when the Town makes determination that damage or disappearance of the Town-issued garbage cart is not the responsibility of the Town or through normal regular use.

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(Code 1992, § 24-44; Ord. of 6-18-1991(1), § 15-20; Ord. of 2-2-1993; Ord. of 6-18-1996; Ord. No. 2002-6, 7-2-2002; Ord. No. 2005-3, 6-7-2005; Ord. No. 2008-3, 6-3-2008)

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#### **Sec. 28-44. Same—Business and commercial.**

- (a) *Application.* All business houses, stores, restaurants, hotels, motorcourts, lodginghouses, boardinghouses and other places of business desiring garbage collection service from the town shall make applications therefor on forms provided and shall state thereon approximately how many ~~containers~~ Town-issued garbage carts will be set out for collection and how many times per week such service is desired.
- (b) *Fees determined.* Respective monthly fees shall be determined on the written applications submitted before the service begins, and all fees shall be billed along with the water and sewer service.
- (c) *Direct billing.* In certain cases that do not receive a water bill, the billing will be direct for the garbage collection services and shall be paid and under the same rules and regulations as water and sewer service bills.
- (d) *Fees adjusted.* After such service is put into operation, if it should be found that the estimated volume of collection from any one place is more or less than was anticipated, the fees will be adjusted to meet the prevailing conditions; provided, further, that such fees may have to be adjusted from time to time as conditions warrant.

- (e) *Amount of fees.* The fees for business and commercial garbage collection services shall be as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council.
- (f) *Dumpster fee.* Dumpsters shall be charged as set forth herein or as established in the latest edition of the town garbage service fee schedule which may be amended from time to time by town council.
- (g) *Bulky or heavy material.* For the collection of some special types of bulky or heavy material the nature of which cannot be measured by ~~containers~~ Town-issued garbage carts, the charge shall be based on the volume and time consumed to effect a pickup.

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(Code 1992, § 24-45; Ord. of 6-18-1991(1), § 15-21; Ord. of 2-2-1993; Ord. No. 2002-6, 7-2-2002; Ord. No. 2005-3, 6-7-2005; Ord. No. 2008-3, 6-3-2008)

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#### **Sec. 28-45. Collection procedure and schedule—Residential sections and business sections with family units over stores, etc.**

- (a) In residential sections of the town, all collections of garbage, rubbish, trash, ashes, etc., shall be made after 8:00 a.m. and according to a schedule that covers certain sections of the town each day.
- (b) ~~Containers~~ Town-issued garbage carts that are to be picked up shall be placed by 8:00 a.m. on the day designated in the collection schedule on the street at or near the property line, so that they can conveniently be picked up and emptied. Such ~~containers~~ Town-issued garbage carts shall be removed from the street by the owner not later than 6:00 p.m. of the same day and placed out of view from the street, placed within 3 feet from the front facade of the main structure, or as otherwise approved by the Town Manager or his designee.
- (c) In business sections of the town where family units are located in apartments over stores or other business places, collections shall be made in the morning, and all material to be collected shall be set out for collection by 8:00 a.m. one day each week according to the schedule. All ~~containers~~ Town-issued garbage carts after being emptied shall on the same day be removed from the street and placed out of view, placed within 3 feet from the front facade of the main structure, or as otherwise approved by the Town Manager or his designee. This duty shall be the responsibility of the same person that sets out the ~~container~~ Town-issued garbage cart for collection.

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(Code 1972, § 15-22; Code 1992, § 24-46)

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#### **Sec. 28-46. Same—Business sections generally.**

In business sections of the town, collections of garbage, rubbish, trash, ashes, etc., shall be made each day. All ~~containers~~ Town-issued garbage carts shall be placed for collection by 8:00 a.m. on the day designated in the collection

schedule for each place desiring garbage collection service. Where possible, all garbage, rubbish, trash, ashes, etc., shall be placed for collection at the rear of business houses. In those cases where it is not possible for garbage, rubbish, trash, ashes, etc., to be collected from the rear of business houses, the ~~containers~~ Town-issued garbage carts shall be placed in front of the sidewalk and in all such cases the ~~containers~~ Town-issued garbage carts shall be placed on the morning of the day they are to be collected and removed from the sidewalk by the owner within an hour after having been emptied by the collecting crew, and placed out of view from the street, placed within 3 feet from the front facade of the main structure, or as otherwise approved by the Town Manager or his designee. This shall not be construed to apply to the business sections referred to in [section 28-45](#).

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*(Code 1972, § 15-23; Code 1992, § 24-47)*

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**Sec. 28-47. Maintenance and location of containers, dumpsters, and Town-issued garbage carts.**

(a) It shall be the duty of the ~~owner of any garbage container or container for rubbish, trash or ashes~~ customer to keep such container their assigned Town-issued garbage cart(s) in a clean and sanitary condition at all times. Lids shall be kept on all ~~containers~~ Town-issued garbage carts at all times except when the ~~container~~ Town-issued garbage cart is being cleaned, filled or emptied. ~~Containers~~ Town-issued garbage carts shall be kept in a place that is out of view from the street, placed within 3 feet from the front facade of the main structure, or as otherwise approved by the Town Manager or his designee, except when placed for collection, and in such place and manner that they will not ~~become~~ constitute a nuisance to ~~neighbors~~ adjoining properties. This provision shall apply to all sections of the town.

(b) It shall be the duty of the owner of any container, can, dumpster, or other receptacle designed for disposal of garbage or refuse, except public waste receptacles or Town-issued garbage carts, to enclose such container, can, dumpster or other receptacle with a minimum 8-foot tall gated privacy-type fence or wall made of durable material and to maintain such fence and enclosure area in a clean and sanitary manner at all times. Such enclosure shall have a minimum 12-foot by 12-foot pad and approach constructed as indicated per the Town of Christiansburg Dumpster Detail. The gate for such enclosure shall provide a minimum clear opening of at least 13 feet, be capable of being latched open or closed, and shall be maintained as closed when not being utilized for access. Lids shall be kept closed on all such containers, cans, dumpsters and other receptacles for garbage or refuse except when being cleaned, filled, or emptied and such containers, cans, dumpsters and other receptacles shall be maintained in a location and manner that will not constitute a nuisance to adjoining properties.



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*(Code 1972, § 15-24; Code 1992, § 24-48)*

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**Sec. 28-48. Owner to prevent garbage from being spilled on ground or premises.**

It shall be the duty and responsibility of every property owner, tenant, occupant or agent of any premises in the town to prevent garbage from being spilled on the ground or premises.

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*(Code 1972, § 15-25; Code 1992, § 24-49)*

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**Sec. 28-49. Disposition of garbage and refuse other than through garbage collection service.**

Garbage and other refuse disposed of in any other manner than through the town garbage collection service, as set forth in this article, shall be disposed of in a manner approved by the health department and Town Manager.

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*(Code 1972, § 15-26; Code 1992, § 24-50)*

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**~~Sec. 28-50. Paper, cartons, etc., to be flattened and put into bundles for collection.~~**

~~No person shall place on any public street, alley or elsewhere within the town limits for collection and removal by the town discarded paper, corrugated cartons or pasteboard boxes of any description without first flattening and securely tying the same with a stout cord in bundles not exceeding 36 inches in length and 50 pounds in weight.~~

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*(Code 1972, § 15-27; Code 1992, § 24-51)*

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**Sec. 28-51. Dumping within town prohibited.**

No garbage or offensive or disease-producing material or trash shall be dumped in any lot or space within the town for the purpose of filling or otherwise.

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*(Code 1972, § 15-28; Code 1992, § 24-52)*

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**Sec. 28-52. Placing garbage, etc., in public wastepaper receptacles.**

It shall be unlawful for any person to place in any receptacle that is used for the collection of wastepaper on the street or other public places any ~~garbage, trash, human excreta, manure from animals or offensive or disease-producing material~~ hazardous waste, hazardous substances, household hazardous waste, biohazardous waste, sludge, pharmaceutical waste, pressurized containers, combustible or explosive material, construction waste, electronic waste, hot ashes or embers, human excreta (excluding diapers), animal manure (excluding household pets), dead animals or portions of dead animals, automotive waste including tires and batteries, grease from restaurants or other business uses, liquids, appliances, earth, tree stumps, asphalt, brick, concrete, bulk items, and similar materials or to use any such receptacle for general disposal of garbage in large volumes.

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*(Code 1972, § 15-29; Code 1992, § 24-53)*

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**Sec. 28-53. ~~Placing human or animal excreta in container set out for removal.~~**

~~It shall be unlawful for any person to place in any container set out for removal by the town garbage truck any human excreta, excluding diapers or manure from animals other than household pets.~~

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*(Code 1972, § 15-30; Code 1992, § 24-54)*

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**Sec. 28-54. Picking through contents of ~~container set out for removal~~ Town-issued garbage cart or dumpster.**

It shall be unlawful for any person to pick through, handle or interfere with the contents of any ~~container~~ Town-issued garbage cart or dumpster set out for removal by the town under the provisions of this article. Employees of the Town or other governmental agencies involved in duly authorized investigations shall be exempt from this prohibition.

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*(Code 1972, § 15-31; Code 1992, § 24-55)*

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**Sec. 28-55. Interfering with employees in removal of material.**

It shall be unlawful for any person to interfere with, hinder or obstruct the employees of the town in the removal of any material set out for removal under this article.

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**(Code 1972, § 15-32; Code 1992, § 24-56)**

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**Sec. 28-56. Removal of garbage, rubbish or waste by town.**

If any person violating sections [28-4](#), [28-5](#), and [28-51](#) fails to remove such garbage, rubbish or waste after five days' written notice, the town shall remove the same and the violator shall pay the town the cost of removing the same. The cost of removal shall have no bearing on, or connection with, any punishment, fine or court cost that may be imposed.

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**(Code 1972, § 15-33; Code 1992, § 24-57)**

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**Sec. 28-57. General penalty.**

The town shall not be obligated to pick up any solid waste discarded in violation of this article. Except as otherwise provided in this article, a violation of any provisions of this article shall constitute a Class 1 misdemeanor.

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**(Code 1992, § 24-58)**

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This ordinance shall become effective April 7, 2014. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held March \_\_, 2014, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop				
Cord Hall				
Steve Huppert				
Henry Showalter				

Ord. 2014-\_\_

Bradford J. Stipes

James W. “Jim” Vanhoozier

\*Votes only in the event of a tie vote by Council.

SEAL:

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Michele M. Stipes, Town Clerk

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D. Michael Barber, Mayor



# Memo



**TO:** Christiansburg Town Council  
**FROM:** Town Manager Barry Helms and  
Director of HR Becky Wilburn *BHWS*  
**DATE:** February 25, 2014  
**RE:** Proposed Paid Time Off (PTO) Policy for VRS Hybrid-Plan  
Employees/ Associated Changes to the Personnel Handbook

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Effective January 1, 2014, all new full-time employees who do not have creditable service with the Virginia Retirement System (VRS) will be enrolled in the VRS Hybrid Retirement Plan. Existing employees are also eligible to irrevocably opt-in to the Hybrid Plan by April 30, 2014.

While VRS Plan 1 and Plan 2 are defined benefit plans, the Hybrid Plan is a combination defined benefit/defined contribution plan. Plan 1 and Plan 2 employees are also eligible for disability retirement, whereas disability retirement is not available to Hybrid Plan members. Instead, the Hybrid Plan stipulates that the employer will cover the employee under both short-term and long-term disability policies.

The Town does not currently offer short-term or long-term disability coverage for existing employees. Instead, the existing sick leave policy that allows for unlimited accrual of hours is intended to act as a short-term policy. Employees who suffer long-term or permanent disability are eligible for retirement disability through VRS.

In order to comply with Hybrid Plan requirements, employees enrolled in the Hybrid Plan will now be covered by formal short-term and long-term disability policies. Both the Town's short-term and long-term disability policies will be managed through VaCorp/Standard Insurance Company, with short-term disability being a self-insured program (i.e. the Town will directly

pay any claims), while long-term disability coverage is insured by Standard (i.e. the Town pays a set annual rate based on number of covered employees and Standard pays out any claims).

In evaluating how these new disability policies impact existing Town benefits, and in consultation with VaCorp, it is recommended that the Town change the benefits offered to Hybrid Plan-covered employees as a means to continue to best manage how paid time off is accumulated and used, as well as control for costs. If approved, these policy changes will only apply to Hybrid Plan-covered employees. All VRS Plan 1 and Plan 2 employees will continue to be covered by existing Annual Leave and Sick Leave policies.

#### Highlights of the Recommended Changes:

-Hybrid Plan-covered employees will accrue Paid Time Off (PTO), instead of separate accruals for Annual leave and Sick leave.

-Compared to existing accrual rates for Annual and Sick leave, PTO accrual rates are reduced to account for all paid leave accruing in a single bank of time. The comparison is as follows:

Years of Service	Current Accruals	Proposed Accruals for PTO Employees
0-4 years	27 days total/year (8 hours annual & 10 hours sick/month)	24 days PTO/year (16 hours/month)
5-9 years	30 days total/year (10 hours annual & 10 hours sick/month)	27 days PTO/year (18 hours/month)
10+ years	33 days total/year (12 hours annual & 10 hours sick/month)	30 days PTO/year (20 hours/month)

-The maximum annual carryover of PTO hours (480 hours) has been aligned with the maximum amount of leave available under the Family Medical Leave Act (FMLA). This will allow an employee to potentially carry enough PTO leave to be paid for the entire duration of

their leave for an FMLA-qualifying reason. Short-term disability is only available for your own illness, thus it is very likely that an employee may need FMLA coverage and not qualify for short-term disability coverage. Having available paid leave for the duration of their required absence will likely prove critical to the employee's financial well-being.

- Maximum payouts for PTO upon termination of employment are capped based on years of service. Currently, employees who leave in good standing get full payout for accrued annual leave. Employees are not paid out for accrued sick leave unless they retire from the Town with at least five years of service, when they are then eligible for the Sick Leave Divestiture program.

- The Retirement-Sick Leave Divestiture program is not available for Hybrid-Plan employees. As currently-eligible employees retire over the course of time, this program will ultimately phase out of existence.

- Clarifications and additional language have also been added to the Bereavement Leave, Military Leave, and Terminal Leave and Pay policies. This includes amending the Bereavement Leave policy to allow paid leave up to three days per occurrence/40 hours per calendar year for the death of a close family member without charging it to sick leave or PTO. This policy change puts us in alignment with other localities and prevents an employee from having to make the choice between attending a funeral and getting paid if they do not have paid time off to cover their absence.

It is recommended these changes to the Personnel Handbook be approved as presented prior to the end of February 2014.

## **Paid Time Off (PTO)**

**\*\*The Paid Time Off (PTO) plan is only available to employees covered under the VRS Hybrid Retirement Plan (i.e. those employees hired on or after January 1, 2014 with no prior creditable service in the Virginia Retirement System or employees who opted into the Hybrid plan.) All other employees are covered under VRS Retirement Plan 1 or Plan 2 and should refer to the sections on Annual Leave and Sick Leave for their applicable leave policies.\*\***

The Paid Time Off (PTO) plan is a comprehensive program that recognizes the many diverse needs of employees for time off from work, including vacation, personal time, illness or time off to care for dependents.

Questions about PTO earned and used should be referred to your supervisor.

### **1. Enrollment**

Employees hired on and after January 1, 2014 will automatically enroll in the Paid Time Off (PTO) plan at the time of hire if they are covered under the Hybrid Retirement Plan of the Virginia Retirement System (VRS). Existing employees who opt-in to the Hybrid Retirement Plan will also enroll in the PTO plan. Currently, only employees covered under the VRS Hybrid Retirement Plan are eligible to participate in PTO.

### **2. Paid Time Off (PTO) Accruals**

- A. Full-time employees receive PTO accruals based on their years of continuous service as an employee with the Town. Leave shall accrue at the following rate over the applicable pay periods in the calendar year:

Years of Service	Accrual Days Per Year
0 – 4	24 (16 hours/month)
5 – 9	27 (18 hours/month)
10+	30 (20 hours/month)

- B. Hours are accrued on the last working day of each month and cannot be taken until the day after they are accrued (e.g. the first working day of the month after they are accrued.)
- C. Employees shall not be eligible to receive pay for more days of leave than they have accrued as of the immediately preceding month. Leave without pay must be approved as outlined in Leave Without Pay/Excused Leave of Absence (p. 17).



- D. Employees will be credited with partial accrual of hours if they begin working after the first day of the month. When employment ends, no partial accrual of hours will be granted if the employee is not employed on the last working day of the month.
- E. Any scheduled holiday that falls during the employee's PTO leave will not be charged as PTO but as Holiday Pay.
- F. Time off taken in accordance with bereavement leave; jury duty; and/or military leave policies as defined in the Personnel Handbook will not be charged as PTO.
- G. Accrued PTO hours may be taken in increments as low as 15 minutes (.25 hours).
- H. Requests for leave must be scheduled and approved in advance per each department's policy, except in cases of emergency or illness.
- I. Unscheduled absences will be monitored. An employee will be counseled when the frequency of unscheduled absences adversely affects the operations of the department. The supervisor may request the employee provide a statement from his or her healthcare provider at any time concerning the justification for an unscheduled absence. PTO hours may not be used for missed time because an employee reports late to work, except during inclement weather.
- J. New employees shall not be eligible to take scheduled PTO hours until the completion of six (6) months continuous employment, except that unpaid days off may be granted or approved by the department head during the initial probationary period. Accrued PTO hours may be used in cases of emergency or illness within the first six (6) months of employment, though documentation of the need and/or a statement from the employee's health care provider may be required at the discretion of the department head.
- K. Time off taken by employees under this policy shall be considered time worked in accruing leave under the PTO, as well as in the calculation of overtime pay.
- L. The maximum amount of accrued PTO hours that can be carried over annually at the beginning of each fiscal year shall be 480 hours (60 working days).

## **Cross-referenced Sections of the Personnel Handbook also requiring changes:**

**Note: Wording highlighted in yellow indicates the proposed changes to the existing sections of the Personnel Handbook. Wording in red indicates additional proposed changes not included in the previous version considered by Town Council on 2/25/2014.**

### **Addition to X. EMPLOYEE BENEFITS (p. 9):**

#### Virginia Retirement System (VRS)

All full-time employees shall be enrolled in the Virginia Retirement System (VRS). Employees hired into a VRS-covered position prior to July 1, 2010 and vested in VRS by December 31, 2012 are considered participants in Plan 1. Employees hired in a VRS-covered position between July 1, 2010 and December 31, 2013 who were not fully vested in the VRS system prior to December 31, 2012 are considered participants in Plan 2. Employees hired into a VRS-covered position on and after January 1, 2014 who have no prior creditable service in VRS will be covered under the VRS Hybrid Retirement Plan. Sworn law enforcement officers, paid fire and rescue personnel covered under enhanced hazardous duty benefits will not be eligible to participate in the VRS Hybrid Retirement Plan, and will be participants in Plan 1 or Plan 2, depending on date of hire into a VRS covered position.

Effective July 1, 2012, payment of the 5% member contribution shall be made by all Plan 1 and Plan 2 employees through salary reduction on a pre-tax basis. All participants in the VRS Hybrid Retirement Plan will be required to contribute 4% into a defined benefit account with VRS and 1% into a VRS defined contribution account. Hybrid participants will have the ability to voluntarily contribute up to an additional 4% into the VRS defined contribution account. These contributions shall be made through salary reduction on a pre-tax basis.

### **Amendment to Retirement – Sick Leave Divestiture (p. 11):**

#### Retirement – Sick Leave Divestiture

**\*\*The Retirement-Sick Leave Divestiture program is only available for employees covered under Plan 1 or Plan 2 of the Virginia Retirement System (VRS) who retire with a minimum of five years of service to the Town. Payout of accrued Paid Time Off (PTO) hours at retirement follows the payout guidelines found under Terminal Leave and Pay (p. 18).\*\***

(All other wording under "Option A" and "Option B" remains unchanged)

## **Amendment to Annual Leave (p. 11):**

### Annual Leave

**\*\*The Annual Leave policy is only available to employees covered under VRS Retirement Plan 1 or Plan 2. All other employees covered under the VRS Hybrid Retirement Plan should refer to the Paid Time Off (PTO) plan for their applicable leave policy.\*\***

(All other wording under Annual Leave remains unchanged)

## **Amendment to Sick Leave (p. 12):**

### Sick Leave

**\*\*The Sick Leave policy is only available to employees covered under VRS Retirement Plan 1 or Plan 2. All other employees covered under the VRS Hybrid Retirement Plan should refer to the Paid Time Off (PTO) plan for their applicable leave policy.\*\***

(All other wording under Sick Leave remains unchanged)

## **Amendment to Bereavement Leave (p. 13):**

### Bereavement Leave

Bereavement leave may be used in the event of the death of an immediate family member (spouse, children (including foster- and step-), grandparents, parents, including mother and father-in-law and/or step-parents, brother, and sister. Bereavement leave is not to exceed three (3) days per occurrence and cannot exceed 40 hours total per calendar year.

For employees covered under VRS Retirement Plan 1 or Plan 2, bereavement leave in excess of three (3) days per occurrence/40 hours total per calendar year will be charged against accrued sick leave. For VRS Hybrid Retirement Plan/Paid Time Off (PTO)-covered employees, bereavement leave in excess of three (3) days per occurrence/40 hours total per calendar year will be charged against accrued PTO hours.

## **Amendment to Military Leave (p. 17):**

### Military Leave

In compliance with Article 10, Section 44-93 of the Code of Virginia, an employee engaged in military duty shall be entitled to a leave of absence with full pay by the Town for a period not to exceed 15 working days per federal fiscal year, without charging against Annual Leave or Paid Time Off (PTO) hours, as applicable.

An employee requesting leave under this policy must furnish a copy of their military orders when submitting their request for leave. If written orders are not available when the request for leave is submitted, the employee must provide a copy of their military orders immediately upon return to work.

### **Amendment to Terminal Leave and Pay (p. 18):**

#### Terminal Leave and Pay

Regardless of which retirement plan an employee is covered under, payment for accrued compensatory time upon termination of employment shall be calculated at the final regular rate of pay received by the employee.

#### **VRS Retirement Plan 1 or Plan 2-covered employees:**

Upon termination of employment, an employee in good standing is entitled to payment for unused Annual Leave, less any deduction for Annual Leave or Sick Leave used but not earned.

All accrued Sick Leave shall be forfeited upon termination of employment with the exception of retirement after having been employed for at least five (5) years.

Payment for accrued sick leave upon retirement from employment shall be paid using the Average Final Compensation ("AFC") rate established by VRS.

#### **VRS Hybrid Retirement Plan/Paid Time Off (PTO)-covered employees:**

Upon termination of employment, an employee in good standing is entitled to payment for unused accrued leave as noted below:

<u>Length of Employment</u>	<u>Percentage Of Unused Leave</u>	<u>Maximum Payout</u>
< 1 Year	0%	0 Hours
1 – 9 Years	25%	120 Hours
10 – 19 Years	50%	240 Hours
20 + Years	75%	360 Hours



The Town shall not make payment for unused annual leave or accrued PTO hours, as applicable, to employees who are not in good standing at termination of employment. In order to be in good standing, the employee shall not have been terminated for a violation of Town rules and/or policies (see Personnel Handbook); resigned in lieu of termination for violating Town rules and/or policies; and/or resigned without appropriate notice as described under Resignation Courtesies (p. 24). Exceptions to this policy shall only be granted at the discretion of the town manager.