

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES OF AUGUST 21, 2007 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT THE CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON AUGUST 21, 2007 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Ballengee, Councilmembers Barber, Canada, and Wade. COUNCIL MEMBERS ABSENT: Carter, Huppert, and Stipes. Also present Town Manager Terpenny, Assistant Town Manager Helms, Town Clerk Stipes, Town Planner Hair, and Town Attorney Memmer.

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

FOR LACK OF A QUORUM, THE TOWN COUNCIL MEETING WAS POSTPONED UNTIL COUNCILMAN STIPES' ARRIVAL AT 8:08 P.M.

AT 8:10 P.M. MAYOR BALLENGEE stated there was a quorum present of Council Members and Planning Commission Members.

PLEDGE OF ALLEGIANCE led by Mayor Ballengee.

JOINT PUBLIC HEARING

1. Conditional Use Permit amendment request by Tim Conner for property on the southern side of Fairview Street (tax parcels 529 – ((2)) – 82E, 83A, and 83C and 530 – ((2)) – 84) for a mobile home park with 20 foot access easement, increased recreation amenities, and private waterlines in the B-3 General Business District. Mr. John Neel of Gay & Neel, Inc. explained that a CUP was issued to Mr. Conner in March, 2005, approving use of the property for a mobile home park. In time, it became apparent that the conditional use permit was not clear on several areas, such as access to the property, and water service. The requested, amended CUP will clarify these issues. Mr. Neel provided Council with two different site plans addressing access to the mobile home sites and reviewed the differences with Council. Mr. Neel also discussed with Council the current zoning ordinance regarding mobile home parks and the conditions of the originally issued CUP. Mr. Neel said he prefers site plan A. With site plan A, access to the sites will not diminish the twelve thousand square feet reserved for the park's recreation area. A private street through the park is provided for in option A. All mobile home lots are within five hundred feet of a fire hydrant, which is in compliance with water guidelines. It has not been established whether the park will have a master meter at the street or individual meters at each home. Councilman Stipes asked about garbage collection for the park. Mr. Neel replied that the park must avail itself to Town service, and, if access to the sites is a private drive, Town garbage trucks will not enter the park and a dumpster would be placed near Fairview Street for the park's use. Manager Terpenny commented that the issue is public street versus private street, which will affect water and public services, including garbage pick-up and snow removal. There is not enough room for the owner to dedicate fifty-feet for a right-of-way and still have the required lot size. Manager Terpenny pointed out that there are no public streets in the current portion of Conner Trailer Park. Councilman Barber commented that, in the past, concern with private streets has been fire and rescue. Manager Terpenny pointed out other services affected by a private street, such as garbage, street maintenance, postal, and school bus. Mr. Ken Dickerson, whose mother is a resident of Fairview Street, said he believes the street needs to be public so Town services will be available to the park. Ms. Jule Lanem has lived on Fairview Street for two years and she is concerned about a possible increase in traffic, as well as the possibility of a dumpster area along Fairview Street. Fairview Street is a quiet street, she said, and she doesn't want that to change.

PUBLIC HEARING

1. Request by Andrew Schack to vacate portions of Pickett Street right-of-way (5 feet in width and 125 feet in length) and Jackson Street right-of-way (5 feet in width and 95 feet in length) adjacent to tax parcel 467 – ((1)) – 20. Mr. Schack explained that he is asking the Town to exchange five feet of the Town's right-of-way along his property for

an easement so he can split his duplex and create two townhomes. After speaking with the Town Manager regarding this request, Mr. Schack realized VDOT annual street maintenance payments may be an issue. Mr. Schack contacted VDOT regarding this matter and was assured that as long as the Town retained the five feet as an easement along each street, along with the forty-five foot right-of-way, the street would continue to be eligible for maintenance payments. Mr. Schack pointed out that the Town would benefit from this through additional tax revenue. Manager Terpenny commented that an easement would allow for continued utility maintenance. According to Town Attorney Memmer, an easement can be specific for usage, and a well drafted easement is just as useful as a right-of-way. Councilman Stipes said he is concerned with setting a precedent for future requests, and Councilman Barber said he is not comfortable giving away public land for private use.

REGULAR MEETING

MAYOR BALLENGEE called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of August 7, 2007. There being none, the minutes were approved as presented.

CITIZEN HEARINGS:

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

PLANNING COMMISSION'S RECOMMENDATION ON THE JOINT PUBLIC HEARING REQUEST:

1. Conditional Use Permit amendment request by Tim Conner for property on the southern side of Fairview Street (tax parcels 529 – ((2)) – 82E, 83A, and 83C and 530 – ((2)) – 84) for a mobile home park with 20 foot access easement, increased recreation amenities, and private waterlines in the B-3 General Business District. At Chairperson Simmons' request, Town Manager Terpenny read the Planning Commission's resolution recommending Town Council issue the amended Conditional Use Permit with seven conditions. A copy of the resolution and seven conditions is attached herewith and made a part of these minutes.

RECOGNITION OF PARTICIPANTS IN 2007 NATIONAL SENIOR GAMES. Mayor Ballengee reported that this matter has been postponed due to the delay in opening tonight's meeting.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

COUNCIL ACTION ON THE PLANNING COMMISSION'S RECOMMENDATION:

1. Conditional Use Permit amendment request by Tim Conner for property on the southern side of Fairview Street (tax parcels 529 – ((2)) – 82E, 83A, and 83C and 530 – ((2)) – 84) for a mobile home park with 20 foot access easement, increased recreation amenities, and private waterlines in the B-3 General Business District. Councilman Wade expressed his concern regarding a lack of service to the mobile home park, such as school bus and postal, if the street is made private. Manager Terpenny pointed out that, if the street is private, the mobile home park owner will have to maintain the street himself. Councilman Canada asked if an adequate turn-around is a priority over the number of lots provided. Manager Terpenny said Town Code doesn't address the width of a private drive. Councilman Canada asked if the mobile home park will be similar to the existing, next-door park, if approve as requested. Manager Terpenny responded that it would be similar. Councilman Wade asked if a site plan will be submitted by Mr. Connor. Manager Terpenny replied that a site plan is required. Councilman Stipes asked if there was any functional reason why the concept discussed won't work, i.e. fire and rescue. Manager Terpenny said that it would be easier for emergency vehicles to access the park if the road is wider than twenty-feet; however, a narrower road won't stop them in an emergency situation. A private drive will also mean less street mileage for the Town to maintain. At Councilman Stipes inquiry, Manager Terpenny said the recommendation by the Planning Commission is unanimous. Councilman Barber asked if the street can be made wider than twenty feet, and if an easement is necessary in this case. Manager Terpenny said that if the street is made wider the lot sizes will not conform to Town Ordinance, and the easement is necessary for Town liability against potential road damage caused by large, Town vehicles. Councilman Canada made a motion to issue the Conditional Use Permit amendment, with the seven conditions set forth in the amendment. Councilman Wade seconded the motion and Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.

COUNCIL ACTION ON THE REQUEST TO VACATE PORTIONS OF PICKETT STREET AND JACKSON STREET. Councilman Barber said that after discussing the matter he believes that, in this case, a well drawn up easement is just as useful to the Town as the right-of-way. Councilman Stipes said that during the Planning Commission break he spoke with Mr. Schack and, according to Mr. Schack, he was permitted to build a duplex on a lot not conforming to Town Code, which has resulted in this request. Code provides that a duplex lot must be twelve thousand five hundred square feet, and Mr. Schack's lot is considerably less than that size. Councilman Canada expressed his concern with setting a precedent with this decision, but Mayor Ballengee said that should not be a concern because Council has the right to look at future requests on a case by case basis. After further discussion, Councilman Barber made a motion to approve the request, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.

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

1. Plat showing subdivision of property for Darryl J. Gillespie & Lonnie W. Linkous located at the intersection of Depot Street NE & Hans Meadow Road NE; 2 lots. Councilman Barber reported that this is the Jiffy Lube property across from the livestock yard. The owners want to create two lots from one. There are no concerns from the Town regarding this request. All is in order with the plat and Councilman Barber made a motion to approve, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.
2. Plat of survey of boundary line adjustment on the northern side of Roanoke Street on tax parcel no.'s 500-(4)-1 & 500-(A)-3 prepared for HASH Investments, LLC; creating 2 lots. HASH Investments, LLC recently purchased this property, which contains an existing house that is being leased by a family. The owner wants to expand this property back to adjoin the industrial park. HASH Investments, LLC will continue to honor the agreement with the family that leases the house. All is in order with the plat and Councilman Barber made a motion to approve the request, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.
3. Lot line revision plat for Robert B. Kesler and Timothy L. Heslep Properties; Nursery Lane, N.E. and Roanoke Street; creating 3 lots. Councilman Barber explained that the owners want to divide the existing two lots into three lots. All is in order with the plat and Councilman Barber made a motion to approve, seconded by Councilman Canada. Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.
4. Boundary line adjustment for Dennis L. Bartley & Vanessa A. Bartley; creating 2 lots; located on Shaffer Drive, N.E. Councilman Barber explained that the owners want to adjust the interior property lines to create two lots. All is in order with the plat and Councilman Barber made a motion to approve, seconded by Councilman Wade. Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.
5. Resubdivision of Silver Lake Heights, lots 60-71 and 98-108; creating 6 lots; located on Ashton Court. Councilman Barber explained that this is a new subdivision off Radford Road. The developer is building a cul-de-sac, which meets Town subdivision ordinance. All is in order with the plat and Councilman Barber made a motion to approve, seconded by Councilman Stipes. Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.

TOWN MANAGER REPORTS:

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

September 18, 2007

1. Street vacation request, unbuilt portion of Front Street.
2. Street vacation request, alley off of Second Street.

On motion by Councilman Barber, seconded by Councilman Wade, Council voted to set the Public Hearings for September 18, 2007. Council voted on the motion as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.

October 2, 2007

1. Conditional Use Permit request for mini-warehouses on Cambria Street.

On motion by Councilman Barber, seconded by Councilman Stipes, Council voted to set the Public Hearing for October 2, 2007. Council voted on the motion as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.

TOWN MANAGER TERPENNY presented to Council another urban street project completed by VDOT years ago, but the right of way was never transferred to the Town. This project is located on North Franklin Street. Town Attorney Memmer has reviewed the document and recommends acceptance. Councilman Wade made a motion to authorize the Town Manager to sign the document prepared by VDOT accepting the right-of-way. Councilman Barber seconded the motion and Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.

AQUATIC CENTER UPDATE - Town Manager Terpenny reported that the contractor is on site, excavation has begun, and the footers are being dug.

MAYOR BALLENGEE informed Council that Kathy Mantz of Montgomery County Chamber of Commerce, and friend to many in Town, had knee replacement surgery and is currently in the hospital.

COUNCILMAN STIPES asked about the status of the previously discussed resolution recognizing Wendell Flinchum, Virginia Tech Police Chief, and Town of Christiansburg resident, for his service during the Virginia Tech tragedy on April 16, 2007, and during the challenging days and weeks that followed. Councilman Stipes made a motion to draft and adopt such resolution, seconded by Councilman Barber. Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.

MAYOR BALLENGEE thanked Councilman Stipes for his work on the website and thanked Council for responding to the survey sent out to collect each of their ideas and wishes for website content.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 10:04 P.M. On motion by Councilman Stipes, seconded by Councilman Barber, Council voted as follows: AYES: Barber, Canada, Stipes, and Wade. NAYS: None.

Michele M. Stipes, Clerk of Council

Richard G. Ballengee, Mayor