

July 3, 2001

**COUNCIL CHAMBERS, MUNICIPAL BUILDING, CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES ON 3 JULY, 2001 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON 3 JULY, 2001 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Linkous, Councilmen Ashworth, Ballengee, Barber, Lester, and Weaver. COUNCIL MEMBERS ABSENT: Councilwoman Carter. Also present Town Manager Terpenney, Town Clerk Cregger, Town Attorney McGhee, and Assistant Town Manager Helms.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Dobson, Stipes, Simmons, Wade. PLANNING COMMISSION MEMBERS ABSENT: Commissioners Carter, Canada, and Lusk.

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

IN OBSERVANCE OF INDEPENDENCE DAY, MAYOR LINKOUS asked Councilman Ashworth to lead everyone in the Pledge of Allegiance. Councilman Ashworth was dressed as one of Crockett's Battalion soldiers, which is what he worn when he appeared in the movie *The Patriot*.

JOINT PUBLIC HEARING

MAYOR LINKOUS called the Joint Public Hearing to order to discuss and receive comments from citizens on the following requests stating that the requests have been duly advertised in accordance with State and Local Codes.

1. Conditional Use Permit renewal request by Main Street Baptist Church for property at 106 W. Main Street (tax parcel 526-((A))-201) for industrialized building units being utilized as offices and classrooms in the B-2 Central Business District. Town Manager Terpenney explained that this Conditional Use Permit was originally issued in 1998 for one year and renewed in 1999 for two years. There was no one present to speak for or against this request.
2. Rezoning request by Kirby Conner for property on the south side of Montgomery Street (tax parcels 497-((A))-189 and 498-((1))-38A) from A Agricultural to R-2 Two Family Residential. The property contains approximately 4.0 acres and is scheduled as Residential and Conservation-Floodplain in the Future Land Use Map of the Christiansburg Comprehensive Plan. Steve Brumfield of Montgomery Street spoke in opposition of the request on the behalf of himself and forty (40) other residents of Montgomery Street. A signed petition and summary sheet is attached and made a part of these minutes. He pointed out that all of the homes along Montgomery Street are currently single family homes with many residents being ten (10) year to lifetime residents. Duplexes or multi-family homes will alter the integrity of the neighborhood. The street, he said, is just a little over thirty (30) feet in width with a great deal of on road parking which makes for difficult driving. Although this is a dead end street, traffic is heavy at times with traffic frequently exceeding the speed limit. Several blind spots along the street add to the hazardous conditions. A church is located mid way on Montgomery Street which increases the traffic and pedestrian flow. The residents of Montgomery Street are requesting the rezoning be for R-1 Single Family Residential only.

Carl McNeil, realtor and agent for Kirby Connor, said that he intends to put five (5) single-family, single-wide homes on the property; no multi-family housing. The reason for requesting R-2 Multi-Family Residential has to do with the size of the building lots. Water and sewer is already located on the property.

Jody Eagan who lives across the street from the property said he would love to see the land remain an open field. The Town, he said, is not doing enough to preserve open greenspace in the community.

Glen Huff of Montgomery Street said he agrees with all that has been said and stated his opposition to the request.

3. Request to vacate street right-of-way, Fork Street between Montgomery Street and Norfolk Southern railroad. There was no one present to speak for or against this request.
4. Request to vacate unnamed street right-of-way off of Ridinger Street. There was no one present to speak for or against this request.

July 3, 2001

MAYOR LINKOUS closed the Joint Public Hearing and the Planning Commission withdrew to consider the requests and to make their recommendations.

REGULAR MEETING

MAYOR LINKOUS called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of 19 June, 2001. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

PLANNING COMMISSION'S RECOMMENDATIONS ON THE REQUESTS:

1. Conditional Use Permit renewal request by Main Street Baptist Church for property at 106 W. Main Street for industrialized building units being utilized as offices and classrooms in the B-2 Central Business District. Secretary Terpenney read the Planning Commission's resolution recommending the Conditional Use Permit be reissued for two years with the following condition: (1) The conditions of the previous Conditional Use Permit shall continue to be met with the exception that this current permit shall be valid for two years at which time there must be an application for renewal.
2. Rezoning request by Kirby Conner for property on the south side of Montgomery Street from A Agricultural to R-2 Town Family Residential. Secretary Terpenney read the Planning Commission resolution recommending Town Council approve the rezoning as requested.

LES BEAMER OF 304 S. FRANKLIN STREET ADDRESSED COUNCIL concerning the traffic along S. Franklin Street. He said that careless driving has resulted in a high number of accidents involving parked vehicle. He said that two of his vehicles have been hit while parked in his yard and driveway. He believes that, due to driver distractions such as loud stereos, people are not obeying the speed limit, and that high speeds are a factor in the accidents. He told Council that increased police patrol is desperately needed along this road to slow drivers down. Councilman Lester commented that there has been an increase in police patrol the past few days, and Mayor Linkous asked Town Manager Terpenney to further discuss this matter with the Police Chief.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

TOWN COUNCIL ACTION ON THE PLANNING COMMISSION RECOMMENDATIONS:

1. Conditional Use Permit renewal request by Main Street Baptist Church for property at 106 W. Main Street for industrialized building units being utilized as offices and classrooms in the B-2 Central Business District. On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to reissue the Conditional Use Permit with one condition as stated in the Resolution. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.
2. Rezoning request by Kirby Conner for property on the south side of Montgomery Street from A Agricultural to R-2 Town Family Residential. Councilman Ballengee said that he was not comfortable rezoning the land R-2 Multi-Family Residential. He has faith that the owner and agent only intend to put single-family homes on the property; however, once rezoned, anything within that zoning ordinance is allowed, and because of this he is voting against the R-2 rezoning. Councilman Barber agreed stating that the integrity of the neighborhood must be protected. Councilman Lester made the motion to approve the rezoning request, seconded by Councilman Weaver. Manager Terpenney reminded Council that the agent referred to placing single-family, "single wide" homes on the site and that single wide mobile homes would not be allowed in the R-2 district. Council's vote is as follows: AYES: None. NAYS: Ashworth, Ballengee, Barber, Lester, and Weaver. THE REQUEST IS DENIED.
3. Request to vacate street right-of-way - Fork Street, between Montgomery Street and Norfolk Southern railroad. If Council approves the vacation request, the Town Manager Terpenney recommended the Town keep a 20 foot wide utility easement down the center of the right-of-way due to an existing sewer line in that location. Councilman

July 3, 2001

Ashworth made the motion to deny the vacation request, which was seconded by Councilman Barber. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None. THE REQUEST IS DENIED.

4. Request to vacate an unnamed street right-of-way off of Ridinger Street. Town Manager Terpenney explained that the right-of-way for the new connector road from Route 114/460 to Patricks Way will cut 18 acres of land nearly in half. If this right-of-way is vacated approximately 9 acres will not have an access, which means eventually the Town will be landlocking this portion of property. The right-of-way is part of the Ridinger Acres subdivision and was created for access to this 18 acres. Councilman Weaver was concerned with the possible legal repercussions and made a motion to deny the request. The motion was seconded by Councilman Ashworth. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None. THE REQUEST IS DENIED.

MR. LESTER AND MS. CARTER – Street Committee Recommendations on:

1. White Pine Subdivision, Phase 2, 2 lots, White Pine Drive – This is one single lot being divided into two. A house is located on one lot and a house is proposed for the other. All is in order with the plat, and Councilman Lester made the motion to approve the plat, seconded by Councilman Ashworth. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.
2. Boundary line adjustment for Michael D. & Margaret E. Fite, W. Main Street – The property is presently one large lot and one small lot. The owners want to adjust the size and shape of the two lots for the purpose of enlarging the smaller lot and improving the configuration. All is in order with the plat and on motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to approve the plat. Council vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Ashworth, seconded by Councilman Barber, Council voted to pay the monthly bills due July 10, 2001, in the amount of \$588,680.63. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

PROGRESS REPORTS: 20 JUNE – 03 JULY, 2001

WATER: 9 water connections, 12 service line leaks.

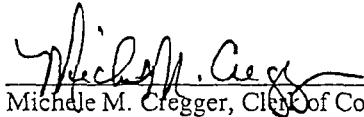
SEWER: 8 sewer connections, manhole maintenance, 2 sewer stoppages.

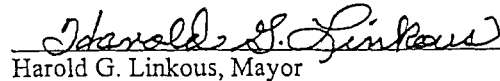
STREETS: Sign work, pipe work, patching, clean ditches and half pipe, mowing, painting traffic lines, sidewalk work at N. Franklin St., trim brush from r/w.

CONST.: Chrisman St., sewer line replacement – 205' of 8" PVC pipe, 2 manholes.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 8:23 P.M. on motion by Councilman Barber, seconded by Councilman Ashworth. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.


Michele M. Cregger, Clerk of Council


Harold G. Linkous, Mayor

July 17, 2001

**COUNCIL CHAMBERS, MUNICIPAL BUILDING, CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES ON 17 JULY, 2001 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON 17 JULY, 2001 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Linkous, Councilmen Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenney, Town Clerk Cregger, Town Attorney McGhee, and Assistant Town Manager Helms.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Canada, Carter, Dobson, Stipes, and Simmons. PLANNING COMMISSION MEMBERS ABSENT: Commissioners Lusk and Wade.

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

COUNCILMAN ASHWORTH lead those present in saying the Pledge of Allegiance.

JOINT PUBLIC HEARING

MAYOR LINKOUS called the Joint Public Hearing to order to discuss and receive comments from citizens on the following requests stating that the requests have been duly advertised in accordance with State and Local Codes.

1. Proposed ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to the potential allowance of automobile upholstery shops in the B-3 General Business District. There was no one present to speak for or against this request.
2. Conditional Use Permit request by Edna Lee Morgan Hardy for property at the intersection of Plum Street and Montgomery Street (tax parcel 497-((A))-106) for residential use in the B-3 General Business District. There was no one present to speak for or against this request.
3. Conditional Use Permit request by Jay Stallard for property at 895 Park Street (tax parcel 498-((12))-22) for a garage and towing service in the I-2 General Industrial District. Paul Haynes, owner of the property adjacent to 895 Park Street, said that Jay Stallard has been a good neighbor for as long as his business has been in that location. His only concern is that the property is small and there may not be much room for additional vehicles. He said there are currently 20 or so vehicles parked on the lot. Jay Stallard responded that he has adequate room in the back of his property for additional vehicles. Gary Harkrader said that the residents in the nearby Hans Meadow neighborhood will be affected by this decision, yet none of the residents of that neighborhood were contacted concerning this request. He suggested that the Town start a new policy of posting a sign two to four weeks in advance on property involved in Conditional Use Permit requests, so that residents nearby will be aware of possible changes in their area.

PUBLIC HEARING

1. First Reading of the Proposed Water Rate Increase. Gary Keaster, a county resident who pays for Town water, told Council that he believes the increase is excessive due to the poor service to his community. According to Mr. Keaster his neighborhood has problems with low water pressure and apparently it is not unusual for the water pressure to drop to 10-12 pounds, which is below half of what it should be. When Mr. Keaster first brought his complaint to the Town, the matter was promptly investigated. The Town found that the problem was a result of the elevation of the tower in relation to the close proximity of the neighboring houses. Manager Terpenney contacted the Water Authority concerning the situation and they responded that nothing could be done other than to keep 35 to 40 feet of water in the tank, which they promised to attempt to do. They also suggested that Mr. Keaster use a water pressure tank. Mr. Keaster said that for a while the problem was fixed, but then gradually the pressure began to drop off again. Mr. Keaster's neighborhood has begun a petition protesting the water issue, which they intend to send to congress in hopes of rectifying the continuing problem. Town Manager Terpenney said that Mr. Keaster has accurately summarized the situation. There is definitely an engineering problem with the site due to the elevation of the tank, and unless the water tower is kept at near full levels, individual water pressure tanks will be needed for those homes to maintain adequate water pressure. Manager Terpenney stated that there is an adequate quantity of water kept in the tank and the problem is getting it

July 17, 2001

to the spigots with sufficient pressure. He suggested that the only remedy the Town could provide would be to consider offering assistance in providing each individual home with a water pressure tank. The only other option would be to change the elevation of the tank, which would be a major undertaking. The low water pressure affects approximately a dozen homes and one business in the area.

Mayor Linkous asked if this was something the Water and Sewer Committee should look into. Manager Terpenney said that they should, and possibly the Finance Committee. Mayor Linkous then turned the matter over to the Water and Sewer Committee for their review and recommendation.

Councilman Barber asked if the Water Authority could simply increase the water pressure. Manager Terpenney responded that they do try to keep the water level in the tank high but at times, due to demand, it drops to a level that affects this neighborhood.

Becky Ratcliff's home is also affected by this problem and she told Council that it is a very discouraging situation.

Harold Shelton told Council he is opposed to the increase, stating that it is "too high", and that what he is paying now should be enough for water that he says has "poor taste quality". He also compared Christiansburg's rates to other various localities and he said the Town's are much higher. Mayor Linkous asked Manager Terpenney to inform Mr. Shelton of the water rate statistics for the surrounding localities including Blacksburg, Radford, and Montgomery County, which shows that Christiansburg's rates, even after the increase, are considerably lower than surrounding areas. He also stated that the Water Authority has increased their rates to the Town several times since the Town's last rate increase for customers. The water fund has been subsidized for many years and the Town would like to see it eventually become self-sufficient. This increase only decreases the deficit by fifty percent (50%). Council responded to Mr. Shelton's comment about the taste quality by stating that the Town had won the first place award in a contest held by the Virginia Municipal League last year for having the best tasting water in Virginia.

2. Alley Vacation from Lester Street to Evans Street and Connecting Alley. Jeff Custus explained to Council that he would like to see the request denied because this alley is the only means of access to the back of his property. He suggested possibly closing off the entrance on Evans Street only.

Area residents Reggie Jones and Myrtle Price said that this alley is used as a hang out spot and is constantly littered with beer cans and trash. Both would like to see the alley closed. Roger Smith, whose mother-in-law lives in the area, said that if half of the alley is closed, through traffic would turn around in driveways and yards creating an even bigger problem. Kelly Price said she would like to see the entire alley closed to prevent through traffic. Carolyn Jenkins asked if the Town would maintain any portion of the alley if it is closed. Manager Terpenney explained that this would be a quit claim agreement by the Town relinquishing their rights and responsibility to the property, but that the Town would maintain the utility easement currently down the center of the alley. Upon the quit claim agreement the property would revert equally to the adjoining property owners. The deeds would automatically be prepared by the Land Use Office in the Courthouse. Councilwoman Carter asked if closing the alley landlocked any of the residents, particularly Mr. Custus. According to Manager Terpenney, the closing would not landlock anyone, and that while the lots are small, Mr. Custus could possibly access the rear of his property through his own yard.

MAYOR LINKOUS closed the Joint Public Hearing and the Public Hearing and the Planning Commission withdrew to consider the requests and to make their recommendations.

REGULAR MEETING

MAYOR LINKOUS called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of 3 July, 2001. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

July 17, 2001

PLANNING COMMISSION'S RECOMMENDATIONS ON THE REQUESTS:

1. Proposed ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to the potential allowance of automobile upholstery shops in the B-3 General Business District. Secretary Terpenney reported that the Planning Commission recommends tabling the request for further review.
2. Conditional Use Permit request by Edna Lee Morgan Hardy for property at the intersection of Plum Street and Montgomery Street for residential use in the B-3 General Business District. Secretary Terpenney read the Resolution of the Planning Commission recommending Town Council approve the CUP request with the following four (4) conditions:
 - 1) The CUP shall be valid for a maximum of two single-family occupancy on the property (either a duplex or two single-family dwellings).
 - 2) All unlicensed and/or disabled motor vehicles are to be removed prior to issuance of a building permit for a new structure.
 - 3) A demolition permit shall be obtained for the demolition of the derelict structure prior to issuance of a building permit for a new structure.
 - 4) Two off-street parking spaces are to be provided for each unit prior to issuance of a Certificate of Occupancy for any new units.
3. Conditional Use Permit request by Jay Stallard for property at 895 Park Street for a garage and towing service in the I-2 General Industrial District. Secretary Terpenney reported that the Planning Commission recommends tabling the request for a field trip to the site and further review of the request.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

TOWN COUNCIL ACTION ON THE PLANNING COMMISSION RECOMMENDATIONS:

1. Proposed ordinance amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to the potential allowance of automobile upholstery shops in the B-3 General Business District. This request was tabled for further review by the Planning Commission.
2. Conditional Use Permit request by Edna Lee Morgan Hardy for property at the intersection of Plum Street and Montgomery Street for residential use in the B-3 General Business District. On motion by Councilman Ashworth, seconded by Councilman Weaver, Council voted to issue the Conditional Use Permit with the four (4) conditions as set in the Resolution. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None. The Resolution is attached herewith and made a part of these minutes.
3. Conditional Use Permit request by Jay Stallard for property at 895 Park Street for a garage and towing service in the I-2 General Industrial District. This request was tabled for further study by the Planning Commission.

FIRST READING OF THE PROPOSED WATER RATE INCREASE – Council action will be taken at the second reading of the water rate increase held on August 7, 2001.

COUNCIL ACTION ON THE ALLEY VACATION REQUEST – Councilman Lester asked Manager Terpenney if the Town had any problems with the alley closing. Manager Terpenney said that there were no problems with closing the alley from the Town's standpoint, but that the Town does plan to maintain a portion down the middle of the alley due to an existing utility easement. Councilman Lester and Councilwoman Carter both stated that they are uncomfortable closing the alley since it is used by area residents. Council expressed the desire to leave the alley open to area residents but render it unusable to through traffic. Manager Terpenney said that since it is a public alleyway it would be hard to do something like that. Councilman Ashworth pointed out that it may be creating a bigger problem by leaving the alley open if it is being used by some as a loitering spot. Councilwoman Carter said that she has spoken by telephone with several residents opposed to the closing. Council agreed that if the alley is a nuisance to a majority of the area residents then it needed to be closed. On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to approve the request to close the alley. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

July 17, 2001

MR. LESTER AND MS. CARTER – Street Committee Recommendations on:

1. Resubdivision for the Heirs of Fred Lawrence Creasy, 2 Lots, Miller Street. Councilman Lester explained that this property is currently three lots, to be made into two. The property is across from the new duplex unit on Miller Street. All is in order with the plat and the Street Committee recommended approval. On motion by Councilman Lester, seconded by Councilman Weaver, Council voted to approve the plat as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

TOWN MANAGER REPORTS:

TOWN MANAGER TERPENNY reported that the Town received a letter from the Kiwanis Club requesting they be reimbursed \$1,410 by the Town to offset the permit costs for their annual fair. In previous years the Town has reimbursed the costs as a contribution, and Manager Terpenney asked Council to consider making the reimbursement again this year, pointing out that much of the money comes back to the Town in recreation programs. On motion by Councilman Weaver, seconded by Councilman Ashworth, Council voted to reimburse the Kiwanis Club permit fees in the amount of \$1,410.00. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

REMINDER – The Policy Committee Meetings are scheduled for Thursday, July 19, in Richmond. Town Manager Terpenney will be leaving Christiansburg around 6:00 a.m. for those wishing to ride with him.

PUBLIC HEARING REQUESTS – Town Manager Terpenney presented the following requests and recommended setting the public hearings as indicated.

August 7, 2001 –

1. Rezoning request for the south side of Montgomery Street from A Agriculture to R-1 Single-Family Residential.

August 21, 2001 –

1. Conditional Use Permit request for a family day home on Haymaker Street.
2. Conditional Use Permit request for a plaster art business in the B-3 General Business District, Peppers Ferry Road, N.W.
3. Rezoning request from A Agriculture to B-3 General Business, Peppers Ferry Road, N.W.

On motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to set the public hearings as indicated above. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

COUNCILMAN WEAVER asked about Councilwoman Carter's request at the July 3, 2001 meeting for the Town's assistance in grading the roads in the cemetery, or possibly even assuming responsibility of the cemetery. The request was briefly discussed at that time, then deferred for further review due to possible legal repercussions. Councilman Weaver said that time is running out and that a decision needs to be made soon. Councilwoman Carter reported that the surveying has been completed, and that it was more costly than anticipated. Councilman Ballengee asked for an update on the concept of the Town taking the cemetery as a department. Mayor Linkous suggested Manager Terpenney meet with the cemetery board, along with Town Attorney McGhee, and report to Council at the next meeting.

PROGRESS REPORTS: 04 JULY – 17 JULY, 2001

WATER: 12 water connections, 1 service line leak.

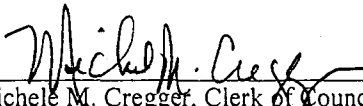
SEWER: 11 sewer connections, manhole maintenance, 1 sewer stoppage.

STREETS: Sign work, pipe work, patching, clean ditches and half pipe, sweeping intersections, mowing, painting traffic lines, sidewalk work at N. Franklin St., spraying sidewalks, trim brush from r/w.

CONST.: Chrisman St., sewer line replacement – 246' of 8" PVC pipe.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 8:54 P.M. on motion by Councilman Barber, seconded by Councilwoman Carter. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.


Michele M. Cregger, Clerk of Council


Harold G. Linkous, Mayor

August 7, 2001

**COUNCIL CHAMBERS, MUNICIPAL BUILDING, CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES ON 7 AUGUST, 2001 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON 7 AUGUST, 2001 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Linkous, Councilmen Ashworth, Ballengee, Barber, Lester, and Weaver.
COUNCIL MEMBERS ABSENT: Councilwoman Carter. Also present Town Manager Terpenney, Town Clerk Cregger, Town Attorney McGhee, and Assistant Town Manager Helms.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Canada, Dobson, Stipes, Simmons, Wade.
PLANNING COMMISSION MEMBERS ABSENT: Commissioner Carter.

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

COUNCILMAN ASHWORTH led those present in saying the Pledge of Allegiance.

JOINT PUBLIC HEARING

MAYOR LINKOUS called the Joint Public Hearing to order to discuss and receive comments from citizens on the following request stating that the request has been duly advertised in accordance with State and Local Codes.

1. Rezoning request by Kirby Conner for property on the south side of Montgomery Street (tax parcels 497-((A))-189 and 498-((1))-38A) from A Agricultural to R-1 Single-Family Residential. The property contains approximately 4.0 acres and is scheduled as Residential and Conservation-Floodplain in the Future Land Use Map of the Christiansburg Comprehensive Plan. Rod Crowgey, attorney for Mr. Conners, was present and available to answer any questions.

PUBLIC HEARING

1. Disposal of Publicly Held Property – New River Valley Airport Commission Land.
Manager Terpenney explained that the commission is made up of five members and the land is jointly owned by these members. The New River Valley Commerce Park Participation Committee of Virginia's First Regional Industrial Facilities Authority has asked the Commission to "trade" five acres of land with them. The Participation Committee will use the five acres to develop an access road into the industrial park. Since the land is jointly owned, it is required that each member hold a public hearing and vote on the matter individually.
2. Street Vacation Request – Griggs Street from Elm Street to Dead End at N. Franklin Street.
Jaime Lovern of Elm Street said that she and her family have used a portion of this property for parking for many years and, if the street is vacated, she would like to be given a portion of the property. If her family is not entitled to continue to use the property, she is opposed to the vacation request. Sean Whittemore told Council that he has also used this property in the past for personal use, but he is now requesting that the street be vacated. Manager Terpenney said that typically when a street is vacated the land reverts equally to the adjoining property owners for them to use as they please. Should the vacation request be approved, the Town plans to keep a utility easement, which runs through the center of the street.

MAYOR LINKOUS closed the Joint Public Hearing and the Planning Commission withdrew to consider the requests and to make their recommendation.

REGULAR MEETING

MAYOR LINKOUS called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of 17 July, 2001. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

August 7, 2001

PLANNING COMMISSION'S RECOMMENDATIONS ON THE REQUESTS:

1. Rezoning request by Kirby Conner for property on the south side of Montgomery Street from A Agricultural to R-1 Single-Family Residential. Secretary Terpenny read the Planning Commission resolution recommending Town Council approve the rezoning request.
2. Zoning ordinance amendment allowing auto upholstery shops in the B-3 General Business District. This matter was brought before Council at the 17 July, 2001 meeting and was deferred for further study. Manager Terpenny read the resolution recommending Town Council amend Section 30-78 (yy) of Chapter 30 "Zoning" of the Christiansburg Town Code to allow automobile upholstery shops with a Conditional Use Permit in the General Business District.
3. Conditional Use Permit request for commercial garage and towing at 895 Park Street. This matter was brought before Council at the 17 July, 2001 meeting and deferred for further review. Planning Commission Chairman Canada reported that the Planning Commission took a field trip to visit the site in order to consider the adequacy of parking and storage of vehicles left for repair. They also considered the appearance of Mr. Stallard's business. The Planning Commission found the parking and storage facilities to be adequate. The site is paved and landscaped in compliance with Town regulations. Therefore, the Planning Commission recommended that Town Council issue the Conditional Use Permit with the ten (10) conditions as set in the attached resolution.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

TOWN COUNCIL ACTION ON THE PLANNING COMMISSION RECOMMENDATIONS:

1. Rezoning request by Kirby Conner for property on the south side of Montgomery Street from A Agricultural to R-1 Single-Family Residential. On motion by Councilman Weaver, seconded by Councilman Lester, Council voted to approve the rezoning as requested. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.
2. Zoning ordinance amendment allowing auto upholstery shops in the B-3 General Business District with a Conditional Use Permit. Councilman Weaver stated that he intended to vote in opposition of this request because he is not comfortable changing the Town ordinance for one specific situation or reason. On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to adopt the amendment to Section 30-78 (yy) of Chapter 30 "Zoning" of the Christiansburg Town Code and allow automobile upholstery shops in the B-3 district with a Conditional Use Permit. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, and Lester. NAYS: Weaver.
3. Conditional Use Permit request for a commercial garage and towing service on Park Street. Councilman Ashworth made the motion to deny the request. Councilman Weaver pointed out that the Town maintains a level of control through the CUP, and that if the business disregards any of the conditions, the CUP can be revoked. Manager Terpenny reported that there were approximately 6 vehicles currently parked on the lot, with room for additional vehicles, and that the privacy fence was to run from the building to the property line. Council did not respond to the Mayor's request for a second to the motion, therefore, the motion dies due to the lack of a second.

Councilmen Lester and Weaver both stated that they have confidence in the Planning Commission's recommendation, and therefore, Councilman Weaver made the motion to issue the Conditional Use Permit with the ten (10) conditions as set in the Planning Commission's resolution. The motion was seconded by Councilman Lester. Council's vote is as follows: AYES: Ballengee, Barber, Lester, and Weaver. NAYS: Ashworth.

COUNCIL ACTION ON THE DISPOSAL OF NEW RIVER VALLEY AIRPORT COMMISSON LAND. On motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to approve disposal of the land as requested. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

STREET VACATION REQUEST – GRIGGS STREET FROM ELM STREET TO DEAD END AT N. FRANKLIN STREET. On motion by Councilman Barber, seconded by Councilman Ballengee, Council voted to approve the street vacation request. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

August 7, 2001

COUNCIL ACTION ON THE PROPOSED WATER RATE INCREASE. On motion by Councilman Weaver, seconded by Councilman Barber, Council voted to approve the proposed water rate increase. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

COUNCIL ACTION ON VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITIES AUTHORITY FINANCING AGREEMENT. Manager Terpenney explained that when he sent Council the proposed changes, the financing agreement was inadvertently excluded. This agreement will allow the Participation Committee to finance projects without encumbering the Authority members who do not participate in the particular project. On motion by Councilman Barber, seconded by Councilman Weaver, Council voted to accept the financing agreement as presented. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

COUNCIL ACTION ON VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITIES AUTHORITY BYLAWS AMENDMENT. This amendment concerns alternate members not having authority to vote. The bylaws do not mention alternates' rights, nor are they recognized by the State Code. Councilman Weaver said he believes the alternate should have the right to vote in the absence of the member. Manager Terpenney agrees, but said that apparently the matter was an oversight in the State Code. The amendment would remove the section concerning alternates from the bylaws until the State Code is amended. On motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to approve the amendment. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

ADOPTION OF STATEWIDE MUTUAL AID AGREEMENT. In the past the Christiansburg Police Department has signed mutual aid agreements with Radford, Montgomery County, and Blacksburg. The one presented is a mutual aid agreement that applies statewide. Town Attorney McGhee, the Police Chief, Fire Chief, and Rescue Captain, as well as the Town's insurance companies, have all review the agreement and given their approval. On motion by Councilman Ashworth, seconded by Councilman Lester, Council voted to adopt the Statewide Mutual Aid Agreement as presented. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

RESOLUTION OF APPRECIATION FOR DEWEY LUSK. Mayor Linkous read the resignation letter of Planning Commission Chairman Dewey Lusk. Mr. Lusk is regretfully resigning from his position on the Planning Commission upon his relocation into the County. Mayor Linkous presented a Resolution recognizing Mr. Lusk's dedicated years of service to the Town of Christiansburg. On motion by Councilman Ashworth, seconded by Councilman Barber, Council voted to accept the Resolution. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

APPOINTMENT TO PLANNING COMMISSION- Mayor Linkous said that they have received two resumes from interested individuals and expect to receive several more. All information will be turned over to the Planning Commission for their review and recommendation.

RECOMMENDATION FOR BOARD OF ZONING APPEALS APPOINTMENT. Member Mark Lester's term expires August 31, and he has agreed to be reappointed for another term. On motion by Councilman Ballengee, seconded by Councilman Weaver, Council voted to recommend reappointing Mark Lester to the Board of Zoning Appeals. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, and Weaver. NAYS: None. ABSTAIN: Lester.

MR. BALLENGEE AND MR. BARBER – Water, Sewer & Solid Waste Committee Recommendation:

1. Dedication of utility easement, Evergreen Drive. This is an easement dedication by Thomas and Dorothy McFee for a public utility and drainage easement. Councilman Barber made the motion to approve the easement dedication which was seconded by Councilman Lester. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

MR. LESTER AND MS. CARTER – Street Committee Recommendations on:

1. Boundary line adjustment for Wayne Booth, 3 lots, Ellett Road. Councilman Lester explained that this property is currently three lots, and the request is to change the interior lot lines. All is in order with the plat and Councilman Lester made a motion to approve the request, seconded by Councilman Barber. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.
2. Boundary line adjustment for Hash Investments, 2 lots, Jarrett Drive. This property is currently four lots, which will be decreased into two lots. All is in order with the plat. On motion by Councilman Lester, seconded by Councilman Ashworth, Council approved the plat as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

August 7, 2001

3. Rigby Street Subdivision, 2 lots, Rigby Street and Ellett Road. Councilman Lester explained that this plat divides one lot into two and dedicates a street turnaround. All is in order with the plat, and Councilman Lester made the motion to approve the plat. The motion was seconded by Councilman Barber and voted upon by Council as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.
4. Subdivision, Cornerstone Phase II, 15 lots, Scott Street. This request is being made by Hash Investments for a townhouse subdivision. Councilman Lester reported that all is in order with the plat and made the motion to approve the plat as presented. The motion was seconded by Councilman Ashworth, and voted upon by Council as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to pay the monthly bills due August 10, 2001, in the amount of \$770,911.98. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

TAXICAB LICENSE APPLICATION – The Town has received a taxicab license application from Marshall Harmon-Basham to drive for Christiansburg Cab Service. The Police Department has recommended the license be issued. On motion by Councilman Lester, seconded by Councilman Barber, Council voted to approve the application as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

PUBLIC HEARING REQUEST – Town Manager Terpenny presented the following request and recommended setting the public hearing for September 4, 2001.

1. Rezoning request for the corner of Cambria Street and Providence from R-3 Mult-Family Residential and B-1 Limited Business to all B-1 Limited Business.

On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to set the Public Hearing for September 4, 2001. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

MAYOR LINKOUS reported that the Town has received an invitation to attend the NAACP hosted “Freedom Banquet”. Councilmembers interested in attending are to let Mayor Linkous know so he can make the appropriate reservations.

MAYOR LINKOUS informed Council that the Town has received an invitation from Bedford County to participate in the Roanoke Valley Regional Leadership Summit. The purpose of this organization is to identify issues and areas of mutual concern to the localities in and around the Roanoke Valley. The Town would have to appoint three representatives to a working subcommittee.

COUNCILMAN BALLENGEE asked if the Town has begun street paving. Manager Terpenny reported that the contractor has begun paving, starting at the east end of Town.

PROGRESS REPORTS: 18 JULY, 2001 – 07 AUGUST, 2001

WATER: 4 water connections, 3 service line leaks, water maintenance.

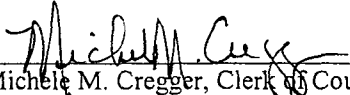
SEWER: 4 sewer connections, manhole maintenance, 1 sewer stoppage.

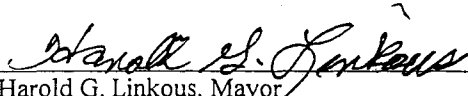
STREETS: Sign work, pipe work, patching, clean ditches and half pipe, mowing, painting traffic lines, building wall behind new police department, spraying sidewalks, trimming brush from r/w.

CONST.: Chrisman St., sewer line replacement – sewer lateral change over.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 8:24P.M. on motion by Councilman Ashworth, seconded by Councilman Barber. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.


Michele M. Cregger, Clerk of Council


Harold G. Linkous, Mayor

August 21, 2001

**COUNCIL CHAMBERS, MUNICIPAL BUILDING, CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES ON 21 AUGUST, 2001 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON 21 AUGUST, 2001 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Linkous, Councilmen Ashworth, Ballengee, Barber, Lester, and Weaver. COUNCIL MEMBERS ABSENT: Councilwoman Carter. Also present Town Manager Terpenney, Town Clerk Cregger, Town Attorney McGhee, and Assistant Town Manager Helms.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Canada, Simmons, and Wade. PLANNING COMMISSION MEMBERS ABSENT: Commissioners Carter, Dobson, and Stipes.

MAYOR LINKOUS stated there was a quorum present of Council Members.

MAYOR LINKOUS stated there was not a quorum present of Planning Commission Members.

COUNCILMAN ASHWORTH lead those present in saying the Pledge of Allegiance.

JOINT PUBLIC HEARING

MAYOR LINKOUS cancelled the three Joint Public Hearings scheduled for tonight's meeting due to there not being a quorum present of Planning Commission Members.

REGULAR MEETING

MAYOR LINKOUS called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of 7 August, 2001. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

Although the Joint Public Hearings scheduled for tonight's meeting were cancelled, Council heard comments from citizens in attendance concerning the following rezoning request.

Rezoning Request by Mehdi Hazer for property at 910 Peppers Ferry Road N.W., from A Agricultural to B-3 General Business. The property contains approximately 1.07 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan.

Ann Hess addressed Council stating that her main concern is that the zoning stays with the land, not the business located on the land. Therefore, if the property is rezoned B-3 General Business, it is open to all allowable businesses should the requestor's business move or change in the future. She stated that there is an extensive list of allowable businesses in the B-3 General Business District, many of which are not appropriate for this particular area. She is also concerned with the increased traffic flow created by an additional business along this already hazardous road. Ms. Hess asked Council to keep her concerns in mind when voting on this request.

Kenny Shrewsberry, a Christiansburg resident, said his feelings are like those of Ann Hess' and wants the request denied.

Mike Soucie said that he is concerned that if merchandise is displayed outside drivers may be distracted, or stop and turn their vehicles abruptly. He suggested locating the business closer to the New River Valley Mall.

Albert Linkous lives across from the site and questioned their intentions concerning the abandoned house located on the property. It is his understanding that the Highway Department (VDOT) will take a large portion of the land when they improve Route 114.

Town resident Harold W. Linkous said his property adjoins the property to be rezoned and he does not want a business located next to his residence. He is afraid that his property will be devalued, and the traffic problems increased.

August 21, 2001

Dennis Whitt's main concern is the continuing traffic problems along Route 114. He said the accident rate is too high, and another business will just encourage more traffic. He asked Council to deny the request.

Joanne Litton lives beside the property and she believes that the high volume of traffic and traffic accidents is reason enough to deny the request. She brought into question the possibility of this particular business moving and another one replacing it.

Nelda Nigh is against the rezoning saying she would like to see the residential property preserved without businesses nearby. She does not believe that widening Route 114 will alleviate the traffic problems.

Patty Mostighami, the realtor representing this piece of land, addressed some of the concerns brought before Council. She said that the intended business in this request is a very low-key operation with a maximum of ten employees. The owners of the business are willing to comply with any restrictions the Town sees fit to place on them. She further explained that VDOT has plans to expand Route 114 and the Hazers do not intend to start their business until the road widening construction is completed. She said that most likely the old house will be demolished and setback distance increased. Ms. Mostighami explained that the business will make and sell pottery created out of hand molded art material. No chemicals will be used in the process. There will be no mass production; each piece will be made per order. They will have internet access for catalog purchasing. The owners plan to strictly comply with the laws and regulations governing the B-3 General Business District.

Mrs. Hazer said that the traffic problems already exist along Route 114 without their business, and she believes widening the road will help alleviate the problem. She pointed out that the property is less than an acre and not good for anything other than a small business. She said that her husband really wants his business in this location. She does not believe that this business will devalue surrounding properties. She stated that there will be no dust or pollution caused by their operation.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

APPOINTMENTS TO VIRGINIA TECH/MONTGOMERY REGIONAL AIRPORT AUTHORITY. Mayor Linkous recommended appointing Councilman Dale Ashworth as the Town's representative. Councilman Ashworth has attended all of the Airport Authority meetings, and is Christiansburg's representative to the New River Valley Airport Authority. Mayor Linkous is confident that Councilman Ashworth is knowledgeable in airport operations and will protect the Town's interest in this Authority. On motion by Councilman Barber, seconded by Councilman Ballengee, Council voted to accept the Mayor's recommendation and appoint Dale Ashworth to the Virginia Tech/Montgomery Regional Airport Authority. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

Montgomery County has recommended Al Bowman be appointed as Member At-Large to the Virginia Tech/Montgomery Regional Airport Authority. On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to accept Montgomery County's recommendation and appoint Al Bowman, Member At-Large. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

MR. LESTER AND MS. CARTER – Street Committee Recommendations on:

1. Progress Street Subdivision, 2 Lots, Progress Street – This request is for a duplex lot. There is currently a house located on one of the lots and half of a duplex and carport will be built on the second lot adjoining the neighboring structure. On motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to approve the plat as presented. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.
2. Connor Hollow, 5 Lots, Montgomery Street – This property was rezoned at that last Council meeting for single-family homes. Councilman Ballengee was concerned that this property may be in a floodplain. Manager Terpenney said that the plat has been studied carefully and the floodplain lines are approximately seventy feet from the building site at the closest point. On motion by Councilman Lester, seconded by Councilman Barber, Council voted to approve the plat as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

August 21, 2001

3. Dola Subdivision, 2 Lots, Ellett Road – Currently one lot to be divided into two, with a house existing on one lot. On motion by Councilman Lester, seconded by Councilman Barber, Council approved the plat as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.
4. New River Village, Phase 1, 21 Lots, New Village Drive – Councilman Lester reported that there is a problem with the current plat and it will not be presented to Council at this time.

TOWN MANAGER REPORTS:

TOWN MANAGER TERPENNY recommended rescheduling tonight's cancelled Joint Public Hearings for September 18, 2001. The Hearings will have to be advertised again for the required length of time before being brought back before Council. On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to reschedule the Joint Public Hearings as recommended. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

MANAGER TERPENNY reported that the Town has received a request from C&S Door for a 10mph increase to the speed limit along Scattergood Drive, N.W. According to C& S Door, most of their deliveries are made by tractor trailer trucks and it is difficult for them to maintain a speed of 25mph along this road. Mayor Linkous turned this request over to the Street Committee for their review and recommendation.

MANAGER TERPENNY explained to Council that in the past few years studies have been done concerning cell towers and now communities are beginning to allow antennas on municipal water tanks and other facilities. Christiansburg has received requests from companies to do just that. The Town is in the process of preparing a standard lease form in anticipation of numerous requests for this service. Manager Terpenney is requesting that Town administration be authorized to approve these requests, without having to approach Council regarding each individual request. Manager Terpenney has attended several summits on cell towers, and is familiar with the regulations governing this service. The Town will receive rent from companies leasing cell tower space. On motion by Councilman Ashworth, seconded by Councilman Lester, Council voted to approve Manager Terpenney's request as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.

MONTHLY BILL CORRECTION – There were two corrections to the August 10th bill list. Both were typographical errors and did not change the ending total amount due.

MAYOR LINKOUS reported that he has received a petition of two hundred signatures, along with photographs of Church Street, requesting repairs to the street and sidewalks. Mayor Linkous turned this matter over to the Street Committee for their review and recommendation.

TOWN MANAGER TERPENNY informed Council that the report on Sunset Cemetery discussed in July has been put on hold due to Councilwoman Carter's absence.

PROGRESS REPORTS: 08 AUGUST – 21 AUGUST, 2001

WATER: 5 water connections, 2 service line leaks, water maintenance.

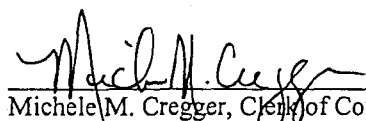
SEWER: 5 sewer connections, manhole maintenance, 1 sewer stoppage.

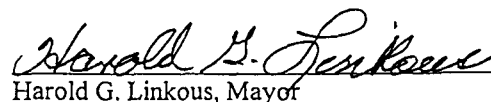
STREETS: Sign work, pipe work, patching, clean ditches and half pipe, mowing, painting traffic lines, bldg. wall behind police dept., spraying sidewalks.

CONST.: Chrisman St., sewer line replacement, sewer lateral change over.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 8:08 P.M. on motion by Councilman Ballengee, seconded by Councilman Ashworth. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Lester, and Weaver. NAYS: None.


Michele M. Cregger, Clerk of Council


Harold G. Linkous, Mayor

September 4, 2001

**COUNCIL CHAMBERS, MUNICIPAL BUILDING, CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES ON 4 SEPTEMBER, 2001 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON 4 SEPTEMBER, 2001 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Linkous, Councilmembers Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenney, Town Clerk Cregger, Town Attorney McGhee, Assistant Town Manager Helms, and Planning Director Wingfield.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Carter, Canada, Dobson, Simmons, and Wade. PLANNING COMMISSION MEMBERS ABSENT: Commissioner Stipes.

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

COUNCILMAN ASHWORTH led those present in saying the Pledge of Allegiance.

JOINT PUBLIC HEARING

MAYOR LINKOUS called the Joint Public Hearing to order to discuss and receive comments from citizens on the following request stating that the request has been duly advertised in accordance with State and Local Codes.

1. Rezoning request by Hash Investments, L.L.C. for property at the intersection of Cambria Street, N.W. and Providence Boulevard, N.W. (tax parcel 466-((6))-5) from R-3 Multi-Family Residential to B-1 Limited Business. A 0.599 acre portion of the property is currently B-1 Limited Business. The property contains a total of approximately 2.686 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan.

Tom Rutledge of Hash Investments, L.L.C. explained the proffers offered with this request such as 30 foot setbacks, and 8 foot evergreen buffers instead of the usual 7 feet, but he did not say what Hash Investments intended to do with the property if rezoned. The 3A Bypass extension that runs through that area will take approximately 38% of the commercial zoned property, and they believe that B-1 Limited Business zoning is a good use for this property. B-1 Limited Business zoning, Mr. Rutledge explained, would be the least intrusive to the area, and most in keeping with the surrounding neighborhoods. The owners are not absolutely sure they will develop the property, and even suggested possibly selling the property after it is rezoned.

Planning Commissioner Wade questioned Hash Investments plans for the property if it is not rezoned. Mr. Rutledge said that their original proposal was for modular apartment buildings with a homeowner's association, swimming pool and clubhouse, and possibly a gas station. Councilwoman Carter asked what impact there would be concerning the proffers if the property is rezoned and then sold. Town Attorney McGhee said that the proffers stay with the rezoning. Commissioner Wade asked Manager Terpenney the status of the new connector road being constructed through this area. Manager Terpenney explained that since this road has a 3A identification number it is a part of the 3A Bypass and, therefore, construction is being funded by the 3A Bypass project. Construction of 3A is approximately 1 to 2 years from completion.

Susan Oliver, a resident of Providence Boulevard, said she and many of her neighbors are disappointed with the projects planned for this property. She said she hopes that whatever is developed is in keeping with the surrounding area. According to Ms. Oliver, the developers were interested in including the residents of the proposed apartments in the existing homeowner's association, but the current members denied the request. She is afraid that a business and cheap modular housing will devalue her and her neighbor's homes. She wants the developers to be more specific in their plans.

Billy Maddy, previous owner of the property, said that it can be put to good use whether zoned R-3 Multi-Family or B-1 Limited Business.

MAYOR LINKOUS closed the Joint Public Hearing and the Planning Commission withdrew to consider the request and to make their recommendation.

September 4, 2001

REGULAR MEETING

MAYOR LINKOUS called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of 21 August, 2001. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

PLANNING COMMISSION'S RECOMMENDATIONS ON THE REQUESTS:

1. Rezoning request by Hash Investments, L.L.C. for property at the intersection of Cambria Street, N.W. and Providence Boulevard, N.W. (tax parcel 466-((6))-5) from R-3 Multi-Family Residential to B-1 Limited Business. A 0.599 acre portion of the property is currently B-1 Limited Business. Secretary Terpenney reported that the Planning Commission recommends Town Council approve the rezoning request.
2. Planning Commission Chairperson, Dan Canada, reported to Council that four resumes had been received by the Town for the Planning Commission vacancy. The Planning Commission reviewed the resumes looking mainly at the background and diversification each applicant had to offer. The Planning Commission recommended Town Council appoint Mike Lawless of Draper Aden Associates to fill Dewey Lusk's unexpired term.

ANN HESS EXPRESSED HER SUPPORT for Planning Commission member candidate Harry Ewald. Ms. Hess told Council that Mr. Ewald moved to Christiansburg from Blacksburg and has brought with him perspective from another community. He has shown dedication to the Town through his service on the Visual Enhancement Committee. Mr. Ewald is retired with a degree in architecture and has the time and expertise to devote to this commitment.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

TOWN COUNCIL ACTION ON THE PLANNING COMMISSION RECOMMENDATIONS:

1. Rezoning request by Hash Investments, L.L.C. for property at the intersection of Cambria Street, N.W. and Providence Boulevard, N.W. (tax parcel 466-((6))-5) from R-3 Multi-Family Residential to B-1 Limited Business. Although the Planning Commission recommended this request be approved, Councilman Weaver made a motion to deny the request, which was seconded by Councilwoman Carter. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None. THE REQUEST WAS DENIED.
2. Appointment to the Planning Commission. Before voting on this matter, Council asked Manager Terpenney for background information on the candidate recommended by the Planning Commission. Manager Terpenney reported that Mr. Lawless lives on Howerly Street in Christiansburg, and is employed by Draper Aden Associates. He is involved with the Underground Leadership Committee, and will offer a geologist's view and expertise to the Planning Commission. Councilwoman Carter said that, while she does not know Mike Lawless, she does know Harry Ewald and hopes he will consider reapplying with the Planning Commission in the future. On motion by Councilman Barber, seconded by Councilman Lester, Council voted to appoint Mike Lawless to the Planning Commission to serve the unexpired term of Dewey Lusk.

REORGANIZATION OF COUNCIL FOR THE FISCAL YEAR 2001-2002:

ELECTION OF VICE-MAYOR. On motion by Councilman Weaver, seconded by Councilman Ashworth, Council voted to elect Councilman Eddie Lester as Vice-Mayor. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

SET REGULAR MEETING DATES OF COUNCIL. On motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to set the 1st and 3rd Tuesday of each month, at 7:30 p.m. as the regular meeting dates of Council. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

September 4, 2001

AUTHORIZE VICE-MAYOR, ASSISTANT TOWN MANAGER, AND ASSISTANT TREASURER TO SIGN CHECKS. On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to authorize the Vice-Mayor, Assistant Town Manager, and Assistant Treasurer to sign checks in addition to those already designated with that authority. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

APPOINTMENT OF COMMITTEES OF COUNCIL WITH FIRST NAME BEING CHAIRMAN:

Water, Sewer and Solid Waste – Ballengee and Barber
Street – Lester and Carter
Finance – Weaver and Lester
Fire and Rescue – Ashworth and Weaver
Public Health and Welfare – Ad Hoc
Central Business District – Barber and Ashworth
Industrial Park – Ballengee and Lester (Alternate – Ashworth)
Council on Human Relations – Ashworth and Chief Brumfield

APPOINTMENT OF OFFICERS:

Town Manager – R. Lance Terpenney
Town Treasurer – Marie Howard
Police Chief – Gary Brumfield
Clerk of Council – Michele Cregger
Town Attorney – William McGhee

On motion by Councilman Barber, seconded by Councilman Lester, Council voted to appoint the Committees of Council and Administration Officers as indicated above. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.

VIRGINIA TECH/MONTGOMERY REGIONAL AIRPORT UPDATE - Dale Ashworth updated Council on the progress of the Airport Authority. The first meeting was held on Wednesday, August 29, 2001. At this meeting, officers were elected as follows: Gary Huff, Chairman; Al Bowman, Vice-Chair; Annette Perkins, Sec - Treas. The Authority is now in the process of hiring a director. Meetings will be held on the second Wednesday of each month. Councilman Ashworth will keep Council updated from time to time. Mayor Linkous informed Council that the Authority offered to elect Councilman Ashworth as Chairman, but, at this time, Councilman Ashworth declined the offer. Council thanked Councilman Ashworth for his update.

MR. LESTER AND MS. CARTER – Street Committee Recommendations on:

1. New River Village, Phase I, 21 Lots, Peppers Ferry Road. Councilman Lester reported that all is in order with this plat and the Street Committee recommended approval. On motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to approve the plat as presented. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.
2. Arborview Plantation, Lot 22, Phase IV, 2 Lots, Laurel Street. This plat was previously approved by Council, but was never recorded. Nothing on this plat has changed and on motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to reapprove the plat. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.
3. Windmill Hills Section 12, 28 Lots, Alder Lane. Councilman Lester reported that all is in order with this plat. On motion by Councilman Lester, seconded by Councilman Weaver, Council voted as follows to approve the plat. AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS – Councilman Weaver asked that the annual \$10,000 contribution to the Montgomery County Chamber of Commerce be withheld until talks concerning a merger with Blacksburg Regional Chamber of Commerce are finalized. Town Attorney McGhee said that this payment is a contribution, not an obligation, and that the Town is within

September 4, 2001

their rights to withhold the payment. Councilman Ballengee was concerned that the Chamber may be depending on the contribution. Mayor Linkous clarified that the contribution will be contingent on the merger decision. Councilman Weaver believes the Finance Committee should review the matter, and made a motion to pay the bills due September 10, 2001, excluding the annual \$10,000 contribution to the Chamber of Commerce, in the amount of \$1,739,852.36. The motion was seconded by Councilman Lester and voted upon as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

FALL CLEAN UP – On motion by Councilman Barber, seconded by Councilman Ashworth, Council set the Fall Clean-up Weeks for October 1 through October 13. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

MANAGER TERPENNY reported to Council that Virginia Department of Transportation (VDOT) consultants have done a study involving Christiansburg, Blacksburg, and portions of Montgomery County to determine eligibility to become a Metropolitan Planning Organization (MPO). In this study the areas are looked at as a region, and if the region qualifies for MPO status, it will be eligible for Regional benefits, which may include a greater sum of money received for transportation improvements. VDOT wants to hold a joint meeting on October 9, 2001, with the officials of Christiansburg, Blacksburg, and Montgomery County to explain what it means to obtain MPO status. A public hearing was held in May concerning this matter. Manager Terpenney wanted to know if the date of October 9, will be convenient for Town Council. Although Councilman Ballengee will be unable to attend on the 9th, Council asked the Town Manager to go ahead and set up the meeting for that date.

PUBLIC HEARING REQUEST – Town Manager Terpenney presented the following requests and recommended setting the public hearings for October 2, 2001.

1. Clyde Lynn Estate - Street vacation request for an unbuilt portion of Elk Drive, and rezoning request for property at the corner of Radford Street and Silver Lake Road.
2. Rezoning Request for Midway Plaza Drive from 1-2 General Industrial to B-3 General Business and a CUP request for a skating rink and putt-putt course on the same parcel.
3. Conditional Use Permit – Residential use in the B-3 General Business District on Montague Street.

On motion by Councilman Weaver, seconded by Councilman Lester, Council voted to set the Public Hearings for October 2, 2001. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

REQUEST BY OFFICER SCHACK ON BEHALF OF NEIGHBORHOOD WATCH – A request has been received by the Town from neighborhood watch citizens along Wades Lane for “No Parking” signs from Betty Drive to Clearview Drive past the Christiansburg Elementary School. Apparently, parents are parking along Betty Drive to drop off and pick up children at the elementary school. This road is narrow and stopping along it is dangerous. Principal Agnew of the elementary school has been working in conjunction with the school board to eliminate this problem. Mayor Linkous turned this request over to the Street Committee for their review and recommendation.

PROGRESS REPORTS: 22 AUGUST, 2001 – 04 SEPTEMBER, 2001

WATER: 10 water connections, 2 service line leaks, water maintenance.


SEWER: 8 sewer connections, manhole maintenance, 1 sewer stoppage.

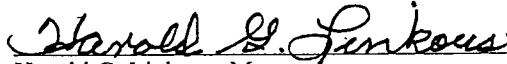
STREETS: Sign work, pipe work, patching, clean ditches and half pipe, mowing, painting traffic lines, building wall behind new police department, spraying sidewalks.

CONST.: Chrisman St., sewer line replacement - sewer lateral change over, Falling Branch Industrial Park, Sewer Project Phase II - seeding.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:00 P.M. on motion by Councilman Barber, seconded by Councilman Ashworth. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.


Michele M. Cregger, Clerk of Council


Harold G. Linkous, Mayor

September 18, 2001

**COUNCIL CHAMBERS, MUNICIPAL BUILDING, CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES ON 18 SEPTEMBER, 2001 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON 18 SEPTEMBER, 2001 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Linkous, Councilmembers Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. COUNCIL MEMBERS ABSENT: None. Also present Town Manager Terpenney, Town Clerk Cregger, and Assistant Town Manager Helms. Absent: Town Attorney McGhee.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Canada, Carter, Stipes, Dobson, Lawless, Simmons, and Wade. PLANNING COMMISSION MEMBERS ABSENT: None.

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

COUNCILMAN ASHWORTH lead those present in saying the Pledge of Allegiance.

JOINT PUBLIC HEARING

MAYOR LINKOUS called the Joint Public Hearing to order to discuss and receive comments from citizens on the following requests stating that the requests have been duly advertised in accordance with State and Local Codes.

- 1) A rezoning request by Mehdi Hazer (agent for the heirs of Hazel Keister) for property at 910 Peppers Ferry Road NW (tax parcels 434 - ((A)) - 19 and 20) from A Agricultural to B-3 General Business. The property contains approximately 0.736 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. This request was brought before Council at the 21 August, 2001 meeting, but was postponed due to there not being a quorum of Planning Commission Members present; however, several citizens who were in attendance, including those requesting the rezoning, presented their comments and questions to Council. Those comments were recorded in the minutes of 4 September, 2001. A copy of those comments is attached herewith.

In addition to the comments previously made concerning this request, Ronnie Sheppard, a resident along Route 114 said he understands there is no water or sewer on the property and questioned the operation of the business without either of these utilities. He stated that an auxiliary lane turning into the business would help with traffic control, but doesn't think the road is wide enough to accommodate such a lane. He also questioned VDOT's scheduled future repairs to Route 114, and the impact it will have on the business.

Patty Mostighami, the realtor representing Mr. Hazer, said the business will not go into operation until after VDOT begins their roadwork. At that time water and sewer will be placed on the property. VDOT is expected to take a portion of the front footage of this property making the lot small enough to only be suitable for this type of low key business. According to her, there will be very little traffic flow.

Joanne Lytton lives next to the property and is concerned with the possibility of Mr. Hazer moving out and a new business moving in. There are many different types of businesses allowed in the B-3 General Business District.

Albert Linkous of Route 114 said there is not a need for more businesses along this particular road and wishes to see the land remain A Agricultural zoning.

- 2) Conditionally on the above rezoning, a Conditional Use Permit request by Medhi Hazer for a plaster molding operation at 910 Peppers Ferry Road NW (tax parcels 434 - ((A)) - 19 and 20 presently A Agricultural seeking rezoning to B-3 General Business). There was no one present to speak for or against this request.
- 3) A Conditional Use Permit request by David and Natalie Walsh for a family day home serving six through twelve children at 230 Haymaker Street (tax parcel 528 - ((A)) - 6) in the R-3 Multi-Family District. Natalie Walsh explained to Council that she is currently keeping several children in her home and would like to provide her services to several other families in her neighborhood.

September 18, 2001

MAYOR LINKOUS closed the Joint Public Hearing and the Planning Commission withdrew to consider the requests and to make their recommendations.

REGULAR MEETING

MAYOR LINKOUS called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of 4 September, 2001. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

PLANNING COMMISSION'S RECOMMENDATIONS ON THE REQUESTS:

1. A rezoning request by Mehdi Hazer (agent for the heirs of Hazel Keister) for property at 910 Peppers Ferry Road NW from A Agricultural to B-3 General Business. The property contains approximately 0.736 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. Secretary Terpenney read the Resolution of the Planning Commission recommending Town Council deny the rezoning request.
2. Conditionally on the above rezoning, a Conditional Use Permit request by Medhi Hazer for a plaster molding operation at 910 Peppers Ferry Road NW, presently A Agricultural seeking rezoning to B-3 General Business. Secretary Terpenney reported that although this CUP is conditional on the above rezoning request, and the Planning Commission has recommended the above request be denied, the Planning Commission is also recommending that this CUP request be denied.
3. A Conditional Use Permit request by David and Natalie Walsh for a family day home serving six through twelve children at 230 Haymaker Street in the R-3 Multi-Family District. Secretary Terpenney read the Planning Commission Resolution recommending Council approve the CUP request with six conditions as set in the Resolution. The Resolution is hereby attached and made a part of these minutes.

CHRISTIANSBURG, MONTGOMERY COUNTY CHAMBER OF COMMERCE Director, Kathy Mantz, addressed Council concerning their decision at the September 4th meeting to withhold the Town's \$10,000 annual contribution to the Chamber until after the proposed merger outcome with Blacksburg Regional Chamber of Commerce. She informed Council that the contribution is needed for the Chamber's operating expenses, it will not be carried over into the next year, nor will it go into the combined Chamber if the decision is made to merge with Blacksburg. The Chamber operates on a tight budget, with fundraisers and contributions being the only means of income. Ms. Mantz asked Council to please reconsider their decision to withhold the contribution since it is needed and relied upon to help them throughout the year. Councilwoman Carter questioned the Chambers calendar/fiscal year end. Ms. Mantz told her the Chamber's tax year is March 1 through last day in February. Councilman Barber asked if the County contributed any money to the Chamber. According to Ms. Mantz, CMCC requested funds and were denied. However, the County does contribute to specific or special projects. Councilman Weaver made the motion to contribute the \$10,000 to the Chamber this year, but to reconsider the usual contribution next year based on the status of the CMCC and BRCC proposed merger. The motion was seconded by Councilman Barber, and voted upon as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None. Councilman Ballengee and Kathy Mantz both thanked Council for their reconsideration and continued support of the CMCC.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

TOWN COUNCIL ACTION ON THE PLANNING COMMISSION RECOMMENDATIONS:

1. A rezoning request by Mehdi Hazer (agent for the heirs of Hazel Keister) for property at 910 Peppers Ferry Road NW from A Agricultural to B-3 General Business. The property contains approximately 0.736 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan. A motion was made by Councilman Barber to accept the Planning Commission's recommendation and deny the request. Councilman

September 18, 2001

Ballengue seconded the motion. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None. The request is denied.

2. Conditionally on the above rezoning, a Conditional Use Permit request by Medhi Hazer for a plaster molding operation at 910 Peppers Ferry Road NW, presently A Agricultural seeking rezoning to B-3 General Business. Mayor Linkous stated that due to Council's denial of the above rezoning request, this CUP request is null and void.
3. A Conditional Use Permit request by David and Natalie Walsh for a family day home serving six through twelve children at 230 Haymaker Street in the R-3 Multi-Family District. Council was concerned with several issues mentioned in the conditions of the CUP, mainly the pool and debris. Councilman Ballengee questioned the possibility of Town liability in the case of a pool accident, if the CUP is issued. Manager Terpenney responded that there would be no liability to the Town as long as the Town inspected the property before reissuing the permit annually. Councilwoman Carter told Council that the Planning Commission did a site visit and was concerned not only with the pool but with the debris in the yard; however, the Planning Commission understands this daycare is needed in this area and they believe the stipulations in the CUP address these concerns. Ms. Walsh is currently caring for seven (7) children, and Councilman Barber stressed the importance of staying within the guidelines. Manager Terpenney reminded Council that they could add or change the conditions of the Permit if they chose. Commissioner Canada explained that the Planning Commission had reservations concerning the pool as well. The pool is what is known as a "wading" pool approximately ten (10) feet in diameter and two (2) feet deep. Ms. Walsh informed Council that the pool is seasonal and she has already taken it down for the year. Councilman Barber said he could not support this request as long as the pool is an issue, and he made the motion to change the condition concerning the pool to order that the pool be permanently removed for as long as the daycare is in operation. This motion was seconded by Councilman Ballengee and voted upon by Council as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None. Councilman Weaver made the motion to approve the CUP request as revised by Council's above vote. The motion was seconded by Councilman Ashworth, and voted upon as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

CEMETERY COMMITTEE REPORT – Councilman Weaver prepared a brief summary explaining the problems Sunset Cemetery has had in the past, including continual personnel problems resulting in poor record keeping and bookkeeping. The cemetery committee asked the Town to take over the maintenance operations and the cemetery would reimburse the Town upon billing. The Town agreed and things have operated that way since then. The cemetery is currently in the process of expanding to create additional plots and is requesting the Town do the grade work and gravel the road at a cost of approximately 11,000.00. The Cemetery would borrow the money to reimburse the Town. Councilman Weaver explained that the cemetery is operated off of the interest only from the Perpetual Care Fund, which is a small amount. Only ten percent of the plot sales are deposited into this fund. Councilman Ballengee pointed out that Town Charter does allow for the Town to help with the cemetery, and he wanted to know if the work could be completed before winter. Manager Terpenney reported that Phase I would take approximately two weeks to complete, and the cemetery has enough revenue available to reimburse for this portion of the work. On motion by Councilman Barber, seconded by Council Ashworth, Council voted to help the cemetery with their expansion project. The vote is as follows: AYES: Ashworth, Ballengee, Barber, and Lester. NAYS: None. ABSTAIN: Carter and Weaver. Councilmembers Carter and Weaver thanked the Town for their help and support.

MR. LESTER AND MS. CARTER – Street Committee Reports and Recommendations on:

1. Landscaping and crosswalks on the Route 114/Peppers Ferry Road project – Councilman Lester reported that landscaping, including wildflowers and tree plantings, can be planted along some of the cut and fill slopes along this road. Two parcels have excess right-of-way, which will allow for landscaping. Future studies will be done to choose locations for landscaping in the median sections. Councilman Lester made the motion to accept the Street Committees suggestions for landscaping along Route 114. The motion was seconded by Councilwoman Carter. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.
2. Landscaping on Roanoke Street from the bypass to I-81 – Councilman Lester reported that since the Falling Branch Interchange has opened, traffic along this section of Roanoke Street has decreased, and the paved shoulders currently serving as right turn lanes are no longer needed. The Street Committee recommended demolishing the pavement and landscaping these areas to better identify street connections and commercial entrances. These improvements should be accomplished through grants. On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to accept the Street Committee's recommendation. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

September 18, 2001

3. "No Through Trucks" signs along Alleghaney/Miller and Ellett Drive – These roads, which run through residential neighborhoods, serve as short cuts to and from Roanoke Street, and the increased truck traffic poses a significant threat to the residents' safety. This matter requires official action by Council and Councilman Lester made the motion to authorize these signs. The motion was seconded by Councilman Barber. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.
4. Request for sidewalks on Church Street – The Street Committee recommends this street be placed on the highest priority of residential streets on the Town's overall sidewalk plan. Priorities are assigned based on the type of roadway, traffic volume, pedestrian destinations, and pedestrian volume. On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to accept the Street Committee's recommendation as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.
5. The requests for "No Stopping, Standing, or Parking" signs on Wades Street, and speed limit changes along West Main, Roanoke Street, and Scattergood Drive are still being studied, and will be reported upon at a future meeting. Speed limit changes require a traffic study, which is currently in progress.
6. Resubdivision of Lots 1, 2, and 4, Kroger Store, R-345 (2 lots, N. Franklin Street). Councilman Lester reported that this request is to create a lot for a new car wash behind the gas pumps at Kroger. All is in order with the plat and Councilman Lester made a motion to approve the plat as presented, seconded by Councilman Weaver. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

TOWN MANAGER REPORTS:

TOWN MANAGER TERPENNY informed Council that the MPO (Metropolitan Planning Organization) meeting discussed at the September 4, 2001, Council meeting has been cancelled. A representative of the Planning District Commission wants to speak with each locality's administration before rescheduling the meeting.

MANAGER TERPENNY reported that the Town has received a notice to vote on the Christiansburg, Montgomery County Chamber of Commerce merger with Blacksburg Regional Chamber of Commerce. The deadline to vote is September 27, 2001, or if casting a ballot by mail, by September 26, 2001. The Town of Christiansburg counts as five votes. Councilmen Lester and Weaver both said they are uncomfortable with the idea and want to cast all five votes as "no". Councilman Ballengee said that he is not opposed to the idea, but felt the Chambers are moving too fast in making this decision. Councilwoman Carter said that it is a good plan for businesses, but it definitely needs more planning. Councilman Lester made a motion to vote "no" on all five votes for the Town of Christiansburg, seconded by Councilman Weaver. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

VML ANNUAL CONFERENCE, OCTOBER 14 – 16. Manager Terpenney reported that this conference falls on a regular Council meeting date. In the past when this has occurred, the meeting is usually cancelled, with Council rescheduling the meeting only if necessary. Currently, there are no issues to be discussed that night. Also, Friday, September 28, 2001 is the last day to cancel reservations to the conference. Councilwoman Carter said she would be unable to make it this year. On motion by Councilman Lester, seconded by Councilman Weaver, Council voted to cancel the October 16th Town Council meeting, only rescheduling if necessary. Council's vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

PUBLIC HEARING REQUEST – Town Manager Terpenney presented the following request and recommended setting the public hearing for November 6, 2001.

1. Conditional Use Permit request for storage of mobile homes, and office and construction trailers, Brammer and Houchins Street, currently storing junk and towed vehicles on site.

On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to set the Public Hearing for November 6, 2001. The vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.

COUNCILMAN BALLENGEE commended Town staff concerning the emergency plans put into place Tuesday, September 11, after the terrorist attack in New York and Washington, D.C. American Flags were promptly displayed along Main Street by our street crews as a symbol of our pride and support for our Country. Mr. Ballengee said the flags were truly outstanding. He also thanked CMCC for another successful Wilderness Trail Festival.

September 18, 2001

PROGRESS REPORTS: 05 SEPTEMBER -- 18 SEPTEMBER, 2001

WATER: 4 water connections, 2 service line leaks, water maintenance, Falling Branch water tank in service.

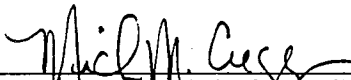
SEWER: 3 sewer connections, manhole maintenance, 1 sewer stoppage.

STREETS: Sign work, pipe work, patching, clean ditches and half pipe, mowing, painting traffic lines, bldg. wall behind police dept., spraying sidewalks, Chrisman Street improvements.

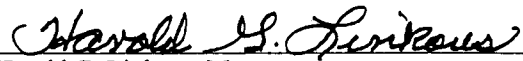
CONST.: Drainage and parking lot improvements Kiwanis Park. Clean up of Falling Branch Industrial Park sewer project-Phase II.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:09 P.M. on motion by Councilman Barber, seconded by Councilman Ashworth. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Carter, Lester, and Weaver. NAYS: None.



Michele M. Cregger, Clerk of Council



Harold G. Linkous, Mayor

October 2, 2001

**COUNCIL CHAMBERS, MUNICIPAL BUILDING, CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES ON OCTOBER 2, 2001 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON 2 OCTOBER, 2001 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Linkous, Councilmembers Ashworth, Barber, Carter, Lester, and Weaver. COUNCIL MEMBERS ABSENT: Councilman Ballengee. Also present Town Manager Terpenney, Town Clerk Cregger, Town Attorney McGhee, Assistant Town Manager Helms, and Planning Director Wingfield.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Carter, Canada, Stipes, Simmons, and Wade. PLANNING COMMISSION MEMBERS ABSENT: Commissioner Dobson.

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

COUNCILMAN ASHWORTH led those present in saying the Pledge of Allegiance.

JOINT PUBLIC HEARING

MAYOR LINKOUS called the Joint Public Hearing to order to discuss and receive comments from citizens on the following request stating that the request has been duly advertised in accordance with State and Local Codes.

1. Rezoning request by William R. and Susan S. Frye for property located west off of Silver Lake Road on an unbuilt portion of Elk Drive (tax parcels 525-((2))-36, 37, 38, 39, and 40) from R-2 Two-Family Residential to B-3 General Business. The property contains approximately 0.36 acres and is scheduled as Residential in the Future Land Use Map of the Christiansburg Comprehensive Plan.

Randy Frye, owner of the property, said that the current residential zoning is not the best use for this property since it is so close to Route 11/Radford Road, which is a heavily traveled road. The Fryes want to use the property as greenspace for the office buildings, or possibly retail business, they hope to establish on the adjoining property. Susan Volley, a neighboring resident, questioned the impact this would have on the residential zoning of the surrounding properties. Manager Terpenney replied that the rezoning would only effect the property in this request.

2. Rezoning request by Unlimited Construction, Inc. (agent for Price Development Corporation) for property on the southwestern side of the intersection of Midway Plaza Drive and Corning Drive (tax parcel 406-((2))-6) from I-2 General Industrial to B-3 General Business. The property contains approximately 4.179 acres and is scheduled as Industrial in the Future Land Use Map of the Christiansburg Comprehensive Plan.

Mr. Don Rainey, the engineer working with Unlimited Construction, Inc., addressed Council concerning the plans for this proposed business. Council was given a copy of the business plan and concept plan to review, as well as a letter of introduction and explanation of this request. This site, close to Merrimac Road, was chosen due to its location to serve both Blacksburg and Christiansburg. Both Towns have school bus routes along Merrimac Road, which will help provide transportation to after school programs at the Family Fun Center. Also, the location is a safe distance from Route 460, but is still visible from this heavily traveled road. Mr. Rainey also stated that the location is ideal due to its close proximity to shopping centers and other businesses in the area. Parents will have the opportunity to shop while their children participate in activities at the Center.

Unlimited Construction, Inc.'s initial concept for this business is a skating rink, batting cage, and 18 hole miniature golf course. The stormwater management pond located on the property can possibly be used as an ice skating rink in the winter. The site will have adequate parking and a sidewalk system. Representatives of Unlimited Construction have met with Corning representatives to discuss the concerns of Corning and what proffers needed to be offered in order to address these concerns. One of the concerns mentioned by Corning is that once the property is rezoned, should the recreational business fail, any business allowed by the B-3 zoning could be developed on this property. In response to this concern, Unlimited Construction proffered that, if the land is rezoned to B-3 General Business, the property will be used for outdoor entertainment only. Another proffer was offered to address Corning's concerns of trespassing on their private industrial access drive. Unlimited Construction proffered to erect signs to deter trespassing. Unlimited Construction, Inc. is hoping for a twenty-five foot buffer zone along Corning's driveway, however, if they are unable to get the twenty-five foot buffer, they will build an eight-foot security fence along the

October 2, 2001

drive. If they are able to retain a twenty-five foot buffer zone, then they will construct a four foot fence along this drive. Mr. Rainey stated that there will be extensive engineering to ensure the best possible land structure for this type of business. The Corning building is setback approximately five hundred and eighteen feet away from the proposed site. Mr. Anderson said that the proffers offered address all the concerns expressed by the immediate neighbors.

Mr. David Shanks, Director of the New River Valley Small Business Bureau, gave Council a handout showing the revenue and tax projections for the proposed business. He explained that not only will this recreational business bring revenue to the Town, but most businesses in the immediate area will also benefit, due to increased patronage. He stated that the taxes the business will pay are only one of the benefits to Christiansburg. Mr. Shanks said that another factor in choosing this location is that the topography of the property, while not suitable for most businesses, is ideal for a miniature golf course due to the steep slope of the land.

Mr. Anderson addressed Council again. He said that he has worked with youth for over 17 years and has always supported family togetherness. He commended the Town for the Recreation Center and the Huckleberry Trail, and wants his facility to also be a place that instills family togetherness, a place where families can spend quality time together. Several sites had been considered, but the Merrimac location seemed ideal due to its location in mid-County. The property is large enough to give space to several nonprofit youth clubs. Many different activities are a part of this plan such as roller derbys, contests, and skating, dancing, and putting lessons, as well as an educational center, snack area, and pro shop.

Jennifer Steel, a Christiansburg resident and mother of four children, said that this business would not only benefit the Town, it will also benefit the families that utilize the facility. This type of business is very common in other localities, and she would like to see one established in Christiansburg so teenagers don't have to drive to Roanoke for safe recreational activity.

Jacob Steel, a Christiansburg youth, said that this business would greatly benefit Christiansburg and the families it unites. One benefit is that it will keep children and youth out of trouble by giving them something constructive, safe, and fun to do with their time. The fact that it can draw from Blacksburg makes this site a great location.

Phil Howell, Bob Anderson's neighbor, fully supports this idea. He said that he can attest to Mr. Anderson's character, and he believes Christiansburg's youth will benefit from this facility.

Area teens, Elizabeth Steel, Ben Benson, Terry Epperly, and Justin Owens spoke in support of the skating rink and miniature golf saying that it will occupy teens and help them learn to interact with others. This type of facility is a good way to keep teens out of trouble and will provide a safe environment in which to meet others.

Helen Malchom supported the idea saying that there isn't much for today's youth to do after school and this is something safe and fun that will keep them out of trouble.

One Christiansburg resident stated that this would be a good work opportunity for the community.

3. Contingent upon the above rezoning request (item no. 2), a Conditional Use Permit request by Unlimited Construction, Inc. for property on the southwestern side of the intersection of Midway Plaza Drive and Corning Drive (tax parcel 406-((2))-6, currently I-2 General Industrial seeking rezoning to B-3 General Business) for a skating rink and miniature golf in the B-3 General Business District.

According to Mr. Don Rainey, Corning is concerned with the water drainage off of N. Franklin Street, which runs through the property in this request. Mr. Rainey has offered the following proffer in response to this concern. Unlimited Construction is proposing a perimeter swale system in the buffer line for even drainage. Plans are to extend the berm along the roadway and around the curve of the property.

Mr. Jim Hutton, Atty., addressed Council on behalf of Corning. He made it clear to Council that Corning officials are not against recreation, family, or youth clubs, it's simply that this particular site is zoned I-2 Industrial and they believe it should be preserved for future industrial development. According to Mr. Hutton, I-2 Industrial zoned property is getting harder and harder to find. Corning is not comfortable with children and families playing next to a large factory. Corning, stressed Mr. Hutton, deserves some consideration. Kelly Bridge, planning engineer for Corning, met with the landowners and no requests were made at that time. The site, Mr. Hutton said, will only compound an existing drainage problem, and the existing ditches must be cleaned out every two to three years. There are other issues as well, such as security and increased traffic flow. Corning Drive is often used as a short cut from

October 2, 2001

Merrimac Road, Midway Drive and Virginian Drive to North Franklin. This has been a constant problem, which signs and security have been unsuccessful in solving. Corning agrees this business would be an asset to the Christiansburg community, and they have fully supported the Huckleberry Trail and the Recreation Center; however, they feel the chosen site is not the best location for this development and want to see it remain I-2 General Industrial and the CUP request denied.

3. Conditional Use Permit request by T and Q Rentals, L.L.C. for property on Montague Street (a 0.152 acre portion of tax parcel 527-((A))-114) for a single-family residence in the B-3 General Business District. There was no one to speak for or against this matter.

PUBLIC HEARING

1. Street vacation request by William R. and Susan S. Frye to vacate an unbuilt portion of Elk Drive (approximately 40 feet in width by approximately 374 feet in length) located on the west side of Silver Lake Road, to the northwestern corner of tax parcel 525-((2))-36. The Town shall retain a 20-foot public utility easement centered for the entirety of the portion of Elk Drive proposed for vacation.

Mr. Floyd Childress, Jr. of Silver Lake Road, owner of the adjoining property, is strongly opposed to the street vacation request and gave Council a petition of 41 signatures opposing the request. Donald Agee, Diane Fenton, and Sarah Carroll, residents of Silver Lake and Elk Drive, said that the road should be extended on through to Silver Lake and developed to improve traffic conditions in that area. According to these folks, Silver Lake Road is very narrow and curvy, which makes travel very hazardous, and developing Elk Road will give them another option for getting to Radford Road.

MAYOR LINKOUS closed the Joint Public Hearing and the Planning Commission withdrew to consider the request and to make their recommendation.

REGULAR MEETING

MAYOR LINKOUS called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of 18 September, 2001. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

PLANNING COMMISSION'S RECOMMENDATIONS ON THE REQUESTS:

1. Rezoning request by William R. and Susan S. Frye for property located west off of Silver Lake Road on an unbuilt portion of Elk Drive from R-2 Two-Family Residential to B-3 General Business. Secretary Terpenney read the Planning Commission Resolution recommending Town Council approve this rezoning as requested.
2. Rezoning request by Unlimited Construction, Inc. for property on the southwestern side of the intersection of Midway Plaza Drive and Corning Drive. Secretary Terpenney reported that the Planning Commission is recommending that Town Council defer this request for further study and review by the Planning Commission.
3. Contingent upon the above rezoning request, a Conditional Use Permit request by Unlimited Construction, Inc. for property on the southwestern side of the intersection of Midway Plaza Drive and Corning Drive for a skating rink and miniature golf in the B-3 General Business District. The Planning Commission stated that since this request is contingent upon the deferred request above, it too will be deferred to a later date.
4. Conditional Use Permit request by T and Q Rentals, L.L.C. for property on Montague Street for a single-family residence in the B-3 General Business District. Secretary Terpenney reported that the Planning Commission is recommending that the Conditional Use Permit be issued.

SHERRI HOUSTON, CO-CHAIR OF THE CHRISTMAS STORE reported to Council that in March the Christmas Store bought the former Heilig Meyers Building on Main Street. George Shaffer is in charge of the renovations and he has prepared the building for business this fall. She reported that the project has stayed underbudget thanks to Mr. Shaffer.

October 2, 2001

Families will register in November, and the store will open for shopping on December 15. Ms. Houston said that they are thrilled to have a permanent location in which to operate their non profit organization. 4,500 square feet of the building has been reserved for rental space. Council and Town residents were invited to visit and volunteer their time.

RICHARD PANTALEO, DIRECTOR OF NEW RIVER VALLEY FREE CLINIC – Mr. Pantaleo explained that the New River Valley Free Clinic provides primary, specialty and dental care to non-insured residents in the New River Valley. Currently, the clinic is providing approximately \$2,000,000 worth of service on a 1,500,000 budget. This clinic is very significant to this area, and is celebrating its twenty-year anniversary this year. They are currently operating out of a small building with minimal parking. Montgomery County has offered them low lease on a building on Roanoke Street. The clinic would have to convert the building to medical use, and wants to write a community block grant for .5 million for this purpose. They are asking Council to help pay the grant writer, which will cost approximately \$3,500.00. Mayor Linkous turned this request over to the finance committee for their recommendation.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

TOWN COUNCIL ACTION ON THE PLANNING COMMISSION RECOMMENDATIONS:

1. Rezoning request by William R. and Susan S. Frye for property located west off of Silver Lake Road on an unbuilt portion of Elk Drive from R-2 Two-Family Residential to B-3 General Business. On motion by Councilman Lester, seconded by Councilman Weaver, Council voted to accept the Planning Commission's recommendation and approved the vote as follows: AYES: Ashworth, Barber, Carter, Lester, and Weaver. NAYS: None.
2. Rezoning request by Unlimited Construction, Inc. for property on the southwestern side of the intersection of Midway Plaza Drive and Coming Drive from I-2 General Industrial to B-3 General Business. This request was deferred by the Planning Commission for further review and study.
3. Contingent upon the above rezoning request (item no. 2), a Conditional Use Permit request by Unlimited Construction, Inc. for property on the southwestern side of the intersection of Midway Plaza Drive and Coming Drive, currently I-2 General Industrial seeking rezoning to B-3 General Business, for a skating rink and miniature golf in the B-3 General Business District. This request is deferred since it is contingent upon the above deferred request.
4. Conditional Use Permit request by T and Q Rentals, L.L.C. for property on Montague Street for a single-family residence in the B-3 General Business District. On motion by Councilman Barber, seconded by Councilman Weaver, Council voted to issue the Conditional Use Permit as follows: AYES: Ashworth, Barber, Carter, Lester, and Weaver. NAYS: None.
5. Street vacation request by William R. and Susan S. Frye to vacate an unbuilt portion of Elk Drive (approximately 40 feet in width by approximately 374 feet in length) located on the west side of Silver Lake Road. The Town shall retain a 20-foot public utility easement centered for the entirety of the portion of Elk Drive proposed for vacation. Councilwoman Carter made the motion to not vacate the unbuilt portion of Elk Drive, seconded by Councilman Ashworth. The request was denied by Council's vote as follows: AYES: Ashworth, Barber, Carter, Lester, and Weaver. NAYS: None.

APPOINTMENT OF REPRESENTATIVE AND ALTERNATE TO NEW RIVER VALLEY AGENCY ON AGING BOARD OF DIRECTORS – Mayor Linkous said that Councilman Weaver has served in this capacity for many years and recommended that he be reappointed, with Councilman Barber serving as the alternate. On motion by Councilwoman Carter, seconded by Councilman Lester, Council voted to accept the Mayor's recommendation and reappoint Councilman Weaver as representative on this Board, with Councilman Barber serving as the alternate. Council's vote is as follows: AYES: Ashworth, Barber, Carter, Lester, and Weaver. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS – On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to pay the monthly bills due 10 October, 2001, in the amount of \$832,711.43. AYES: Ashworth, Barber, Carter, Lester, and Weaver. NAYS: None.

October 2, 2001

PUBLIC HEARING REQUEST – Town Manager Terpenney presented the following request and recommended setting the public hearing for November 6, 2001.

1. Townhouse ordinance allows for lots to be created to abut common areas, whereas, residential must abut the street. The request is to make provisions in Town Code allowing residential developers to use townhouse guidelines in certain cases.

On motion by Councilman Lester, seconded by Councilman Barber, Council voted to set the Public Hearing for November 6, 2001. The vote is as follows: AYES: Ashworth, Barber, Carter, Lester, and Weaver. NAYS: None.

TOWN MANAGER TERPENNEY explained to Council a proposed ordinance to increasing handicap parking penalties from \$5.00 to \$500.00, which is the maximum allowed by Virginia State Code. The State Code allows each locality to define their own ordinances using State Code as a guideline. Currently, unlawful handicap parking is a traffic violation resulting in a 5.00 traffic ticket. According to the proposed ordinance, a handicap parking sign is not necessary as long as it is clearly marked in some manner. Manager Terpenney needs Council's approval to post the proposed ordinance. Council authorized Manager Terpenney to post the ordinance for the required two-week period.

PROGRESS REPORTS: 19 SEPTEMBER, 2001 – 02 OCTOBER, 2001

WATER: 5 water connections, 2 service line leaks, water maintenance.

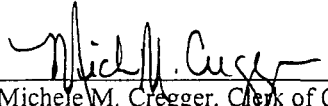
SEWER: 2 sewer connections, manhole maintenance, 1 sewer stoppage.

STREETS: Sign work, pipe work, patching, clean ditches and half pipe, mowing, painting traffic lines, building wall behind new police department, start Fall Clean-Up, Chrisman Street improvements. Junk: 6.93 tons; Brush 22.07 tons.

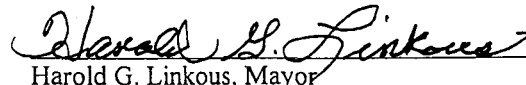
CONST.: Drainage and parking lot improvements – Kiwanis Park.

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 9:23 P.M. on motion by Councilman Barber, seconded by Councilwoman Carter. Council voted as follows: AYES: Ashworth, Barber, Carter, Lester, and Weaver. NAYS: None.



Michele M. Cregger, Clerk of Council



Harold G. Linkous, Mayor

**COUNCIL CHAMBERS, MUNICIPAL BUILDING, CHRISTIANSBURG, MONTGOMERY CO., VA.
MINUTES ON NOVEMBER 6, 2001 AT 7:30 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 100 EAST MAIN STREET, CHRISTIANSBURG, VA, ON NOVEMBER 6, 2001 AT 7:30 P.M.

COUNCIL MEMBERS PRESENT: Mayor Linkous, Councilmembers Ashworth, Ballengee, Barber, Carter, and Lester.
COUNCIL MEMBERS ABSENT: Councilman Weaver. Also present Town Manager Terpenney, Town Clerk Cregger, Town Attorney McGhee, Assistant Town Manager Helms, and Planning Director Wingfield.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Carter, Canada, Stipes, Simmons, and Lawless.
PLANNING COMMISSION MEMBERS ABSENT: Commissioners Dobson and Wade.

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

COUNCILMAN ASHWORTH led those present in saying the Pledge of Allegiance.

JOINT PUBLIC HEARING

MAYOR LINKOUS called the Joint Public Hearing to order to discuss and receive comments from citizens on the following requests stating that the requests have been duly advertised in accordance with State and Local Codes.

1. A Conditional Use Permit request by Barry Harmon (agent for Robert Young) for property at the intersection of Houchins Road and Brammer Lane (tax parcel 501-((1))-13A) for storage of industrialized building units (single-wide manufactured homes and office trailers) in the I-2 General Industrial District.

Jean Woody, a Christiansburg resident, told Council that this site is basically a junkyard and is visible from Interstate 81. She said she is amazed at the current condition of the site and stated that Christiansburg does not need this type of business within its limits. Her husband, Roger Woody, reiterated that this type of business is not needed in the Town or the County, and that the site is a junkyard that should be cleaned up. Mr. & Mrs. Woody gave Council and the Planning Commission current photos of the property to review.

Robert Young, owner of the property in this request, told Council that his site lays at such a low elevation, that, with the tree buffer surrounding the property, the condition of the site is not visible from the road.

2. Ordinance Amendment – Chapter 30 “Zoning” in regards to allowance for private common access subdivisions within the Business and Industrial Districts. Town Manager Terpenney explained that this amendment is being considered to add another option for development concerning street frontage. The amendment would allow for development of lots fronting on common areas as is allowed for townhouses.

MAYOR LINKOUS closed the Joint Public Hearing and the Planning Commission withdrew to consider the requests and to make their recommendations.

REGULAR MEETING

MAYOR LINKOUS called the Regular Meeting of Council to order and asked if there were any additions or corrections to the Minutes of 2 October, 2001. There being none the Minutes were approved as presented.

CITIZEN HEARINGS:

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

SIGN STRUCTURE AT CORNER OF N. FRANKLIN AND INDEPENDENCE BLVD – Ron Webster addressed Council, on behalf of himself and others in the VISTAVIA neighborhood, regarding the loss of the VISTAVIA sign at the corner of North Franklin and Independence Blvd. to Serendipity Communications who recently purchased the property on which the sign is located. Mr. Webster read a written statement explaining that the sign has been in that location for fifteen years and the residents of VISTAVIA believe it has become a landmark in Christiansburg. He said there is no place to

relocation the sign. He asked Council to consider passing a Resolution expressing the Town's sadness at the loss of this sign. Also, the VISTAVIA community is requesting the Town choose an alternative to replace this sign, such as (1) another sign, (2) street sign toppers, or (3) a sign located on the stoplight pole at the intersection. Mr. Webster asked Council to please review and consider these requests.

Christina Motley, owner of Serendipity Communications, addressed Council concerning some of the problems she has encountered concerning the former VISTAVIA sign located on the property she purchased for her business. After purchasing the property, she notified the previous owner concerning the sign structure located on the property. Upon no response from the previous owner, she sent letters to the residents of VISTAVIA informing them of her intentions to advertise her business on this structure, giving them a chance to respond. She wanted the residents to know that she was willing to work with them regarding the sign issue. Apparently, she received no response from those in the neighborhood. However, since that time, Ms. Motley said she has received hate mail and harassing telephone calls from the residents of the VISTAVIA neighborhood. She claims she has had to post no trespassing signs while the sign was under construction to prevent vandalism and harassment of the workers. She said she offered to help with the construction of a new sign for the community, but to date has not heard from the residents regarding her offer.

Julie Kimbrow, a resident of VISTAVIA, said that she did speak with Ms. Motley concerning her intentions for the sign, but did not expect anything from her. She would like for Council to consider the requests made earlier by Ron Webster.

Roger Woody said that the sign did belong to him at one time, but now belongs to Serendipity Communications through land ownership, and that Ms. Motley is free to do what she wants with the structure.

Mayor Linkous turned Mr. Webster's requests over to the Street Committee for their review and recommendation.

CORNING REPRESENTATIVE CONCERNING MIDWAY PLAZA REQUESTS - Kelly Bridge, representative of Corning, asked to speak at this time regarding the Midway Plaza requests to be voted on tonight. He thanked Council for visiting the site and for listening to Corning's concerns in this matter. Corning is strongly opposed to this rezoning for several reasons. They believe that this rezoning will lead to rezoning for the remaining industrial zoned land in that area. Corning also believes that this rezoning will lead to hardships with additional vehicle traffic and vehicle trespassing. Last, Corning experiences ongoing drainage problems, and the swale through the land does not have the capacity to withhold the additional flow that would come from stripped vegetation. Corning is supportive of this type of business, just not in an industrial area.

PLANNING COMMISSION'S RECOMMENDATIONS ON THE REQUESTS:

1. A Conditional Use permit request by Barry Harmon (agent for Robert Young) for property at the intersection of Houchins Road and Brammer Lane for storage of industrialized building units (single-wide manufactured homes and office trailers) in the I-2 General Industrial District. Before the Planning Commission made their recommendation, Robert Young withdrew his CUP request for this property. In spite of the withdrawal, Planning Commission Chairman, Dan Canada, reported to Council that the Planning Commission did a site visit and reviewed the pictures taken by the Woody's. The Planning Commission found that the site is in violation of the present zoning, due to the junk and debris on the property, and asked Council to allow the Town Manager and Town Attorney to immediately bring the property into zoning compliance.
2. Ordinance Amendment – Chapter 30 "Zoning" in regards to allowance for private common access subdivisions within the Business and Industrial Districts. Secretary Terpeny reported that this particular amendment has been studied twice in the past. The Planning Commission believes it is a practical amendment, and, as Commissioner Stipes pointed out, will allow for more creative designs. The Planning Commission recommended Town Council adopt the ordinance amendment.
3. Rezoning Request at Midway Plaza. This request was brought before Council at the October 2 meeting and was deferred for further review by the Planning Commission. After a site visit and further discussion with those involved, the Planning Commission recommended Town Council approve the rezoning request with the three proffers offer by the developer at the October 2 meeting. Those proffers are recorded with the minutes for that meeting.
4. Conditional Use Permit Request for Midway Plaza. This request was contingent upon the above rezoning request for Midway Plaza, and was also deferred at the October 2 meeting. Secretary Terpeny reported that the Planning Commission recommends approval of the CUP with ten conditions as set in the Planning Commission Resolution attached herewith.

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

DISCUSSIONS BY MAYOR AND COUNCIL MEMBERS:

TOWN COUNCIL ACTION ON THE PLANNING COMMISSION RECOMMENDATIONS:

1. A Conditional Use permit request by Barry Harmon (agent for Robert Young) for property at the intersection of Houchins Road and Brammer Lane for storage of industrialized building units (single-wide manufactured homes and office trailers) in the I-2 General Industrial District. This request was withdrawn by Robert Young.
2. Ordinance Amendment – Chapter 30 “Zoning” in regards to allowance for private common access subdivisions within the Business and Industrial Districts. On motion by Councilman Lester, seconded by Councilman Barber, Council voted to adopt the amendment to Chapter 30 “Zoning” of the Christiansburg Town Code. Council’s vote is as follows: AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.
3. Rezoning Request for Midway Plaza – On motion by Councilman Barber, seconded by Councilwoman Carter, Council voted to approve the rezoning with the proffers offered with the request. Councilman Lester said that while he supports the project, he can not support the site. He believes the industrial zoned property should be used for industrial growth. Council’s vote is as follows: AYES: Ashworth, Ballengee, Barber, and Carter. NAYS: Lester.
4. Conditional Use Permit Request for Midway Plaza – Councilwoman Carter said she wanted to be sure that this site would be used for recreational purposes only. Manager Terpeny said that the proffers offered for the rezoning addressed that issue. On motion by Councilman Barber, seconded by Councilman Ballengee, Council voted to issue the CUP as requested. Council’s vote is as follows: AYES: Ashworth, Ballengee, Barber, and Carter. NAYS: Lester.

MR. LESTER AND MS. CARTER – Street Committee Recommendations on:

1. Diamond Hills South, George Edward Via, 29 Lots – Councilman Lester explained that this is a Fralin Waldren Subdivision behind Vista Via, and that all is in order with the plat. On motion by Councilman Lester, seconded by Councilman Barber, Council voted to approve the plat as follows: AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.
2. Tyler Street Subdivision, Cambria Street, N.E. and Tyler Street, 2 Lots – This is one large lot being divided into two. Councilman Lester said that all is in order and made the motion to approve. The motion was seconded by Councilman Ashworth, and voted upon as follows: AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.
3. Majestic Drive Townhouses, Peppers Ferry Road, N.W. and Majestic Drive, 9 Lots – This property has previously been zoned for townhouse use and all is in order with the plat. On motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to approve the plat as follows: AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.
4. Alan Gillis Property, College Street, 2 Lots – This property is being subdivided into two lots and all is in order with the plat. On motion by Councilman Lester, seconded by Councilman Ashworth, Council voted to approve the plat as follows: AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.

TOWN MANAGER REPORTS:

MONTHLY BILLS – Manager Terpeny pointed out that the amounts due Lynchburg Crane Service, Inc. and U.S. Filter are for 4” diameter auger screws for the Wastewater Treatment Plant. These screws were installed by Town employees, which saved the Town approximately \$60,000.00. On motion by Councilman Ashworth, seconded by Councilman Barber, Council voted to pay the monthly bills due 10 November, 2001, in the amount of \$771,657.94. AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.

TAXICAB LICENSE APPLICATION – An application has been received from Christopher Lynn Jackson of Mulberry Drive in Christiansburg. The Police Department has approved this application. On motion by Councilman Barber,

TAXICAB LICENSE APPLICATION – An application has been received from Christopher Lynn Jackson of Mulberry Drive in Christiansburg. The Police Department has approved this application. On motion by Councilman Barber, seconded by Councilman Ashworth, Council voted to approve the application as follows: AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.

EMPLOYEE CHRISTMAS GIFT CERTIFICATE BIDS – In past years the Town has bid out \$25.00 Christmas gift certificates for all fulltime and permanent parttime employees, as well as employees who have retired that year. The certificates are used for food only and specify *no alcohol or tobacco*. Manager Terpenney asked if it was Council's wish to bid out gift certificates this year. On motion by Councilwoman Carter, seconded by Councilman Lester, Council voted to approve bidding of the gift certificates as follows: AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.

MANAGER TERPENNEY reported that he was notified today that the pending EEOC claim regarding an employee terminated for theft has been dismissed by the EEOC. The former employee has ninety days to file suit if he so desires.

COUNCILMAN BALLENGEE announced that the Veterans Day Parade is to be held Monday, November 12 in downtown Christiansburg at 10:15 a.m. He thanked all those who participate in this event each year.

PROGRESS REPORTS: 03 OCTOBER, 2001 – 16 OCTOBER, 2001

WATER: 3 water connections, 1 service line leak, water maintenance, relocate fire hydrant-Fairview Street.

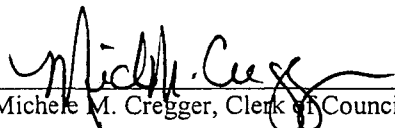
SEWER: 2 sewer connections, manhole maintenance, 1 sewer stoppage.

STREETS: Sign work, patching, clean ditches and half pipe, fall clean-up, Chrisman Street improvements. Junk - 175.05 tons; Brush - 173.79 tons; Tires – 285 small, 15 medium.

CONST.:

ADJOURN:

There being no further business to bring before Council the meeting was adjourned at 8:31 P.M. on motion by Councilman Ballengee, seconded by Councilman Barber. Council voted as follows: AYES: Ashworth, Ballengee, Barber, Carter, and Lester. NAYS: None.


Michele M. Cregger, Clerk of Council

Harold G. Linkous, Mayor

