



AGENDA

REGULAR MEETING OF TOWN COUNCIL
CHRISTIANSBURG TOWN HALL
100 EAST MAIN STREET
MARCH 12, 2019 – 7:00 P.M.

REGULAR MEETING

I. CALL TO ORDER

- A. Moment of Reflection
- B. Pledge of Allegiance

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARINGS

- A. Rezoning request by F&B LAND, LP for an amendment to proffers on an approximately 38-acre portion of tax map no. 525-A-4, located north of Diana Dr. N.W., east of Aldwych Ave. N.W., and south of Kensington Way, N.W. in the Kensington Subdivision. The property is zoned MU-1 with proffers and the request is to amend the proffers accepted with the 2006 rezoning action. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.
- B. Rezoning request by Cambria Storage Partners, LLC, agent for Kenson, Inc for an approximately 4-acre property located at 300 and 390 Cambria Street, N.W. (tax map no. 466-27-A) from the B-1, Limited Business District to the MU-1, Mixed Use: Residential-Limited Business District. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.
- C. Conditional Use Permit request, contingent on the preceding item, by Cambria Storage Partners, LLC, agent for Kenson, Inc for mini-warehouses and related retail at 300 and 390 Cambria Street, N.W. (tax map no. 466-27-A) in the MU-1, Mixed Use: Residential-Limited Business District.
- D. Conditional Use Permit request by Cole Shows Amusement Co Inc, agent for NRV Mall Associates LLC for a carnival at 782 New River Road, N.W., (tax map no. 435-A-41) in the B-3, General Business District.

IV. CONSENT AGENDA

- A. [Council meeting minutes of February 26, 2019.](#)
- B. Monthly bill list.
- C. Schedule Public Hearing for April 9, 2019 for a street vacation request by Invest Squared LLC for an ordinance to vacate an approximately 3,800 sq. ft. portion of right-of-way along N. Franklin Street located between 850 N. Franklin Street (tax map no. 496-18-1) and 900 N. Franklin Street (tax map no. 496-18-2).

V. INTRODUCTIONS AND PRESENTATIONS

- A. Update on the Montgomery-Floyd Regional Library by Director Karim Khan.
- B. Montgomery Museum of Art and History Executive Director Sue Farrar to request street closures for Cruise-In and Heritage Day events.

VI. CITIZEN COMMENTS

VII. COMMITTEE REPORTS

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

- 1. Appointment of Reba Smart to fill the vacant Parks and Recreation Advisory Commission position vacated by Tonia Winn and reappointment of Diane Fenton, Jim Williamson, and Mike Saylor to the Parks and Recreation Advisory Commission. The terms expire December 31, 2022.
- 2. Ordinance to amend Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of amending and clarifying the permitted uses in the I-2, General Industrial District. The Public Hearing was held February 26, 2019.
- 3. Ordinance to amend Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of amending and clarifying the permitted automotive service uses, including towing services, in the business and industrial zoning districts. The Public Hearing was held February 26, 2019.
- 4. [Ordinance to Amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies. The Public Hearing was held February 12, 2019, and the matter was tabled on February 26, 2019 for further review.](#)
- 5. Montgomery Museum of Art and History request for street closures for Cruise-In and Heritage Day events.
- 6. [Consideration of support for resolution supporting collection on sales tax on internet sales.](#)

7. Discussion of Montgomery Regional Solid Waste Authority request for consideration of a solid waste flow control ordinance.
8. [Merchant service fees.](#)

IX. STAFF REPORTS

- A. Town Manager
- B. Town Attorney
- C. Other Staff

X. COUNCIL REPORTS

XI. OTHER BUSINESS

XII. ADJOURNMENT

Upcoming meetings:

March 26, 2019, 7:00 P.M. – Regular Meeting

April 9, 2019, 7:00 P.M. – Regular Meeting



**TOWN OF CHRISTIANSBURG
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:
PUBLIC HEARING

Meeting Date:
March 12, 2019

ITEM TITLE:

Public Hearing for a Rezoning request by F&B LAND, LP for an amendment to proffers on an approximately 38-acre portion of tax map no. 525-A-4, located north of Diana Dr. N.W., east of Aldwyche Ave. N.W., and south of Kensington Way, N.W. in the Kensington Subdivision. The property is zoned MU-1 with proffers and the request is to amend the proffers accepted with the 2006 rezoning action. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan (RZN 2019-02).

DESCRIPTION:

The applicant requests to amend proffers accepted with the 2006 rezoning action by Montgomery County (the property was located in Montgomery County at the time of the 2006 rezoning but has since become fully located within the Town of Christiansburg). The requested amendments to the proffers are in regard to the timing of completing Diana Drive, N.W., the elimination of an extension of Buffalo Drive, N.W. between Bishops Gate Road, N.W. and Moose Drive, N.W. and the elimination of related intersection and sidewalk improvements along Buffalo Drive, a new proposed street connection located between Bishops Gate Road, N.W. and Moose Drive, N.W., the timing of a trail connection to the Christiansburg Middle School property, trail along a portion of the existing gravel access drive east of Diana Drive, N.W., and Town access to the Buffalo water tank.

The total number of lots and development standards approved for this portion of the Kensington development is not proposed to change with this request.

Planning Commission held its public hearing on February 19, 2019. At its March 4, 2019 meeting the Commission further discussed the request but did not take action. The Planning Commission is scheduled to make a recommendation to Town Council during its March 18, 2019 meeting.

POTENTIAL ACTION:

Hold Public Hearing

DEPARTMENT(S):

Planning Department

PRESENTER:

Will Drake, Planning Director

Information Provided:

Planning Commission Minutes – February 19, 2019

<https://christiansburg.box.com/s/9mf4jtrcvrwsf0qobqg37vrmdftnlwk2>

Planning Commission Minutes – March 4, 2019 (Draft)

<https://christiansburg.box.com/s/e9k0d2zvcwewxak7l8sfo4oeh8j3q65p>

Staff Report with application and maps

<https://christiansburg.box.com/s/9dqt57o0ba7ma5bl7z63etgh3qsma3v>

Draft Ordinance

<https://christiansburg.box.com/s/matnqn5ak7swnz3om0ou6yklsj9dqmok>



**TOWN OF CHRISTIANSBURG
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:
PUBLIC HEARING

Meeting Date:
March 12, 2019

ITEM TITLE:

Public Hearing for a Rezoning request by Cambria Storage Partners, LLC, agent for Kenson, Inc for an approximately 4 acre property located at 300 and 390 Cambria Street, N.W. (tax map no. 466-27-A) from the B-1, Limited Business District to the MU-1, Mixed Use: Residential-Limited Business District. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan (RZN 2019-01).

DESCRIPTION:

The applicant requests to rezone the property located at 300 and 390 Cambria Street, N.W. from the B-1, Limited Business District to the MU-1, Mixed Use: Residential-Limited Business District. The applicant has submitted a corresponding application – which is contingent on the rezoning request – for a Conditional Use Permit to use the property for a mini-warehouse business with related retail.

Planning Commission held its public hearing on February 19, 2019. At its February 19, 2019 meeting, the Planning Commission recommended approval by a vote of 8-0.

POTENTIAL ACTION:

Hold Public Hearing

DEPARTMENT(S):

Planning Department

PRESENTER:

Will Drake, Planning Director

Information Provided:

Planning Commission Rezoning Resolution

<https://christiansburg.box.com/s/5esdu1m6qosg9nwbpw6oamjg543knlia>

Planning Commission Minutes – February 19, 2019

<https://christiansburg.box.com/s/9mf4jtrcvrwsf0qobqg37vrmdftnlwk2>

Staff Report with Rezoning / CUP applications and maps

<https://christiansburg.box.com/s/pfardkgl6xo8r9ehte7mzn35yrlvzous>

Draft Rezoning Ordinance

<https://christiansburg.box.com/s/54acomxdur1jqtkixu0m35pg3ixbuaxg>



**TOWN OF CHRISTIANSBURG
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:
PUBLIC HEARING

Meeting Date:
March 12, 2019

ITEM TITLE:

Public Hearing for a Conditional Use Permit request – contingent on the preceding rezoning request – by Cambria Storage Partners, LLC, agent for Kenson, Inc for mini-warehouses and related retail at 300 and 390 Cambria Street, N.W. (tax map no. 466-27-A) in the MU-1, Mixed Use: Residential-Limited Business District (CUP 2019-04).

DESCRIPTION:

The applicant requests a Conditional Use Permit (CUP) for a mini-warehouse business with related retail at 300 and 390 Cambria Street, N.W. in the MU-1, Mixed Use: Residential-Limited Business zoning district. The request is contingent on the preceding rezoning request submitted by the applicant. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Planning Commission held its public hearing on February 19, 2019. At its February 19, 2019 meeting, the Planning Commission recommended approval by a vote of 8-0 with one condition:

1. The property shall be developed and used in general conformance with the conceptual plan and application package as presented by the applicant on February 19, 2019.

POTENTIAL ACTION:
Hold Public Hearing

DEPARTMENT(S):
Planning Department

PRESENTER:
Will Drake, Planning Director

Information Provided:
Planning Commission CUP Resolution
<https://christiansburg.box.com/s/udiddftm41zms5fcmkk3ntj5mvzb7blw>

Planning Commission Minutes – February 19, 2019
<https://christiansburg.box.com/s/9mf4jtrcvrwsf0qobqg37vrmdftnlwk2>

Staff Report with Rezoning / CUP applications and maps
<https://christiansburg.box.com/s/pfardkg16xo8r9ehte7mzn35yrlvzous>



**TOWN OF CHRISTIANSBURG
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:
PUBLIC HEARING

Meeting Date:
March 12, 2019

ITEM TITLE:

Public Hearing for a Conditional Use Permit request by Cole Shows Amusement Co. Inc., agent for NRV Mall Associates LLC, for a carnival at 782 New River Road, N.W. (tax map no. 435-A-41) in the B-3, General Business District (CUP 2019-03).

DESCRIPTION:

The applicant requests a Conditional Use Permit (CUP) to operate a carnival at 782 New River Road, N.W. in the B-3, General Business zoning district. The property is designated as Business/Commercial on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Planning Commission held its public hearing on February 19, 2019. At its March 4, 2019 meeting, the Planning Commission recommended approval by a vote of 5-0 with fifteen conditions:

1. A bond in the amount of \$5,000.00 shall be posted prior to final issuance of this CUP to insure adequate cleanup within 48 hours.
2. The carnival shall contact the Montgomery County Health Department for all necessary permits.
3. The carnival shall contact the Town Superintendent of Public Works in regards to water connections for any recreational vehicles, campers, vending areas, etc. A water meter deposit shall be required of the carnival and shall be applied toward usage.
4. The carnival shall provide portable toilets cleaned daily or more frequently as required by Virginia Department of Health standards for its patrons and shall provide holding tanks for septic on all recreational vehicles, campers, vending areas, etc. All holding tank materials shall be properly disposed of.
5. All sanitary and water connections shall be inspected by the Town prior to use and be maintained in a healthy and sanitary manner.
6. The carnival shall provide the Town with a list of all amusement devices including name of ride, manufacturer, and year manufactured.
7. A certificate of inspection for all amusement devices is to be issued by a person certified by the Commonwealth of Virginia to perform inspections of amusement devices prior to opening of the carnival.
8. Efforts shall be made to have all inspection conducted during regular Town office hours (Monday – Friday, 8:00 a.m. – 5:00 p.m.). The carnival shall reimburse the Town of Christiansburg for overtime pay for all inspections made after Town office hours.
9. A permit shall be obtained for each tent and a certificate of fire resistance for each tent shall be provided to the Christiansburg Fire Marshall prior to opening.
10. Proof of financial responsibility in the minimum amount of \$1,000,000.00 per occurrence along with a statement indemnifying the Town of Christiansburg from any liability shall be provided to the Town prior to opening.
11. The carnival operators shall be responsible for disposal of all animal droppings and these shall not be disposed of in dumpsters, sanitary sewers, or storm water systems.
12. The carnival shall not operate beyond 11:00 p.m.

13. The carnival shall be required to staff the event with at least four uniformed Christiansburg Police Officers, with additional Officers at the discretion of the Town Manager or Police Chief, and the carnival shall be responsible for paying the overtime rate for each Officer.
14. All appropriate state and local revenues including sales tax and meals tax shall be collected and submitted and documentation shall be provided to the Town.
This permit shall be valid for May 2019 only.

POTENTIAL ACTION:

Hold Public Hearing

DEPARTMENT(S):

Planning Department

PRESENTER:

Will Drake, Planning Director

Information Provided:

Planning Commission Resolution

<https://christiansburg.box.com/s/sbd9klxfm5tndzaf11th29leb6indql>

Planning Commission Minutes – February 19, 2019

<https://christiansburg.box.com/s/9mf4jtrcvrwsf0qobqg37vrmdftnlwk2>

Planning Commission Minutes – March 4, 2019 (Draft)

<https://christiansburg.box.com/s/e9k0d2zvcwewxak7l8sfo4oeh8j3q65p>

Staff Report with CUP application and maps

<https://christiansburg.box.com/s/xx18px5axh0gckz9yxr2syo0sqvm2675>

**CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
FEBRUARY 26, 2019 – 7:00 P.M.**

A REGULAR MEETING OF THE CHRISTIANSBURG TOWN COUNCIL, MONTGOMERY COUNTY, CHRISTIANSBURG, VA. WAS HELD AT CHRISTIANSBURG TOWN HALL, 100 EAST MAIN STREET, CHRISTIANSBURG, VIRGINIA, ON FEBRUARY 26, 2019 AT 7:00 P.M.

COUNCIL MEMBERS PRESENT: Mayor D. Michael Barber; Vice-Mayor Steve Huppert; Samuel M. Bishop; Harry Collins; Merissa Sachs; Henry Showalter; Bradford J. Stipes. ABSENT: None.

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Assistant Town Manager Andrew Warren; Clerk of Council Michele Stipes; Town Attorney Jim Guynn; Finance Director/Treasurer Val Tweedie; Public Relations Specialist Anaika Miller; Director of Engineering Wayne Nelson; Planning Director Will Drake; Police Chief Mark Sisson; Major Chris Ramsey; Public Works Director Jim Lancianese; Superintendent of Streets Travis Moles.

I. CALL TO ORDER

- A. Moment of Reflection
- B. Pledge of Allegiance

II. ADJUSTMENT OF THE AGENDA

III. PUBLIC HEARING

- A. Ordinance to amend Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of amending and clarifying the permitted uses in the I-2, General Industrial District.
There was no one to speak for or against this matter.
- B. Ordinance to amend Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of amending and clarifying the permitted automotive service uses, including towing services, in the business and industrial zoning districts.
There was no one to speak for or against this matter.

IV. CONSENT AGENDA

- A. Council meeting minutes of February 12, 2019.
- B. Monthly bill list.
- C. Award contract to King General Contractors in the amount of \$672,716.80 for construction of the Huckleberry Trail Phase III Base Bid.
- D. Agreement for Cooperation in Furnishing Law Enforcement Services.
- E. Schedule Public Hearing on March 26, 2019 for a street vacation request by Hash Investments LLC, for an ordinance vacating the entirety of Bristol Drive, S.E.

Mayor Barber directed that Item D be stricken from the Consent Agenda due to several minor administrative errors that needed correction.

Councilman Bishop made a motion to approve the consent agenda, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes - Aye.

V. INTRODUCTIONS AND PRESENTATIONS

A. Introduction of New Employees:

1. Casper Violette, Public Works
 - Shane Scott, Maintenance Worker, Streets
2. Mike Huesman, Public Works
 - Kevin Floyd, Maintenance Worker, ROW

B. Ernie Wade of the Kiwanis Club of Christiansburg to request September 21, 2019 street closures for Wilderness Trail Festival.

Mr. Ernie Wade and Mr. Jim Vanhoozier, representatives of the Kiwanis Club, presented a request for street closures during the Wilderness Trail Festival on September 21, 2019. A map indicating specific closures was provided to Council for review. Mr. Wade noted that the closure locations would be the same as during last year's festival, and Mr. Vanhoozier explained the planned layout of vendors. Mayor Barber noted that appropriate department heads and the events coordinator had reviewed the request and support the street closures as requested. Councilwoman Sachs commented that she heard complaints last year from citizens that tenants could not access their property due to the street closures. Mr. Wade said that Commerce Street would be left open as an access point. Councilman Huppert talked about the success of the Wilderness Trail Festival and thanked the Kiwanis Club for its efforts in organizing the downtown event. Councilman Showalter echoed Mr. Huppert's comments and stated he receives positive feedback about the event each year from citizens.

- C. Montgomery Museum of Art and History Executive Director Sue Farrar to present on Museum programs. Ms. Farrar was unable to be present.
- D. Montgomery Regional Solid Waste Authority Executive Director Alan Cummins and Attorney Paul Jacobson to speak in regards to a solid waste flow control ordinance.

Mr. Cummins thanked Council for the opportunity to speak and introduced Attorney Paul Jacobson who provided Council with a brief history on the creation of the Montgomery Regional Solid Waste Authority (MRSWA) by Christiansburg, Blacksburg, Montgomery County, and Virginia Tech, for the purpose of establishing a regional solid waste disposal and recycling facility for member locality use. MRSWA relies on volume of received solid waste tonnage for economies of scale and members' fee rates are effected positively by increases in volume and negatively by declines. MRSWA anticipates the potential for increased costs due to volume increases by private collection companies. As a result, MRSWA is requesting member localities adopt a solid waste flow control ordinance as allowed by State Code. The flow control

ordinance would require all solid waste collection in Montgomery County to be taken to MRSWA for disposal, including collections by private companies. The proposed flow control ordinance would not effect the ability of private companies to be paid for solid waste collection, but would only direct where solid waste collection could be disposed of. Mr. Jacobson noted that Virginia Tech would be exempt from participating in the ordinance adoption, because it controls all of its solid waste collection and is already contractually bound to dispose at MRSWA. Mr. Jacobson talked about the legal aspects of the ordinance, which is permitted by law for facilities that are publicly owned. Councilman Stipes recognized Barry Helms, Town representative on the MRSWA, and asked for his opinion on the proposed flow control ordinance. Mr. Helms stated that the long-term impact of the ordinance could serve the Town well, and he urged Council to consider the request. Mr. Cummins spoke to the success of the Town's recycling program, which he noted had evolved through public programs and information. Mr. Cummins thanked Council for its time and consideration.

VI. CITIZEN COMMENTS

- A. Remon Yassa, Owner/Manager of Christiansburg BP Handy Mart, reiterated his proposal of March 27, 2018 that the Town reduce its cigarette tax to \$1/carton and \$0.10/pack as a way to increase revenue for businesses and the Town. Mr. Yassa reported that the legal age for smoking would increase from 18 to 21 in July 2019, and noted that approximately 40% of smokers are between 18 and 21. As a result, business that sell cigarettes are expected to experience an overall decline in revenue. Mr. Yassa thanked Council for its consideration.
- B. Chris Waltz, 1370 Rigby Street, expressed concern that the proposed ordinance to amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies Ordinance would violate the constitution by suppressing the right to free speech. Mr. Waltz talked about the importance of the freedom of speech and freedom of press afforded by the constitution, and said it was a slap for Council to consider approving the ordinance amendment.
- C. Lisa Gardner, 11 Phlegar Street, provided Council with a copy of the Constitution, and talked about the first amendment that provides free speech rights under federal law. Ms. Gardner said that government bodies were not given the right to restrict free speech, and that the fee provided for in the proposed ordinance to amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies Ordinance was a restriction. Ms. Gardner also expressed opposition to portions of the ordinance amendment that she said restricted the right to demonstrate.
- D. Jared and Marie March, 2198 Sowers Road, Floyd, spoke in opposition to the proposed ordinance to amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies Ordinance. Mr. March explained that he understood the safety concerns as laid out in the ordinance that pertained to "events", but stressed that "assemblies" were different and should not be restricted with a fee or application wait time, and he cautioned against approving the ordinance for the sake of safety. Mr. March stated that the proposed ordinance amendment was unconstitutional, and to approve it would erode the God-given rights of the people. Mrs. March noted that Council had been provided an ACLU information sheet for review.

VII. COMMITTEE REPORTS

- A. Councilwoman Sachs reported that the Central Business District Committee would meet tomorrow to discuss the Town's recycling program.

VIII. DISCUSSION BY MAYOR AND COUNCIL

- A. Ordinance to Amend Chapter 18, Finance and Taxation -- Article VII. Transient Lodging in regards to Homestay uses. The Public Hearing was held February 12, 2019.

Councilman Showalter made a motion to approve the ordinance amendment as presented, seconded by Councilwoman Sachs. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. Ordinance to Amend Chapter 26, Public Safety by Enacting Article IV. Special Events and Other Outdoor Assemblies. The Public Hearing was held February 12, 2019.

Major Chris Ramsey was present to answer questions. Town Manager Wingfield reported that he received a telephone call from Jason Lambert of Salem opposing the proposed ordinance amendment as he considered it a violation of rights.

Councilwoman Sachs stated that she believed further clarification was needed regarding the items regarding video-making and religious gatherings, and requested further information on both topics. She further noted that she understood the reason for the application fee, but requested that it be waived, expressing that free speech should be free. In addition, Ms. Sachs noted that the ACLU information states that permits are not required for assemblies; therefore, in light of her concerns, Ms. Sachs made a motion that Council table this matter for further review, with a vote on March 12. Councilman Bishop seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- C. Kiwanis Club of Christiansburg request for September 21, 2019 street closures for Wilderness Trail Festival.

Councilman Stipes made a motion to approve the street closure request as presented, seconded by Councilman Bishop. Council voted on the motion as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- D. Consideration of resolution of support for allowance of local government collection on sales tax on internet sales.

Councilwoman Sachs expressed support for taking a formal stand for sales tax collection of internet sales, noting that the Town is losing revenue by not doing so. Councilman Stipes said this was out of the Town's purview and is not in favor of taking a formal stand on the matter. Councilmen Showalter, Collins, Bishop each expressed interest in receiving additional information for consideration, and Council directed Town Manager Wingfield to develop a resolution and present it to Council for consideration. Town Manager Wingfield noted that Blacksburg and the County had approved support for collection of sales tax on internet sales in response to a Chamber of Commerce request. Mayor Barber noted this has been discussed by Council in the past.

E. VT Montgomery Executive Airport Authority – FY 2019/2020 Finance Report/Request. (Stipes)

Councilman Stipes gave a brief background on the Town's involvements as members of the NRV Airport and the Virginia Tech Montgomery Executive Airport, and presented a request from the Virginia Tech Montgomery Executive Airport Authority to increase the annual membership contribution from \$50,000 to \$60,000. The airport is in need of on-site airplane repair services, and noted that the airport turns every \$1 of local money into \$18.5 through grants. As the liaison, Mr. Stipes said he only supported the increase if the other members were willing to participate. Council expressed support for adding the \$10,000 increase to the FY 2019-2020 Annual Budget.

IX. STAFF REPORTS

A. Town Manager Wingfield:

- Mr. Wingfield provided an update on the review of the three Public-Private Education and Infrastructure Act (PPEA) proposals received for development of the former Truman Wilson land into a Town park. Mr. Wingfield stated that Council can review the proposals by the full-body or establish a smaller committee to review the proposals. If a committee were to be preferred, then he recommended having a Parks and Recreation Advisory Commission member, the Parks and Recreation Advisory Commission's Council liaison (Councilman Collins), and at least one member representative of the Finance Committee on the committee. Mayor Barber said that both Finance Committee could even serve depending on available. Mr. Wingfield mentioned that the Parks and Recreation Advisory Commission had previously selected Cord Hall as its representative should Council prefer the Committee route. Additionally, the Staff involved in either option would be the Directors of Engineering, Finance, and Parks and Recreation, the Assistant Town Manager, and himself. Council, by consensus, agreed to the committee option instead of a full-Council review given the difficulty in scheduling meetings for this first stage. Mr. Wingfield briefly highlighted a potential schedule moving forward with a Council final decision on the PPEA occurring on April 23, 2019. Council scheduled a preliminary PPEA Committee meeting for March 5, 2019 at 5:00 P.M.

B. Town Attorney:

C. Other Staff:

X. COUNCIL REPORTS

- A. Councilman Huppert reported on the Relay for Life fundraising at the aquatic center on March 14, 2019, and praised legislation that raised the legal smoking age from 18 to 21.
- B. Councilwoman Sachs, no report
- C. Councilman Stipes reminded Council of the ACCE fundraiser event this Thursday in partnership with Virginia Tech at Cassell Coliseum. Mr. Stipes said he planned to attend and encourage fellow Councilmembers to attend. Councilman Showalter said the ACCE program was also hosting a 5K fundraiser and he would provide further details once they are available to him.
- D. Councilman Showalter reported that the Water, Sewer, Solid Waste, Stormwater Committee was scheduled to meet tomorrow with a full agenda. Mr. Showalter said he would like to schedule a work session to discuss with Council the results and recommendations from that meeting.

- E. Councilman Collins reported on the Montgomery County Drug Court that graduated three participants last Friday at its inaugural graduation ceremony, and noted that the county spends \$156,000 each year on community services, like the drug court program. Pulaski County also has a drug court program. Mr. Collins then reported that the CHS wrestling team broke their 17-year winning streak and lost the state championship this year. However, several athletes on the indoor track team, and dive team, won state championships and will be recognized by Council at a future meeting.
- F. Mayor Barber noted he would prepare resolutions for each of the high school athlete state champions, and requested Council let the Clerk of Council know the dates they are available to meet in a work session to discuss matters from the Water, Sewer, Solid Waste, Stormwater Committee.

XI. OTHER BUSINESS

Councilman Showalter thanked Boys Scout Troop 141 for being present and leading out in the Pledge of Allegiance. Mr. Showalter said he was a former Boy Scout in Troop 141, and introduced to the troop Mayor Barber and Councilman Stipes who are Eagle Scouts.

- A. Closed Meeting:
 - 1. Councilman Huppert made a motion to enter into a Closed meeting in accordance with Code of Virginia § 2.2-3711(29) for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. The Closed Meeting pertains to discussions regarding the Market Place performance agreement. Councilman Showalter seconded the motion and Council voted as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes - Aye.
 - 2. Reconvene in Open Meeting.
 - 3. Certification. Councilman Huppert moved to certify that the Town Council of the Town of Christiansburg, meeting in Closed Meeting, to the best of each member's knowledge, discussed only the matters lawfully exempt from open meeting requirements by Virginia Law and only such matters as are identified in the Resolution to enter into Closed Meeting. The motion was seconded by Councilman Showalter and voted upon as follows: Bishop – Aye; Collins – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes - Aye.
 - 4. Council action on the matters. No action was taken by Council.

XII. ADJOURN

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 8:26 P.M.



**TOWN OF CHRISTIANSBURG
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:
DISCUSSION & ACTION

Meeting Date:
March 12, 2019

ITEM TITLE:
Special Events and Other Outdoor Activities

DESCRIPTION:
The public hearing was held on February 12, 2019. On February 26, 2019, Council voted to table action and scheduled a work session to be held on March 5, 2019. At the work session, Council directed staff to remove the “\$25 fee” for all special events and demonstrations. The other fees for special events--such as for a two-day festival—remain in the draft ordinance. Councilwoman Sachs also asked staff to consider revising the language under Section 26-251(a) (2) to clarify that an individual videoing an event does not need a permit. The following language has been added to the draft ordinance that staff believes adequately addresses this concern. The proposed language is: “This subsection shall not apply to an individual taking videos or photographs of events which occur without staging.” The draft ordinance dated March 8, 2019 reflecting these changes is provided by a link below.

Also at the work session, Councilman Showalter asked that links to the reference documents the Town Attorney and staff used in drafting the ordinance be made available to Council and the public. The links are provided below and include the Cox v. New Hampshire (1941) Case Summary – the third paragraph on Page 5 is very good, the Local Government Attorneys Association Ad Hoc Subcommittee on Public Demonstrations Report, and various other supporting documents.

POTENTIAL ACTION:
Action by Town Council

DEPARTMENT(S):
Police Department/Town Manager’s Office

PRESENTER:
Major Chris Ramsey
Andrew Warren, Assistant Town Manager

Information Provided:

- Draft Ordinance 2019-1 (3/8/19)
<https://christiansburg.box.com/s/pt59cym4u12r84rgrqfuiufom2vm3t7o>
- Cox v. New Hampshire (1941) Case Summary
<https://christiansburg.box.com/s/fx8rylhq2j609o4m722iu56cyx589l2e>
- Local Government Attorneys Association Ad Hoc Subcommittee on Public Demonstrations Report – “Outline of Traditional Public Forum Laws with a Special Emphasis on Demonstration Permits” (January 11, 2018)
<https://christiansburg.box.com/s/tyoo7dctqx2jrnuyjg20v1x0967de9ar>

- Permitting Reference Document “Governor’s Task Force on Public Safety Preparedness and Response to Civil Unrest” (December 2017)
<https://christiansburg.box.com/s/8hts4vlnigoe5r93wfmomq51lppt142>
- After-Action Response Report “Virginia’s Response to the Unite the Right Rally” prepared by the International Association of Chiefs of Police (December 2017)
<https://christiansburg.box.com/s/wi9h1h5pwrumpfb08catji50kn0q2w>
- Final Report: Independent Review of the 2017 Protest Events in Charlottesville, Virginia prepared by Hutton & Williams LLP (November 24, 2017)
<https://christiansburg.box.com/s/hnkaoaknycql3jvzjsxyeent83rivbx8>
- Permitting Demonstrations: Guiding Principles prepared by ACLU Virginia (2018)
<https://christiansburg.box.com/s/cbpdiafpbnzusxn90sct2xe09cf3auwe>

TOWN OF CHRISTIANSBURG

Established November 10, 1792

Incorporated January 7, 1833



RESOLUTION SUPPORTING VIRGINIA PROVISIONS TO ALLOW LOCAL GOVERNMENTS TO COLLECT INTERNET SALES TAX

WHEREAS, Many state and local governments rely on the collection of sales and use taxes to support funding for needed infrastructure improvements, strengthen local small businesses, create jobs for their citizens, and fund essential services; and,

WHEREAS, Local small businesses that collect sales tax confront expanded competition from the explosion of Internet sales by remote sellers who under longstanding law cannot be required to act as tax collection agents by a customer's state; and,

WHEREAS, National studies reveal that state and local governments lose approximately \$30 Billion each year from uncollected sales taxes from transactions involving remote Internet retailers; and,

WHEREAS, It is projected that the Town of Christiansburg and Montgomery County are currently losing potential revenue dollars annually from uncollected sales and use taxes from remote online sales; and,

WHEREAS, State and local associations, including the Virginia Municipal League, Government Finance Officers Association, the National League of Cities, the National Association of Counties, the United States Conference of Mayors, and the National Governors Association, along with partners in the retail community, worked together for years to change the state and federal laws; and,

WHEREAS, To eliminate the competitive disadvantage faced by local small business retailers and to recover sales tax revenue for the states, in 2013 the United States Senate passed the Marketplace Fairness Act which would have permitted states to require remote sellers to act as their collection agents; and,

WHEREAS, The Virginia General Assembly has acted to adopt SB 1083 and HB 1722 which would apply to all internet sales facilitators to allow such collection; and,

WHEREAS, The market disadvantage for brick and mortar stores and the lost sales tax revenue to states and localities persists which has led some jurisdictions to raise other taxes; and,

WHEREAS, Alternative solutions have recently been circulated which level the playing field and return revenue to the states without imposing significant burdens or permitting regulation without representation.

NOW, THEREFORE, BE IT RESOLVED, By the Council of the Town of Christiansburg, Virginia that:

1. Town Council urges Virginia to enact compromise legislation during the 2019 session that will level the playing field for retailers and recover lost revenue for states while keeping compliance simple for sellers and not letting states tax and regulate beyond their borders.
2. Town Council supports the General Assembly compromise reached during the 2019 session to send a clear and unequivocal message that Virginia supports small business women and men who create jobs, produce revenues to support essential infrastructure improvements, and create a stronger and more resilient economy for the benefit of all Americans.
3. Town Council directs the Town Manager to provide an attested copy of this Resolution to Governor Ralph Northam.

The vote on the foregoing resolution was as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Samuel M. Bishop				
Harry Collins				
Steve Huppert				
Merissa Sachs				
Henry D. Showalter				
Bradford J. Stipes				
D. Michael Barber, Mayor*				

*Votes only in the event of a tie.

D. Michael Barber, Mayor

ATTEST:

Michele M. Stipes, Clerk of Council



MEMORANDUM

TO: Town Council

FROM: Val Tweedie

DATE: 1-31-2019

REGARDING: Merchant Service Fees

It has been requested that we review our policies and costs regarding merchant service fees for collection of funds owed to the Town. Currently we do not charge any fees for the ability to pay by credit card either in house or on line for our utility customers that pay via web pay/on-line. The fact that we do not charge for these payment methods is broadly known and published in our welcome books and explained to all new customers when they sign up for utility services. We do charge \$10 for all payments taken over the phone. This charge was enacted primarily because of the high volume of calls for such payments on the last several days of tax collections and on cutoff days. We pay substantially higher fees to the credit card company for these transactions because the card is not present.

For our web pay transactions we currently pay about 2.85% in merchant service fees and for in house transactions we pay an average of 1.85% in merchant service fees. Monthly auto pay drafts from bank accounts are no cost to us presently. On-line payments are only for utility billing. We do not have a mechanism for other fees or taxes to be paid on-line with the exception of Recreation and Aquatics that utilize Active net to process their transactions. Fees for Active net are not included here. E-checks through our on-line bill pay currently cost an average of 1%. Approximately 29% of our annual utility bill payments are processed through on line bill pay, and about 6% are processed through monthly auto pay bank drafts.

We process approximately \$28.6 million in transactions through the cashiers for utility bills, tax payments and other miscellaneous charges. Of the total of these transactions 19% are processed via credit card, debit card and e-check; both in house and on line. 3% are via monthly auto bank draft and the remaining 78% of the transactions are via cash or check. The percentage for credit card use both on-line and in house has been growing by approximately 10% per year.

From January 2018 to December 2018 we paid \$31,740 in merchant service fees for all in house credit and debit card transactions, and \$97,900 in merchant service fees for all on-line payment transactions. In house credit card volume was \$1,704,000 and on-line e-check and credit card volume was \$3,833,000.

The question that has been raised is whether customers should pay a fee for the use of online services, web pay, and use of credit cards in house. There are various different payment vendors on the market that may be able to interface with our software that can add a convenience fee to the payment processing. The degree to which they may be able to segregate the processing by type etc. is yet to be determined.

If we want to change our policy about charging customers a convenience fee for the use of credit cards and potentially web-payments, we will need a fairly long lead time to change our welcome booklets, how we explain these charges to customers and to inform citizens about the changes as well as selecting new vendors and implementing new software and technology to accomplish that objective. In light of our current undertaking to assess our software needs and potentially new systems, it would be helpful to have a direction set in this regard as we look to new software vendors and their ability to be flexible in the platforms that can be provided to meet any new policies we would like to implement.