



AGENDA

REGULAR MEETING OF TOWN COUNCIL
CHRISTIANSBURG TOWN HALL
100 EAST MAIN STREET
JULY 13, 2021 – 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. Public hearing regarding an ordinance amending Chapter 30 “Streets, Sidewalks and Other Public Places” of the Christiansburg Town Code regarding provisions for utilization of public on-street parking by mobile food preparation vehicles (food trucks).

IV. CONSENT AGENDA

- A. Approval of Minutes of June 22, 2021.
- B. Purchase of Data or Cellphone Service and Related Devices with Verizon. This agreement costed approximately \$135,000 in Fiscal Year 2020-21, though the actual costs incurred under the agreement will depend on actual devices, data usage, and cell phone services.
- C. Cancel public hearing on July 13, 2021 and schedule public hearings for July 27, 2021 for a Proffered Rezoning request by Deerfield Home Estates LLC to rezone Tax Parcel 496 - ((A)) -68 and 496 - ((A)) - 73 (4.711 acres) from Agricultural (A) and Two-Family Residential (R-2) to Single Family Residential (R-1) and a Conditional Use Permit for a Planned Residential

Development on the same acreage. The proposal is to construct 24 single-family detached dwellings. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

- D. Schedule a public hearing for a commercial auto garage at 1250 Roanoke Street for Tax Parcel 498 – ((7)) – 16A, 498 – ((7)) – 17A, and 498 – ((A)) – 113C by Glenwood Martin on behalf of Twin Oaks Properties LLC for August 24, 2021. The property is designated Business/Commercial on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

V. INTRODUCTIONS AND PRESENTATIONS

- A. Chris Sanchez of Christiansburg Institute and Bob Poff of the Montgomery Museum of Art & History to present on proposed African-American History and Storyboard Project for the northeast quadrant of the Town Square (the U.S. Post Office quadrant).

VI. CITIZEN COMMENTS

VII. COMMITTEE REPORTS

- A. Stipes and Bishop – Street Committee Report/Recommendation
 - 1. Plat of Lot Line Relocation Between Tax Parcel 528 – ((47)) – 2D and Tax Parcel 529 – ((34)) – 2A located in the Falling Branch Corporate Park.

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

- A. Amendment of proffers for conditional zoned property for The Reserve at Round Meadows by Shah Development LLC (applicant/property owner). The change of proffers would allow an increase of five (5) additional lots for a total of no more than 56 single-family detached dwellings. The development is adjacent to Round Meadow Drive on Tax Parcel 494 – ((A)) – 62 and 63, Tax Parcel 495 – ((A)) – 64, and Tax Parcel 494 – ((A)) – 55E1 – 55E3.
- B. Revised Conditional Use Permit for a Planned Housing Development for The Reserve at Round Meadows subdivision by Shah Development LLC (applicant/property owner) to allow an increase of five (5) additional lots for a total of no more than 56 single-family detached dwellings. The development is adjacent to Round Meadow Drive on Tax Parcel 494 – ((A)) – 62 and 63, Tax Parcel 495 – ((A)) – 64, and Tax Parcel 494 – ((A)) – 55E1 – 55E3.
- C. Discussion of proposed African-American History and Storyboard Project for the northeast quadrant of the Town Square (the U.S. Post Office quadrant).

- D. An Ordinance amending Chapter 30 “Streets, Sidewalks and Other Public Places” of the Christiansburg Town Code regarding provisions for utilization of public on-street parking by mobile food preparation vehicles (food trucks).

IX. STAFF REPORTS

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

X. COUNCIL REPORTS

XI. OTHER BUSINESS

XII. ADJOURNMENT

Upcoming meetings of Council:

July 27, 2021, 7:00 P.M. – Regular Meeting

August 10, 2021, 7:00 P.M. – Regular Meeting

CHRISTIANSBURG TOWN COUNCIL
CHRISTIANSBURG, MONTGOMERY CO., VA.
REGULAR MEETING MINUTES
JUNE 22, 2021 – 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 JUNE 22, 2021 AT 7:00 P.M.

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

ADMINISTRATION PRESENT: Town Manager Randy Wingfield; Assistant Town Manager Andrew Warren; Town Attorney Reid Broughton; Executive Assistant/Clerk of Council Tracy Heinline; Finance Director Valerie Tweedie; Assistant Director of Engineering Mike Kelley.

REGULAR MEETING

I. CALL TO ORDER

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

II. ADJUSTMENT OF THE AGENDA

Councilwoman Hicks made a motion to separate item A., Approval of Minutes of June 8, 2021 under the consent agenda. Councilman Bishop seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

III. PUBLIC HEARINGS

- A. Amendment of proffers for conditional zoned property for The Reserve at Round Meadows by Shah Development LLC (applicant/property owner). The change of proffers would allow an increase of five (5) additional lots for a total of no more than 56 single-family detached dwellings. The development is adjacent to Round Meadow Drive on Tax Map 494 – ((A)) – 62 and 63, Tax Map 495 – ((A)) – 64, and Tax Map 494 – ((A)) – 55E1 – 55E3.

John Neel, Engineer, Gay and Neel, referenced the map of the above rezoning showing the recommended five additional lots. He explained the prior subdivision plat had been approved at a previous Council meeting and originally as part of the overall development design by the Shah Development team. He stated that Shah Development had planned on building the said lots, but the additional five lots had not been included. Mr. Neel explained that because of housing demands there was an opportunity to add five additional, single family, detached dwellings. He added that these additional lots would be \$30,000 worth of connection fees for water and sewer revenue for the Town.

- B. Revised Conditional Use Permit for a Planned Housing Development for The Reserve at Round Meadows subdivision by Shah Development LLC (applicant/property owner) to allow an increase of five (5) additional lots for a total of no more than 56 single-family detached dwellings. The development is adjacent to Round Meadow Drive on Tax Map 494 – ((A)) – 62 and 63, Tax Map 495 – ((A)) – 64, and Tax Map 494 – ((A)) – 55E1 – 55E3.

The public hearing was opened. With no speakers on the item, the public hearing was closed.

IV. CONSENT AGENDA

- A. Approval of Minutes of June 8, 2021.

Councilman Stipes made a motion to approve the minutes of June 8, 2021 as presented. Councilman Showalter seconded the motion.

Councilwoman Hicks expressed concern that the June 8, 2021 minutes were incomplete. She stated that information including a letter from Commonwealth's Attorney Mary Pettitt was not included as well as an email from Delegate Nick Rush that was discussed at the previous Council meeting. Mrs. Hicks also stated a conversation was left out of the minutes concerning her asking Mayor Barber and Town Manager Wingfield for guidance with COIA forms. Mayor Barber explained the videos could be viewed online if there were any concerns or questions.

Council voted as follows: Bishop – Aye; Hicks – Nay; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. Monthly Bill List.

- C. Contract with Alvis-Laing Electric Company for lights over the leisure, therapy, and competitive pools at the Aquatic Center in the amount of \$481,059.26.

Councilwoman Sachs made a motion to approve items B. and C. of the Consent Agenda. Councilman Huppert seconded the motion.

Councilwoman Sachs noted that she was pleased to see a local business such as Alvis-Laing Electric be involved in Town improvements.

Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

V. INTRODUCTIONS AND PRESENTATIONS

No introductions or presentations.

VI. CITIZEN COMMENTS

No citizen comments.

VII. COMMITTEE REPORTS

Councilwoman Sachs reported that a Central Business meeting would be held on June 23, 2021 at noon.

Councilman Bishop reported the Facade Grant Committee had previously met two times and there were currently five applications being reviewed that would be brought before Town Council soon.

VIII. DISCUSSION AND ACTION BY MAYOR AND COUNCIL

- A. Conditional Use Permit request by John D. Elmore for a contractor storage yard in the General Business (B-3) zoning district at 710 Peppers Ferry Road, N.W. (Tax Parcel 435 – ((A)) – 23)). The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Councilman Stipes made a motion to approve the conditional use permit request by John D. Elmore for a contractor storage yard at 710 Peppers Ferry Road, N.W. with the recommended conditions by the Planning Commission. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- B. Conditional Use Permit request by Aztec Rental (applicant) on behalf of New River Community College for a contractor storage yard in the General Business (B-3) zoning district at 412 Roanoke Street, (Tax Parcels 527 – ((A)) – 200 and 527 – ((A)) – 202). The property is designated Business/Commercial on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Councilwoman Sachs made a motion to approve the conditional use permit request by Aztec Rental for a contractor storage yard at 412 Roanoke Street with the recommended conditions by the Planning Commission. Councilman Stipes seconded the motion. The motion was clarified to condition the approval on the most recent drawing that was provided by Bill Brown to Town Council at its public hearing to locate the heavier equipment area closer to Roanoke Street than originally proposed.

Councilwoman Hicks stated she owned a property near the 412 Roanoke Street location and wanted to make Council aware in order for there not to be a perception of conflict of interest. Mrs. Hicks also stated that although she was pleased that Aztec Rental could be placing a contractor storage yard on Roanoke Street, she expressed concern for the heavier equipment coming through the neighborhood. She inquired if Council felt the need to lower the weight of the equipment allowed in the neighborhood. Council agreed that lowering the weight of the equipment was not a concern at this time. Mrs. Hicks also wanted the public to be aware that the portion of the property further up Hagan Street would not be used at this time and houses had not been proposed. Councilman Stipes stated he had spoken with Ms. Devon Johnson of 105 Lester Street and stated her concern about emissions from the diesel fuel from the heavy equipment and Mr. Stipes had suggested she contact Aztec Rental personally. Aztec Rental relayed to Ms. Johnson that any heavy equipment would be stored on trailers and in the heavy equipment storage area. Mayor Barber reminded Council that this would be reviewed by the Planning Commission again in twelve months. Councilwoman

Hicks inquired when the fencing work would take place. Cody Brown from Aztec Rental explained they were waiting on closing of the property and should be completed within the year. He expressed that the building of the fence would depend on the availability of the lumber and the fence companies.

Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- C. Resolution to Approve the Real Estate tax rate for 2021 at \$0.16 per \$100 in assessed value.

Councilman Stipes made a motion to approve the current Real Estate tax rate for 2021. Councilwoman Sachs seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- D. Resolution to Approve the Personal Property tax rate for 2021 at \$0.45 per \$100 in assessed value.

Councilwoman Sachs made a motion to approve the personal property tax rate for 2021. Councilwoman Hicks seconded the motion and Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- E. Resolution to Adopt the Budget for FY July 1, 2021 to June 30, 2022.

Councilwoman Sachs made a motion to approve the Resolution to Adopt the Budget for FY July 1, 2021 to June 30, 2022. Councilman Huppert seconded the motion.

Councilwoman Hicks questioned page two under the proposed budget. She explained that Council had voted on the water increase at a previous meeting, but the verbiage was not clear in her opinion. She stated it was deferred for another year but there should be more clarification for the rates for 2021. She explained it was really taking place this year in July. Finance Director Valerie Tweedie explained it was still deferred one year but she would make it a little clearer in the final budget.

Council voted as follows: Bishop – Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

- F. Resolution to Appropriation the funds approved in the FY July 1, 2021 to June 30, 2022 Budget.

Councilwoman Sachs made a motion to approve the Resolution to Appropriation the funds for FY July 1, 2021 to June 30, 2022 Budget. Councilman Huppert seconded the motion.

Councilwoman Hicks wanted to clarify that the American Rescue Plan money was under the expenditures for the year and that the new park was under capital projects. Mayor Barber explained the recovery money was in the budget but not specifically assigned at this time.

Council voted as follows: Bishop -Aye; Hicks – Aye; Huppert – Aye; Sachs – Aye; Showalter – Aye; Stipes – Aye.

IX. STAFF REPORTS

A. Town Manager

Town Manager Wingfield reported he had received a request to recognize Carmen Graves for competing in the U.S. Track and Field Olympic Trials in the steeplechase division. Ms. Graves is the daughter of Town employee Sharon Graves. Carmen Graves placed fifteenth in that division.

Mr. Wingfield stated he also had received a request to allow food trucks to set up on-street parking. He explained that historically the Town had not allowed food trucks on the streets although they have been allowed for temporary events and that he had allowed temporary scenarios, such as construction trailers, cleaning buildings, etc. Mr. Wingfield stated that with the new Iron Tree Brewing Company grand opening the Town had allowed it for a couple days. He wanted to reach out to Council and inquire if they would allow this under certain regulations and on a more regular basis. Councilman Huppert suggested the food trucks be at the brewery two nights a week and maybe try it for a three-month period and then revisit. Mr. Wingfield explained the Town could regulate it to some degree such as how to ensure with pedestrian and vehicular safety and prevent the blocking of sidewalks. He expressed the need for fairness and equity to all the business owners and people renting spaces and stated the Town could pick out the spots for the food trucks only for one or two days a week and the food trucks could then rotate spaces. He expressed that the food trucks would need a Town business license and to remit meals tax as well. Councilman Stipes stated that Mr. Wingfield had previously polled Council individually so now he could move forward and come back to Council with ideas and then place on the next agenda for Council discussion. Councilwoman Hicks agreed she would like to see this subject brought back to Council for discussion.

Mr. Wingfield also had a request from a political party to close Hickok Street for July 10th for a meet and greet event. He inquired if Council would want to allow the closing for a political party. He explained the Town had allowed a political party to express their views in the past at events that were organized by private groups such as at the Wilderness Trail Festival. Councilman Stipes expressed that allowing the political group to be there may open-up for political organizations to continue to ask. Councilman Huppert agreed. Councilman Bishop agreed as well. Councilwoman Hicks stated she had received emails last year pertaining to political parties that were concerning, and she wanted Council to be fair and felt they need to stick to the rules. Councilman Showalter agreed.

B. Town Attorney

No report.

C. Other Staff

X. COUNCIL REPORTS

Councilman Stipes
No report.

Councilman Showalter
No report.

Councilman Huppert reported that a gentleman had asked if he could pray over Town Council before the meeting and expressed it was greatly appreciated.

Councilman Bishop
No report.

Councilwoman Sachs reported that the Juneteenth celebration at the Christiansburg Institute went well and hoped that everyone enjoyed the celebration.

Councilwoman Hicks wanted to thank the Corning Veterans and Mike Mallabone for the water fountain that provides water to both citizens and their pets on the Huckleberry Trail. She encouraged more organizations to be involved in things such as this and expressed it helped beautify Christiansburg.

XI. OTHER BUSINESS

Councilwoman Hicks expressed that she had received phone calls and emails concerning the new traffic pattern on Roanoke Street and First Street. She had been told that it was confusing and there were not enough signs warning citizens that the pattern had changed. Mrs. Hicks asked if there was anything additional the Town could do to improve the attention for the lane change. Mr. Wingfield stated that there may be additional measures, and the Street Committee could discuss it and report back to Council. Councilman Stipes agreed that the Street Committee handling the situation would be appropriate and expressed that any change of traffic pattern could potentially cause a risk. Mr. Wingfield stated that the Town had pushed the new traffic pattern out on social media and the Town's webpage. Councilman Showalter offered that additional signage would be a good first step. Councilwoman Hicks also questioned the lane patterns for Route 8 heading out of Christiansburg where the new bridge was being built and explained there were concerns with lane changes coming into Christiansburg. Mr. Wingfield explained that area was VDOT's responsibility but that he would reach out to them. Mrs. Hicks also explained she loved the Welcome signs coming into the Town, but it seemed that wherever there was a sign there were potholes and they needed to be addressed.

Councilman Showalter inquired about the block of wall on Cambria Street that had crumbled and was falling over. Mr. Wingfield explained it had been blocked off and part of the wall was owned by the Town and the other was on private property. He stated that the Town had been communicating with the owner and the hopes was to slope the bank back and bring the cost down for construction and maintenance. He explained he would be asking Council for allocation for that maintenance soon.

XII. ADJOURNMENT

There being no further business to bring before Council, Mayor Barber adjourned the meeting at 7:47pm.

Tracy Heinline, Clerk of Council

D. Michael Barber, Mayor



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

AGENDA LOCATION:
CONSENT AGENDA

Meeting Date:
JULY 13, 2021

ITEM TITLE:
Purchase of Data or Cellphone Service and Related Devices

DESCRIPTION:
To sign an agreement with Verizon to purchase ongoing data or cellphone service and related devices via General Service Administration (GSA, or aka Federal Supply Schedule) Multiple Service Award (MAS) Contract# 47QTCA2000B5. The agreement will be from July 1, 2021 to June 30, 2022.

POTENTIAL ACTION:
Approval

DEPARTMENT:
Information Technology

PRESENTER:
Craig Hatmaker

ITEM HISTORY:
The Town is piggybacking on the forementioned federal contract or schedule for another year. The approximate cost paid to Verizon last fiscal year under this contract or schedule was \$135,000. This cost may increase as additional devices and needed data or cellphone services are purchased in the current fiscal year. Each department is responsible for paying for the data or cellphone services and devices purchased from this federal contract or schedule.

Date:

Action Taken:

Information Provided:
Purchases Order and GSA Schedule
<https://christiansburg.box.com/s/mmoqq5i2lg8tnkwnl2krgtn8m4haxd7k>



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

AGENDA LOCATION:
DISCUSSION/ACTION

Meeting Date:
July 13, 2021

ITEM TITLE:

- A. Amendment of proffers for conditional zoned property for The Reserve at Round Meadows by Shah Development LLC (applicant/property owner). The change of proffers would allow an increase of five (5) additional lots for a total of no more than 56 single-family detached dwellings. The development is adjacent to Round Meadow Drive on Tax Map Nos. 494 – ((A)) – 62 and 63, Tax Map 495 – ((A)) – 64, and Tax Map 494 – ((A)) – 55E1 – 55E3.
- B. Revised Conditional Use Permit for a Planned Housing Development for The Reserve at Round Meadows subdivision by Shah Development LLC (applicant/property owner) to allow an increase of five (5) additional lots for a total of no more than 56 single-family detached dwellings. The development is adjacent to Round Meadow Drive on Tax Map Nos. 494 – ((A)) – 62 and 63, Tax Map 495 – ((A)) – 64, and Tax Map 494 – ((A)) – 55E1 – 55E3.

DESCRIPTION:

The Town of Christiansburg has received a request to revise the previously approved Rezoning and Conditional Use Permit for Planned Housing Development of the property (former Meadows Golf Course). The owner has since changed plans near the corner of Putter Lane and Round Meadow Drive and would like to place five (5) additional lots along this frontage. The total number of units would increase from 51 to no more than 56 single-family detached dwellings. The amendment of proffers and revision of the Conditional Use permit is required for the addition of lots per Section 42-12 (g) of the Christiansburg Town Code.

At its June 1, 2021 meeting, the Planning Commission recommended approval of the request by a vote of 6-0 with the following condition:

1. The presented zoning regulations and layout plan, dated September 24, 2019, revised on April 28, 2021, shall be considered as conditions of approval except that no reduction in street width shall be allowed and streets shall be developed in accordance with Town of Christiansburg standards.

The public hearing was held on June 22, 2021.

POTENTIAL ACTION:
Consider Action

DEPARTMENT(S):
Planning Department

PRESENTER:
Andrew Warren, Assistant Town Manager

Information Provided:

- Planning Commission Resolutions (Rezoning and Conditional Use Permit)
<https://christiansburg.box.com/s/zz2btoiquh7nharesl6hoqjvdz9lpw8c>
<https://christiansburg.box.com/s/0vh1pbir8hyw6p0w6hfl15i0oe4vae3>
- Draft Ordinance

<https://christiansburg.box.com/s/hm5tk2ysghq5bd13d0a7fkmlmzu0rrvs>

- Planning Commission Minutes – June 1, 2021
<https://christiansburg.box.com/s/8peidrprlhb2deq3hvl1awror7a7mtiz>
- Staff Reports including public comments received to date
<https://christiansburg.box.com/s/b3dgal0k3nbkzn9eegqe8uuxava81c9d>



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

AGENDA LOCATION:
DISCUSSION/ACTION

Meeting Date:
July 13, 2021

ITEM TITLE:

Discussion of proposed African-American History and Storyboard Project for the northeast quadrant of the Town Square (the U.S. Post Office quadrant).

DESCRIPTION:

An opportunity for Council to discuss the proposed project to permit the installation of three storyboards regarding African-American History in Montgomery County and the associated improvements and potential costs of the walk and benches within the square. This may include--if desired--the relocation of the existing sign detailing life in Christiansburg during the Civil War along the walk. Future additions could include an art installation and further storyboards detailing other aspects of history within the County.

POTENTIAL ACTION:

Council Discussion

DEPARTMENT(S):

Town Manager

PRESENTER:

Randy Wingfield, Town Manager



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

AGENDA LOCATION:

PUBLIC HEARING
DISCUSSION/ACTION

Meeting Date:

July 13, 2021

ITEM TITLE:

Public hearing regarding an ordinance amending Chapter 30 “Streets, Sidewalks and Other Public Places” of the Christiansburg Town Code regarding provisions for utilization of public on-street parking by mobile food preparation vehicles (food trucks).

DESCRIPTION:

Following direction from Town Council, I have researched and developed what I believe to be reasonable amendments to the code to allow food trucks to operate in approved locations for limited period of times within public parking spaces in the B-2, Central Business zoning district. Please see the draft ordinance and regulations attached.

POTENTIAL ACTION:

Hold public hearing and Council discussion. Consider possible action on item.

DEPARTMENT(S):

Town Manager

PRESENTER:

Randy Wingfield, Town Manager

Information Provided:

- Draft Ordinance
- Mobile Food Truck food regulations

AN ORDINANCE AMENDING CHAPTER 30 “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES” OF THE CHRISTIANSBURG TOWN CODE TO PERMIT LIMITED OPERATING HOURS FOR FOOD TRUCKS IN PUBLIC ON-STREET PARKING SPACES IN CERTAIN LOCATIONS WITHIN THE B-2, CENTRAL BUSINESS DISTRICT

WHEREAS, the Council of Town of Christiansburg, Virginia has directed the Town Council to propose regulations for allowing Food Trucks to operate from public parking spaces under certain conditions within the B-2, Central Business District; and

WHEREAS, Town Council held a public hearing on July 13, 2021 to hear comments regarding the amendments to Chapter 30 “Streets, Sidewalks, and Other Public Places” of the Christiansburg Town Code in regards to the provision of allowing Food Trucks to operate in public parking spaces within the B-2, Central Business District; and,

WHEREAS, the Town desires to promote dining options within Downtown while limiting the access of public property for private commerce and minimizing interference with “bricks and mortar” restaurants.

WHEREAS, the Town desires to increase the level of activity within Downtown to support existing businesses while maintaining safe and passable pedestrian and travel ways on all public sidewalks and streets within the B-2, Central Business District.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Council of the Town of Christiansburg that Chapter 30, “Streets, Sidewalks, and Other Public Places” is hereby amended as follows:

Chapter 30 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE I. - IN GENERAL

Sec. 30-20. Utilization of public on-street parking by Mobile Food Preparation Vehicles.

The purpose of this section is to allow the temporary usage of on-street parking spaces for Mobile Food Preparation Vehicles (food trucks) within the B-2 Central Business zoning district under Chapter 42 “Zoning” of the Christiansburg Town Code provided a written permit for such activity is obtained from the office of the town manager and shall be subject to the following requirements:

- a) The public on-street parking utilized for food trucks shall be zoned B-2 Central Business under Chapter 42 “Zoning” of the Christiansburg Town Code.
- b) Individual food trucks shall not apply for more than twenty-four total days in a calendar year. In instances that the food truck does not utilize the permit on a particular specified day, the applicant may request one additional day for each day that they do not set up,

provided that the operator alert the town manager that they are not setting up before or on the actual requested day.

- c) Food trucks shall not operate for more than eight hours on a single day in an approved location. The food truck shall be moved from the approved location after operation ceases each day.
- d) Food trucks shall not be permitted within an on-street parking space located within 200 feet of the property line of any existing restaurant.
- e) Food Trucks shall obtain Montgomery County Health Department approval.
- f) Food Trucks shall obtain a valid approved Western Region Work Group Mobile Food Preparation Vehicle (MFPV) Inspection sticker.
- g) Food Truck shall obtain a Town of Christiansburg Business License per Chapter 18 “Finance and Taxation”, Article XI “Business, Professional and Occupational” of the Christiansburg Town Code.
- h) The food truck shall submit Town of Christiansburg meals tax on all sales within the Town per Chapter 18 “Finance and Taxation”, Article VIII “Meals Tax” of the Christiansburg Town Code.
- i) The town manager shall have the authority to deny or revoke a permit for reasons of safety, nuisance, impediments to public access or if the activity is not conducted in accordance with the permit. The town council may prescribe additional rules and regulations governing the conduct of outdoor dining on public sidewalks, if deemed necessary by the council. The town manager may confer with staff or the street committee regarding safety and safety measures if the town manager determines that it is warranted in evaluating a permit application. The town manager may require:
 - o A drawing of each proposed food truck set-up location demonstrating how the food truck is addressing vehicular, pedestrian and customer safety and is providing for adequate vehicular and pedestrian travel.

* * *

This ordinance shall be effective immediately upon passage. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held _____, 2021, the members of the Council of the Town of Christiansburg, Virginia, present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop				
Johana Hicks				
Steve Huppert				

Ord. 2021-__

Merissa Sachs

Henry D. Showalter

Bradford J. Stipes

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

SEAL:

Tracy Heinline, Town Clerk

D. Michael Barber, Mayor



TOWN OF CHRISTIANSBURG PUBLIC ON-STREET MOBILE FOOD PREPARATION VEHICLES (FOOD TRUCK) REGULATIONS (DRAFT – July 9, 2021)

Purpose

The purpose of these regulations is to provide the opportunity for mobile food preparation vehicles (food trucks) to utilize public on-street parking without causing a detriment to vehicular and pedestrian traffic and to provide reasonable regulations to that extent as well as to ensure fairness to restaurants that are located within Town, recognizing there additional operational expenses and permanent commitment to food service within the Town.

Processes

To obtain a permit for a Food Truck to operate in public parking spaces, there are four requirements prior to submitting an application:

1. Montgomery County Health Department approval
(<https://montva.com/departments/health-department>)
2. Western Region Work Group Mobile Food Preparation Vehicle (MFPV) approval
(<https://www.christiansburg.org/1220/Food-Trucks>)
3. *Beginning June 24, 2023*, the person in charge of the Mobile Food preparation Vehicle shall be a Certified Food Protection Manager (CFPM) in accordance with Virginia Administrative Code 12VAC5-421-55. Certified food protection manager.
(<https://law.lis.virginia.gov/admincode/title12/agency5/chapter421/section55/>)
4. Town of Christiansburg Business License approval

These items will be required when submitting the Town of Christiansburg Mobile Food Preparation Vehicle Public On-Street Parking application to receive permit approval. Each requirement listed above may require associated non-refundable fees and, depending on the situation, the requirements may be completed at the same time.

Eligibility for Mobile Food Preparation Vehicle Permits

Mobile Food Preparation Vehicles (food trucks) are required to submit a request for a specific public on-street location on the Town of Christiansburg Mobile Food Preparation Vehicle Permit application. The space may be identified on a drawing accompanying the application in lieu of a written description.

Additionally, the Mobile Food Preparation Vehicle Permit form, the following shall be considered mandatory terms of approval:

- The public on-street parking utilized for the Mobile Food Preparation Vehicle must be zoned B-2 Central Business under Chapter 42 “Zoning” of the Christiansburg Town Code.
- Individual food trucks shall not apply for more than twenty-four (24) total days in a calendar year. In instances that the food truck does not utilize the permit on a particular specified day, the applicant may request one additional day for each day that they do not set up, provided that the operator alert the Town Manager that they are not setting up before or on the actual requested day.
- Food trucks shall not operate for more than eight hours on a single day in an approved location. The food truck shall be moved from the approved location after operation ceases each day.
- Food trucks may not request spaces located within 200 feet of the property line of any existing restaurant.
- The food truck must obtain Montgomery Health Department approval.
- A valid approved Western Region Work Group Mobile Food Preparation Vehicle (MFPV) Inspection sticker. Contact the Christiansburg Fire Department (540-382-4388 x 8000) regarding obtaining a valid sticker.
- The food truck shall obtain a Town of Christiansburg Business License.
- The food truck shall submit Town of Christiansburg meals tax on all sales within the Town.
- The Town Manager has the right to deny any application for a particular public on-street parking spaces on the basis of safety. The Town Manager may require a drawing indicating food truck set-up location and how the food truck is addressing vehicular, pedestrian and customer safety and provision of adequate vehicular and pedestrian travel. The Town Manager may confer with staff or the Street Committee regarding safety and safety measures if the Town Manager determines that it is warranted.

Change of Ownership

Town of Christiansburg Public On-Street Mobile Food Preparation Vehicle Permits are not transferable. A new owner cannot operate a regulated facility without a new permit issued by the Town of Christiansburg – the existing permit is only valid for the owner identified on the permit. This requirement also applies to a Food Truck that is undergoing an “administrative” change of ownership (ex: when an individual or sole proprietor wants to transfer his/her permit to a new corporation or limited liability company).