

**Work Session Agenda  
Staunton City Council  
Rita S. Wilson Council Chambers  
June 8, 2023  
6:00 p.m.**

- |                  |           |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>6:00 p.m.</b> | <b>1.</b> | <b>Consideration of Work Session and Regular Meeting Agendas</b>                                                                                                                                                                                                                                                                                                                                                  |
| <b>6:05 p.m.</b> | <b>2.</b> | <b>Discussion of Potential Revision to Nuisance Animal Ordinance</b>                                                                                                                                                                                                                                                                                                                                              |
| <b>6:20 p.m.</b> | <b>3.</b> | <b>Update on Bicycle Infrastructure Design Plans for Churchville Avenue/Springhill Road Intersection</b>                                                                                                                                                                                                                                                                                                          |
| <b>6:40 p.m.</b> | <b>4.</b> | <b>Closed Meeting for: (i) Discussion or Consideration of the Acquisition of Real Property Within the Northwestern Portion of the City of Staunton for the Location of Water Infrastructure Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body; and (ii) Consultation with Legal Counsel Regarding the Freedom of Information Act.</b> |

**Regular Meeting Agenda  
Staunton City Council  
Rita S. Wilson Council Chambers  
June 8, 2023  
7:00 p.m.**

**Call to Order**

**Pledge of Allegiance**

**Invocation/Moment of Silence – Holmes**

**Proclamations**

**Juneteenth**

**LGBTQ+ Pride Month & The Shenandoah LGBTQ Center**

**Mayor's Report**

**Additional Items by Members of Council**

**Approval of Minutes**

**Special Meeting of May 22, 2023**

**Work Session and Regular Meeting of May 25, 2023**

**REGULAR MEETING**

- A. Public Hearing of Ordinance to Amend the FY2023 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Six\***
- B. Consideration of a Resolution Endorsing an Application by City of Staunton to the Virginia Department of Housing and Community Development for a Virginia Industrial Revitalization Fund Grant to the Arcadia Project**
- C. Consideration of Signatory Authority on Truist Bank, US Bank, and LGIP Accounts**
- D. Consideration of Resolution—Cash Management Authorization**
- E. Consideration of a Resolution Authorizing the Adoption of Substantial Amendments to the FY 2019 and FY2020 Annual Action Plans**

**Matters from the City Manager**

**Matters from the Public\***

**Adjournment**

**\*Public Participation** For instructions on how to participate in a Public Hearing and Matters from the Public portions of the City Council meeting visit [www.staunton.va.us/council](http://www.staunton.va.us/council).

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                          |              |
|------------------------------------------------------|------------------------------------------|--------------|
| Meeting Date:                                        | June 8, 2023                             | City Council |
| Item #                                               | 1                                        |              |
| Department:                                          | City Council                             |              |
| Alignment with Staunton Plan (Value/Strategic Area): | Values: Integrity<br>Engagement          |              |
| Subject:                                             | Work Session and Regular Meeting Agendas |              |

**Background:** Consistent with Procedural Memorandum No. 3, attached are draft meeting agendas for City Council's consideration and for approval as Council prefers.

**Suggested Motion:** I move to approve the Work Session agenda and the Regular Meeting agenda [as presented] [with the following changes: as to the Work Session, the addition/deletion of \_\_\_\_\_; as to the Regular Meeting, the addition/deletion of \_\_\_\_\_].

**City Manager:** Leslie Beauregard

## CITY COUNCIL



## AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                           |                                                                                        |
|------------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Meeting Date:                                        | June 8, 2023                                                              | John C. Blair, II<br>City Attorney<br><br>Shane Ayers<br>Staunton Police<br>Department |
| Item #                                               | 2                                                                         |                                                                                        |
| Departments:                                         | City Attorney<br><br>Police Department                                    |                                                                                        |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Excellence<br><br>Strategic Area: Responsive, Efficient Government |                                                                                        |
| Subject:                                             | Potential Revision to Nuisance Animal Ordinance                           |                                                                                        |

**Background:** Staunton City Code Section 6.10.240 prohibits the ownership or maintenance of a “nuisance animal” within the city.

The ordinance defines conduct that results in a finding of a “nuisance animal.” One type of conduct listed in the ordinance is, “Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.”

In 2009, the Supreme Court of Virginia issued its opinion in *Tanner v. City of Virginia Beach*. This opinion voided the City of Virginia Beach’s noise ordinance for being too “vague” in the conduct it prohibited. Specifically, Virginia Beach’s noise ordinance used terminology such as “unreasonably”, “unnecessary”, and “disturbing”. The Court found that these terms were not precise and therefore would “invite arbitrary enforcement.”

The current “nuisance animal” ordinance’s use of “excessively” and “unreasonable” could make it susceptible to a vagueness challenge. Therefore, the prohibited conduct needs to be better defined and more precise.

The Attorney General of Virginia reviewed a similar ordinance in Hanover County. The Attorney General found that the ordinance would meet the *Tanner* standard. Therefore, it is proposed that the Staunton City Code be amended to establish concrete time standards for a barking dog to be declared a nuisance animal. Those standards would prohibit an animal from barking, howling, whining, meowing, squawking, or making other noises which are plainly audible across a property boundary or through a partition common to two residences within a building and take place repeatedly or continuously for an uninterrupted period of at least fifteen consecutive minutes.

Additionally, the Staunton City Code would include a provision similar to that contained in the Augusta County Code which will state that any citizen with sufficient evidence of a violation of the “nuisance animal” ordinance may request the City of Staunton Magistrate to issue a summons or warrant. Corroboration of the alleged violation by the Staunton Police Department will not be necessary for the citizen to pursue a summons or warrant.

**Attachments:**

Attachment 1—Staunton City Code Section 6.10.240

Attachment 2—Proposed Ordinance Revisions

**City Manager Recommendation:** Council should review and discuss the proposed revisions to the Staunton City Code. They can then be considered for action at the meeting on June 22, 2023.

**Suggested Motion:** N/A

**City Manager:** Leslie Beauregard

**6.10.240 Nuisance animals.**

(1) No person shall own or maintain a nuisance animal in the city.

(2) Nuisance Animal Defined. Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term “nuisance animal” shall mean and include, but is not limited to, any animal that:

- (a) Is repeatedly found at large;
- (b) Damages the property of anyone other than its owner;
- (c) Molests or intimidates pedestrians or passersby;
- (d) Chases vehicles;
- (e) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (f) Causes fouling of the air by body odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (g) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (h) Attacks other domestic animals; or
- (i) Has been found, after notice to its owner and a hearing by a court of competent jurisdiction, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

(3) Whenever a formal complaint has been received by the police department or animal control officer of such a nuisance and the complaint is found to be justified, the police department or animal control officer shall notify the owner of the animal of the complaint and instruct such owner to abate such nuisance. If, after such notice, the owner fails to properly control the animal that creates or constitutes the nuisance, the police department or animal control officer shall take the necessary legal action to

abate the nuisance by having the animal impounded or the owner of the animal charged with a violation of this section, either or both.

(4) Notwithstanding the foregoing, however, whenever in the discretion of the police department or animal control officer a complaint hereunder is justified and an immediate threat to the public health, welfare, or safety is posed, the police department and/or animal control officer may have the animal impounded immediately and charges filed hereunder. In such case, the provisions of SCC [6.10.220](#) shall apply except that the animal shall remain impounded until disposition of the charges by the court.

(5) Notwithstanding the foregoing, if a nuisance animal is impounded absent a complaint, the owner of such animal shall pay all charges of the impoundment, including charges for shelter and maintenance, not to exceed the actual expenses.

(6) Nothing contained in this section shall prohibit any person from bringing a charge of violation hereunder directly without proceeding through the police department or animal control officer. (Ord. 2008-03. Code 1985, § 6-58; Ord. 5-23-02).

DRAFT 5.31.2023

## Ordinance No. 2023 - \_\_

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING  
SECTION 6.10.240, NUISANCE ANIMALS, OF CHAPTER 6.10, DOGS AND  
CATS, OF TITLE 6, ANIMALS AND FOWL OF THE STAUNTON CITY CODE  
TO FURTHER CLARIFY THE TERM “NUISANCE ANIMAL” AS WELL AS  
THE PROCESS BY WHICH A CITIZEN MAY PURSUE A SUMMONS OR  
WARRANT AGAINST ANOTHER PERSON FOR VIOLATIONS OF THIS  
SECTION**

**RECITALS**

**A.** The Staunton City Code’s animal nuisance ordinance requires the restatement of acts with more definitiveness;

**B.** These changes to the City Code are recommended by the City’s animal control officer and the City Attorney; and

**C.** This matter has been heard and considered; and

**D.** These recitals are deemed an integral part of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Staunton, Virginia, that Section 6.10.240, Nuisance Animals, of Title 6, Animals and Fowl, of the Staunton City Code be and hereby are amended or repealed as follows:

**6.10.240 Nuisance animals.**

(1) No person shall own or maintain a nuisance animal in the city.

(2) Nuisance Animal Defined. Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term “nuisance animal” shall mean and include, but is not limited to, any animal that:

(a) Is repeatedly found at large;

(b) Damages the property of anyone other than its owner;

(c) Molests or intimidates pedestrians or passersby;

(d) Chases vehicles;

;

(e) Causes fouling of the air by body odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(f) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(g) Attacks other domestic animals; or

(h) Has been found, after notice to its owner and a hearing by a court of competent jurisdiction, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

(3) Whenever a formal complaint has been received by the police department or animal control officer of such a nuisance and the complaint is found to be justified, the police department or animal control officer shall notify the owner of the animal of the complaint and instruct such owner to abate such nuisance. If, after such notice, the owner fails to properly control the animal that creates or constitutes the nuisance, the police department or animal control officer shall take the necessary legal action to abate the nuisance by having the animal impounded or the owner of the animal charged with a violation of this section, either or both.

(4) Notwithstanding the foregoing, however, whenever in the discretion of the police department or animal control officer a complaint hereunder is justified and an immediate threat to the public health, welfare, or safety is posed, the police department and/or animal control officer may have the animal impounded immediately and charges filed hereunder. In such case, the provisions of SCC [6.10.220](#) shall apply except that the animal shall remain impounded until disposition of the charges by the court.

(5) Notwithstanding the foregoing, if a nuisance animal is impounded absent a complaint, the owner of such animal shall pay all charges of the impoundment, including charges for shelter and maintenance, not to exceed the actual expenses.

(6) Nothing contained in this section shall prohibit any person from bringing a charge of violation hereunder directly without proceeding through the police department or animal control officer.

In all other respects, the provisions of Title 6, Animals and Fowl, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

#### **6.10.290 Prolonged Barking, Meowing, Noise.**

(1) No person shall own or maintain an animal that howls, barks, whines, meows, squawks, or makes other such noises which are plainly audible across a property boundary or through partitions common to two (2) residences within a building and take place continuously for a period of at least fifteen (15) consecutive minutes.

(2) Any citizen having sufficient evidence of violation of one or more of the prohibitions set out in the section above may present such evidence and make affidavit to the City of Staunton Magistrate and request issuance of a summons or warrant based thereon. Corroboration of the alleged violation by the Staunton Police Department or the animal control officers shall not be necessary in order for a citizen to pursue a summons or warrant against another person for such violation.

Introduced:

Adopted:

Effective Date:

Stephen W. Claffey, Mayor

ATTEST:

Kiley A. Kesecker,  
Clerk of Council

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                                           |                                                                                   |
|------------------------------------------------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Meeting Date:                                        | June 8, 2023                                                                              | Staff Members:<br><br>Jeff Johnston<br>Lyle Hartt<br>Brian Brown<br>Rodney Rhodes |
| Item #                                               | 3                                                                                         |                                                                                   |
| Departments:                                         | Public Works<br>Police<br>Community Development-<br>Planning and Zoning                   |                                                                                   |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Environmentally Conscious<br><br>Strategic Area: Infrastructure, Built Environment |                                                                                   |
| Subject:                                             | Bicycle Infrastructure Design Plans for Churchville Avenue/Springhill Road Intersection   |                                                                                   |

**Background:** The City is working with the Timmons Group to design bicycle infrastructure along Churchville Avenue in accordance with the Staunton Bicycle and Pedestrian Plan. During the design process, the Timmons Group received input on the plan from city staff and the Staunton Bicycle and Pedestrian Advisory Committee. A public information meeting was conducted to receive public comments on the plan. A representative of the Timmons Group presented the "60% Plans" to City Council during their September 22, 2022 work session. The plans for the Churchville/Springhill intersection were amended based on comments received at the work session. Prior to finalizing the plans and implementing the improvements, city staff will present their recommendations for this intersection to City Council during their June 8, 2023 work session.

**Attachments:** Not applicable.

**City Manager's Recommendation:** Not applicable.

**Suggested Motion:** Not applicable.

**City Manager:** Leslie Beauregard

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                            |                                                        |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Meeting Date:                                        | June 8, 2023                                                                                                                                                                                                                                                                                                                                                                                               | City Council<br><br>John C. Blair, II<br>City Attorney |
| Item #                                               | 4                                                                                                                                                                                                                                                                                                                                                                                                          |                                                        |
| Department:                                          | City Council                                                                                                                                                                                                                                                                                                                                                                                               |                                                        |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Excellence<br><br>Strategic Area: Responsive, Efficient Government                                                                                                                                                                                                                                                                                                                                  |                                                        |
| Subject:                                             | Closed Meeting for: (i) Discussion or Consideration of the Acquisition of Real Property within the northwestern portion of the City of Staunton for the Location of Water Infrastructure Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body; and (ii) Consultation with legal counsel regarding the Freedom of Information Act. |                                                        |

**Suggested Motion:** I move to enter a closed meeting for: discussion or consideration of the acquisition of real property located within the northwestern portion of the City of Staunton, Virginia for the location of water infrastructure where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3) and consultation with legal counsel regarding specific legal matters related to the Virginia Freedom of Information Act pursuant to Virginia Code § 2.2-3711(A)(8).

Second. Discussion. Vote – Clerk of Council to poll members of Council.

**After the closed meeting:** I move that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

Second. Discussion. Vote –Clerk of Council to poll members of Council.

**City Manager:** Leslie Beauregard

**SPECIAL MEETING OF STAUNTON CITY COUNCIL**  
**Monday, May 22, 2023**  
**4:00 p.m.**  
**Caucus Room**

**PRESENT:**           **Mayor Stephen W. Claffey**  
                          **Vice Mayor Amy G. Darby**  
                          **Brad D. Arrowood**  
                          **Michele D. Edwards**  
                          **R. Terry Holmes (remote participant)**  
                          **Mark A. Robertson (remote participant)**  
                          **Alice L. Woods**

**ALSO PRESENT:**   **Leslie Beauregard, City Manager**  
                          **Amanda Kaufman, Assistant City Manager**  
                          **John Blair, City Attorney**  
                          **Kiley Kesecker, Clerk of Council**

**Mayor Claffey called the meeting to order:** Mayor Claffey called the special meeting of Staunton City Council to order.

Mayor Claffey stated “on May 19, 2023, I received a request from Councilor Holmes to participate remotely in the May 22, 2023 Staunton City Council special meeting due to a temporary medical condition that prevents his physical attendance at the meeting. I will now entertain a motion to allow Councilor Holmes’ remote participation in this meeting pursuant to Staunton City Council Procedural Memorandum Number Three.”

Vice Mayor Darby stated “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Holmes to remotely participate in the May 22, 2023 Staunton City Council special meeting due to a temporary medical condition.”

The motion was seconded by Ms. Woods and carried as follows:

|              |     |                  |     |
|--------------|-----|------------------|-----|
| Mr. Arrowood | aye | Ms. Edwards      | aye |
| Ms. Woods    | aye | Vice Mayor Darby | aye |
|              |     | Mayor Claffey    | aye |

Mayor Claffey asked Mr. Holmes to state the location from which he was participating. Mr. Holmes responded that he was at home. Mayor Claffey asked Council and the audience if they could hear Mr. Holmes. The response was affirmative.

Mayor Claffey stated “on May 19, 2023, I received a request from Councilor Robertson to participate remotely in the May 22, 2023 Staunton City Council special meeting due to a personal matter that prevents his physical attendance at the meeting. Pursuant to the Freedom of Information Act, I will now ask Councilor Robertson to state the personal matter which makes him unable to attend tonight’s meeting.”

Mr. Robertson stated that he was on vacation in North Carolina.

Mayor Claffey stated "I will now entertain a motion to allow Councilor Robertson's remote participation in this meeting pursuant to Staunton City Council Procedural Memorandum Number Three."

Mr. Arrowood stated "Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Robertson to remotely participate in the May 22, 2023 Staunton City Council special meeting due to a personal matter."

The motion was seconded by Ms. Edwards and carried as follows:

|              |     |                  |     |
|--------------|-----|------------------|-----|
| Mr. Arrowood | aye | Ms. Edwards      | aye |
| Ms. Woods    | aye | Vice Mayor Darby | aye |
| Mr. Holmes   | aye | Mayor Claffey    | aye |

Mayor Claffey asked Mr. Robertson to state the location from which he was participating. Mr. Robertson responded that he was in Burnsville, NC. Mayor Claffey asked Council and the audience if they could hear Mr. Robertson. The response was affirmative.

### **Closed Meeting for Deliberation**

Vice Mayor Darby moved to enter a closed meeting (i) pursuant to Virginia Code Section 2.2-3711(A)(8) for consultation with legal counsel concerning contractual, litigation, and negotiation matters related to Staunton Circuit Court case CL21-500 and Virginia Code Section 2.2-3711 (A)(7) to consult with legal counsel pertaining to actual litigation in the matter of Staunton Circuit Court case CL21-500; and (ii) pursuant to Virginia Code Section 2.2-3711 (A)(3) for the acquisition of real property for the location of a court facility.

The motion was seconded by Ms. Woods and carried as follows:

|               |     |                  |     |
|---------------|-----|------------------|-----|
| Mr. Holmes    | aye | Mr. Arrowood     | aye |
| Mr. Robertson | aye | Vice Mayor Darby | aye |
| Ms. Edwards   | aye | Mayor Claffey    | aye |
| Ms. Woods     | aye |                  |     |

Ms. Woods moved that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

The motion was seconded by Vice Mayor Darby and carried as follows:

|               |     |                  |     |
|---------------|-----|------------------|-----|
| Mr. Robertson | aye | Mr. Arrowood     | aye |
| Mr. Holmes    | aye | Vice Mayor Darby | aye |
| Ms. Woods     | aye | Mayor Claffey    | aye |
| Ms. Edwards   | aye |                  |     |

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**ADJOURNMENT**

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There being no further business to come before Council, the meeting adjourned at 5:52 p.m.

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Kiley A. Kesecker  
Clerk of Council

DRAFT

City Council  
WORK SESSION  
May 25, 2023  
5:00 p.m.

Council Members Present: Mayor Claffey, Vice Mayor Darby and Councilors Arrowood, Edwards, Holmes and Woods. Councilors Holmes and Robertson participated remotely.

**Mayor Claffey called the meeting to order:** Mayor Claffey called the meeting of Staunton City Council to order.

**1. Consideration of Work Session and Regular Meeting Agendas**

Consistent with Procedural Memorandum No. 3, the agendas were presented for Council consideration.

Ms. Edwards moved to amend the regular meeting agenda to include item F, a consideration of real estate acquisition for the Staunton Juvenile and Domestic Relations Court.

The motion was seconded by Ms. Woods and carried as follows:

|              |        |                  |        |
|--------------|--------|------------------|--------|
| Ms. Edwards  | aye    | Mr. Robertson    | absent |
| Mr. Arrowood | aye    | Vice Mayor Darby | aye    |
| Ms. Woods    | aye    | Mayor Claffey    | aye    |
| Mr. Holmes   | absent |                  |        |

Mr. Arrowood moved to approve the work session and regular meeting agendas as amended.

The motion was seconded by Ms. Woods and carried as follows:

|              |        |                  |        |
|--------------|--------|------------------|--------|
| Ms. Edwards  | aye    | Mr. Robertson    | absent |
| Mr. Arrowood | aye    | Vice Mayor Darby | aye    |
| Ms. Woods    | aye    | Mayor Claffey    | aye    |
| Mr. Holmes   | absent |                  |        |

**2. Presentation of Quarterly Financial Report**

Chief Finance Officer Jessie Moyers presented the financial report for the third quarter of fiscal year 2023.

Mayor Claffey asked if Councilmembers had any questions or comments.

Ms. Woods clarified the reported numbers for sales, lodging and meals tax.

Councilmembers had no further questions or comments.

3. **Closed Meeting for: (i) Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Regarding the Order to Show Cause Concerning the Staunton Juvenile and Domestic Relations District Courts Facilities; and (ii) Discussion or Consideration of the Acquisition of Real Property within the City of Staunton for Use as a Court Facility Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body**

Mr. Arrowood moved to enter a closed meeting for: (i) consultation with legal counsel for necessary legal-related advice and discussion regarding the Order to Show Cause in Staunton Circuit Court Case CL21-500 concerning the Staunton Juvenile & Domestic Relations District Court Facility located in the District Courts Building at 6 East Johnson St., Staunton, pursuant to Virginia Code §§ 2.2-3711(A)(7) and 2.2-3711(A)(8); (ii) discussion or consideration of the acquisition of real property located within the city limits of Staunton, Virginia for use as a court facility where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).

The motion was seconded by Ms. Edwards and carried as follows:

|               |        |                  |     |
|---------------|--------|------------------|-----|
| Mr. Holmes    | absent | Mr. Arrowood     | aye |
| Mr. Robertson | absent | Vice Mayor Darby | aye |
| Ms. Edwards   | aye    | Mayor Claffey    | aye |
| Ms. Woods     | aye    |                  |     |

Mr. Holmes joined the meeting at 5:35 p.m.

Mayor Claffey stated “On May 25, 2023, I received a request from Councilor Holmes to participate remotely in the May 25, 2023 Staunton City Council meeting due to a temporary medical condition that prevents his physical attendance at the meeting. I will now entertain a motion to allow Councilor Holmes’ remote participation in this meeting pursuant to Staunton City Council Procedural Memorandum Number Three.”

Ms. Edwards stated “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Holmes to remotely participate in the May 25, 2023 Staunton City Council meeting due to a temporary medical condition.”

The motion was seconded by Mr. Arrowood and carried as follows:

|               |     |                  |     |
|---------------|-----|------------------|-----|
| Mr. Arrowood  | aye | Ms. Edwards      | aye |
| Ms. Woods     | aye | Vice Mayor Darby | aye |
| Mr. Robertson | aye | Mayor Claffey    | aye |

Mayor Claffey asked Mr. Holmes to state the location from which he was participating. Mr. Holmes responded that he was at 111 Waverly Green. Mayor Claffey asked Council and the audience if they could hear Mr. Holmes. The response was affirmative.

Vice Mayor Darby moved that Council reconvene in an open meeting and certify to the best of each member’s knowledge that only lawfully exempted public business matters were discussed

and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

The motion was seconded by Ms. Edwards and carried as follows:

|               |     |                  |     |
|---------------|-----|------------------|-----|
| Mr. Robertson | aye | Mr. Arrowood     | aye |
| Mr. Holmes    | aye | Vice Mayor Darby | aye |
| Ms. Woods     | aye | Mayor Claffey    | aye |
| Ms. Edwards   | aye |                  |     |

The work session adjourned at 7:00 p.m.

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Kiley A. Kesecker  
Clerk of Council

**REGULAR MEETING OF STAUNTON CITY COUNCIL****Thursday, May 25, 2023****7:00 p.m.****Rita S. Wilson Council Chambers**

**PRESENT:** Mayor Stephen W. Claffey  
Vice Mayor Amy G. Darby  
Brad D. Arrowood  
Michele D. Edwards  
R. Terry Holmes (remote participant)  
Mark A. Robertson (remote participant)  
Alice L. Woods

**ALSO PRESENT:** Leslie Beauregard, City Manager  
Amanda Kaufman, Assistant City Manager  
John Blair, City Attorney  
Kiley Kesecker, Clerk of Council

**Mayor Claffey called the meeting to order:** Mayor Claffey called this meeting of Staunton City Council to order.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Ms. Edwards.

**MAYOR'S REPORT**

Mayor Claffey stated that the Gypsy Hill golf course office had reopened, and he recently presented a proclamation to the outgoing Salvation Army Lieutenants John and Kelsey Meredith. He closed by reading a portion a letter of gratitude from a citizen to Police Chief Jim Williams and Officer Shifflett.

**ADDITIONAL ITEMS BY MEMBERS OF COUNCIL**

A moment of silence in recognition of Memorial Day was observed at the request of Vice Mayor Darby.

Mr. Arrowood stated he had attended the NAACP Unity Prayer Breakfast.

Ms. Woods stated she had attended the NAACP Unity Prayer Breakfast and a community awareness event hosted by the Shenandoah Valley Coalition Counteracting Human Trafficking. She also attended the five year anniversary gala for the RISE Organization.

Ms. Edwards stated she had attended the NAACP Unity Prayer Breakfast and a Valley Program for Aging Services roundtable. She added that she also attended Kids Matter day in Gypsy Hill Park.

**APPROVAL OF MINUTES**

Ms. Woods moved to approve the work session and regular meeting minutes of May 11, 2023 as presented.

The motion was seconded by Mr. Holmes and carried as follows:

|              |     |                  |         |
|--------------|-----|------------------|---------|
| Ms. Woods    | aye | Mr. Robertson    | absent  |
| Mr. Arrowood | aye | Vice Mayor Darby | aye     |
| Ms. Edwards  | aye | Mayor Claffey    | abstain |
| Mr. Holmes   | aye |                  |         |

**REGULAR MEETING****A. Public Hearing and Consideration of an Ordinance to Vacate and Abandon a Portion of Undeveloped Hale Street**

Senior Planner Rodney Rhodes stated that Edward and Linda Koska have requested a vacation of an undeveloped portion of Hale Street, located between 850 and 900 Maple Street and extending south from Maple Street to its terminus at Lewis Creek. The Koska's own 900 Maple Street, which is immediately adjacent to this portion of undeveloped street. This area is known as the Tannehill Wheat Subdivision and was originally platted in Augusta County in the late 19th century. The area was annexed into the city in 1905.

Staff reviewed the request in 2022 and identified one issue – a city sewer line runs along Lewis Creek, adjacent to the rear property lines of the houses facing Maple Street. The undeveloped Hale Street provides access for the city for maintenance and repair of the line. If the street is vacated, staff recommends that the city retain a 20-foot wide public utility and access easement, from Maple Street, for the length of the current undeveloped street. Staff worked with Angie Whitesell, attorney for the applicant, to work out the details of the easement. Those details have been finalized and the request is now ready for Council's consideration.

During staff's review, no other issues were identified. This section of Hale Street does not serve as primary access for any properties. The three properties that have frontage on the street, all have frontage and primary access from other streets.

Mayor Claffey asked if Councilmembers had any questions or comments.

Councilmembers had no questions or comments.

Mayor Claffey stated the following:

"In a moment, I will open the Public Hearing. It is a time that Council sets aside to hear from citizens and others about a specific topic.

We ask that you please give your name, your address, and then keep your remarks at five minutes or less. When you reach the five-minute time limit, I will let you know that your time limit has expired.

For our Zoom participants, please raise your hand now if you wish to speak on this particular Public Hearing. If you raise your hand during this Public Hearing, you will also be able to raise your hand during this Council meeting for other Public Hearings and Matters of the Public. Please keep your comments to five minutes as well. Once everyone who wishes to speak has had an opportunity, I will then close the Public Hearing.

I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform.”

The public hearing was opened.

Angie Whitesell, attorney representing the applicant, presented a brief overview of the request.

With there being no one else wishing to speak, the public hearing was closed.

Vice Mayor Darby moved that that Council adopt the ordinance and approve the vacation as recommended by the Planning Commission.

The motion was seconded by Mr. Arrowood and carried as follows:

|               |        |                  |     |
|---------------|--------|------------------|-----|
| Mr. Holmes    | aye    | Mr. Arrowood     | aye |
| Mr. Robertson | absent | Vice Mayor Darby | aye |
| Ms. Edwards   | aye    | Mayor Claffey    | aye |
| Ms. Woods     | aye    |                  |     |

#### **Ordinance No. 2023-19**

### **AN ORDINANCE CLOSING, VACATING, DISCONTINUING AND ABANDONING A PORTION OF UNDEVELOPED HALE STREET LOCATED BETWEEN 900 MAPLE STREET (PID 7292) ON THE WEST AND 850 MAPLE STREET (PID 9091) ON THE EAST**

#### **Recitals**

**A.** An application for street vacation has been filed by Edward J. Koska and Linda C. Koska, pursuant to § 15.2-2006 of the Code of Virginia, 1950, as amended, to have all of that certain portion of the street as hereinafter described, vacated and abandoned by the City of Staunton, Virginia;

**B.** The subject portion of the street was initially platted in and was never accepted by the City as part of its public street system;

C. Edward J. Koska and Linda C. Koska are the owners of 900 Maple Street, identified as City of Staunton PID 7292, and seek to close the portion of the unopened Hale Street (now also spelled Haile Street) located to the east of their property and to the west of 850 Maple Street, identified by City of Staunton PID 9091, consisting of an area of approximately forty feet (40') in width and two hundred feet (200') in length;

D. Central United Methodist Church, acting by and through its duly appointed Trustees, is the owner of 850 Maple Street, identified as City of Staunton PID 9091, and seek to close the portion of the unopened Hale Street (now also spelled Haile Street) located to the west of its property and to the east of 900 Maple Street, identified by City of Staunton PID 7292, consisting of an area of approximately forty feet (40') in width and two hundred feet (200') in length;

E. A plat showing the aforesaid portion of the undeveloped street to be vacated and abandoned (the cross-hatched area) is annexed and incorporated by reference as Exhibit A;

F. The requirements of § 15.2-2006 of the Code of Virginia have been met along with those of § 15.2-2204 of the Code of Virginia;

G. At its regular meeting on September 15, 2022, the Planning Commission of the City of Staunton, Virginia, after study and review, properly heard the matter and recommended approval of vacating said portion of the street;

H. This matter has been properly advertised, heard, and considered; and,

I. These recitals are an integral part of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Staunton, Virginia, that the City hereby **CLOSES, VACATES, DISCONTINUES** and **ABANDONS** the portion of the street described as follows:

The portion of a 40 foot wide street running a distance of 200 feet, designated and described as "40' Undeveloped Street to be Vacated," adjoining City Tax Map Parcels 7292 and 9091,

with reservation to the City of Staunton of any existing utility lines located in the street, with ownership of the area of the vacated street determined in accordance with applicable law.

Introduced: May 25, 2023  
Adopted: May 25, 2023  
Effective Date: May 25, 2023

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER  
Clerk of Council

**B. Public Hearing and Consideration of the Disposition of Real Property to Staunton Augusta Waynesboro Habitat for Humanity, Inc.**

City Attorney John Blair stated that Staunton Augusta Waynesboro Habitat for Humanity, Inc. ("Habitat") is proposing to construct twenty-two units of workforce housing on land it currently owns located on A Street. In order to construct all 22 units as well as infrastructure associated with this project, Habitat needs to acquire property currently owned by the City of Staunton. The proposed ordinance conveys four lots and a portion of a fifth lot in the A Street area to Habitat. City staff indicates that there is no current or anticipated City operational need for the property. The city and Habitat have agreed to a price of \$15,000 for the property.

Mr. Blair noted the proposed deed contains a reverter clause. If Habitat does not commence construction of the project and dedicate A Street right-of-way associated with the project to the City by July 1, 2025, the property conveyed to Habitat will revert back to the City of Staunton.

Virginia Code Section 15.2-1800 authorizes the Staunton City Council to convey the property to Habitat after conducting a public hearing.

Mayor Claffey asked if Councilmembers had any questions or comments.

Mr. Arrowood stated that as a former employee of Habitat for Humanity, he had no conflict of interest in the matter. As Habitat for Humanity is purchasing the land from the city to build much needed affordable housing for citizens, he moved that the sale price of the land be changed from \$15,000 to \$1.

The motion was seconded by Mr. Holmes.

Mayor Claffey asked if one of the lots would be in danger from incoming golf balls, as a portion of it overlaps a fairway on the Gypsy Hill golf course. Mr. Blair stated that the lot Mr. Claffey was referring to would not be conveyed to Habitat and would remain in the hands of the city.

The motion carried as follows:

|               |        |                  |     |
|---------------|--------|------------------|-----|
| Ms. Woods     | aye    | Ms. Edwards      | aye |
| Mr. Robertson | absent | Vice Mayor Darby | aye |
| Mr. Holmes    | aye    | Mayor Claffey    | aye |
| Mr. Arrowood  | aye    |                  |     |

Mayor Claffey stated the following:

"I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform."

The public hearing was opened.

Brenda Mead, 342 Sherwood Avenue, spoke in support of the proposed sale and the newly approved \$1 sale price.

Mary Miller, 471 Albemarle Avenue, spoke in support of the proposed sale and construction.

With there being no one else wishing to speak, the public hearing was closed.

Mr. Holmes moved that City Council approve the Ordinance conveying title of a portion of 600 Churchville Avenue to Staunton-Augusta-Waynesboro Habitat for Humanity, Inc., as presented.

The motion was seconded by Mr. Arrowood and carried as follows:

|               |        |                  |     |
|---------------|--------|------------------|-----|
| Ms. Woods     | aye    | Ms. Edwards      | aye |
| Mr. Robertson | absent | Vice Mayor Darby | aye |
| Mr. Holmes    | aye    | Mayor Claffey    | aye |
| Mr. Arrowood  | aye    |                  |     |

#### **Ordinance No. 2023 - 20**

#### **AN ORDINANCE AUTHORIZING CONVEYNCE OF TITLE OF A PORTION OF 600 CHURCHVILLE AVE (Parcel: 9115) TO STAUNTON AUGUSTA WAYNESBORO HABITAT FOR HUMANITY, INC.**

#### **RECITALS**

A. By deed dated October 15, 1964, ("Deed") and recorded in Deed Book 144 Page 1, in the Clerk's Office of the Circuit Court of the City of Staunton, Valley Investment Company, Incorporated, a Virginia Corporation, conveyed unto the City of Staunton, a municipal corporation of the Commonwealth of Virginia, all of those lots or parcels of land, with appurtenances thereunto belonging, situate in the City of Staunton, Virginia:

1. The residue of a tract of 22.22 acres shown by plat and survey dated April 5, 1954, of W. A. Crawford, S.A.C., attached to a deed from Hubert F. Grimm and wife, dated April 16, 1954, and recorded in the Clerics Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 81, page 83, conveying said property to said party of the first part, after the conveyance of three(3) lots to John A. Reid and Malcolm J. Reid, by deed of Valley Investment Company, Incorporated, dated December 21, 1959, recorded in said Clerk's Office in Deed Book 115, page 45, said lots being therein described by plat of Clark and Associates, dated March 2, 1959, attached as Lot 1 in Block 2 and Lots 5 and 6 in Block 1 on the Plat of Kenwood Unit 1.

2. Lots Nos. One (1), Three (3) Five (5), Seven (7), Nine (9) the southwest one-half of Ten (10), and Lots Nos- Eleven (11) through twenty-one (21), inclusive, in Block No. One (1); Lots Nos. Two (2), Four (4), Six (6), Eight (8), the southwest one-half of Lot Nine (9) and Lots Nos. Ten (10) through Twenty-eight (28),

inclusive, in Block No. Two (2); Lots Nos. One (1) through Twenty-five (25), inclusive, and Lot No. Twenty-seven (27) in Block No. Three (3), as designated on the corrected Map of Staunton Park Addition of record in the Clerk's Office of the Circuit Court of Augusta County, Virginia in Map Book 1, and being a portion of certain lots conveyed to said party of the first part by deed of Ray L. St. Clair and Helen B. St. Clair, husband and wife, dated August 7, 1963, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 135, page 216.

**B.** The property was combined with Gypsy Hill Park;

**C.** Staunton Augusta Waynesboro Habitat for Humanity, Inc. (Habitat) is proposing to construct workforce housing that will consist of at least twenty-two units on land it currently owns that is located on A Street (Project). Habitat wishes to obtain from the City Lot Nos. One (1), Three (3), Five (5), the northeastern portion of seven (7) measuring 19.63' in width and 128.25' in length, and Lot twenty-one (21) (Property) in order to construct the units along with the necessary infrastructure needed for the Project;

**D.** City Council was advised of Habitat's proposed Project and desires to support and encourage the development of the Project;

**E.** At its regular May 25, 2023 meeting, City Council voted 7 - 0 which constitutes an affirmative vote of at least three-fourths of all Council members, as required pursuant to Staunton City Code § 2.10.90, to convey the Property to Habitat in exchange for One Dollar (\$1.00);

**F.** Under the prepared deed as attached to this ordinance, the City of Staunton shall grant and convey the real property to Habitat;

**G.** This matter has been properly advertised, heard and considered;

**H.** These recitals are deemed an integral part of this ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Staunton, Virginia, that it authorizes the conveyance of title as contemplated in the proposed deed;

**BE IT FURTHER ORDAINED** that the City Manager of the City of Staunton, Virginia, is authorized to make minor modifications to the prepared deed and to execute such proposed instrument on behalf of the City of Staunton, Virginia, as advised by the City Attorney of the City of Staunton, Virginia, and take all other reasonable actions in exchange for full execution by the other parties and receipt by the City of Staunton, Virginia, in a form satisfactory as determined in the sole discretion of the City Attorney.

Introduced: May 25, 2023

Adopted: May 25, 2023

Effective Date: May 25, 2023

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER

Clerk of Council

**C. Consideration of a Request by Flying Rock Property LLC, to withdraw 801 Commerce Road, Containing Approximately 96.823 Acres, from the Bells Lane Agricultural-Forestal District**

Mr. Rhodes stated that on November 28, 2022, the applicant requested that 801 Commerce Road be removed from the Bells Lane Agricultural District in order to develop the site with a solar energy facility. Land within the overlay district shall be used solely for agricultural and forestal products and production, so removal of the property from the agricultural District is a prerequisite to developing the property with a solar energy facility. The Bells Lane Agricultural District consists of approximately 1,700 acres, bounded generally on the west by Commerce Road, on the north by State Route 262, on the east by Interstate 81 and on the south by Route 254. The Bells Lane Agricultural District was established by City Council on January 1, 1997, and was most recently renewed, for a 10-year period, in 2020. In 1998, a 12-acre parcel was removed from the Bells Lane Agricultural District.

Mr. Rhodes continued, stating that the request to withdraw the property from the district was considered by the Staunton Agricultural and Forestal Advisory Committee on February 6, 2023 and February 24, 2023. The committee members were also afforded the opportunity to visit the site in advance of their second meeting. The committee noted in their report:

“The City Ordinance 18.95, which establishes Ag/Forestal Districts, does not give a purpose statement or general description which could help guide the Committee in their determination. However, language in the Code of Virginia does lay out state policy that specifies considerations in establishing and maintaining Ag/Forestal Districts. Code section 15.2-4401 states, “It is state policy to encourage localities of the Commonwealth to conserve and protect and to encourage the development and improvement of their agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also a state policy to encourage localities of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, aesthetic quality, and other environmental purposes. It is the purpose of this chapter to provide a means by which localities may protect and enhance agricultural and forestal lands of local significance as a viable segment of the local economy and as an important economic and environmental resource.”

18.095.060(2) of the City Zoning Code states, “No land within a district shall be removed except with the approval of the Council of the City of Staunton, upon a showing of good and reasonable cause.”

The Virginia Code or case law does not define good and reasonable cause explicitly. It only says that a good and reasonable cause cannot be arbitrary or capricious and cannot be willfully unreasonable.

384  
385 The general purpose of Land Use Taxation in Virginia is to preserve agricultural,  
386 horticulture, forestry, and open space lands and to allow for the timely development  
387 of land.  
388

389 Soil maps from the City show that only a small portion of the property is considered  
390 prime agricultural soil. The bulk of the property is primarily silty clay loam with  
391 very high runoff and 30% rock outcrops.”  
392

393 Mr. Rhodes continued by stating that after careful deliberations on the matter, the committee, on  
394 a 3-2 vote, recommended approval of the applicant’s request to remove the property from the Bells  
395 Lane Agricultural District. Section 18.95.040 of the Staunton Zoning Code notes: “These districts  
396 are overlay districts and upon termination of any of the districts or withdrawal of any parcel from  
397 a district, when permitted, the underlying zoning with its rules and regulations shall continue to be  
398 in effect.” The property is zoned I-1, Light Industrial and is therefore subject to all the regulations  
399 and restrictions of that district.  
400

401 Mr. Rhodes concluded with a staff recommendation that City Council follow the recommendation  
402 of the Staunton Agricultural-Forestal Advisory Committee and the Planning Commission to  
403 remove 801 Commerce Road from the Bell’s Lane Agricultural District. The reason for removing  
404 the property from the district is not arbitrary, capricious or willfully unreasonable. Only 7% of the  
405 property is considered prime agricultural soil, and the property has not been used for crop  
406 production- only for grazing of cattle.  
407

408 Mayor Claffey asked if Councilmembers had any questions for staff.  
409

410 Ms. Edwards asked what happens if a property owner opts not to continue in the ag-forestal district  
411 at the 10-year renewal period. Mr. Rhodes stated that the property would come out of the ag-  
412 forestal district and return to its underlying zoning which is I-1 Light Industrial.  
413

414 Mr. Holmes asked if the entrance to the property would be off New Hope Road. Mr. Rhodes  
415 answered that the proposal is to use the current access off Commerce Road that is currently utilized  
416 by VDOT and Virginia State Police.  
417

418 Councilmembers had no further questions for staff.  
419

420 Lorie Schweller, attorney with Williams Mullen representing the applicant gave a presentation  
421 outlining the project and the withdrawal of the property from the ag-forestal district.  
422

423 Ms. Edwards asked if the vote to remove the property from the ag-forestal district by the committee  
424 was legal since only five members were present. Mr. Blair stated that there were vacancies, but  
425 there are Attorney General's opinions that say that does not mean that a committee or body cannot  
426 vote on a matter.  
427

428 Councilmembers had no further questions or comments.  
429

430 Mr. Holmes moved that Council approve the withdrawal of 801 Commerce Road from the Bells  
431 Lane A-1, Agricultural-Forestal District, as recommended by the Planning Commission.

The motion was seconded by Ms. Edwards and carried as follows:

|              |     |                  |        |
|--------------|-----|------------------|--------|
| Mr. Arrowood | aye | Mr. Robertson    | absent |
| Ms. Woods    | no  | Vice Mayor Darby | aye    |
| Ms. Edwards  | aye | Mayor Claffey    | aye    |
| Mr. Holmes   | aye |                  |        |

**D. Public Hearing and Consideration of a Request by Flying Rock Property LLC, for a Special Use Permit Under the Provisions of Staunton City Code Section 18.75.040(1), for the Development of a Solar Energy Facility at 801 Commerce Road**

Mr. Rhodes stated that the proposal is to develop a solar energy electrical generation facility and associated collector substation producing approximately 20.75 megawatts (MW). The proposal includes a 15.75 MW utility scale solar facility and a 5 MW community scale solar facility. The applicant held two community meetings, on February 22, 2023 and April 5, 2023, that were attended by approximately 20-30 people, including: the public, Councilmembers, Planning Commissioners, city staff, and the applicant's team. Comments received included: concerns about visual impacts, property value impacts, stormwater impacts and decommissioning.

Mr. Rhodes outlined some of the by-right uses permitted in the Light Industrial District, as follows:

- Building material sales yard and lumber yard, including the sale of rock, sand and gravel.
- Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
- Freighting or trucking yard or terminal.
- Outdoor storage facilities for coal, coke, building materials, sand, gravel, stone, lumber; open storage of construction contractor's equipment and supplies.
- Public utility service yard or electrical receiving or transforming station.
- Auction house.
- Tire recapping or retreading.
- Co-location of telecommunication antenna and related equipment.

Mr. Rhodes emphasized that any of the above noted uses could be permitted on the site, upon the administrative approval of a site plan. The approval would not be subject to public review, Planning Commission input or City Council authorization.

The most apparent impact of the proposal, Mr. Rhodes continued, is the visual impact on the adjacent and nearby properties. The applicant has proposed a 50-foot vegetative screening buffer for the solar panels and equipment from the right-of-way and from any non-industrial zoned property. This far exceeds the 10-foot vegetative buffer requirement for any of the by-right industrial uses. Due to the elevated railroad, parallel to Commerce Road, there will be very limited views of the solar panels for the motoring public along this street. However, due to the topography of the site and other properties in the vicinity, even with a 50-foot vegetative buffer, the solar panels will be viewable along sections of New Hope Road and from elevated locations in the vicinity. Visual simulations show a 10' vegetative buffer – not the 50' vegetative buffer on the current proposal. The solar panels will not be visible from any of the City's National Register Historic Districts; however, they will be visible from the John Lewis grave site. The applicant

notes that when properly screened and set back from surrounding residences and properties, studies have shown that solar arrays have no negative impact on property values. As previously stated, due to the topography of the area, it is impractical to screen the solar panels from the surrounding properties. However, development of a site with a solar energy facility would preclude the property from being developed with a lot of those other uses, which would have much greater impacts on the property values in the area.

An Environmental Resource Impact Analysis was prepared by Timmons Group. The project will be located outside of the 50-foot riparian buffer and flood plain, and will be developed in conformance with all applicable federal, state, and local laws and regulations. Conformance with the laws and regulations will be verified through the site plan review process. Grading on the site will be limited to areas for access roads, substations, inverter locations, and stormwater management facilities, and only minimal grading will be done under the individual solar panels.

Unlike most industrial uses, it is practical to decommission a solar energy facility at the end of its useful life and restore the land to its pre-development condition. Mr. Rhodes noted that Timmons Group has prepared decommissioning plans for the solar energy facilities. The plans provide specifics on when the projects will be decommissioned, how the land will be restored, who is responsible to do the work and how much the plans will cost to implement. City staff has reviewed the decommissioning plans and found them to be very thorough and generally acceptable; however, staff has reservations about the estimated value of the salvaged material. Therefore, staff recommends that surety is provided to cover the entire cost of implementing the decommission plans, without a credit for the estimated value of the salvage material.

Mr. Rhodes added that the applicant notes “while the project will increase the tax base provided to the city, it will not have any significant draw on public resources such as schools, sewer and water, roads, or other public services and facilities.” Access to the site is from an existing entrance that serves VDOT and the State Police offices. Temporary traffic control measures will be implemented during construction; however, once operational, the site is not expected to generate more than one or two trips per week.

Mr. Rhodes continued, stating that the application has been reviewed for compliance with the factors to be considered when acting on a Special Use Permit. It is staff’s opinion that the proposal, with appropriate conditions, meets the requirements of the Zoning Code for approval. The primary impacts associated with the project are with construction and visual impacts. It is estimated that the construction will last approximately 6-12 months so the impact is of a limited duration. While the visual impacts will remain, it is arguable that the visual impacts of the proposed project are less than other permitted uses of the property. The proposed project is unique in that it requires minimal grading of the site and the site can, and will, be returned to its pre-existing condition at the end of the facility’s useful life.

Ms. Schweller gave a presentation outlining the project and gave additional information on changes to the proposal that addressed issues previously discussed.

Mayor Claffey asked if Councilmembers had any questions or comments.

Mayor Claffey asked what the surety bond for decommissioning would entail. Ms. Schweller stated that they would be required by the special use permit conditions to revisit the

decommissioning cost every five years to make sure the bond is appropriate. They will work with the city to post a bond or letter of credit, just like one would do for roads or land development, which would secure the obligation for the life of the project.

Ms. Edwards asked what will happen to the decommissioned panels. Ms. Schweller answered that there are places that recycle them, but they have been trying not to answer that with too much specificity, as it is their hope that in 25 to 30 years, there will be very specific locations that can do recycling of all the components of the panels and other equipment.

Mr. Arrowood asked what the average lifespan of the panels is. Ms. Schweller replied that they are looking to have a warranty of 25 years.

Mr. Blair stated that Council Robertson had jointed the meeting remotely.

Mayor Claffey stated “on May 19, 2023, I received a request from Councilor Robertson to participate remotely in the May 25, 2023 Staunton City Council meeting due to a personal matter that prevents his physical attendance at the meeting. Pursuant to the Freedom of Information Act, I will now ask Councilor Robertson to state the personal matter which makes him unable to attend tonight’s meeting.”

Mr. Robertson stated that he was on vacation in Tennessee.

Mayor Claffey stated “I will now entertain a motion to allow Councilor Robertson’s remote participation in this meeting pursuant to Staunton City Council Procedural Memorandum Number Three.”

Vice Mayor Darby stated “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Robertson to remotely participate in the May 25, 2023 Staunton City Council meeting due to a personal matter.”

The motion was seconded by Ms. Edwards and carried as follows:

|              |     |                  |     |
|--------------|-----|------------------|-----|
| Mr. Arrowood | aye | Ms. Edwards      | aye |
| Ms. Woods    | aye | Vice Mayor Darby | aye |
| Mr. Holmes   | aye | Mayor Claffey    | aye |

Mayor Claffey asked Mr. Robertson to state the location from which he was participating. Mr. Robertson responded that he was in Gatlinburg, Tennessee. Mayor Claffey asked Council and the audience if they could hear Mr. Robertson. The response was affirmative.

Discussion resumed with Ms. Edwards asking if the requirement that 30% of subscribers be low to moderate income households refers to 30% of the population or total subscribers. Ms. Schweller confirmed the latter.

Rick Thomas from Timmons Group briefly addressed Council and answered several questions about his credentials and those of Timmons Group and Oikos Solar.

Mr. Robertson asked how many projects like the one proposed have been completed in Virginia. Mr. Thomas stated that there are 52 such proposals in 2023 in the state.

Mayor Claffey stated the following:

“I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform.”

The public hearing was opened.

Wilson Fauber, 318 Woodmont Drive, spoke in opposition to the proposed solar facility due to visual impact.

Annie Dixon, 610 New Hope Road, spoke in opposition to the project and described her issues with the Agricultural-Forestal Advisory Commission.

Rosanne Vrugtman, 1743 Englewood Drive, spoke in opposition to the proposed solar facility.

Fonda Gardner, 318 Baldwin Drive, continued reading the comments of Ms. Vrugtman.

Yvonne Wilson, 2017 First Street, spoke in opposition to the proposed solar facility.

Carol Blackburn, 738 New Hope Road, spoke in opposition to the proposed solar facility.

Lisa Hatter, 1782 Shutterlee Mill Road, spoke in opposition to the proposed solar facility.

Tony Smith, 219 Church Street, spoke in support of the proposed solar facility and other projects like it.

Lisa Hatter, 1782 Shutterlee Mill Road, spoke in opposition to the proposed solar facility.

Ron Dixon, 610 New Hope Road, spoke in opposition to the proposed solar facility due to visual impact.

John Cordle, 794 Blue Ridge Drive, spoke in opposition to the proposed solar facility due to visual impact.

Erik Curren, 14 South Washington Street, spoke in support of the proposed solar facility and described the benefits of solar energy.

Evan Thompson, 685 New Hope Road, spoke in opposition to the proposed solar facility due to visual impact via a letter written by parents Park and Sandra Thompson.

Nancy Sorrells, 3419 Cold Springs Road, Greenville spoke in support of the proposed solar facility and described the benefits of solar energy.

Brenda Mead, 342 Sherwood Avenue, spoke in support of the proposed solar facility.

Edward Wulin, 639 Churchville Avenue, spoke in support of the proposed solar facility.

Rachel Epling, 800 Lammermoor Drive, spoke in opposition to the proposed solar facility due to visual impact.

Cindy Connors, 106A Skyline Avenue, spoke in support of the proposed solar facility.

Bobby Whitescarver, 164 Whiskey Creek Road, Churchville, spoke in support of the proposed solar facility.

John Hartless, 826 Lammermoor Drive, spoke in opposition to the proposed solar facility due to visual impact.

Mary Miller, 426 Albemarle Avenue, spoke in support of the proposed solar facility.

Adam Campbell, 206 Meadowbrook Road, spoke in support of the proposed solar facility and addressed several concerns on behalf of the Planning Commission.

With there being no one else wishing to speak, the public hearing was closed.

Ms. Edwards moved to table items D and E until the second meeting in June, to allow members of the community additional time to educate themselves on the proposal and get their questions answered.

The motion was seconded by Mr. Robertson and carried as follows:

|               |     |                  |     |
|---------------|-----|------------------|-----|
| Mr. Arrowood  | aye | Ms. Edwards      | aye |
| Ms. Woods     | aye | Vice Mayor Darby | aye |
| Mr. Robertson | aye | Mayor Claffey    | aye |
| Mr. Holmes    | aye |                  |     |

**E. Public Hearing and Consideration of a Solar Siting Agreement between Staunton PV-UT, LLC and the City of Staunton, Virginia**

The item was tabled until June 22, 2023.

**F. Consideration of Real Estate Acquisition for the Staunton Juvenile and Domestic Relations Court**

Ms. Beauregard announced that the city will acquire Chestnut Hills Shopping Center in the West End to be used as the new location for the Juvenile and Domestic Relations District Court Facility. She, along with members of Council, thanked all of those involved in making the acquisition happen.

Ms. Woods moved that City Council direct the City Manager to execute a contract, approved by the City Attorney, to acquire the property located at 2040 West Beverley Street in Staunton.

The motion was seconded by Mr. Robertson and carried as follows:

|               |     |                  |     |
|---------------|-----|------------------|-----|
| Ms. Edwards   | aye | Ms. Woods        | aye |
| Mr. Robertson | aye | Vice Mayor Darby | aye |
| Mr. Holmes    | aye | Mayor Claffey    | aye |
| Mr. Arrowood  | aye |                  |     |

Mr. Holmes disconnected from the meeting at 10:26 p.m.

#### **MATTERS FROM THE CITY MANAGER**

Ms. Beauregard stated that the recycling center would be closed for Memorial Day as well as City Hall and other city facilities. She concluded by stating that the city topped the list of “8 Coolest Small Towns in Virginia for a Summer Vacation” on World Atlas.

#### **MATTERS FROM THE PUBLIC**

Mayor Claffey read the following statement:

“This part of City Council’s agenda is entitled matters from the public. It is a time that Council sets aside to hear from citizens and others about a wide variety of subjects. A copy of the Staunton City Council’s ‘Matters from the Public’ rules are available in paper form at the Clerk’s desk and online at the City of Staunton webpage. You are asked to familiarize yourself with those rules before commenting. Please come to the podium or begin your call, identify yourself and complete your remarks within five minutes.”

Cindy Connors, 106A Skyline Avenue, stated that the letter carrier food drive was a huge success, collecting 1,300 more pounds of food than the previous year.

There was no one else wishing to speak.

#### **ADJOURNMENT**

There being no further business to come before Council, the meeting adjourned at 10:31 p.m.

---

Kiley A. Kesecker  
Clerk of Council



CITY OF STAUNTON, VIRGINIA

# Proclamation

## Juneteenth

June 19

- WHEREAS,** it is well documented that Africans were enslaved and forcibly brought to a land that would later become the United States beginning in the early 1600s and continuing for over 200 years becoming the main cause of the Civil War; and
- WHEREAS,** although President Abraham Lincoln's Emancipation Proclamation was issued on January 1, 1863, in Texas, many slaveholders continued to enslave Black people after the announcement; and
- WHEREAS,** on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended; and
- WHEREAS,** African Americans who had been enslaved, celebrated June 19 – also known as Emancipation Day, Freedom Day, Jubilee Day, Juneteenth Independence Day and Black Independence Day – as a symbolic date representing African American freedom; and
- WHEREAS,** Juneteenth also serves as a reminder of the work yet to come that will be necessary in order to ensure a more equitable world for future generations; and
- WHEREAS,** Juneteenth has been celebrated by Texans since 1866, it became a Virginia state and federal holiday in 2021; and
- WHEREAS,** the Shenandoah Valley Juneteenth Celebration Committee began hosting an annual celebration of Juneteenth in Staunton, Virginia in 2017; and
- WHEREAS,** Staunton City Council recognizes that the observance of the end of American slavery is a part of the history and heritage of the United States and acknowledges the significance of Juneteenth as a federal, state and citywide day of celebration.

**NOW, THEREFORE, BE IT PROCLAIMED** by Staunton City Council that June 19, 2023, is hereby recognized as

## Juneteenth

in the City of Staunton, and Council encourages all residents to join together in celebration and solidarity, and urges all residents to actively raise their own awareness of the significance of this celebration in African American History and in the heritage of our nation and City.

Adopted this 8<sup>th</sup> day of June, 2023.



STEPHEN W. CLAFFEY, MAYOR

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL





CITY OF STAUNTON, VIRGINIA

# Proclamation

## LGBTQ+ Pride Month & The Shenandoah LGBTQ Center

- WHEREAS,** our nation was founded on the principle of equal rights for all people, but the fulfillment of this promise has been long in coming for many Americans; and
- WHEREAS,** the historical riot at Stonewall in New York City on June 28, 1969 is recognized as the beginning of the modern-day LGBTQ+ civil rights movement and, as a result, for more than 50 years, June has been celebrated as LGBTQ+ Pride Month nationwide; and
- WHEREAS,** everyone should be able to live without fear of prejudice, discrimination, violence, and hatred based on race, ethnicity, religion, class, gender identity, sexual orientation, age, mental or physical disability and to be supported by their peers, educators, and community leaders; and
- WHEREAS,** the fabric of our community is strengthened when we center the values of equity, inclusion, justice, diversity, acceptance and kindness, not only during this month of remembrance, patronage and recognition, but throughout the year and beyond; and
- WHEREAS,** Staunton has a diverse LGBTQ+ community and is committed to uplifting the voices and dignity for all people in the community; and
- WHEREAS,** the Shenandoah LGBTQ Center of Staunton, Virginia was established in July 2018 by Christopher Wood to address the unique challenges faced by the rural LGBTQ+ community and is a community-based organization that strengthens this community through advocacy, education, programs and safe spaces; and
- WHEREAS,** the Center has served countless members of the community since its inception, and continues to offer programs and support for individuals of any age, through all phases of their journey as LGBTQ+ people; and
- WHEREAS,** consistent with the efforts of the Center, the City of Staunton strives to be a community where everyone is celebrated for our differences, rather than limited by what might divide us.

**NOW, THEREFORE, BE IT PROCLAIMED** by Staunton City Council that the entire month of June 2023, is hereby designated as

## LGBTQ+ Pride Month

in the City of Staunton, and Council honors The Shenandoah LGBTQ Center and its work to serve the LGBTQ+ community, encourages the citizens of Staunton to celebrate their diverse community, and joins our LGBTQ+ community in celebrating the resiliency of LGBTQ+ people of all ages.

Adopted this 8<sup>th</sup> day of June, 2023.

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL



STEPHEN W. CLAFFEY, MAYOR



# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                                                               |                                             |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Meeting Date:                                        | June 8, 2023                                                                                                  | Jessie L. Moyers<br>Chief Financial Officer |
| Item #                                               | A                                                                                                             |                                             |
| Department:                                          | Finance                                                                                                       |                                             |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Excellence<br><br>Strategic Area: Responsible, Efficient Government                                    |                                             |
| Subject:                                             | Ordinance to Amend the FY2023 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Six |                                             |

**Background:** The sixth budget amendment for fiscal year 2023 has been prepared for review and discussion. The total budget amendment equals \$2,874,238. Consideration of the ordinance is scheduled for June 22, 2023.

## **City Budget Amendment—\$2,874,238**

1. General Fund amendment of \$1,065,881.
  - \$576,803 – Appropriation for recovered costs.
  - \$18,228 – Appropriation for the Opioid Settlement funds received to date.
  - \$470,850 – Appropriation for new non-capital grants and contributions.
2. Capital Improvements Fund amendment netted to zero. There is one CIP transfers between CIP accounts.
  - \$42,000 – transferred from 2% Urban Street Construction to Retaining Wall
3. Community Development Fund amendment of \$162,227 for non-cap grants.

4. Grants Fund amendment of \$337,918 to appropriate the LLEBG grant and the ARPA Law Enforcement Equipment Grant.
5. HUD Fund amendment of \$1,177,646 for various HUD grant years.
6. Blue Ridge Court Services amendment of \$106,510 to appropriate DCJS grant.
7. Water Fund amendment for \$6,642 to appropriate insurance recovery.
8. Stormwater Fund amendment of \$17,414 to appropriate the Monsanto settlement.

**Attachments:**

Attachment 1—Budget Amendment Number Six

Attachment 2—Notice of Public Hearing

**City Manager's Recommendation:** Discuss the proposed budget ordinance and conduct the public hearing.

**Suggested Motion:** Not Applicable.

**City Manager:** Leslie Beauregard

**Ordinance No. 2023-**  
**AN ORDINANCE TO AMEND**  
**THE FY2023 BUDGET ORDINANCE**  
**FOR THE CITY OF STAUNTON**  
**BY ADDING BUDGET AMENDMENT NUMBER SIX**

**Attachment 1**

**BE IT ORDAINED**, by the City Council of the City of Staunton, Virginia, that the FY2023 Budget is amended as follows:

**GENERAL FUND**

**Anticipated Revenue**

|                                  |    |           |
|----------------------------------|----|-----------|
| Recovered Costs                  | \$ | 576,803   |
| Miscellaneous Revenue            |    | 18,228    |
| Capital Grants and Contributions |    | 470,850   |
| Total Revenue                    | \$ | 1,065,881 |

**Appropriations**

|                             |    |           |
|-----------------------------|----|-----------|
| General Government          | \$ | 18,228    |
| Judicial Administration     |    | 40,602    |
| Public Safety               |    | 279,258   |
| Public Works                |    | 676,613   |
| Parks, Recreation, Cultural |    | 51,180    |
| Total Appropriations        | \$ | 1,065,881 |

**GRANTS FUND**

**Anticipated Revenue**

|                                  |    |         |
|----------------------------------|----|---------|
| Capital Grants and Contributions | \$ | 337,918 |
| Total Revenue                    | \$ | 337,918 |

**Appropriations**

|                      |    |         |
|----------------------|----|---------|
| Public Safety        | \$ | 337,918 |
| Total Appropriations | \$ | 337,918 |

**HUD FUND**

**Anticipated Revenue**

|                                  |    |           |
|----------------------------------|----|-----------|
| Capital Grants and Contributions | \$ | 1,177,646 |
| Total Revenue                    | \$ | 1,177,646 |

**Appropriations**

|                      |    |           |
|----------------------|----|-----------|
| HUD Funds            | \$ | 1,177,646 |
| Total Appropriations | \$ | 1,177,646 |

**BLUE RIDGE COURT SERVICES**

**Anticipated Revenue**

|                                  |    |         |
|----------------------------------|----|---------|
| Capital Grants and Contributions | \$ | 106,510 |
| Total Revenue                    | \$ | 106,510 |

**Appropriations**

|                      |    |         |
|----------------------|----|---------|
| Public Safety        | \$ | 106,510 |
| Total Appropriations | \$ | 106,510 |

**CITY CAPITAL IMPROVEMENTS FUND**

**Anticipated Revenue**

|                                |    |   |
|--------------------------------|----|---|
| Transfer from the General Fund | \$ | - |
| Total Revenue                  | \$ | - |

**Appropriations**

|                      |    |   |
|----------------------|----|---|
| Capital Projects     | \$ | - |
| Total Appropriations | \$ | - |

**COMMUNITY DEVELOPMENT FUND****Anticipated Revenue**

|                                                     |    |         |
|-----------------------------------------------------|----|---------|
| Capital Grants and Contributions                    | \$ | 162,227 |
| Appropriation of Prior Year Unassigned Fund Balance |    | -       |
| Total Revenue                                       | \$ | 162,227 |

**Appropriations**

|                      |    |         |
|----------------------|----|---------|
| Operations           | \$ | 162,227 |
| Total Appropriations | \$ | 162,227 |

**WATER FUND****Anticipated Revenue**

|                                                     |    |       |
|-----------------------------------------------------|----|-------|
| Appropriation of Prior Year Unassigned Fund Balance | \$ | 6,642 |
| Total Revenue                                       | \$ | 6,642 |

**Appropriations**

|                      |    |       |
|----------------------|----|-------|
| Capital              | \$ | 6,642 |
| Total Appropriations | \$ | 6,642 |

**STORMWATER FUND****Anticipated Revenue**

|                 |    |        |
|-----------------|----|--------|
| General Revenue | \$ | 17,414 |
| Total Revenue   | \$ | 17,414 |

**Appropriations**

|                      |    |        |
|----------------------|----|--------|
| Operations           | \$ | 17,414 |
| Total Appropriations | \$ | 17,414 |

|                                          |           |                  |
|------------------------------------------|-----------|------------------|
| <b>GRAND TOTAL BUDGET AMENDMENT NO 6</b> | <b>\$</b> | <b>2,874,238</b> |
|------------------------------------------|-----------|------------------|

INTRODUCED: June 8, 2023

PUBLIC HEARING: June 8, 2023

Public Hearing Advertisement Date: June 1, 2023

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2023

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

CERTIFIED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Kiley Kesecker

Clerk of Council

Stephen W. Claffey

Mayor of Council

| CITY OF STAUNTON                                  |                |            |             |
|---------------------------------------------------|----------------|------------|-------------|
| FY 2023 BUDGET AMENDMENT NO. 6                    |                |            |             |
|                                                   |                | AMOUNT     |             |
|                                                   | LEDGER CODE    | REVENUE    | EXPENDITURE |
| <b>GENERAL FUND</b>                               |                |            |             |
| <b>GENERAL GOVERNMENTAL ADMINISTRATION</b>        |                |            |             |
| <u>GENERAL GOVERNMENT</u>                         |                |            |             |
| Misc Revenue                                      | 11001-41750    | \$ 18,228  |             |
| Other Expense                                     | 11099800-55670 |            | \$ 18,228   |
| To appropriate Opioid Settlement                  |                |            |             |
| <b>JUDICIAL ADMINISTRATION</b>                    |                |            |             |
| <u>SHERIFF DEPARTMENT</u>                         |                |            |             |
| Insurance Recovery                                | 11021-41928    | \$ 675     |             |
| Main / Repair of Vehicles                         | 11022170-53105 |            | \$ 675      |
| To appropriate insurance recovery                 |                |            |             |
| <u>SHERIFF DEPARTMENT</u>                         |                |            |             |
| Insurance Recovery                                | 11021-41928    | \$ 11,427  |             |
| Main / Repair of Vehicles                         | 11022170-53105 |            | \$ 11,427   |
| To appropriate insurance recovery                 |                |            |             |
| <u>SHERIFF DEPARTMENT</u>                         |                |            |             |
| Non Cap                                           | 11023-45311    | \$ 28,500  |             |
| Part-time                                         | 11022170-51510 |            | \$ 8,725    |
| Soc Security                                      | 11022170-52010 |            | \$ 656      |
| Maint & Repair                                    | 11022170-53105 |            | \$ 7,893    |
| Dues                                              | 11022170-55002 |            | \$ 100      |
| Maint & Repair                                    | 11022170-55305 |            | \$ 910      |
| Office Supplies                                   | 11022170-55405 |            | \$ 2,344    |
| Postage                                           | 11022170-55410 |            | \$ 803      |
| Courtroom Security                                | 11022170-55479 |            | \$ 4,158    |
| Tires                                             | 11022170-55480 |            | \$ 2,403    |
| Gas and Oil                                       | 11022170-55481 |            | \$ 508      |
| To appropriate additional funds for Sheriff       |                |            |             |
| <b>PUBLIC SAFETY</b>                              |                |            |             |
| Other Grants                                      | 11033-41737    | \$ 2,000   |             |
| Training                                          | 11033110-55005 |            | \$ 2,000    |
| To appropriate Virginia CIT Coalition             |                |            |             |
| <u>POLICE DEPARTMENT</u>                          |                |            |             |
| Recovered Cost Workers Comp                       | 11033-41929    | \$ 275,643 |             |
| Workers Compensation                              | 11033110-52025 |            | \$ 275,643  |
| To appropriate Swiss Re insurance proceeds        |                |            |             |
| Insurance recovery                                | 11031-41928    | \$ 1,133   |             |
| Police Maintenance and Repairs-vehicles           | 11033110-55305 |            | \$ 1,133    |
| To appropriate insurance proceeds for deer strike |                |            |             |
| Insurance recovery                                | 11031-41928    | \$ 481     |             |
| Police Maintenance and Repairs-vehicles           | 11033110-55305 |            | \$ 481      |
| To appropriate insurance proceeds for deer strike |                |            |             |

| CITY OF STAUNTON                                                      |                      |                     |                     |
|-----------------------------------------------------------------------|----------------------|---------------------|---------------------|
| FY 2023 BUDGET AMENDMENT NO. 6                                        |                      |                     |                     |
|                                                                       |                      | AMOUNT              |                     |
|                                                                       | LEDGER CODE          | REVENUE             | EXPENDITURE         |
| <b>PUBLIC WORKS</b>                                                   |                      |                     |                     |
| <u>ADMINISTRATION</u>                                                 |                      |                     |                     |
| Street & Highway Maintenance                                          | 11043-45530          | \$ 389,170          |                     |
| Maintenance Street Paving                                             | 11044130-53225-18300 |                     | \$ 389,170          |
| To appropriate additional paving expenditures for street maintenance. |                      |                     |                     |
| Recovered Cost                                                        | 11043-41901          | \$ 287,443          |                     |
| Paving                                                                | 11044130-53225       |                     | \$ 287,443          |
| To appropriate funds for paving                                       |                      |                     |                     |
| <b>PARKS AND RECREATION</b>                                           |                      |                     |                     |
| <u>PARKS AND RECREATION</u>                                           |                      |                     |                     |
| Donations                                                             | 11073-41730-33200    | \$ 7,500            |                     |
| Part Time Wages                                                       | 11077120-51510-33200 |                     | \$ 7,000            |
| FICA Taxes                                                            | 11077120-52010-33200 |                     | \$ 500              |
| To appropriate Blackley Grant                                         |                      |                     |                     |
| Donations                                                             | 11073-41730-38300    | \$ 20,000           |                     |
| Site Improvements                                                     | 11077110-58399-38300 |                     | \$ 20,000           |
| To appropriate donation for GHP Entrance                              |                      |                     |                     |
| <u>LIBRARY</u>                                                        |                      |                     |                     |
| Library State Aid                                                     | 11073-45550          | \$ 23,680           |                     |
| State Aid Books                                                       | 11077510-55423       |                     | \$ 15,197           |
| Furniture and Fixtures                                                | 11077510-58311       |                     | \$ 3,291            |
| Rental of Software                                                    | 11077510-55498       |                     | \$ 5,192            |
| To appropriate additional state aid                                   |                      |                     |                     |
| <b>TOTAL GENERAL FUND</b>                                             |                      | <b>\$ 1,065,881</b> | <b>\$ 1,065,881</b> |

#### BUDGET AMENDMENT NO. 6 GENERAL FUND SUMMARY

##### GENERAL FUND REVENUE SUMMARY

|                                        |         |                     |
|----------------------------------------|---------|---------------------|
| General Revenues                       |         |                     |
| Recovered Costs                        |         | 576,803             |
| Public Works                           | 287,443 |                     |
| Public Safety - Insurance Proceeds     | 277,258 |                     |
| Sheriff Department                     | 12,102  |                     |
| Miscellaneous Revenue                  |         | 18,228              |
| General government - Opioid Settlement | 18,228  |                     |
| Non-Capital Grants and Contributions   |         | 470,850             |
| Sheriff Department                     | 28,500  |                     |
| Police Department                      | 2,000   |                     |
| Public Works                           | 389,170 |                     |
| Parks and Rec                          | 27,500  |                     |
| Library                                | 23,680  |                     |
| <b>Total General Fund Revenues</b>     |         | <b>\$ 1,065,881</b> |

##### GENERAL FUND EXPENDITURE SUMMARY

| CITY OF STAUNTON                       |             |                     |             |
|----------------------------------------|-------------|---------------------|-------------|
| FY 2023 BUDGET AMENDMENT NO. 6         |             |                     |             |
|                                        |             | AMOUNT              |             |
|                                        | LEDGER CODE | REVENUE             | EXPENDITURE |
| General Government                     |             | \$ 18,228           |             |
| Judicial Administration                |             | 40,602              |             |
| Public Safety                          |             | 279,258             |             |
| Public Works                           |             | 676,613             |             |
| Parks, Recreation, Cultural            |             | 51,180              |             |
| <b>Total General Fund Expenditures</b> |             | <b>\$ 1,065,881</b> |             |

| CITY CAPITAL IMPROVEMENTS FUND                                         |                                           |                   |                   |
|------------------------------------------------------------------------|-------------------------------------------|-------------------|-------------------|
| RETAINING WALL                                                         | 39044130-58530                            |                   | \$ 42,000         |
| 2% URBAN STREET CONSTRUCTION                                           | 39044130-58456                            |                   | \$ (42,000)       |
| To transfer CIP funds to cover failing retaining walls                 |                                           |                   |                   |
| <b>TOTAL CAPITAL IMPROVEMENTS FUND</b>                                 |                                           | <b>\$ -</b>       | <b>\$ -</b>       |
| COMMUNITY DEVELOPMENT FUND                                             |                                           |                   |                   |
| Non Cap Grant Industrial Revitalization Fund Professional Services     | 22083-46240-46012<br>22088501-53010-46012 | 51,227            | \$ 51,227         |
| To appropriate remaining Industrial Revitalization Fund Planning Grant |                                           |                   |                   |
| Federal Grant Professional Services                                    | 22083-46240-46013<br>22088502-53010-46013 | \$ 99,000         | \$ 99,000         |
| To appropriate grant for Western State Hospital Dream Home Project     |                                           |                   |                   |
| VIDA Grant                                                             | 22083-46250-46011                         | \$ 12,000         |                   |
| Other Expenses                                                         | 22088566-55670-46011                      |                   | \$ 12,000         |
| To appropriate HUD CDBG VIDA program grant funds                       |                                           |                   |                   |
| <b>TOTAL COMMUNITY DEVELOPMENT FUND</b>                                |                                           | <b>\$ 162,227</b> | <b>\$ 162,227</b> |
| GRANTS FUND                                                            |                                           |                   |                   |
| DCJS GRANTS                                                            | 21533-46252-40255                         | \$ 2,750          |                   |
| NON CAP EQUIPMENT                                                      | 21533110-55486-40255                      |                   | \$ 2,750          |
| To appropriate LLEBG grant                                             |                                           |                   |                   |
| <u>POLICE DEPARTMENT</u>                                               |                                           |                   |                   |
| Federal grant                                                          | 21533-46252-40256                         | \$ 45,183         |                   |
| Federal grant                                                          | 21534-46252-40256                         | \$ 289,985        |                   |
| Auto Equipment                                                         | 21533110-58316-40256                      |                   | \$ 279,512        |
| Non Capital Equipment                                                  | 21533110-55486-40256                      |                   | \$ 45,183         |
| Special Equipment                                                      | 21533110-58341-40256                      |                   | \$ 10,473         |
| To appropriate ARPA Law Enforcement Equipment Grant                    |                                           |                   |                   |
| <b>TOTAL GRANTS FUND</b>                                               |                                           | <b>\$ 337,918</b> | <b>\$ 337,918</b> |
| BLUE RIDGE COURT SERVICES FUND                                         |                                           |                   |                   |
| Community Corrections Grants                                           | 21033-45556                               | \$ 106,510        |                   |
| Other Salaries                                                         | 21033340-51009                            |                   | \$ 65,343         |
| Social Security                                                        | 21033340-52010                            |                   | \$ 37,000         |
| Office supplies                                                        | 21033340-55405                            |                   | \$ 4,167          |
| To appropriate additional DCJS grant award                             |                                           |                   |                   |
| <b>TOTAL BLUE RIDGE COURT SERVICES FUND</b>                            |                                           | <b>\$ 106,510</b> | <b>\$ 106,510</b> |

| CITY OF STAUNTON                   |                      |                     |                     |
|------------------------------------|----------------------|---------------------|---------------------|
| FY 2023 BUDGET AMENDMENT NO. 6     |                      |                     |                     |
|                                    |                      | AMOUNT              |                     |
|                                    | LEDGER CODE          | REVENUE             | EXPENDITURE         |
| <b>HUD FUND</b>                    |                      |                     |                     |
| Transfer from general fund         | 22501-49211          | \$ 33,074           |                     |
| HUD Grant CDBG-CV                  | 22583-46242-CVHD1    | \$ 81,502           |                     |
| HUD Grant                          | 22583-46242-HUD19    | \$ 220,806          |                     |
| HUD Grant                          | 22583-46242-HUD20    | \$ 242,313          |                     |
| HUD Grant                          | 22583-46242-HUD21    | \$ 282,611          |                     |
| HUD Grant                          | 22583-46242-HUD22    | \$ 317,340          |                     |
| Salaries                           | 22588535-51006       |                     | \$ 24,750           |
| Group Life Insurance               | 22588535-52001       |                     | \$ 290              |
| Health Insurance                   | 22588535-52005       |                     | \$ 2,268            |
| FICA                               | 22588535-52010       |                     | \$ 1,876            |
| Retirement                         | 22588535-52020       |                     | \$ 3,742            |
| Unemployment                       | 22588535-52030       |                     | \$ 34               |
| Disability                         | 22588535-52035       |                     | \$ 114              |
| Professional Services              | 22588535-53010-HUD21 |                     | \$ 41,497           |
| Professional Services              | 22588535-53010-HUD22 |                     | \$ 63,468           |
| HUD CDBG Covid Grant Program       | 22588535-55207-CVHD1 |                     | \$ 23,161           |
| HUD CDBG Covid RD 2 Grant Program  | 22588535-55207-CVHD2 |                     | \$ 58,341           |
| Special Grant Program              | 22588535-55207-HUD19 |                     | \$ 82,260           |
| Public Service Grants              | 22588535-55207-HUD20 |                     | \$ 167,313          |
| Public Service Grants              | 22588535-55207-HUD21 |                     | \$ 201,114          |
| Public Service Grants              | 22588535-55207-HUD22 |                     | \$ 253,872          |
| Water Lines                        | 22588535-58365-HUD19 |                     | \$ 138,546          |
| Water Lines                        | 22588535-58365-HUD20 |                     | \$ 35,000           |
| Sidewalk Curb and Gutter           | 22588535-58379-HUD20 |                     | \$ 40,000           |
| Sidewalk Curb and Gutter           | 22588535-58379-HUD21 |                     | \$ 40,000           |
| To appropriate HUD funds           |                      |                     |                     |
| <b>TOTAL HUD FUND</b>              |                      | <b>\$ 1,177,646</b> | <b>\$ 1,177,646</b> |
| <b>WATER FUND</b>                  |                      |                     |                     |
| Insurance Recovery                 | 53001-41928          | \$ 6,642            |                     |
| Repairs                            | 53004321-53288       |                     | \$ 6,642            |
| To appropriate Insurance Recovery  |                      |                     |                     |
| <b>TOTAL WATER FUND</b>            |                      | <b>\$ 6,642</b>     | <b>\$ 6,642</b>     |
| <b>STORMWATER FUND</b>             |                      |                     |                     |
| <u>STORMWATER PROJECTS</u>         |                      |                     |                     |
| Misc Revenue                       | 57001-41750          | \$ 17,414           |                     |
| Construction                       | 57004799-58360       |                     | \$ 17,414           |
| To appropriate Monsanto settlement |                      |                     |                     |
| <b>TOTAL STORMWATER FUND</b>       |                      | <b>\$ 17,414</b>    | <b>\$ 17,414</b>    |

**FY 2023 BUDGET AMENDMENT NO. 6 SUMMARY**

**CITY GOVERNMENT FUNDS**

|                            |              |
|----------------------------|--------------|
| GENERAL FUND               | \$ 1,065,881 |
| CAPITAL IMPROVEMENTS FUND  | \$ -         |
| COMMUNITY DEVELOPMENT FUND | \$ 162,227   |

| CITY OF STAUNTON                    |             |              |             |
|-------------------------------------|-------------|--------------|-------------|
| FY 2023 BUDGET AMENDMENT NO. 6      |             |              |             |
|                                     |             | AMOUNT       |             |
|                                     | LEDGER CODE | REVENUE      | EXPENDITURE |
| GRANTS FUND                         |             | \$ 337,918   |             |
| HUD                                 |             | \$ 1,177,646 |             |
| BLUE RIDGE COURT SERVICES FUND      |             | \$ 106,510   |             |
| WATER FUND                          |             | \$ 6,642     |             |
| STORMWATER FUND                     |             | \$ 17,414    |             |
| TOTAL CITY GOVERNMENT FUNDS         |             | \$ 2,874,238 |             |
| TOTAL FY2023 BUDGET AMENDMENT NO. 6 |             | \$ 2,874,238 |             |

**NOTICE OF PUBLIC HEARING**

TO THE CITIZENS OF THE CITY OF STAUNTON, VIRGINIA

TAKE NOTICE that on Thursday, June 8, 2023, at the regular meeting of City Council at 7:00 p.m., to be held in the Rita S. Wilson Council Chambers, First Floor, City Hall, 116 West Beverley Street, Staunton, Virginia, the City Council intends to amend the Fiscal Year 2023 budget and will consider the adoption of the following:

An Ordinance to amend the FY 2023 Budget Ordinance for the City of Staunton, by adding Budget Amendment Number 6

A brief synopsis of the proposed budget amendment is stated below:

|                                     |             |
|-------------------------------------|-------------|
| General Fund                        | \$1,065,881 |
| Capital Improvements Fund           | \$0         |
| Community Development Fund          | \$162,227   |
| HUD                                 | \$1,177,646 |
| Water Fund                          | \$6,642     |
| Stormwater                          | \$17,414    |
| Grants Fund                         | \$337,918   |
| Blue Ridge Court Services Fund      | \$106,510   |
| Total FY2023 Budget Amendment No. 6 | \$2,874,238 |

All persons wishing to be heard at the public hearings are invited to attend. The public may also participate in the public hearings by Zoom, or by phone. Specific instructions to participate by Zoom or by phone can be found at: [www.staunton.va.us/council](http://www.staunton.va.us/council).

Those interested in listening to the meeting may do so via live stream from the City's website or by listening to the public access television Channel (Comcast Channel 7). The public may also provide comments to City Council by (i) emailing the Clerk of Council at: [keseckerka@ci.staunton.va.us](mailto:keseckerka@ci.staunton.va.us), or (ii) calling 540.332.3812. Voice mail messages are acceptable. Hearing impaired persons desiring to participate in the public hearings should contact the Clerk of Council by email at [keseckerka@ci.staunton.va.us](mailto:keseckerka@ci.staunton.va.us), to request an interpreter.

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Kiley A. Kesecker  
Clerk of Council

**Please run this advertisement on Thursday, June 1, 2023.**

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, VA

|                                                      |                                                                                                                                                                                                                       |                                                    |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Meeting Date:                                        | June 8, 2023                                                                                                                                                                                                          | Staff Members:<br><br>Billy Vaughn<br>Amanda DiMeo |
| Item #                                               | B                                                                                                                                                                                                                     |                                                    |
| Department:                                          | Economic Development                                                                                                                                                                                                  |                                                    |
| Alignment with Staunton Plan (Value/Strategic Area): | Strategic Area: Economic Development<br><br>Values: Environmentally Conscious                                                                                                                                         |                                                    |
| Subject:                                             | Consideration of a Resolution Endorsing an Application by City of Staunton to the Virginia Department of Housing and Community Development for a Virginia Industrial Revitalization Fund Grant to the Arcadia Project |                                                    |

**Background:** The Virginia Department of Housing and Community Development (DHCD) operates the Industrial Revitalization Fund from which grants and loans can be made to localities for the purpose of rehabilitating vacant or distressed properties or for demolishing such buildings to make way for new development.

The Arcadia Project, a 501(c) (3) non-profit organization, is requesting that the City apply for a FY2023-2024 Industrial Revitalization Fund (IRF)/American Rescue Act (ARPA) grant of \$1,500,000. These funds will be used to redevelop a Downtown property that will house the Arcadia Project. The goal of the project is to create a catalyst for long-term employment opportunities and on-going physical and economic revitalization. When operational, the Arcadia Project will provide a theater for films, an event/performance space, classrooms, and a café.

The IRF program requires a 1:1 match of grant funds requested. The local match requirement will be provided by the Arcadia Project. Therefore, a funding commitment from the City is not required nor requested for the grant application or project.

Past efforts include the following activities that have been funded by previous grants and local philanthropy:

| Activity/Task                                                                                                          | Amount    |
|------------------------------------------------------------------------------------------------------------------------|-----------|
| Retired the debt on the building                                                                                       | \$350,000 |
| Removed and disposed of obsolete HVAC and seats                                                                        | \$24,099  |
| Remediated asbestos and mold – 2021 DEQ Brownfields Grant                                                              | \$50,000  |
| Repaired the marquee and made and façade improvements                                                                  | \$12,054  |
| Replaced the rear roof                                                                                                 | \$38,129  |
| Held community listening sessions to understand desires for cultural offerings currently not provided in the community | NA        |
| Conducted a feasibility study & market study - 2020 Main Street Grant                                                  | \$25,000  |
| Created a Business & Operations Plan and Update                                                                        | \$11,200  |
| Developed Final Architectural and Engineering Drawings - 2022 IRF Planning Grant                                       | \$75,000  |
| Created and implemented a fundraising plan - 2022 IRF Planning Grant                                                   | \$25,000  |
| Marketed and sold the adjacent property (owned by the non-profit) at 119 E. Beverley St.                               | NA        |

To complete the building's transformation for full operation, improvements will include providing new electrical service, HVAC and plumbing systems, framing new walls adjacent to existing ones, insulating the building, raising the floor of the future event space, constructing classrooms, providing lighting and digital media for each space, soundproofing, painting, etc. The estimated cost is approximately \$3 million. The timeline for opening is the first quarter of 2025.

The IRF program guidelines require the local governing body to approve a resolution of endorsement for the application. The required resolution is attached.

Pamela Mason Wagner, Executive Director, Arcadia Project will be in attendance to provide a brief overview of the project and grant application.

**Attachments:**

Attachment 1—Arcadia Project letter requesting resolution of support for the project

Attachment 2—City Council resolution approving an application by the City of Staunton to the Virginia Department of Housing and Community Development for an Industrial Revitalization Fund grant to fund the Arcadia Project

Attachment 3—City Manager Local Certification Letter

**City Manager's Recommendation:** Recommend that City Council adopt the resolution as presented and authorize the City Manager to sign the Local Certification letter.

**Suggested Motion:** I move that City Council adopt the resolution endorsing an application by the Arcadia Project to the Virginia Department of Housing and Community Development, as presented, and authorize the City Manager to sign the Local Certification letter.

**City Manager:** Leslie M. Beauregard



May 25, 2023

Mr. Billy Vaughn  
Director of Community and Economic Development  
116 West Beverley St.  
Staunton, VA 24401

RE: Request for Resolution of Support for the (former) Dixie Theater's Industrial Revitalization Fund Grant Application

Dear Mr. Vaughn:

As you know the Arcadia Project, a tax-exempt 501(c)(3), non-profit organization, has been working tirelessly to transform the long-vacant historic theater at 123-125 E. Beverley (formerly known as the Dixie) in downtown Staunton into a community cultural center. It will become a mixed-use facility featuring a movie theater, event and performance space, classrooms, and café. The vision is a Queen City where everyone can find a cultural landscape relevant to their lives.

We surveyed the community and identified unmet education and entertainment needs. As a result, our community programs have focused on film, technology, and music. The financial health of the organization has been a top priority. Our operations and business plan outlines how through, ticket sales, rental fees, memberships, and café proceeds the project can be self-sustaining. Arcadia anticipates creating at least 5 full-time jobs and 5 full-time equivalent part-time jobs once the center is up and running. Our Market Study estimates serving nearly 19,000 people annually. We conservatively expect to remit more than \$750,000 in new taxes over 10 years. The project aligns with three Economic Development strategies outlined in the most recent strategic and comprehensive plans, as it will "support the retention and expansion of existing business, attract new businesses, and promote Staunton as a top tourist destination."

Project renovations and preparation for development has been conducted in phases in order to open and operate the cultural center without debt. Completed activities (paid for via grants and local philanthropy) include:

- Retired the debt on the building (\$350,000)
- Removed and disposed of obsolete HVAC and seats (\$24,099)
- Remediated asbestos and mold (2021 Brownfields Grant \$50,000)
- Repaired the marquee and made and façade improvements (\$12,054)
- Replaced the roof (\$38,129)
- Held community listening sessions to understand desires for cultural offerings currently not provided in the community
- Conducted a Feasibility Study and a Market Study (2020 Main Street Grant \$25,000)
- Created a Business & Operations Plan (2020) and Update (2023 \$11,200)
- Developed final architectural and engineering drawings (2022 IRF Planning Grant \$75,000)

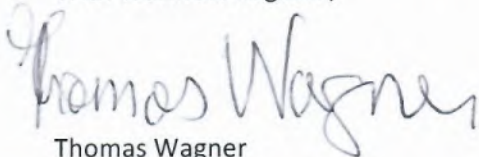
- Created and implemented a fundraising plan (2022 IRF Planning Grant \$25,000)
- Marketed and sold the adjacent property (owned by the non-profit) in 2023 (amount upon request)

Arcadia has received bid estimates from local contractors for approximately \$3 M for interior renovation and rehabilitation. We are asking the City to apply for \$1.5 M from the VA Department of Housing and Community Development's (DHCD) Industrial Revitalization Fund/IRF grant (funded through American Rescue Act/ARPA money) on our behalf. We will match this amount with \$1.5 M raised from sale of the Arcadia building adjacent to the theater (119 E. Beverley), community donations, a Brownfields grant, and grants from philanthropic organizations. On the advice of Frazier and Associates, we will take out a bridge loan to be repaid with historic tax credits. We have approximately \$150,000 yet to raise which we are confident we'll achieve between now and the grant award, which DHCD assures us is acceptable.

With a once-in-a-lifetime opportunity to receive \$1.5 M from the VA Department of Housing and Community Development, we are poised to see this project to the finish line. No funding from the City is requested at this time. In addition, the state will allow for Arcadia to administer the grant directly and little staff-time is expected in grant management. All of the work to be done using the IRF grant money will complete the building's transformation for operation. Our timeline for opening is first quarter 2025.

We write to you to ask that the City make application to the IRF program on Arcadia's behalf and pass the attached Resolution of Support and Local Certification. The grant deadline is June 23, 2023. We will have all of the application components to you by June 13, 2023. However, if you need any information between now and then, please do not hesitate to ask.

With Warmest Regards,



Thomas Wagner  
Arcadia Project President  
(646) 206-6003 mobile  
thomas@turtlerockprods.com



Pamela Mason Wagner  
Arcadia Project Executive Director  
(917) 621-7660 mobile  
[pam@thearcadiaproject.org](mailto:pam@thearcadiaproject.org)

**RESOLUTION APPROVING AN APPLICATION BY THE CITY OF STAUNTON TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR AN INDUSTRIAL REVITALIZATION FUND GRANT TO FUND THE ARCADIA PROJECT**

**WHEREAS**, the Virginia Department of Housing and Community Development (DHCD) operates the Industrial Revitalization Fund (IRF) from which grants and loans can be made to localities for the purpose of rehabilitating vacant or distressed properties or demolishing buildings to make way for new development; and

**WHEREAS**, The Arcadia Project, a 501(c) (3) non-profit organization, is requesting that the City of Staunton apply for a 2023-24 IRF Grant in the amount of \$1,500,000; and

**WHEREAS**, the funds will be used by The Arcadia Project to redevelop a downtown property that will house an operation to be known as the “Arcadia Project,” as further detailed in the City’s application; and

**WHEREAS**, in addition to the IRF Grant, an additional \$1,685,682 will be expended on this project, comprising \$489,000 in grants from private foundations and proceeds from sale of real estate, \$603,000 in private donations, \$500,000 from a bridge loan to be repaid with sale of Historic Tax Credits, and \$93,682 in previously expended development costs.

**WHEREAS**, the goal of the Arcadia Project is to create a catalyst for long-term employment opportunities and on-going physical and economic revitalization; and

**WHEREAS**, it is projected by The Arcadia Project that nearly 19,000 residents of the City of Staunton and the region and tourists will partake of the Arcadia Project’s cultural and education activities, and a minimum of five full-time jobs and five full-time equivalent part-time jobs will result from the implementation of the project; and

**WHEREAS**, City Council has made the revitalization of Downtown Staunton a high priority in the community’s economic development effort.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Staunton, Virginia, that:

1. The submittal of an application to DHCD for an IRF Grant, in the amount of \$1,500,000, to be used by The Arcadia Project to redevelop the downtown property formerly known as the Dixie Theater, located at 125 East Beverley Street, as a community cultural center that will house the Arcadia Project, is hereby authorized.

2. The City confirms that the local match requirement of \$1,500,000 will be satisfied by The Arcadia Project, and other private sources, pending further refinement of the project budget, and it is the responsibility of The Arcadia Project, and such other private sources, to satisfy the requirement.

3. The City understands that a funding commitment from the City is neither required nor requested for the grant application or the project, and Council’s authorization of submittal of an application to DHCD is conditioned upon the same.

4. The City Manager or her designee is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund application.

Adopted this 8th day of June 2023

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Stephen Claffey, Mayor

Attest: \_\_\_\_\_  
Kiley Kesecker, Clerk of Council

**City of Staunton Certification for  
FY2023-24 Arcadia Project IRF Application**

The City of Staunton hereby assures and certifies that:

- a. It possesses legal authority to apply for the IRF program and to execute the proposed program.
- b. The property for which the application is made meets the definition of “blighted property” according to the Code of Virginia § 36-3.
- c. Its governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the filing of the application including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- d. That the information contained in the IRF application is true and correct.

Signed: \_\_\_\_\_

Date: June 8, 2023

Leslie M. Beauregard, City Manager

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                                 |                                                                                  |
|------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Meeting Date:                                        | June 8, 2023                                                                    | Jessie L. Moyers<br>Chief Finance Officer<br><br>Richard R. Johnson<br>Treasurer |
| Item #                                               | C                                                                               |                                                                                  |
| Department:                                          | Finance/Treasurer                                                               |                                                                                  |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Excellence<br><br>Strategic Area: Responsible, Efficient Government      |                                                                                  |
| Subject:                                             | Consideration of Signatory Authority on Truist Bank, US Bank, and LGIP Accounts |                                                                                  |

**Background:** Since March 1, 2014, Truist (formerly) SunTrust Bank has served as the City's master depository for all City funds and has provided additional accounts for the City and Staunton City Schools clearing accounts for payroll, accounts payable checks, credit card transactions, VASAP, and ACH transactions for the self-funded health insurance account. The Chief Finance Officer has served as the contract administrator for the bank contract since March 2014. Due to a re-organization of the City Finance Department effective October 2, 2022, the City will need to authorize the appropriate finance and treasurer's office staff members to conduct banking business on behalf of the City with Truist Bank.

In addition, the City currently has a custodial banking arrangement with US Bank for the City's investment accounts. Caprin Asset Management serves as the City's registered investment advisor using US Bank as the custodian bank. The City also has investment accounts at the Local Government Investment Pool (LGIP) for Staunton City Schools CIP and Bus escrow funds.

Cindy Fitzgerald is currently an authorized signer on all of the accounts. She will be replaced by Jessie Moyers, Chief Finance Officer. Rick Johnson is currently a signer on all of the accounts and will continue to be listed on the accounts. Caprin Asset Management will continue to serve as the registered investment advisor.

This is a housekeeping measure to allow the appropriate people to conduct business with Truist Bank, US Bank, and LGIP.

**Attachments:** Not Applicable.

**City Manager's Recommendation:** Recommend that City Council adopt the authorized signer forms and authorize the Director of Finance/Chief Finance Officer to execute all documents with Truist Bank, U.S. Bank, and LGIP for the cash management accounts.

**Suggested Motion:** I move that City Council adopt the authorized signer forms and authorize the Director of Finance/Chief Finance Officer to execute all documents with Truist Bank, U.S. Bank, and LGIP for the cash management accounts.

**City Manager:** Leslie Beauregard

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                            |                                           |
|------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------|
| Meeting Date:                                        | June 8, 2023                                                               | Jessie L. Moyers<br>Chief Finance Officer |
| Item #                                               | D                                                                          |                                           |
| Department:                                          | Finance                                                                    |                                           |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Excellence<br><br>Strategic Area: Responsible, Efficient Government |                                           |
| Subject:                                             | Consideration of Resolution—Cash Management Authorization                  |                                           |

**Background:** This is a housekeeping measure to update the City Council's January 27, 2011 Resolution authorizing the Director of Finance, as Chief Finance Officer (CFO), to establish and sign agreements and take other actions related to the custody and transfer of stocks, bonds, securities and other financial instruments on behalf of the City of Staunton, Virginia.

The January 27, 2011 Resolution referenced the CFO by name in that resolution and due to turnover in the Finance Department that employee is no longer with the city. The proposed resolution is generic in nature and names the CFO position in general with no reference to a particular bank or investment company.

**Attachment:** Proposed Resolution—Cash Management Authorization

**City Manager's Recommendation:** Recommend Council adopt the proposed resolution.

**Suggested Motion:** I move to adopt the proposed Resolution to authorize the Director of Finance, as Chief Finance Officer, to execute all documents and take other action to establish custodial bank and investment accounts as needed.

**City Manager:** Leslie Beauregard

**RESOLUTION  
OF  
THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA  
TO AUTHORIZE THE CITY'S CHIEF FINANCE OFFICER TO ESTABLISH AND  
SIGN AGREEMENTS AND TAKE OTHER ACTIONS RELATED TO THE CUSTODY  
AND  
TRANSFER OF STOCKS, BONDS, SECURITIES AND OTHER FINANCIAL  
INSTRUMENTS ON BEHALF OF THE CITY OF STAUNTON, VIRGINIA**

**RECITALS**

**A.** The City maintains depository and investment accounts as part of the City's management of its financial resources;

**B.** Pursuant to the provisions of Staunton City Code Section 2.45.020, the chief finance officer of the city has the responsibility and authority to, among other matters, manage and supervise the development and maintenance of financial and accounting systems, procedures and reporting, data, records, selection and oversight of public depositories, financial institutions, firms, and advisers, investment management, cash management, bond and other debt transactions;

**C.** At its regular meeting January 27, 2011, City Council adopted a Resolution authorizing the City's then chief finance officer to execute all documents and take other action to establish custodial accounts with U.S. Bank and staff has determined that the previously adopted resolution merits updating;

**D.** In order to change and make such arrangements and establish and contract for such services, it is necessary that the Council of the City of Staunton, Virginia adopt a new Resolution to further authorize the chief finance officer to take action on behalf of the city.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Staunton, Virginia that the City's Chief Finance Officer **IS HEREBY AUTHORIZED** to establish and sign agreements with financial institutions and firms as to funds and securities agreements and other various agreements on behalf of the City of Staunton, Virginia, a municipal corporation of the Commonwealth of Virginia, and to sell, convey, assign, transfer, liquidate, and otherwise control, manage, direct such actions with regard to the investment and handling of all stocks, bonds, or other securities or similar instruments evidencing such securities or interests and related funds or proceeds now or hereafter registered or held in the name or on behalf of the City of Staunton, Virginia, its agencies, authorities, and departments, to the fullest extent permitted by law in accordance with the Investment of Public Funds Act and the Virginia Security for Public Deposits Act and such other laws as may be applicable; and

**BE IT FURTHER RESOLVED** that the City Manager also is authorized to take such actions as may be necessary to implement this authorization and to effect these changes in the best interests of the City; and

**BE IT FURTHER RESOLVED** that the Clerk of Council is authorized, to the extent necessary, to provide a certification or an attestation as to a copy of this adopted resolution by Council lawfully convened and acting on behalf of the City of Staunton, Virginia.

Adopted this \_\_\_\_\_ day of June, 2023

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Stephen W. Claffey, Mayor

Attest: \_\_\_\_\_  
Kiley A. Kesecker, Clerk of Council

## CITY COUNCIL



## AGENDA BRIEFING

Staunton, VA

|                                                      |                                                                                                                                |                                                     |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Meeting Date:                                        | June 8, 2023                                                                                                                   | Staff Members:<br><br>Billy Vaughn<br>Rebecca Joyce |
| Item #                                               | E                                                                                                                              |                                                     |
| Department:                                          | Community Development                                                                                                          |                                                     |
| Alignment with Staunton Plan (Value/Strategic Area): | Strategic Area: Built Environment<br>Values: Excellence, Environmentally Conscious                                             |                                                     |
| Subject:                                             | Consideration of a Resolution Authorizing the Adoption of Substantial Amendments to the FY 2019 and FY2020 Annual Action Plans |                                                     |

**Background:** In February 2019, the City was designated by the U.S. Department of Housing and Urban Development (HUD) as an entitlement community. This designation qualified the City to receive annual allocations from HUD. This is the City's fifth year of such designation and in accordance with the federal regulations at 24 CFR Part 91, an annual action plan (AAP) must be prepared and adopted by City Council.

The AAP is a prerequisite to receiving the annual allocation through HUD's Community Development Block Grant (CDBG) program, and its purpose is to describe the goals and objectives for the year and to detail how funds will be spent in the current program year. At its regularly scheduled meeting August 8, 2019, City Council adopted the FY2019-2023 Five-Year Consolidated Plan and the FY2019 AAP. At its regularly scheduled meeting July 23, 2020, City Council adopted the FY2020 AAP.

The City of Staunton is required to meet certain timeliness standards established by HUD. In order to meet these standards by August 2, 2023, a proposed amendment would redirect funds from slow-moving projects in 2019 and 2020 to a shovel-ready project in Montgomery Hall Park. Funds totaling \$70,000 will be used to upgrade playground equipment in Montgomery Hall Park.

The FY2019 AAP amendments propose to reduce the Valley Supportive Housing allocation by \$16,500, since these funds are in excess and will not be used for the project. In addition, \$25,000 will be cancelled for the Habitat for Humanity A Street Aging in Place project since this project is not ready to proceed by the timeliness deadline. With this reduction, Habitat still has \$397,421 allocated for this project. Funds in future years may be available for this project.

The FY2020 AAP amendment proposes reallocation of funds totaling \$28,500 for the West Beverly Street Sidewalk Improvements project since this project is not ready to proceed by the timeliness deadline. Plans are to request additional funding in the FY23 AAP.

Staff engaged with M&L Associates, Inc., the consultant under contract with the City to provide program technical support services, to vet the proposed amendment to ensure compliance with HUD CDBG guidelines.

As required by HUD regulations, the Substantial Amendment was properly advertised and made available to the public on May 30, 2023 for a period of thirty (30) days.

If City Council approves the proposed amendment to the FY2019 and FY 2020 Annual Action Plans, authorization must be given to the City Manager to sign agreements and other associated documents with agencies slated to receive HUD CDBG funds.

**Attachments:**

Attachment 1—Notice of Public Needs Hearing for Substantial Amendments to the FY2019 and FY2020 Annual Action Plans

Attachment 2—Substantial Amendments to the FY2019 and FY2020 Annual Action Plans

Attachment 3—Resolution for the Substantial Amendments for FY2019 and FY 2020

**City Manager's Recommendation:** City Council approve the Substantial Amendments to the FY2019 and FY2020 Annual Action Plans, and provide authorization for the City Manager to sign appropriate forms including agreements associated with these amendments.

**Suggested Motion:** I move that City Council approve the Substantial Amendments to the FY2019 and FY2020 Annual Action Plans, and authorize the City Manager to sign appropriate forms including agreements associated with these amendments.

**City Manager:** Leslie M. Beauregard

**NOTICE OF PUBLIC NEEDS HEARING**

**CITY OF STAUNTON, VIRGINIA  
SUBSTANTIAL AMENDMENT TO THE 2019 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM FUNDS**

Notice is hereby given that the City of Staunton, Virginia is proposing a Substantial Amendment (SA) to its 2019 and 2020 Annual Action Plans. The proposed amendment would allocate unprogrammed resources in 2019, and redirect funds from slow-moving projects in 2019 and 2020 to a new park improvements project in Montgomery Hall Park. Reallocation of the funds would help the City to meet its timeliness goals.

Copies of the draft Substantial Amendment will be on public display on the City of Staunton's website <https://www.ci.staunton.va.us/departments/community-development> and in the City's Department of Economic Development on the Third Floor City Hall at 116 W Beverly Street, Staunton VA, for a period of thirty (30) days. Interested persons are encouraged to express their views, in writing, on the proposed amendment to William Vaughn, [vaughnwl@ci.staunton.va.us](mailto:vaughnwl@ci.staunton.va.us) or P.O. Box 58, Staunton VA, 24402. All comments received by June 29, 2023, will be considered and appended to the document. Persons needing to view the document in alternative format must contact the City.

It is anticipated that City Council will consider the proposed amendment at its scheduled meeting on Thursday, June 8, 2023, at 7:30 pm. Any comments received after this meeting and before the end of the comment period will be accepted and incorporated into the amendment.

Anyone requiring special accommodations, or who requires a presentation in a language other than English, please contact the City of Staunton's Clerk of Council, at [keseckerka@ci.staunton.va.us](mailto:keseckerka@ci.staunton.va.us) or (540) 332-3810 no later than June 5, 2023. The City's TDD number is (540) 332-3968.

**City of Staunton, VA**

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Please publish this ad on May 30, 2023, in the non-legal section of the newspaper.

**A certificate of advertisement is required.** Please send to William Vaughn, Director of Community Development, City of Staunton, [vaughnwl@ci.staunton.va.us](mailto:vaughnwl@ci.staunton.va.us).



### CITY OF STAUNTON, VIRGINIA SUBSTANTIAL AMENDMENT TO FY 2019 and 2020 ANNUAL ACTION PLAN

#### **Overview/Objective**

The City of Staunton, Virginia is proposing a Substantial Amendment (SA) to its 2019 and 2020 Annual Action Plans. The proposed amendment would allocate unprogrammed resources in 2019, and redirect funds from slow-moving projects in 2019 and 2020 to a new park improvements project in Montgomery Hall Park. Reallocation of the funds would allow the City to meet its timeliness goals.

#### **Public Comment**

Copies of the draft Substantial Amendment were placed on public display on the City of Staunton's website <https://www.ci.staunton.va.us/departments/community-development> and in the City's Department of Community and Economic Development, for a period of thirty (30) days. Interested persons were encouraged to express their views, in writing, on the proposed amendment to William Vaughn, [vaughnwl@ci.staunton.va](mailto:vaughnwl@ci.staunton.va) or 116 W Beverly Street, Staunton VA, 24401.

#### **Rationale for amendment**

The City of Staunton is required to meet certain timeliness standards established by HUD. In order to meet these standards by August 2, 2023, the City will redirect funds away from slow moving projects to be used for a shovel-ready project in Montgomery Hall Park. The proposed amendments are as follows:

2019: Reduce Valley Supportive Housing by \$16,500. These funds are excess and will not be used for the project.

2019: Cancel Habitat for Humanity A Street Aging in Place in the amount of \$25,000. The project is not ready to proceed. Funds in future years may be available for this project.

2020: Reduce West Beverly Street Improvements by \$28,500. The project is not ready to proceed. Funds in future years may be available for this project.

2020: Create new project: Montgomery Hall Park Improvements. Funds will be used from 2019 and 2020 for playground equipment upgrades at Montgomery Hall Park. Total funding: \$70,000

**RESOLUTION  
OF THE  
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA  
AUTHORIZING THE ADOPTION OF FY2019 and FY2020 SUBSTANTIAL  
AMENDMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM OF THE U.S. DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT FOR THE CITY OF STAUNTON AS A HUD ENTITLEMENT  
COMMUNITY**

**Recitals**

A. Under Title I of the Housing and Community Development Act of 1974, as Amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low- and moderate-income persons, or other urgent community development needs;

B. On February 26, 2019, the City of Staunton (City) received official confirmation from the U.S. Department of Housing and Urban Development (HUD) that it had been designated as a new entitlement community starting with the federal fiscal year 2019;

C. Under this program designation, the City receives annual allocations from HUD;

D. This is the City's fifth year of such designation and in accordance with the federal regulations at 24 CFR Part 91, an Annual Action Plan (AAP) must be prepared and adopted by City Council;

E. The AAP is a prerequisite to receiving the annual allocation through HUD's Community Development Block Grant (CDBG) program, and its purpose is to describe the goals and objectives for the year and to detail how funds will be spent in the current program year;

F. At its regularly scheduled meeting August 8, 2019, City Council adopted the FY2019-2023 Five-Year Consolidated Plan and the FY2019 AAP;

G. At its regularly scheduled meeting July 23, 2020, City Council adopted the FY2020 AAP;

H. The City of Staunton is required to meet certain timeliness standards established by HUD. In order to meet these standards by August 2, 2023, the City will redirect funds away from slow moving projects to shovel-ready projects.

I. The City of Staunton has prepared substantial amendments to the Annual Action Plans for FY2019 and FY2020, to reallocate funds totaling \$70,000 for the upgrade of playground equipment at Montgomery Hall Park;

- J. The FY2019 AAP amendment proposes the reallocation of funds as follows:
- Reduce the Valley Supportive Housing project by \$16,500, since these funds are in excess of the project's costs and will not be used for the project;

- Cancel the Habitat for Humanity A Street Aging in Place funding in the amount of \$25,000. The project is not ready to proceed by the timeliness deadline. With this reduction, Habitat still has \$397,421 allocated for this project. Funds in future years may be available for this project.

K. The FY2020 AAP amendments propose reallocation of funds as follows:

- Reduce the West Beverly Street Improvements project funding by \$28,500. The project is not ready to proceed by the timeliness deadline. Plans are to request additional funding in the FY23 AAP.

L. This matter has been properly advertised, heard, and considered;

M. These recitals are an integral part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Staunton, Virginia, that the amendments to the FY2019 and FY2020 Annual Action Plans for the Community Development Block Grant Program of the U.S. Department of Housing and Urban Development for the City of Staunton as a HUD Entitlement Community are hereby **APPROVED** and **ADOPTED**.

City Council further **AUTHORIZES** and **DIRECTS** the City Manager to execute any agreements and documents associated with this amendment.

Adopted this 8<sup>th</sup> day of June, 2023.

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Stephen W. Claffey, Mayor

Attest: \_\_\_\_\_  
Kiley A. Kesecker, Clerk of Council