

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
July 27, 2023
5:00 p.m.**

- | | | |
|------------------|-----------|---|
| 5:00 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:05 p.m. | 2. | Discussion of Request by Moonyene Jackson on the Proposed William A. and Queen Elizabeth Miller Heritage Park in Staunton's West End |
| 5:20 p.m. | 3. | Discussion of 2024 Legislative Program |
| 5:35 p.m. | 4. | Discussion of Council Memorandum No. 19 – Proclamations and Other Forms of Recognition |
| 5:50 p.m. | 5. | Presentation by Frazier and Associates on the Final Draft of the Entrance Corridor Overlay District Design Guidelines |
| 6:40 p.m. | | Break until Regular Meeting at 7:00 p.m. |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
July 27, 2023
7:00 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence – Arrowood

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of June 22, 2023

REGULAR MEETING

- A. Public Hearing of Ordinance to Amend the FY2024 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number One***
- B. Public Hearing and Consideration of a Request by Kevin Linhares to Rezone 1020 N Augusta Street from B-1, Local Business District, to P-1, Professional District***
- C. Public Hearing and Consideration of a Request by Rebecca Bennett to Rezone 916 Anderson Street from R-4, High Density Residential District, to B-2, General Business District Conditional***
- D. Consideration of a Resolution Authorizing the Adoption of the FY 2023 Annual Action Plan for the City of Staunton through the U.S. Department of Housing and Urban Development Community Development Block Grant Program Fund**
- E. Update on Staunton Crossing Site Preparation Efforts and Other Economic Development Activity**
- F. Consideration of Amendment to Nuisance Animal Ordinance**

Matters from the City Manager

Staunton Plan Update

The Staunton Plan was reaffirmed by City Council during their retreat on February 28 and March 1, 2023 and approved at their Council meeting on May 11, 2023. The Staunton Plan includes values to guide how the City does the work, and a vision of the future, and five focus areas, called strategic goal areas, that guide what work should be prioritized. There are also objectives identified within the strategic goal areas that define those areas where Council would like to see change and are measurable.

Infrastructure

Roll out of [Flood Awareness System](#)

Economic Development

Formation of Staunton Housing Commission

West End

Update on Revitalization Plan Study

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.

Per **Council Procedure Memorandum No. 5, Grant Applications**, grants that do not require City funds or property to be contributed as a matching share do not require City Council approval. However, Council's procedure requires that the City Manager report all such grants to Council no later than the second meeting of City Council following their approval and submittal by the City Manager. Recently approved and submitted grants include:

Staunton Public Library: *Public Library Association Digital Literacy Workshop Incentive Grant, \$6,000.* This grant will allow the library to conduct digital literacy outreach in partnership with the Virginia Program for Aging Services starting this fall. This grant specifically provides laptop incentives to attendees so that there's a compelling reason for them to begin the program and continue with it; plus participants then have a device they can continue to learn with after our program ends. This grant has also since been awarded to the city.

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 27, 2023	City Council
Item #	1	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Values: Integrity 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, VA

Meeting Date:	July 27, 2023	Alice Woods Councilmember
Item #	2	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Engagement Strategic Area: Responsive, Efficient Government	
Subject:	Discussion of Request by Moonyene Jackson on the Proposed William A. and Queen Elizabeth Miller Heritage Park in Staunton’s West End	

Background: At the request of Councilmember Woods, this item has been added to Council's July 27, 2023 work session agenda for discussion.

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:	July 27, 2023	John C. Blair, II City Attorney
Item #	3	
Department:	City Attorney	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government	
Subject:	2024 Legislative Agenda Discussion	

Background:

The current members of City Council have expressed interest in pursuing two specific bills in the Virginia General Assembly's upcoming 2024 Regular Session.

First, the Council has expressed interest in allowing for special elections on primary election dates. Virginia Code Section 24.2-682 prohibits the conduct of a special election on a primary election date. The General Registrar and Director of Elections estimates that the cost of a special election is approximately \$19,000.00. The ability to conduct a special election on a primary election day would help save taxpayer dollars while also allowing an affordable option to hold a special election before the November general election date.

Second, the Council has expressed interest in reducing or eliminating utility connection fees for properties located in Uniontown. The Code of Virginia does not grant the City this authority. Therefore, the City would need to pursue special legislation to allow it to have the specific authority to waiver or reduce utility connection fees for Uniontown.

This Work Session will seek Council's input on the specifics it would like to see incorporated into these two bills.

Attachments: Not applicable.

City Manager Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 27, 2023	Stephen W. Claffey Mayor
Item #	4	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Engagement Strategic Area: Responsive, Efficient Government	
Subject:	Discussion of Council Memorandum No. 19 – Proclamations and Other Forms of Recognition	

Background: At the request Mayor Claffey, this item has been added to Council's July 27, 2023 work session agenda for discussion.

Attachments:

Attachment 1 – City Council Procedure Memorandum No. 19

Attachment 2 – Proclamations Presented in Council Chambers 2022 - 2023

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

COUNCIL PROCEDURE MEMORANDUM NO. 19

SUBJECT: Proclamations & Other Forms of Recognition

The Staunton City Council wishes to provide recognition to its residents and entities. Additionally, the Council desires to provide recognition to particular days, weeks, and months. The following forms of recognition may be requested by Staunton residents and entities:

1. **Commemorative Letter** prepared on Mayor's letterhead, affixed with the City seal and mailed in a flat envelope for birthdays, retirements, congratulations, etc.
2. **Letter & Certificate of Recognition** for significant individual or organizational achievements/milestones. Mailed to individual or organization in a flat envelope.
3. **Commemorative Proclamation** presented by the Mayor, or designee, to an organization at an event or function in recognition of local, state or national achievement or to commemorate an event, such as Small Business Saturday.
4. **Proclamation in Council Chambers** presented by the Mayor, in observance of a certain day, week or month, such as: Juneteenth, Arbor Day, Veterans Day, etc. Also presented to non-profit organizations in connection with national, statewide or local observances or in connection with a significant milestone, such as: Pride Month/Shenandoah LGBTQ Center, September Childhood Cancer Awareness Month, etc. All proclamations presented in Council Chambers must be unanimously approved by City Council.
5. **Key to the City** presented in Council Chambers as a symbol of civic recognition and gratitude, reserved for individuals whose service to the public and the common good rises to the highest level of achievement. The award of a Key to the City must be unanimously approved by City Council.

Recognition requests will be submitted to the Clerk via a request form on the City's website. Each type of recognition will have a unique form requiring specific information about the request. The Mayor shall receive and administer all requests for commemorative letters as well as letters and certificates of recognition. All proclamation requests will be sent to Councilmembers for approval. Requests for a Key to the City must come from a member of City Council and cannot be submitted via the website.

AFFIRMED: March 23, 2023

Proclamations Presented in Council Chambers

2022:

Ms. Senior America Day – March 24

National Public Health Week – March 24

VITA Volunteer Recognition – April 14

Fair Housing Month – April 14

Child Abuse Prevention Month – April 14

Arbor Day – April 28*

Letter Carriers' Food Drive Day – May 12

Bike Month – May 12

Juneteenth – June 9

LGBTQ+ Pride Month – June 9

Berkeley House – July 28

Wil & Langdon Reid Key to the City – August 25

Constitution Week – September 8

Childhood Cancer Awareness Month – September 8

Veterans Day – November 10

2023 (to date):

National Library Week – April 13

Letter Carriers' Food Drive Day – April 27

Arbor Day – April 27*

Public Works Week – May 11

Juneteenth – June 8

LGBTQ+ Pride Month – June 8

*Arbor Day proclamation is required every year in order to maintain "Tree City" designation.

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 27, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	5	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure, Responsive, Efficient Government	
Subject:	Presentation by Frazier and Associates on the Final Draft of the Entrance Corridor Overlay District Design Guidelines	

Background: City Council will receive a presentation by Frazier and Associates on the final draft of the Entrance Corridor Overlay District Design Guidelines. The Fraziers will provide an overview of the draft Guidelines and recommendations on future steps for the City to take to address the Entrance Corridors.

Attachment: The Draft Entrance Corridor Overlay District Design Guidelines can be viewed and downloaded via the following link: <https://bit.ly/DRAFTCorridorGuidelines>

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

City Council
WORK SESSION
June 22, 2023
6:30 p.m.

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

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.

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

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

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

2. Briefing on Flood Alerting System

Environmental Programs Administrator Pete Kesecker presented a brief outline and background information on the city's flood sensor warning system and its alerting and notification functionality, which provides advanced warning of potential flood events.

Environmental Programs Specialist Willow Hughes presented an overview of the city's new flood alerting dashboard, which provides real-time visualization of current rainfall and water levels from sensors located downtown and other areas further upstream on Lewis Creek.

Councilmembers asked for clarification on several points from the presentations, regarding the specific functions of the flood sensors and the alerting dashboard. Chief Technology Officer Kurt Plowman and Floodplain Administrator John Glover briefly expanded on those areas. Mr. Glover noted that while the project will require continual data collection and some adjusting, the city is heading to a better place in terms of flood preparedness and monitoring.

Councilmembers had no further questions or comments.

The work session adjourned at 6:50 p.m.

Kiley A. Kesecker
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, June 22, 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
 Mark A. Robertson
 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. Woods.

MAYOR'S REPORT

There was no mayor's report.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Mr. Arrowood gave a brief update on the housing commission and stated that he and Mr. Holmes would be holding a town hall on June 24.

Vice Mayor Darby stated that she had attended the Central Shenandoah Planning District Commission meeting that week.

Mr. Robertson stated that he had attended the CAPSAW meeting.

Ms. Woods stated that she had attended the Redevelopment and Housing Authority meeting, where a new member had been seated.

APPROVAL OF MINUTES

Ms. Woods moved to approve the work session and regular meeting minutes of June 8, 2023, as presented.

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

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

REGULAR MEETING

A. Consideration of an Ordinance to Amend the FY 2023 Budget for the City of Staunton by Adding Budget Amendment Number Six

Chief Financial Officer Jessie Moyers stated that the sixth budget amendment for fiscal year 2023 equals \$2,874,238. She outlined the amendment as follows:

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 transfer 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 Local Law Enforcement Block Grant and the American Rescue Plan Act Law Enforcement Equipment Grant.
5. Housing & Urban Development Fund amendment of \$1,177,646 for various HUD grant years.
6. Blue Ridge Court Services amendment of \$106,510 to appropriate Department of Criminal Justice Services grant.
7. Water Fund amendment for \$6,642 to appropriate insurance recovery.
8. Stormwater Fund amendment of \$17,414 to appropriate the Monsanto settlement.

Mayor Claffey asked if Councilmembers had any questions or comments.

Councilmembers had no questions or comments.

Vice Mayor Darby moved to approve an ordinance amending the fiscal year 2023 budget by adding Budget Amendment Number Six, totaling \$2,874,238.

The motion was seconded by Mr. Holmes 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		

(ATTACHMENT A)

B. Approval of Transfer of Already Appropriated Funds Within the Capital Improvement Fund

Ms. Moyers introduced the item as the approval of a transfer of already appropriated funds between projects in the Capital Improvement Fund. She stated that approval of these transfers can be accomplished in one meeting, since it is a transfer of previously appropriated funds, rather than an appropriation of funds. The Animal Shelter project is being proposed to be funded with local dollars through an appropriation of FY 2022 carry over funds that will be part of the next budget amendment, which will be brought to Council on July 27, 2023. The original estimate of \$776,000 for Staunton's share of the cost assumed the use of local dollars. Funding the project with federal funds could result in an increase in cost, principally due to the Davis-Bacon Act that adds additional work for the contractor, increasing their costs. The \$776,000 appropriated in the Animal Shelter project would be repurposed for the Juvenile & Domestic Relations Courthouse/West End Complex project.

Ms. Moyers continued, stating that the Beverley and North Coalter Pedestrian Crossing project, with a current appropriation of \$400,000 will be funded with a grant that was received from VDOT earlier in the year. This \$400,000 would be repurposed for the J&DR Courthouse/West End Complex project and the Water Infrastructure Acquisition. The remaining four transfers are for previously appropriated CIP funds that have excess funds remaining. They are: \$190,202 for the Telephone Replacement project, \$136,000 for the Bessie Weller Safe Route to Schools project, \$50,000 for the Route 11/ Commerce Road Intersection project, and \$54,948 for the County Courts project. These four appropriations within the CIP total \$431,150, which would be repurposed for the J&DR Courthouse/West End Complex project.

Mayor Claffey asked if Councilmembers had any questions.

Mr. Robertson asked what the total amount going to the J&DR Courthouse project will be. Ms. Moyers stated the total is about \$3.7 million.

Councilmembers had no further questions.

Mr. Arrowood moved to approve the transfer of already appropriated funds within the Capital Improvement Fund, as presented.

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

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

C. Public Hearing and Consideration of a Request by the City of Staunton to Vacate, Discontinue and Abandon a .009-Acre Portion of Village Drive

Senior Planner Rodney Rhodes stated that in January of 2023, City Council approved a final plat for an extension of Village Drive. During review of the final plat, staff determined that a small portion of the existing Village Drive right-of-way, which contains a section of public sidewalk adjacent to 106 Village Drive, should be vacated. During construction of the street and sidewalk extension, the grade change created issues connecting the existing sidewalk to the new sidewalk extension. To resolve the issue, a new section of sidewalk was poured within the existing right-of-way and the old section of sidewalk was retained solely for the purpose of providing access to 106 Village Drive. Since the purpose of the sidewalk is now solely to access private property, the city has no desire to retain the right-of-way. If the vacation is approved, the section of sidewalk would become privately owned as a part of the 106 Village Drive property, relieving the city of any obligation or responsibility for maintenance of the section of sidewalk.

Mr. Rhodes noted that at its May 18, 2023 meeting, the Planning Commission conducted a public hearing, during which no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously recommend approval of the vacation.

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.

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

Mr. Holmes moved that Council adopt the ordinance and approve the vacation as recommended by the Planning Commission.

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

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

Ordinance No. 2023-22

AN ORDINANCE VACATING, DISCONTINUING AND ABANDONING THAT PORTION OF A DEVELOPED PUBLIC RIGHT-OF-WAY IDENTIFIED AS “.009 ACRES OF PROPOSED R-O-W VACATION,” LYING IN AN AREA ON VILLAGE DRIVE IN THE CITY OF STAUNTON, VIRGINIA

RECITALS

A. There exists a developed 0.009 acre public right-of-way lying in an area on Village Drive, to the northeast of Parcel ID 12155, owned by Building 26 LLC (Owner), as represented and shown on the attached “Plat Showing Right-of-Way Dedication, Sanitary Sewer Easement, and Waterline Easements at Villages at Staunton,” dated February 27, 2023, prepared by Daniel E. Hansen, Balzer & Associates, Inc.;

B. The 0.009 acre right-of-way contains a privately constructed sidewalk that is used for private access to the building located on Parcel ID 12155;

C. This proposed portion of right-of-way to be vacated is a portion of the variable width right-of-way which was previously dedicated to the City of Staunton, Virginia, as shown on Instrument Number 070003845, recorded in the Clerk’s Office of the Circuit Court of the City of Staunton, Virginia;

D. A request to vacate the 0.009 acre right-of-way was made by the City of Staunton, Virginia, in coordination with the Owner;

E. Public hearings were held by the Staunton Planning Commission and Staunton City Council, after proper advertisement and notice, pursuant to Virginia Code Sections 15.2-2006, 15.2-2204, and 15.2-2270 for the vacation and abandonment of that 0.009 acre public right-of-way, as shown on the plat attached hereto and made a part hereof; and

F. Virginia law authorizes the City of Staunton to alter or vacate such public right-of-way conditionally;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the rights of the public in the 0.009 acre portion of the right-of-way, as shown on the attached plat titled "Plat Showing Right-of-Way Dedication, Sanitary Sewer Easement, and Waterline Easements at Villages at Staunton," dated February 27, 2023, prepared by Daniel E. Hansen, Balzer & Associates, Inc., are hereby, upon recordation, VACATED AND ABANDONED and all the City's right, title and interest otherwise, if any, is relinquished and to the extent permitted by law, is conveyed, transferred and assigned to Building 26 LLC.

Nothing contained in this ordinance shall be deemed, construed, or applied in any manner as a waiver of the sovereign or other immunity of the City of Staunton, Virginia, to the extent that such immunity would otherwise obtain.

Introduced: June 22, 2023
Adopted: June 22, 2023
Effective Date: June 22, 2023

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

D. Public Hearing and Consideration of a Request by Baldwin Place Home Owners Association for a Special Use Permit Under the Provisions of SCC 18.20.030(8) to make changes to the covenants of the Planned Residential Development

Mr. Rhodes stated that the Baldwin Place Home Owners Association (HOA) has requested a change to the Planned Residential Development (PRD) approved by City Council in July of 1986. PRDs are approved by Special Use Permit, and review and approval of the covenants and restrictions of the neighborhood are part of that process. Baldwin Place PRD is located on North Augusta Street near the intersection with North Coalter Street. In June of 1996, the covenants were amended at the request of the HOA to alter some of the design standards. The HOA is now requesting to remove the requirement that cedar shakes be used for all roof surfaces, and proposes to add roof surface material requirements to the bylaws, meaning that a future change would not need to be reviewed and approved by the Planning Commission and City Council. The bylaws would be amended to include architectural standards for permitted roof materials, including natural cedar shakes, composite shake tiles, laminated shingles, and raised seam metal for appendages. Staff reviewed the proposed changes and have identified no issues. The City's Deputy Chief of Community Risk Reduction of the Fire Marshal's Office noted:

277
278 “While wood shakes and shingles are pleasing to the eye and add to the appearance
279 of a home, untreated wood shakes and shingles are readily ignited by firebrands,
280 sparks from chimneys, and direct exposure to fire. Furthermore, burning untreated
281 wood shakes and shingles can become firebrands and contribute to the spread of
282 fire. The fire department supports any change to make the community safer from
283 fire emergencies.”
284

285 Mr. Rhodes added that at its May 18, 2023 meeting, the Planning Commission conducted a public
286 hearing, during which one person spoke in opposition to the request. On a 5-0 vote, the
287 Commission unanimously recommend approval of the Special Use Permit.
288

289 Louis Lobenhofer, president of the Baldwin Place Home Owners Association, was present to
290 answer question from Council.
291

292 Mr. Holmes asked what the lifespan of a cedar shake roof is. Mr. Lobenhofer stated it is about 20
293 to 25 years, adding that they are not requiring anyone to change their roofing material early, but
294 as they age out, there will simply be other options.
295

296 Vice Mayor Darby asked how many members are in the HOA, and if their meetings are well
297 attended. Mr. Lobenhofer stated that there are 52 lots with one voter per lot. There were 48 votes
298 cast for the amendment to the covenants, with 42 in favor and 6 opposed.
299

300 Councilmembers had no further questions or comments.
301

302 Mayor Claffey stated the following:
303

304 I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will
305 alternate between individuals physically present and those that have their hands raised via the
306 Zoom platform.”
307

308 The public hearing was opened.
309

310 Helen Willard, 304 Candlelight Drive, spoke in opposition to the proposal, noting that cedar shake
311 roofs are vital to the distinct Williamsburg style of the neighborhood.
312

313 Joel Clarke, 208 Laketree Drive, vice president of Baldwin Place HOA, spoke in support of the
314 proposal.
315

316 Deborah Smith, 206 Kings Square, spoke in support of the proposal.
317

318 With there being no one else wishing to speak, the public hearing was closed.
319

320 Mr. Holmes moved that Council adopt the resolution and approve the Special Use Permit, as
321 recommended by the Planning Commission.
322

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

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

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
GRANTING A SPECIAL USE PERMIT FOR BALDWIN PLACE PLANNED
RESIDENTIAL DEVELOPMENT**

Recitals

A. Baldwin Place Home Owners Association (Applicant), representing the property owners of the Planned Residential Development known as Baldwin Place (Owner), is requesting a Special Use Permit to amend the restrictive covenants for the Baldwin Place (Property);

B. The Owner seeks a Special Use Permit under Staunton City Code (SCC) Section 18.20.030(8) which allows a Planned Residential Development in a R-1, Low Density Residential District;

C. The Property is located within a R-1, Low Density Residential District, which according to SCC section 18.20.030(8), a Planned Residential Development may be permitted on review;

D. The request was evaluated using the criteria established in SCC section 18.105.020 as a guide;

E. The Staunton Planning Commission conducted a public hearing concerning the Project, after notice and advertisement as required by law on May 18, 2023;

F. The Staunton Planning Commission considered and recommended approval of the Owner's application for the Property at its May 18, 2023 meeting;

G. Upon consideration of the Staunton Planning Commission's recommendation, the City staff briefing, comments received at the public hearing, as well as the factors set forth within Section 18.20.030, Section 18.105.020 and Chapter 18.210 of the SCC, Staunton City Council finds and determines that granting the proposed Special Use would serve the public necessity, convenience, general welfare and good zoning practice; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that a Special Use Permit is hereby granted to allow the restrictive covenants of Baldwin Place to be amended by incorporating all the conditions in the previously approved special use

permits for Baldwin Place, except that all references to the requirement for cedar shake shingles shall be removed and Section X(3)(f) of the Declaration shall read, "All roofs shall be of materials specified in the Architectural Standards as set forth in the Bylaws of the Association. The main portion of the house should have a 14/12 pitch on the roof, with shed roofs having at least a 5/12 pitch.

Introduced: June 22, 2023

Adopted: June 22, 2023

Effective Date: June 22, 2023

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER

Clerk of Council

E. 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 applicant proposes to develop a 96.823-acre property at 801 Commerce Road with a 15.75 MW utility scale solar energy facility and a 5 MW community scale solar energy facility. At its May 25, 2023 meeting, City Council approved the removal of the property at 801 Commerce Road from the Bell's Lane Agricultural-Forestal District. At the same meeting, City Council conducted a public hearing on the Special Use Permit (SUP) application to develop the property with a solar energy facility. During the public hearing, 12 people spoke in opposition, and nine spoke in support of the proposal. At the conclusion of the public hearing, City Council unanimously voted to table the matter and the subsequent item on the agenda, the solar siting agreement, until the June 22, 2023 meeting. Council noted that this would "allow members of the community additional time to educate themselves on the proposal and get their questions answered." Mayor Claffey noted that there was a wealth of information in the May 25 agenda packet and recommended that the residents review the material. In the days following the public hearing, Councilmembers suggested that staff:

- Provide Councilmembers an opportunity to visit the site.
- Provide Councilmembers an opportunity to visit a similar solar energy facility site.
- Consider having a "solar expert" attend the June 22, 2023 meeting.

City staff extended an offer to tour the site with Councilmembers, and encouraged Councilmembers to visit a solar energy facility in Mount Jackson, at their convenience. The Mount Jackson solar energy facility has several similarities with the proposed facility on Commerce Road. The facility has a 22 MW capacity, was developed with similar fixed panels, and is also on rolling terrain.

Mr. Rhodes continued, stating that city environmental staff reviewed reports prepared by Dr. Lee Daniels of Virginia Tech, and found his study and concerns pertain mainly to the use of farm land after the decommissioning of a solar site. Soil compaction is an important aspect to consider in

proper stormwater management. His recommendations are relevant to any land disturbance and stormwater management associated with the land disturbance and construction of a solar energy facility. These measures will be considered during the site plan review process; however, the property under consideration for the SUP is zoned I-1, Light Industrial District, thus, compaction issues after decommissioning are not as relevant. The property will not be used for agricultural purposes unless the property owner applies for, and receives approval from City Council to return the property back into the Agricultural-Forestal overlay district.

Mr. Rhodes outlined the timeline for the solar energy facility request, stating that one of the concerns raised by the public at Council's May 25 meeting was there appeared to be "a rush to review and approve" the solar energy facility. The applicant's initial discussion with staff on the proposal was in the fall of 2021. In the subsequent 20 months, there have been over a dozen meetings and hundreds of hours devoted by staff, committee members, Planning Commissioners, and City Councilmembers on the matter. Those members of City Council that were serving in 2022 became aware of the proposal by June of 2022. The applicant has conducted two public meetings about the proposal, and the Planning Commission and City Council both conducted public hearings on the matter, with another scheduled that evening. Mr. Rhodes noted that the standard review time for a Special Use Permit is three months.

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 Staunton 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. Other permitted uses would have greater impacts such as noise, traffic, and light pollution. 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. Staff had not received any additional questions from the public on the SUP application over the past three weeks.

Environmental Programs Administrator Pete Kesecker briefly discussed the Land Disturbance Permit and the Erosion and Sediment Control Permit from the city, as well as the approval of the stormwater pollution prevention plan.

Mr. Rhodes concluded by stating that at its April 20, 2023 meeting, the Planning Commission conducted a public hearing on the Special Use Permit request, during which three individuals spoke in favor of the request and six individuals spoke in opposition. On a 4-1 vote, the Commission voted to recommend approval of the Special Use Permit.

Lorie Schweller, attorney representing the applicant, presented a brief review of the project.

Mayor Claffey asked if Councilmembers had any questions or comments.

Mr. Holmes asked what kind of reduction subscribers can expect to see in their power bills. Ms. Schweller stated that the reduction would be around 10%.

Ms. Edwards clarified several items about the shared solar program and subscription requirements.

Mr. Robertson stated that most of the residents on New Hope Road nearest the proposed facility are with Shenandoah Valley Electric Cooperative, and he would like for them to be approved for subscription to Dominion's shared energy program as well. Applicant Daniel Chung stated that several co-ops in Virginia have petitioned the SEC to be included in shared solar programs.

Councilmembers had no further questions or comments.

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.

The following list of people spoke in opposition to the proposed solar facility:

Roseanne Vrugtman, 1743 Englewood Drive
John Cordle, 794 Blue Ridge Drive
Fonda Gardner, 318 Baldwin Drive
Jim Hodge, 365 Sherwood Avenue
Lorraine Miles, 438 Oriole Street
Elizabeth Gregory, 1298 New Hope Road
Linda Blackburn, 1423 Aiken Street
Bob Nutt, 506 East Beverley Street
Lisa Hatter, 1782 Shutterlee Mill Road
Park Thompson, Sandra Thompson, Evan Thompson, 685 New Hope Road
John Hardy, 1861 Springhill Road
Jeanine Thompson, 801 New Hope Road
Sally Burger, 116 North Madison Street
Annie Dixon, Ron Dixon, 610 New Hope Road

The following list of people spoke in support of the proposed solar facility:

David Rissmeyer, 211 Rosehill Circle
Maria Miller 471 Albemarle Avenue
Cindy Connors 106A Skyline Avenue
Karen Ress, 220 Biltmore Street
Pamela Wagner 164 North Coalter Street
Barbara Lee, 904 Rockway Street
Joanne Tigert, 913 North Augusta Street
Randolph Burton, 211 Hendren Avenue
Jack Chirieleison, 241 Thornrose Avenue
Wayne Noldy, 210 Cider Mill Road, Mount Sidney

Edward Long, 629 Churchville Avenue
Richard Barnes, 908 Baylor Street
Ned Wollen, Fishersville
Brenda Mead, 341 Sherwood Avenue
Nate Lawrence, 726 Opie Street
Terah Cox, 11 Baldwin Drive

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

Mayor Claffey asked if Councilmembers had any further questions for staff.

Vice Mayor Darby asked if there were any other industrially-zoned properties in the city that would be appropriate for the project. Mr. Rhodes stated that they conducted a search of other industrially-zoned properties of approximately 100 acres or more, finding only two properties in the city that meet the criteria, both of which are in very close vicinity to 801 Commerce Road.

Ms. Edwards asked if 801 Commerce Road is ideal because of its proximity to the substation. Mr. Rhodes confirmed that as a major factor.

Mr. Robertson stated that he had a gut feeling he could not get past, and could not support the proposed solar facility.

Mr. Holmes moved that City Council adopt the proposed resolution and approve the Special Use Permit with the conditions, as recommended by the Planning Commission, as presented.

The motion was seconded by Ms. Woods.

Mr. Arrowood stated that it is a land ownership rights issue as well, and this is the desire of the land owner. He added that staff did a great job of nailing down the requirements for the project.

Vice Mayor Darby stated that after hearing all sides of the issue, she decided that she did not think the proposed solar facility belongs in the City of Staunton. She added that while solar energy is a good thing, a different location would be much more suitable for such a facility.

Mayor Claffey stated that he ran on a pro-business platform, and if someone that comes in and buys 97 acres of property is willing to produce and invest money in the City of Staunton, we need to let them do it.

The motion carried as follows:

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

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
GRANTING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT
801 COMMERCE ROAD (PID: 10413)**

Recitals

A. Oikos Solar Systems Inc, and Flying Rock Property LLC, (Owner), owner of certain land identified as parcel identification number 10413, currently addressed as 801 Commerce Road, Staunton (the Property), having acquired the land through a deed dated November 9, 2022 and recorded in the Clerk's Office of the Circuit Court of the City of Staunton as Instrument Number 220003442, is requesting a Special Use Permit to allow a solar facility to be constructed on the property (the Project);

B. The Owner seeks a Special Use Permit under Staunton City Code (SCC) Section 18.75.040(1) to allow a Solar Energy Facility;

C. The Property is located within a I-1, Light Industrial District, which according to SCC Section 18.75.040(1), a Solar Energy Facility may be permitted on review;

D. The Staunton Planning Commission conducted a public hearing concerning the Project, after notice and advertisement as required by law on April 20, 2023;

E. The Staunton Planning Commission considered and recommended approval of the Owner's application for the Project at its April 20, 2023 meeting;

F. Upon consideration of the Staunton Planning Commission's recommendation, the City staff briefing, comments received at the public hearing, as well as the factors set forth within Section 18.75.040 and Chapter 18.210 of the SCC, Staunton City Council finds and determines that granting the proposed Special Use would serve the public necessity, convenience, general welfare and good zoning practice; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

1. Development and use must be in general accord with the plans prepared by Timmons Group titled "Oikos Staunton Solar Project and Oikos Staunton Community Solar Project, Preliminary Concept Plans" dated May 16, 2023 (hereinafter "Concept Plan") and included as Attachment 5, as determined by the Zoning Administrator. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan: a. Location of solar

development envelopes, b. Location of collector station, and c. Retention of wooded vegetation in stream buffers. Land disturbance shall be limited to the areas within the proposed fenced areas as shown on the Concept Plan. The location of the proposed entrance and access to the solar facility shall not be subject to this condition. Site grading will be subject to review and approval by the City during the site planning process. The panels shall be installed generally with the existing topography of the site. Grading of the panel areas shall be limited to the greatest extent practicable. Minor modifications, with the approval of the Zoning Administrator to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance, and State or Federal laws.

2. Landscaping and screening locations must be substantially the same as shown on the Concept Plan. Additional landscaping and screening may be required during site plan review if required for compliance with federal, state, or local laws, ordinances, or regulations. Planting materials shall be approved by the Zoning Administrator during site plan review.
3. All inverters, solar panels and collector station must be set back at least fifty (50) feet from rights-of-way and from all adjoining properties not zoned industrial.
4. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques to reduce glint and glare. Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator descriptive and schematic information regarding panel technology to ensure the facility is utilizing current anti-glare technology and anti-reflective coatings.
5. The decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") prepared by Timmons Group and submitted with the Special Use Permit application, shall be subject to review and approval by the City Attorney and the City Public Works Director and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the City of Staunton.
6. Prior to issuance of a grading permit, the Decommissioning Plan must be recorded by the applicant in the office of the Circuit Court of the City of Staunton. A performance bond or letter of credit approved by the City Attorney must be posted to cover the full cost of implementing the Decommissioning Plan. No credit is provided for the estimated salvage value of the materials.
7. The Decommissioning Plan and estimated costs must be updated every five years, upon change of ownership of either the property or the project's

owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan must be recorded in the office of the Circuit Court of the City of Staunton. The performance bond or letter of credit shall be adjusted to cover any estimated increase in cost.

8. The Zoning Administrator must be notified in writing within 30 days of any change in ownership or the abandonment or discontinuance of the use.
9. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site must be rehabilitated as described in the Decommissioning Plan, within one year of the abandonment or discontinuance of the use.
10. If the construction of the solar energy facility, for which this special use permit is issued, is not commenced within five (5) years after City Council approval, the permit must be deemed abandoned and the authority granted thereunder shall terminate.
11. Products used to clean panels are limited to water, and biodegradable cleaning products.
12. No above ground wires except for those associated with the panels and attached to the panel support structure and those associated with tying into the existing overhead transmission wires are permitted.
13. Prior to activation of the site, the applicant must provide training to Staunton Fire/Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures and material handling procedures.
14. The project areas shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anticleimbing device. Fencing must be installed on the interior of the vegetative buffer required so that it is screened from the ground level view of adjacent property owners. The wildlife corridors shall not be enclosed with fencing.
15. The property owner must grant the Zoning Administrator, or designee, access to the facility for inspection purposes within 14 days of the Zoning Administrator requesting access.
16. Outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire must be fully shielded to the satisfaction of the Zoning Administrator.

- 692 17. Ground mounted solar energy generation facilities shall not exceed a
693 height of eighteen (18) feet, which shall be measured from the highest
694 natural grade below each solar panel. This limit shall not apply to the
695 collector station, utility poles and the interconnection to the overhead
696 electric utility grid. The lowest surface of the panel shall be a minimum
697 of eighteen (18) inches above grade.
698
- 699 18. The project area shall be seeded with appropriate pollinator-friendly
700 native plants, shrubs, trees, grasses, and wildflowers. The project must
701 achieve VA Pollinator-Smart Certification as contained in the Virginia
702 Pollinator Smart Solar program.
703
- 704 19. The applicant shall establish a 12-month period during which only
705 Staunton residents may be enrolled in the applicant's Shared Solar
706 Program.
707
- 708 20. The site plan shall include a maintenance and traffic plan to identify how
709 construction vehicles will stage on the property to avoid impacts to
710 Commerce Road and operations of the State Police and Virginia
711 Department of Transportation facilities.
712

713 Introduced: May 25, 2023
714 Adopted: June 22, 2023
715 Effective Date: June 22, 2023
716

717 Signed: STEPHEN W. CLAFFEY, MAYOR
718

719 Attest: KILEY A. KESECKER
720 Clerk of Council
721

722 **F. Public Hearing and Consideration of a Solar Siting Agreement between Staunton PV-**
723 **UT, LLC and the City of Staunton, Virginia**
724

725 The public hearing for this item was conducted simultaneously with the public hearing for item E.
726

727 Virginia Code Section 15.2-2316.7 permits localities in Virginia to enter into solar facility siting
728 agreements with entities wishing to locate a solar facility within the locality's borders. If the siting
729 agreement is approved, it can include financial compensation to the locality. Staunton PV-UT,
730 LLC through Flying Rock Property, LLC has applied for a Special Use Permit (SUP) to locate a
731 solar facility within the City of Staunton. If the Council approves the SUP, it will consider
732 approving the solar facility siting agreement.
733

734 The City Attorney and Staunton PV-UT, LLC's legal counsel have negotiated the solar facility
735 siting agreement for the Council's consideration. The agreement provides that Staunton PV-UT
736 will make a one-time payment of \$200,000 to the City of Staunton one month after Staunton PV-

UT has commenced the delivery of electricity from the Staunton solar facility to a third party pursuant to an executed interconnection agreement or power purchase agreement.

The \$200,000 payment is in addition to the potential machinery and tools, real property and rollback taxes the city will collect if the SUP is approved and the solar facility is constructed.

Councilmembers had no questions or comments.

Mr. Arrowood moved that City Council approve the Solar Facility Siting Agreement, as presented.

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

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

MATTERS FROM THE CITY MANAGER

Ms. Beauregard stated that there would be no City Council meeting on July 13.

MATTERS FROM THE PUBLIC

There were no matters from the public.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 10:41 p.m.

Kiley A. Kesecker
Clerk of Council

ATTACHMENT A

Ordinance No. 2023-21
AN ORDINANCE TO AMEND
THE FY2023 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER SIX

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	<u>470,850</u>
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	<u>51,180</u>
Total Appropriations	\$ 1,065,881

GRANTS FUND

Anticipated Revenue

Capital Grants and Contributions	\$ <u>337,918</u>
Total Revenue	\$ 337,918

Appropriations

Public Safety	\$ <u>337,918</u>
Total Appropriations	\$ 337,918

HUD FUND

Anticipated Revenue

Capital Grants and Contributions	\$ <u>1,177,646</u>
Total Revenue	\$ 1,177,646

Appropriations

HUD Funds	\$ <u>1,177,646</u>
Total Appropriations	\$ 1,177,646

BLUE RIDGE COURT SERVICES

Anticipated Revenue

Capital Grants and Contributions	\$ <u>106,510</u>
Total Revenue	\$ 106,510

Appropriations

Public Safety	\$ <u>106,510</u>
Total Appropriations	\$ 106,510

CITY CAPITAL IMPROVEMENTS FUND

Anticipated Revenue

Transfer from the General Fund	\$ <u>-</u>
Total Revenue	\$ -

Appropriations

Capital Projects	\$ <u>-</u>
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

GRAND TOTAL BUDGET AMENDMENT NO 6	\$	2,874,238
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INTRODUCED: June 8, 2023

PUBLIC HEARING: June 8, 2023

Public Hearing Advertisement Date: June 1, 2023

Approved this 22nd day of June, 2023

Effective Date: June 22, 2023

ATTEST: Kiley a Kesecker
Kiley Kesecker
Clerk of Council

CERTIFIED: Stephen W. Claffey
Stephen W. Claffey
Mayor of Council

CITY OF STAUNTON			
FY 2023 BUDGET AMENDMENT NO. 6			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
GENERAL FUND			
GENERAL GOVERNMENTAL ADMINISTRATION			
<u>GENERAL GOVERNMENT</u>			
Misc Revenue	11001-41750	\$ 18,228	
Other Expense	11099800-55670		\$ 18,228
To appropriate Opioid Settlement			
JUDICIAL ADMINISTRATION			
<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			
PUBLIC SAFETY			
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
PUBLIC WORKS			
<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			
PARKS AND RECREATION			
<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			
TOTAL GENERAL FUND		\$ 1,065,881	\$ 1,065,881

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	
<u>Non-Capital Grants and Contributions</u>		470,850
Sheriff Department	28,500	
Police Department	2,000	
Public Works	389,170	
Parks and Rec	27,500	
Library	23,680	
Total General Fund Revenues		\$ 1,065,881

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	
Total General Fund Expenditures		\$ 1,065,881	

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			
TOTAL CAPITAL IMPROVEMENTS FUND		\$ -	\$ -
COMMUNITY DEVELOPMENT FUND			
Non Cap Grant Industrial Revitalization Fund Professional Services	22083-46240-46012 22088501-53010-46012	51,227	\$ 51,227
To appropriate remaining Industrial Revitalization Fund Planning Grant			
Federal Grant Professional Services	22083-46240-46013 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			
TOTAL COMMUNITY DEVELOPMENT FUND		\$ 162,227	\$ 162,227
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			
TOTAL GRANTS FUND		\$ 337,918	\$ 337,918
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			
TOTAL BLUE RIDGE COURT SERVICES FUND		\$ 106,510	\$ 106,510

CITY OF STAUNTON			
FY 2023 BUDGET AMENDMENT NO. 6			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
HUD FUND			
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			
TOTAL HUD FUND		\$ 1,177,646	\$ 1,177,646
WATER FUND			
Insurance Recovery	53001-41928	\$ 6,642	
Repairs	53004321-53288		\$ 6,642
To appropriate Insurance Recovery			
TOTAL WATER FUND		\$ 6,642	\$ 6,642
STORMWATER FUND			
<u>STORMWATER PROJECTS</u>			
Misc Revenue	57001-41750	\$ 17,414	
Construction	57004799-58360		\$ 17,414
To appropriate Monsanto settlement			
TOTAL STORMWATER FUND		\$ 17,414	\$ 17,414

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	

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 27, 2023	Jessie L. Moyers Chief Financial Officer
Item #	A	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsible, Efficient Government	
Subject:	Ordinance to Amend the FY2024 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number One	

Background: The first budget amendment for fiscal year 2024 has been prepared for review and discussion. The total budget amendment equals \$10,129,762. This budget amendment does require a public hearing, which was properly advertised on July 20, 2023 in the *News Leader*. Consideration of the ordinance is scheduled for August 24, 2023.

City Budget Amendment—\$10,129,762

1. General Fund amendment of \$1,315,643.
 - \$1,200,000 – the remaining FY2022 carry over General fund balance. This amount is being transferred to the CIP fund.
 - \$87,705 – School Resource Officer Incentive Grant.
 - \$27,938 – Additional Fire Program Funds for FY24.

2. Capital Improvements Fund amendment of \$8,814,119.

- \$1,200,000 – Transfer from the General Fund. This amount is to be split between the Regional Animal Shelter \$776,000 and the JDR Courthouse/West End Complex \$424,000.
- \$1,111,524 – VDOT VHSIP Funding for Pedestrian Infrastructure.
- \$240,000 – VDEM Grant for the Regional Radio Project Consulting
- \$6,262,595 – Augusta Co and Waynesboro's share of the Regional Radio Project. This covers the infrastructure, contingency, and consulting for this project after the grant has been applied for these localities. Staunton is serving as the fiscal agent for the project. Funds will be recovered from the respective locality per the Memorandum of Understanding signed on May 9, 2023.

Attachments:

Attachment 1 – Budget Amendment Number One

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 FY2024 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER ONE

Attachment #1

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2024 Budget is amended as follows:

GENERAL FUND

Anticipated Revenue

General Revenue	\$ 1,200,000
Capital Grants and Contributions	<u>115,643</u>
Total Revenue	\$ 1,315,643

Appropriations

Public Safety	\$ 115,643
Transfers to Other Funds	<u>1,200,000</u>
Total Appropriations	\$ 1,315,643

CITY CAPITAL IMPROVEMENTS FUND

Anticipated Revenue

Transfer from the General Fund	\$ 1,200,000
State Aid	\$ 1,351,524
Recovered Cost	<u>\$ 6,262,595</u>
Total Revenue	\$ 8,814,119

Appropriations

Capital Projects	<u>\$ 8,814,119</u>
Total Appropriations	\$ 8,814,119

GRAND TOTAL BUDGET AMENDMENT NO 1	\$ 10,129,762
--	----------------------

INTRODUCED: July 27, 2023

PUBLIC HEARING: July 27, 2023

Public Hearing Advertisement Date: July 20, 2023

Approved this _____ day of _____ 2023

Effective Date: _____

CERTIFIED: _____

ATTEST: _____

Kiley Kesecker

Clerk of Council

Stephen W. Claffey

Mayor of Council

NOTICE OF PUBLIC HEARING

TO THE CITIZENS OF THE CITY OF STAUNTON, VIRGINIA

TAKE NOTICE that on Thursday, July 27, 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 2024 budget and will consider the adoption of the following:

An Ordinance to amend the FY 2024 Budget Ordinance for the City of Staunton, by adding Budget Amendment Number 1

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

General Fund	\$1,315,643
Capital Improvements Fund	\$8,814,119
Total FY2024 Budget Amendment No. 1	\$10,129,762

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.

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, or (ii) calling 540.332.3810. 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, to request an interpreter.

Kiley A. Kesecker
Clerk of Council

Please run this advertisement on Thursday, July 20, 2023.

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 27, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	B	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure, Responsive, Efficient Government	
Subject:	Public Hearing and Consideration of a Request by Kevin Linhares to Rezone 1020 N Augusta Street from B-1, Local Business District, to P-1, Professional District	

Background: Kevin Linhares has requested a rezoning of 1020 N Augusta Street from B-1, Local Business District, to P-1, Professional District. Mr. Linhares has recently acquired the property and plans to utilize the property as his residence (single-family dwelling). The Pregnancy Help Center, now Comfort Care for Women, has owned the property since 2002 and used it, until recently, for their clinic and counseling center. Under the current B-1 zoning, residential use is permitted by right on floors above the ground level while the ground and basement levels are reserved for business use; however, in P-1 zoning, single-family dwelling is a by right use permitted within all floors of a structure.

Analysis: Staff has considered the request and has identified no issues. If the rezoning is approved, a building permit will be required for a change of use under the Building Code from B (Business) to R (Residential).

This area of North Augusta Street underwent a City initiated mass rezoning in 2017. During that time, eight properties in the same block were rezoned from Business to Professional. This property was not included in the mass rezoning because it was utilized as the Pregnancy Help

Center. Now that the business use has ceased, it is reasonable to move forward with rezoning the property.

Surrounding zoning to the north and south is P-1, Professional District, to the west is R-2, Low Density Residential District, and to the east and across North Augusta Street, is B-1, Local Business District.

The *City of Staunton Comprehensive Plan, 2018-2040*, Future Land Use Map, designates this area as Professional and the requested rezoning is consistent with that designation.

Planning Commission Recommendation:

At its June 15, 2023 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to recommend approval of the rezoning.

Attachments:

Attachment 1—Application and Supporting Documents

Attachment 2—Vicinity Map: 1020 N Augusta St.

Attachment 3—Current Zoning Map: 1020 N Augusta St.

Attachment 4—Proposed Zoning Map: 1020 N Augusta St

Attachment 5—2018 Future Land Use Map

Attachment 6—Draft Ordinance

Suggested Motion (to be made after the public hearing is conducted): I move that Council adopt the ordinance and approve the rezoning as recommended by the Planning Commission.

City Manager: Leslie Beauregard



Application for Rezoning

COMMUNITY DEVELOPMENT
Planning & Zoning Division

Applicant: KEVIN LINHARES Date: 05.16.2023

Address: 547 CALVERT STREET, STAUNTON, VA 24401

Telephone #s: Primary: 540-361-0516 Secondary: 540-280-3204

Email address: kevin.linhares@vdot.virginia.gov

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: _____

Address: _____

Phone #: _____

Email address: _____

Location of property:

1020 N AUGUSTA STREET, STAUNTON, VA 24401

Legal description of property:

7578 (LOT 4 BLK L) CALLED LOT-B ON MAP REVISING NELLE-H YOUNT'S LOTS

Purpose of request: REZONING

Map Provided: YES ☒ NO ☐

Present zoning classification of property: 230R_GENERAL OFFICE-RES_P1 B-1 Local Bus

Requested zoning classification: 101_DWELLING-1 FAMILY_P1 P-1 Professional

List permits pending approval of this rezoning: N/A

Fee Paid (\$250) YES ☒ NO ☐ *check or cash only

Applicant must provide 19 copies of complete application

Signature of applicant: Kevin Linhares
(Owner / Agent)

PARTIAL MAP OF CITY OF STAUNTON VA



**SUBJECT PROPERTY TO BE USED AS 101_DWELLING-1 FAMILY_P1 IN
LIEU OF 230R_GENERAL OFFICE_P1: 1020 N. AUGUSTA STREET**

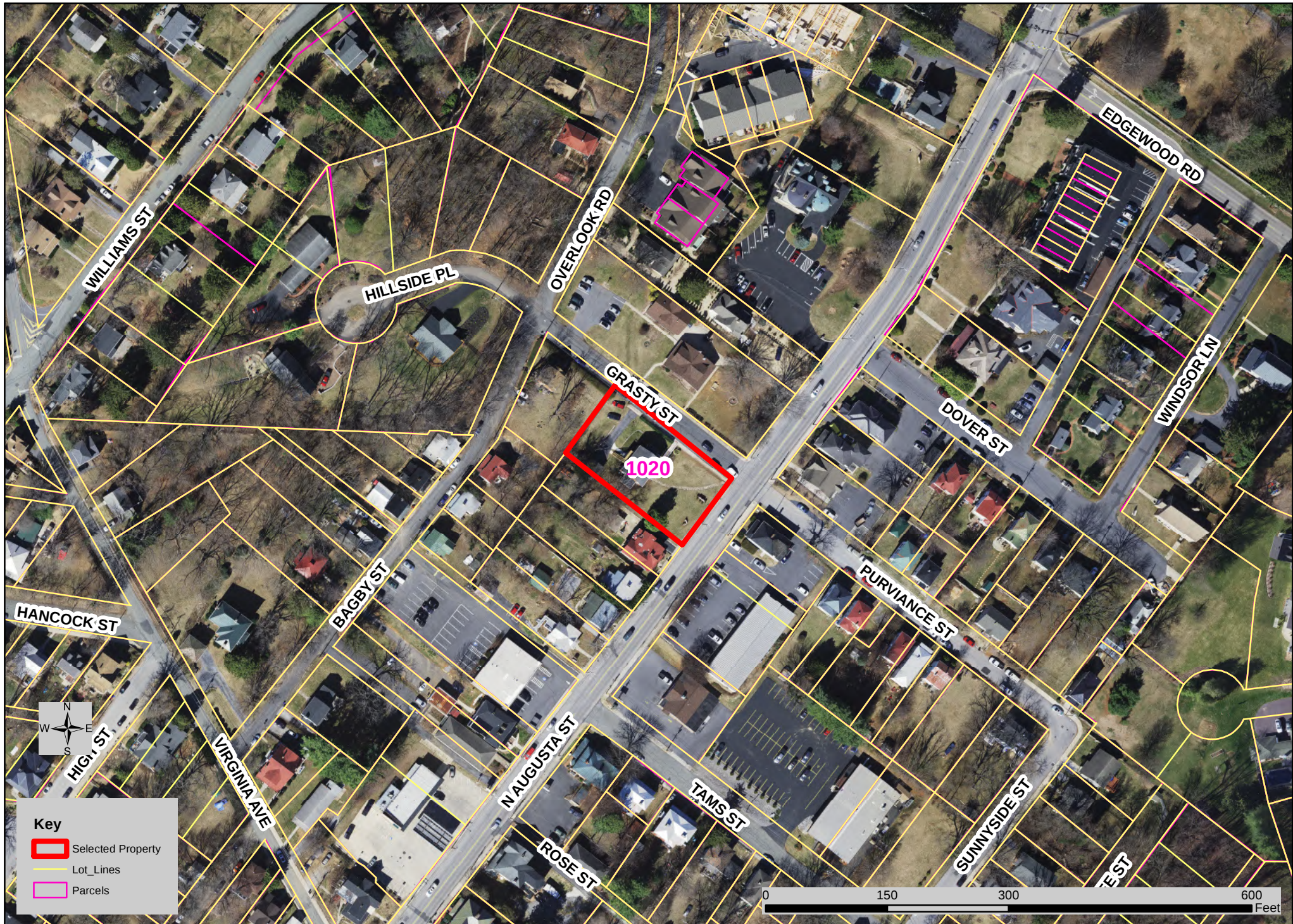
ZONING CLASSIFICATIONS ALONG N. AUGUSTA STREET



**SUBJECT PROPERTY TO BE USED AS 101_DWELLING-1 FAMILY_P1 IN LIEU OF
230R_GENERAL OFFICE-RES_P1: 1020 N. AUGUSTA STREET**

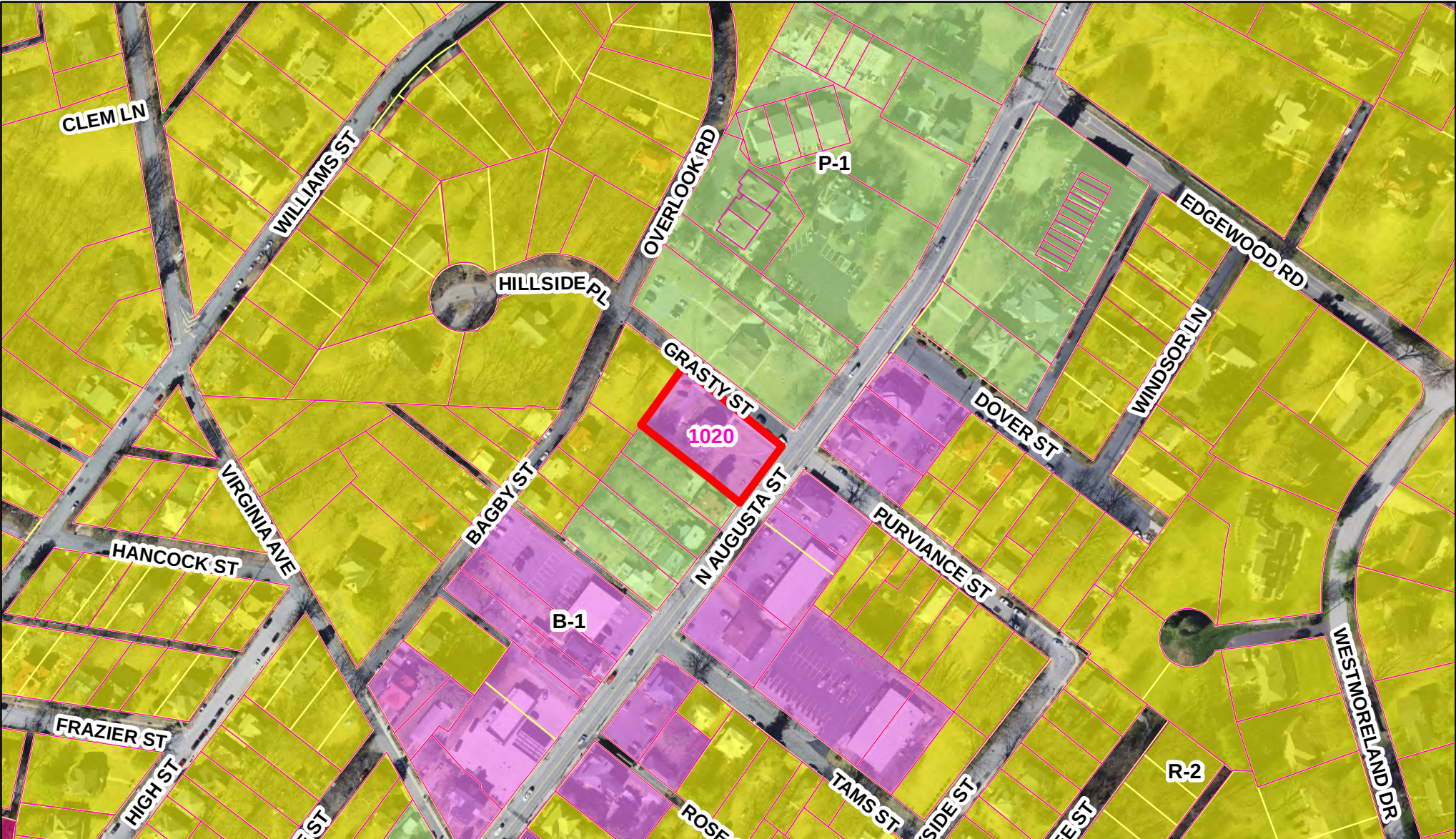
Vicinity Map: 1020 N Augusta St

Attachment #2



Current Zoning: 1020 N Augusta St

Attachment #3



Zoning

B-1	B-3	I-2	P-1(conditional)	R-3(conditional)
B-1(conditional)	B-5	I-2(conditional)	R-1	R-4
B-2	HE-1	I-3(conditional)	R-2(conditional)	R-4(conditional)
B-2(conditional)	I-1	P-1	R-3	

Additional Layers

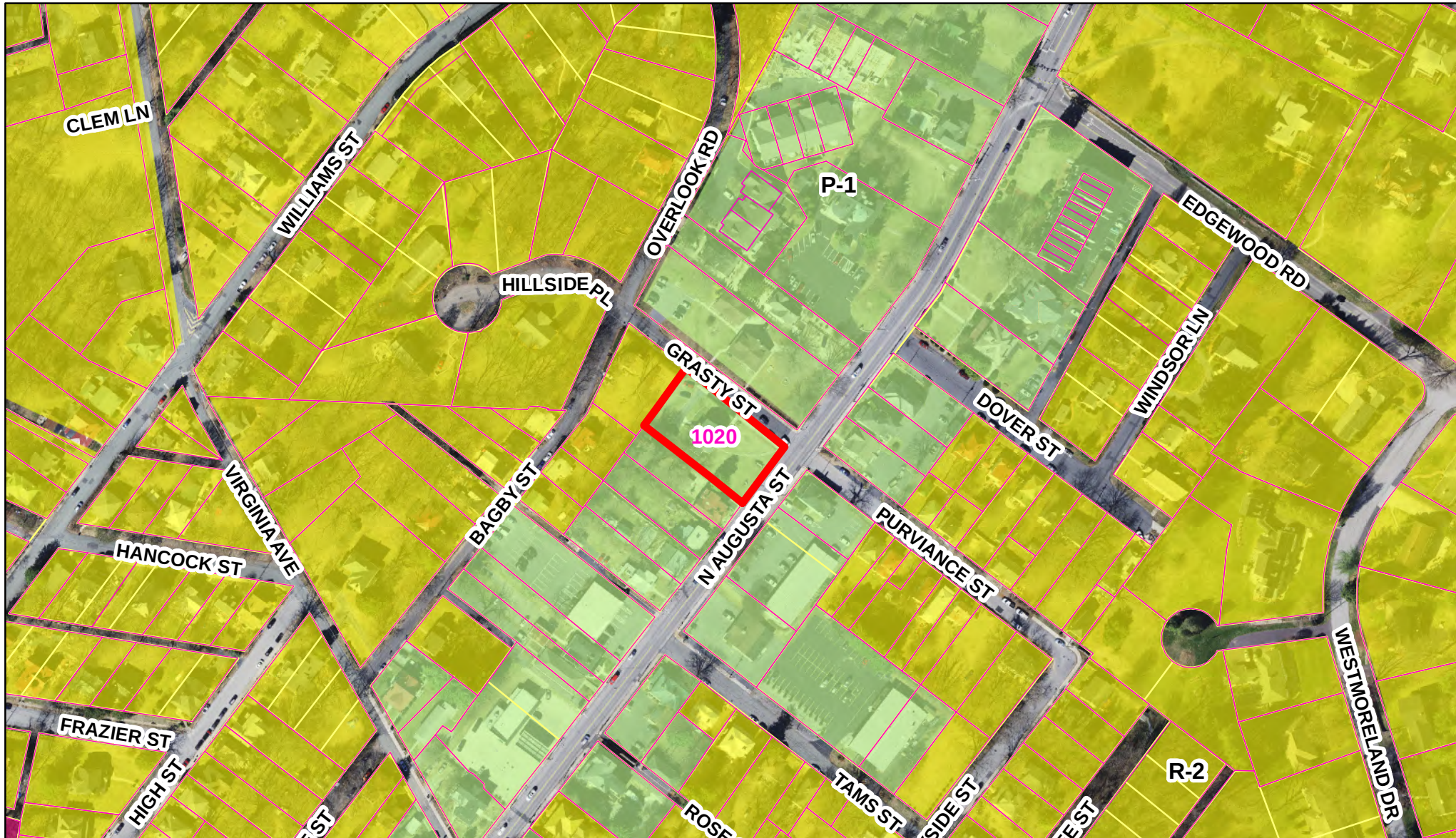
- Selected Property
- Parcels
- Lot_Lines



0 100 200 400 Feet

Proposed Rezoning: 1020 N Augusta St

Attachment #4



Zoning

B-1
B-1(conditional)
B-2
B-2(conditional)

B-3
B-5
HE-1
I-1

I-1(conditional)
I-2
I-2(conditional)
I-3(conditional)
P-1

P-1(conditional)
R-1
R-2
R-2(conditional)
R-3

R-3(conditional)
R-4
R-4(conditional)

Additional Layers

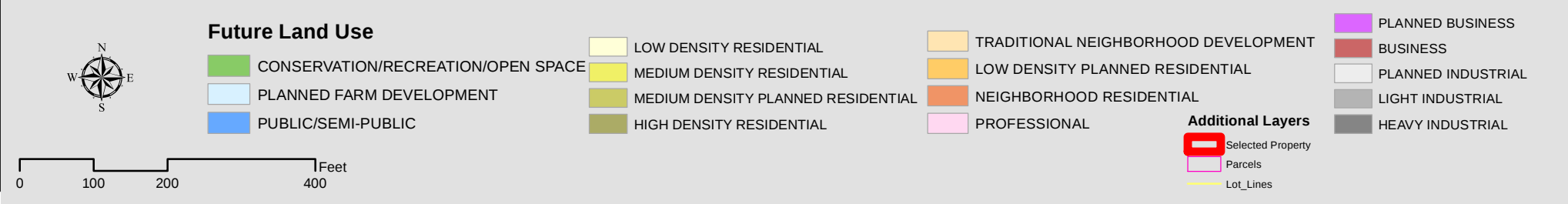
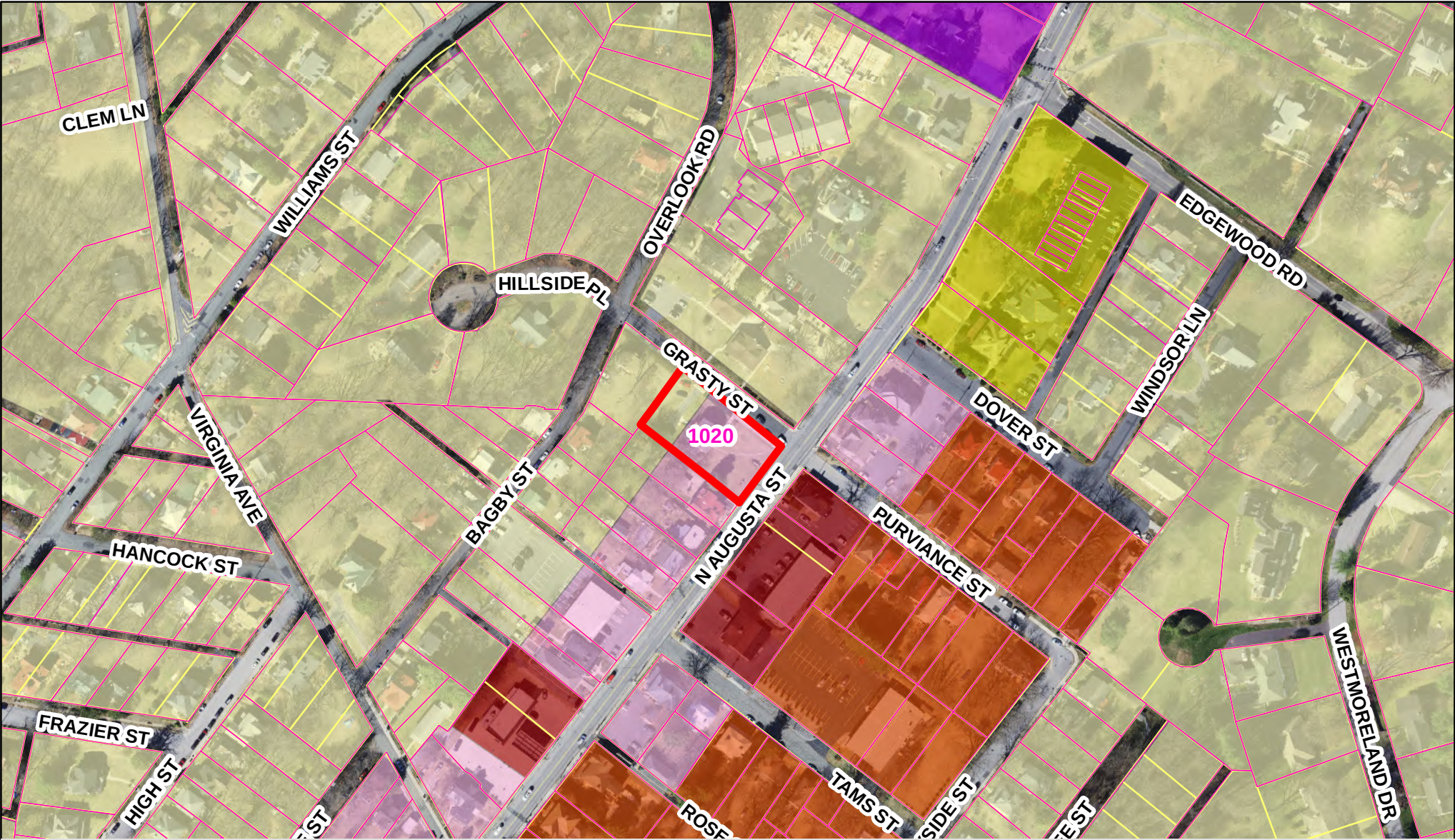
Selected Property
Parcels
Lot_Lines



0 100 200 400 Feet

Future Land Use: 1020 N Augusta St

Attachment #5



Ordinance No. 2023-____

**AN ORDINANCE REZONING
FROM B-1, LOCAL BUSINESS DISTRICT,
TO P-1, PROFESSIONAL DISTRICT,
A PORTION OF THAT CERTAIN TRACT OR PARCEL OF LAND
LOCATED AT 1020 NORTH AUGUSTA STREET
(PARCEL IDENTIFICATION NUMBER 7578),
STAUNTON, VIRGINIA**

Recitals

A. It appears by deed dated September 11, 2002, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument Number 020003796, that Pregnancy Help Center, Inc, acquired from John O. Isenhath III, what is known by present numbering as 1020 North Augusta Street and referenced in the deed as all that certain lot or parcel of land designated as Lot B, on a map revising Nellie H. Yount's lots, with further description provided in the deed, a copy of which is annexed and incorporated herein by reference (**Exhibit A**);

B. Kevin Linhares, having entered into an agreement to purchase the property and with the current owner's written consent, has applied to the City of Staunton for a zoning classification change, under the provisions of the Staunton City Code, from B-1, Local Business District, to P-1, Professional District;

C. The proposed rezoning is consistent with the provisions of SCC 18.215.060(1) and is necessary so that the applicant may use the property as a single-family dwelling;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval;

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

F. 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 property known as 1020 North Augusta Street (Parcel Identification Number 7578), in the City of Staunton, Virginia, is **HEREBY REZONED** from B-1, Local Business District, to P-1, Professional District, on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice.

Introduced:

Adopted:

Effective Date:

Stephen W. Claffey, Mayor

ATTEST: _____
Kiley A. Kesecker,
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 27, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	C	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure, Responsive, Efficient Government	
Subject:	Public Hearing and Consideration of a Request by Rebecca Bennett to Rezone 916 Anderson Street from R-4, High Density Residential District, to B-2, General Business District Conditional	

Background: Rebecca Bennett has applied for a rezoning of 916 Anderson Street. The property is currently zoned R-4, High Density Residential District, and Ms. Bennett proposes to rezone the property to B-2, General Business District Conditional. The property consists of two lots with a combined area of approximately 7,971 square feet. Historically, the property was used for a single-family dwelling and a stable which first appeared on the Sanborn Maps in 1909. Both buildings appear to have been demolished in 2010. The area was annexed into the City in 1860 as mostly undeveloped farmland and was platted as lots with the Stafford Plat between 1904 and 1909. Ms. Bennett also owns property at 920 West Beverley Street which is the former location of Christ United Methodist Church (now located on Churchville Ave). She plans to convert the former church into an event space (This would require a subsequent rezoning.), and proposes to use 916 Anderson Street for off-street parking. The B-2 zoning district will permit the use of 916 Anderson Street for off-street parking.

Analysis: The applicant proposes to eliminate all permitted uses from the B-2 District except for “parking lot”. If the rezoning is approved, “parking lot” would be the only use of the property

permitted.

The 920 West Beverley Street property is a large historic property with very little off-street parking. It is zoned R-4, High Density Residential District and is located on a curve of West Beverley Street. There is very little parking in the area, other than limited on-street parking on the north side of West Beverley Street. If the 920 West Beverley Street property is to be reused for a purpose other than a single-family dwelling, additional parking is needed, and required by the Staunton Zoning Code. The proposed conditional rezoning is a way to provide additional parking, in close proximity, to the potential business use. Section 18.125.010 (1) of the Staunton City Code notes:

Off-street parking for other than residential use shall be either on the same lot, or within 400 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, along a public sidewalk and without crossing any major thoroughfares.

The proposed parking lot at 916 Anderson Street meets this requirement.

Prior to construction of any parking lot, a site plan will be required. Site plan review will address issues such as minimum setbacks, landscape, screening, lighting, and stormwater.

An attached map (Attachment 3) shows the surrounding zoning. All surrounding zoning is R-4, High Density Residential District.

The *“Generalized Land Use and Development Guide, Future Land Use Map” Staunton, Virginia, Comprehensive Plan 2018 – 2040*, designates this area as Neighborhood Residential. This designation is characterized as large housing units on small lots. The use of the property as a parking lot is not consistent with the Comprehensive Plan. However, the Comprehensive Plan is a guide and does not carry the weight of law. While the rezoning and the use of the property as a parking lot is not supported by the Land Use and Development Guide, the parking lot would support the reuse of the near-by historic church structure.

City staff received numerous emails in opposition to the rezoning request prior to the Planning Commission’s public hearing on the matter. These have been included as Attachment 7.

Staff Recommendation:

Staff’s briefing for the June 15, 2023 Planning Commission meeting recommended endorsement of the requested conditional zoning. While staff would not generally support rezoning property to business, that is surrounded by residential zoning, due to the limited nature of the proposed conditional zoning (limiting it to only a parking lot) and permitting the redeveloping a long-neglected property on West Beverly Street, staff supported the application.

Planning Commission Recommendation:

At its June 15, 2023 meeting, the Planning Commission conducted a public hearing. During the public hearing five people spoke in opposition to the request. Those that spoke, noted that the proposed parking lot was not compatible with the area and that the narrow residential street was not adequate to handle the additional traffic from a commercial use. On a 5-0 vote, the Commission concurred with the residents and unanimously voted to recommend denial of the rezoning.

Attachments:

Attachment 1—Application for Zoning Classification Change - Rezoning

Attachment 2—Vicinity Map: 916 Anderson Street
Attachment 3—Map of Current Zoning: 916 Anderson Street
Attachment 4—Map of Proposed Rezoning: 916 Anderson Street
Attachment 5—2018-2040 Future Land Use Map of the Area: 916 Anderson Street
Attachment 6—Draft Ordinance of Rezoning
Attachment 7—Emails in Opposition to the Rezoning

Suggested Motion(s) (to be made after the public hearing is conducted):

Because the staff recommendation and the final Planning Commission decision differed, the City Manager is providing two options as far as Suggested Motions:

- **Suggested Motion One:** I move that Council deny the requested rezoning, as recommended by the Planning Commission.
- **Suggested Motion Two:** I move that Council approve the requested rezoning, as presented.

City Manager: Leslie Beauregard



COMMUNITY DEVELOPMENT
Planning & Zoning Division

Attachment #1
Application for Rezoning

Applicant: Rebecca & Ralph Bennett Date: 4/13/23

Address: 920 W. Beverley St., Staunton, VA 24401

Telephone #s: Primary: (540) 846-7055 Secondary: _____

Email address: becben515@yahoo.com

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: _____

Address: _____

Phone #: _____

Email address: _____

Location of property:

916 Anderson St., Staunton, VA 24401

Legal description of property:

Lot A and Lot 7 Stafford Plat DB 19, PG 329 +
Revised DB 281, PG 511

Purpose of request: Parking lot in support of Church Bld
located @ 920 W. Beverley St

Map Provided: YES _____ NO _____

Present zoning classification of property: Residential

Requested zoning classification: Commercial for Support of Church Bld
located at 920 W. Beverley St

List permits pending approval of this rezoning: _____

Fee Paid (\$250) YES ☒ NO _____ *check or cash only

Applicant must provide 19 copies of complete application

Signature of applicant: Rebecca Bennett Ralph L. Bennett
(Owner / Agent)

916 Anderson Street

B-2c, General Business District Conditional

Permitted Uses

The uses of the property shall be limited to the following:

1. Parking lots.

In all other respects, the provisions of SCC 18.60, B-2, General Business District, shall apply.

Rebecca Bennett

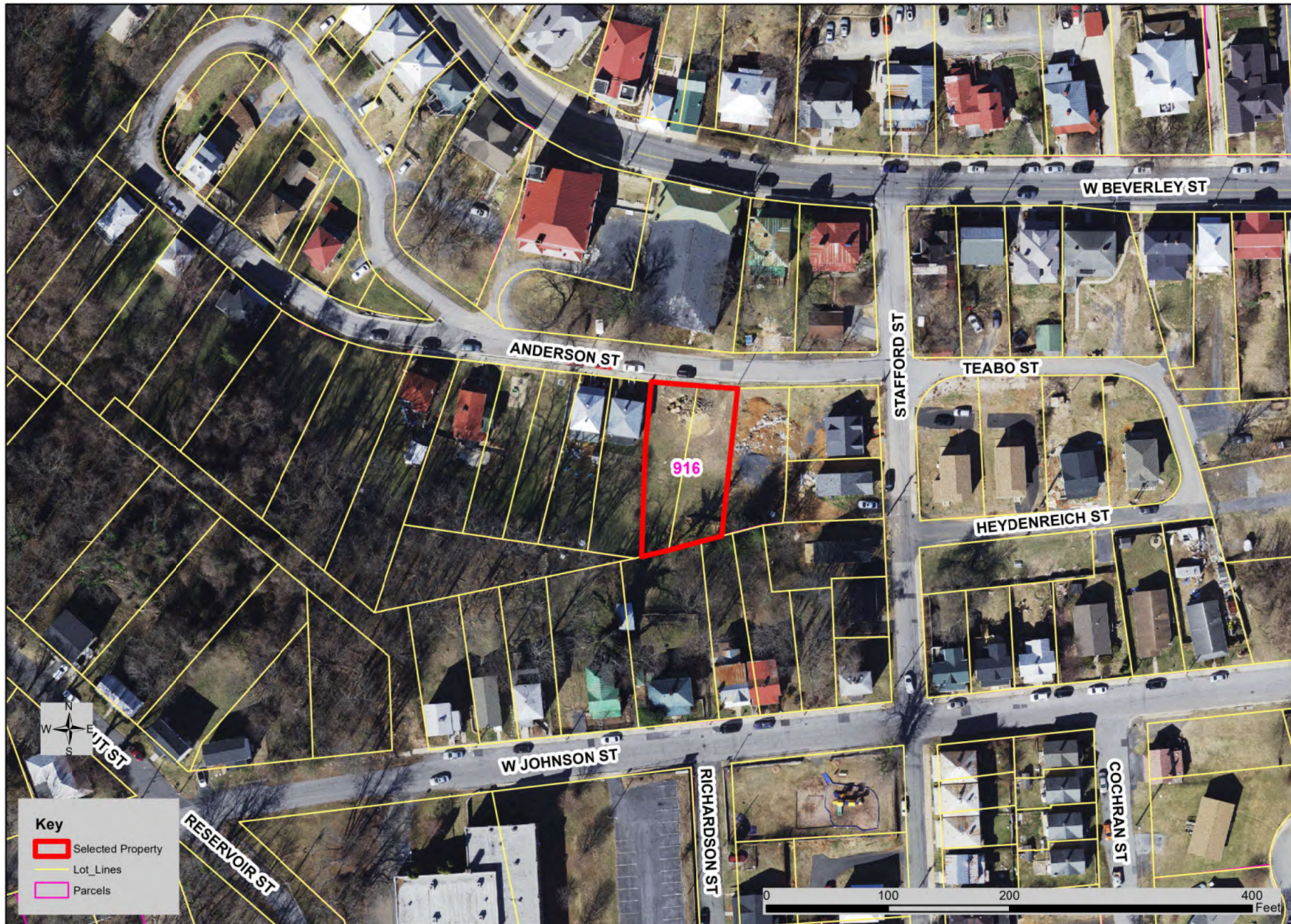
Rebecca Bennett
Owner 916 Anderson Street

6/6/23

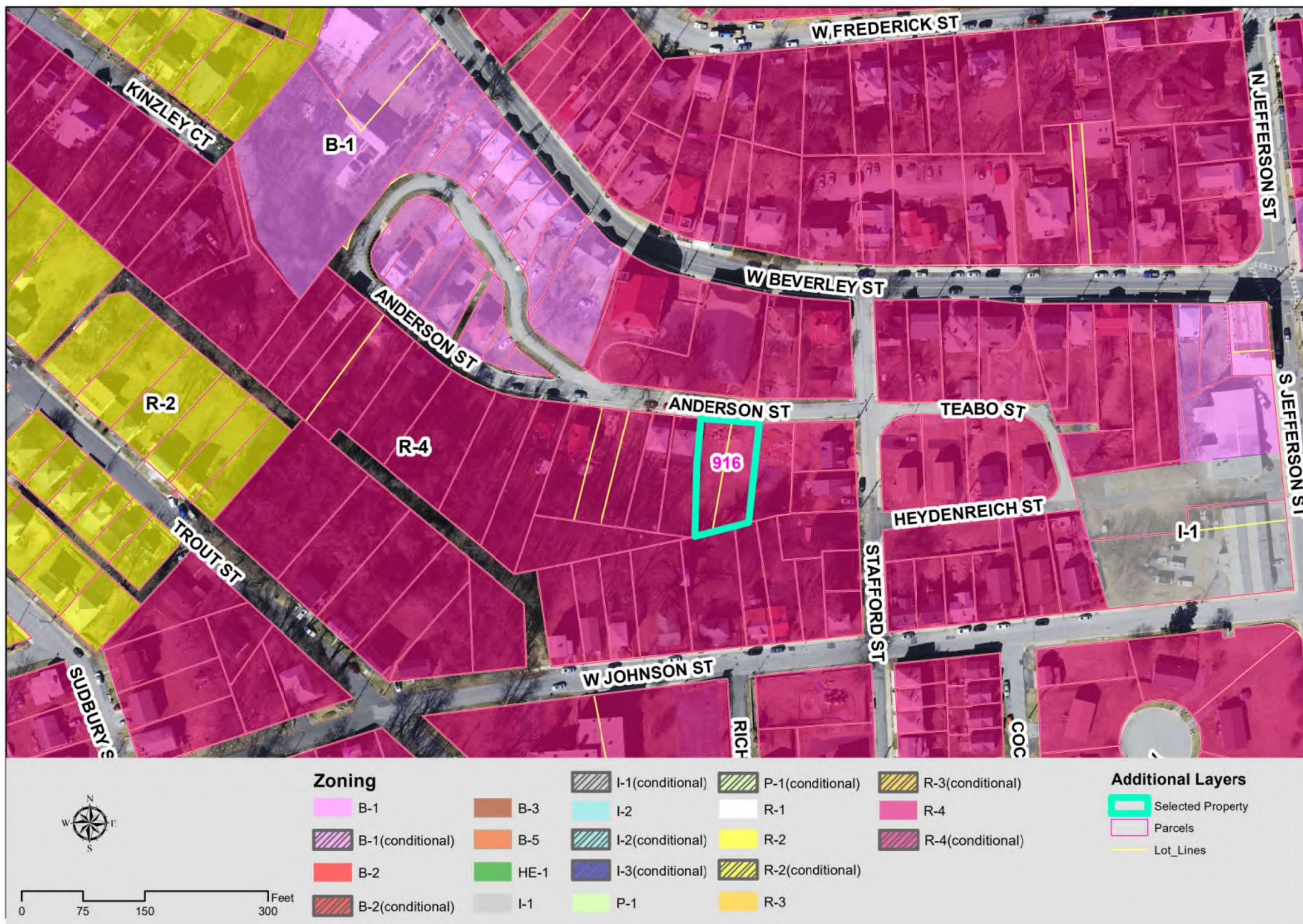
Date

Vicinity Map: 916 Anderson St

Attachment #2



Attachment #3



Zoning

B-1

 B-1(conditional)

B-2

 B-2(conditional)

B-3

B-5

HE-

1-1

☒ I-1 (conditional

1-2

 I-2(conditional I-3(conditional

P-1

 P-1 (conditional)

R-1

R-2

 R-2(conditional)

R-3

 R-3(conditional)

R-4

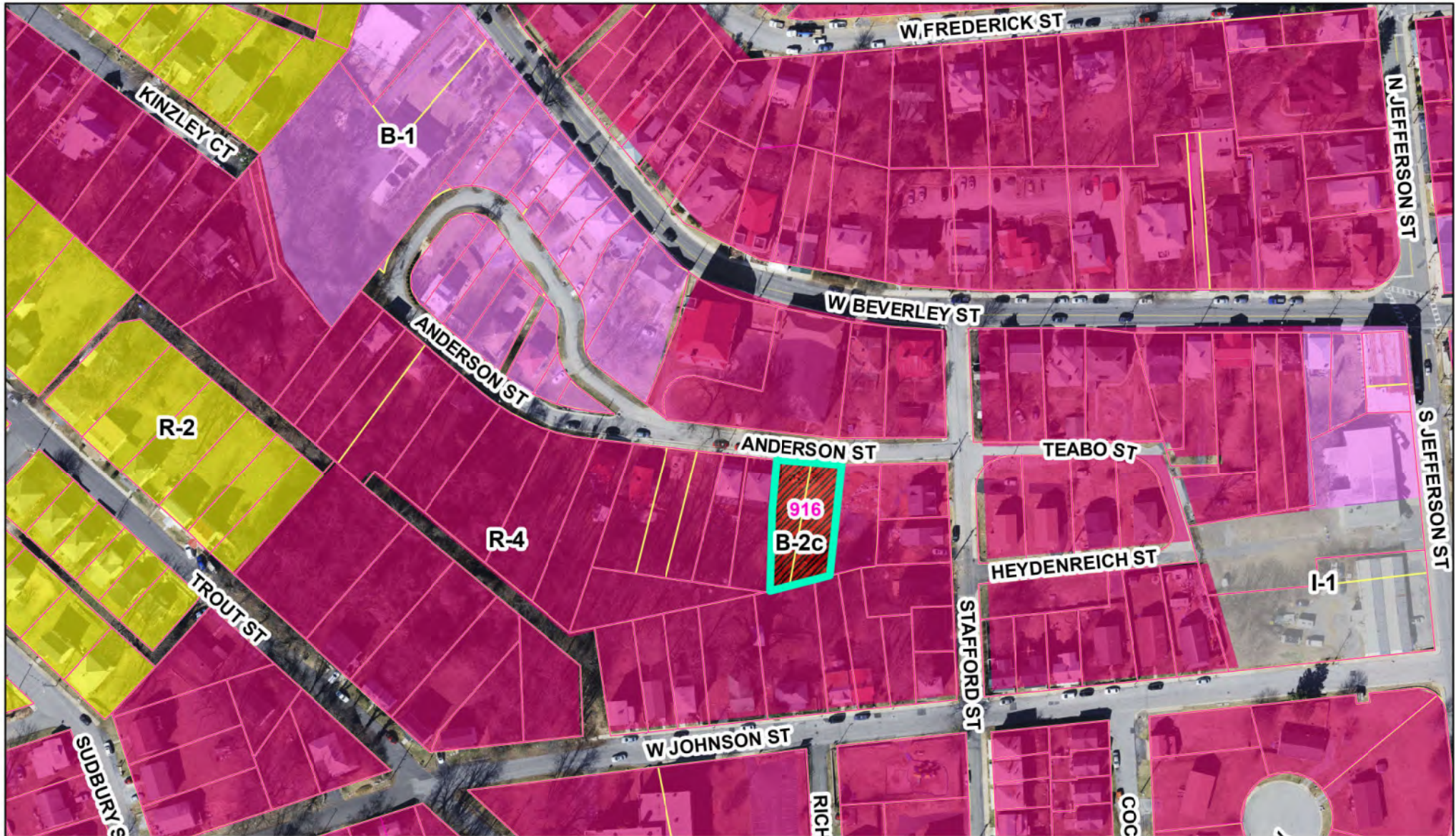
 R-4(conditional

Additional Layers

☒ Selected Property

Parcels

Proposed Rezoning: 916 Anderson St Attachment #4



Zoning

B-1
B-1(conditional)
B-2
B-2(conditional)

B-3
B-5
HE-1
I-1

I-1(conditional)
I-2
I-2(conditional)
I-3(conditional)
P-1

P-1(conditional)
R-1
R-2
R-2(conditional)
R-3

R-3(conditional)
R-4
R-4(conditional)

Additional Layers

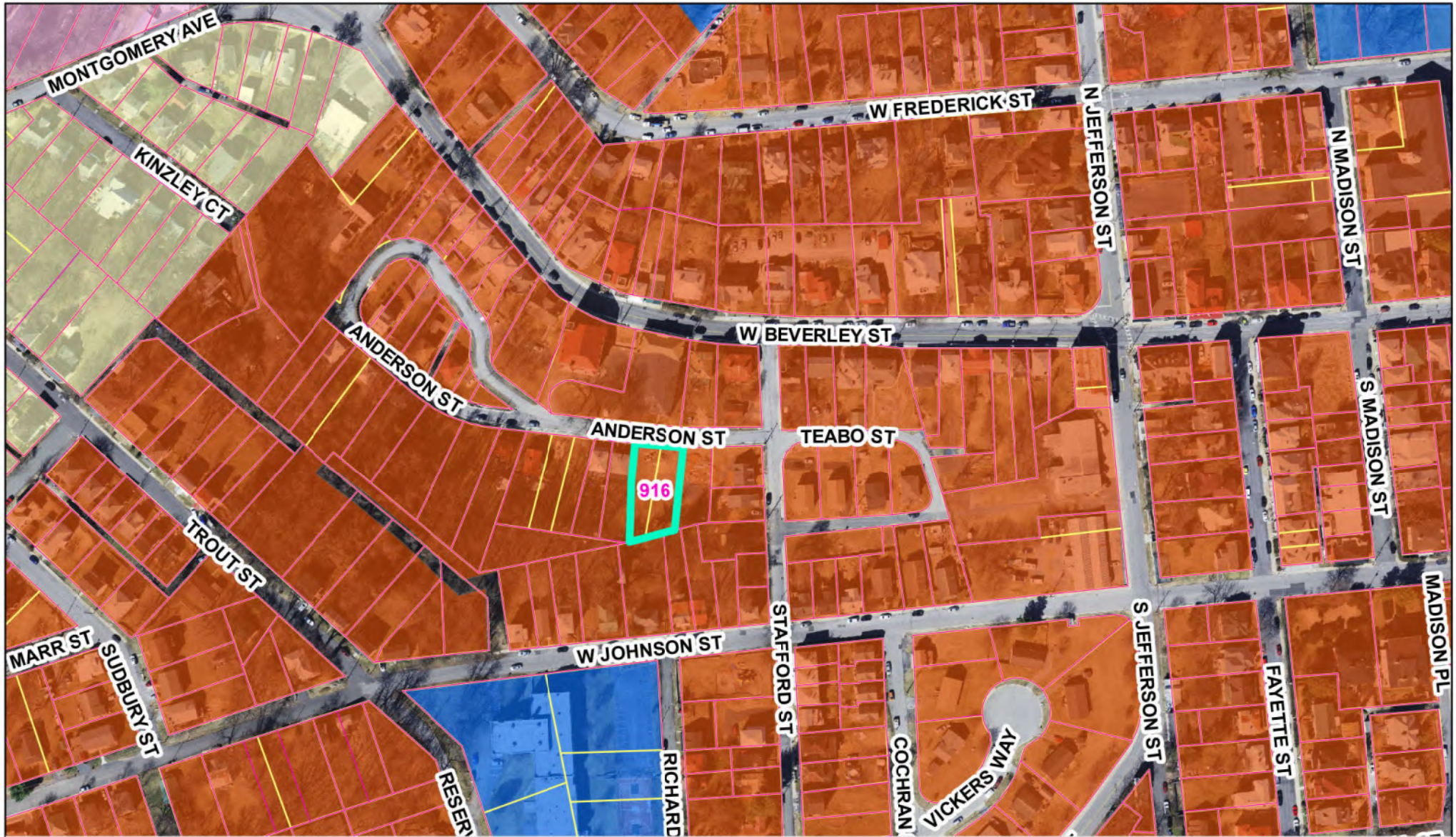
Selected Property
Parcels
Lot_Lines



0 75 150 300 Feet

Future Land Use: 916 Anderson St

Attachment #5



Future Land Use

- CONSERVATION/RECREATION/OPEN SPACE
- PLANNED FARM DEVELOPMENT
- PUBLIC/SEMI-PUBLIC

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY PLANNED RESIDENTIAL
- HIGH DENSITY RESIDENTIAL

- TRADITIONAL NEIGHBORHOOD DEVELOPMENT
- LOW DENSITY PLANNED RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- PROFESSIONAL

- PLANNED BUSINESS
- BUSINESS
- PLANNED INDUSTRIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL

Additional Layers

- Selected Property
- Parcels
- Lot_Lines



0 100 200 400 Feet

Ordinance No. 2023-____

**AN ORDINANCE REZONING
FROM R-4, HIGH DENSITY RESIDENTIAL DISTRICT,
TO B-2, GENERAL BUSINESS DISTRICT CONDITIONAL,
THAT CERTAIN TRACT OR PARCEL OF LAND CONSISTING OF TWO LOTS
LOCATED AT 916 ANDERSON STREET (PARCEL IDENTIFICATION NUMBER 8346),
STAUNTON, VIRGINIA**

Recitals

A. It appears by deed dated April 26, 2021, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument Number 210001357, that Rebecca Bennett and Ralph Bennett, acquired from N. Reid Broughton, Esq, special commissioner on behalf of David J. Wade, what is known by present numbering as 916 Anderson Street and referenced in the deed as all those two certain lots or parcels of land formerly designated as Lot 6 and 7 but revised as lot 6, with further description provided in the deed, a copy of which is annexed and incorporated herein by reference (**Exhibit A**);

B. Rebecca Bennett, as the owner of the property, has applied to the City of Staunton for a zoning classification change, under the provisions of the Staunton City Code, from R-4, High Density Residential District, to B-2, General Business District Conditional, with proffers offered by the applicant;

C. The proposed conditional rezoning is consistent with the provisions of SCC 18.215.060(1) and is necessary so that the applicant may use the property as a parking lot to support the reuse of a nearby historic church property located at 920 West Beverley Street;

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

E. 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 property known as 916 Anderson Street (Parcel Identification Number 8346), in the City of Staunton, Virginia, is **HEREBY REZONED** from R-4, High Density Residential District, to B-2, General Business District Conditional, on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice, subject to the following onsite proffers as proposed by the applicant:

The permitted uses of the property shall be limited to the following:

1. Parking lot

In all other respects, the provisions of SCC 18.60, B-2, General Business District, shall apply.

Introduced:

Adopted:

Effective Date:

Stephen W. Claffey, Mayor

ATTEST: _____
Kiley A. Kesecker,
Clerk of Council

Timothy A. Hartless

From: Mallory McKendry
Sent: Wednesday, June 14, 2023 1:47 PM
To: Timothy A. Hartless
Subject: RE: Opposition to 916 Anderson St Rezoning

Hello!

I am emailing to voice my concerns about this rezoning request for 916 Anderson Street to be turned into a parking lot.

Our city has been vastly bettered by the hard work of Habitat for Humanity along Anderson Street and Stafford Street. They have utilized vacant lots in a brilliant community-building way to place families and people into those spaces rather than just make money off of them and further displace the average citizens of our city.

Rents and housing prices are getting so high near downtown Staunton that most hard-working people that are not truly wealthy are struggling to afford homes. These Habitat homes are one of the few areas combatting this issue. Additionally, this is a true community where neighbors know each other and help with cutting grass or moving furniture or other neighborly activities. There have even been community gatherings in the public green space there.

Taking a vacant lot, full of home-building potential, and turning it simply into parking will not only bring down property values around it but will encourage vagrancy and crime. All long-term citizens of this neighborhood, myself included, are aware how hard Habitat is working against those things. I know that I personally called the Staunton police on a regular basis to combat the two homes on Anderson near the vacant lot in question because of criminal and violent activity that I witnessed as their neighbor. Much of the behavior I saw was allowed to go on for years and years because there were empty lots and empty, dilapidated houses—before Habitat came in and entirely changed the landscape there.

The current owners of this vacant lot purchased the church at 920 West Beverley Street from me and they were fully informed of the parking limitations and how that could affect their uses for the church.

They clearly are attempting to do whatever they want to profit from the church space while disregarding what is best for the community they moved into from out of town.

I beg that the planning commission does not approve this rezoning. I truly believe it will be detrimental to all of the progress that Habitat has made in that area and will harm Staunton citizens.

Thank you for your time,

Mallory McKendry
Staunton Citizen

Timothy A. Hartless

From: Rachel Sites
Sent: Wednesday, June 14, 2023 8:27 PM
To: Timothy A. Hartless
Subject: Rezoning 916 Anderson Street

Dear Mr. Hartless,

I am unable to attend the Public Hearing of the Planning Commission tomorrow afternoon, but would like to express my concerns over the request to Rezone 916 Anderson Street from High Density Residential to General Business District.

My major concern, as a resident of Anderson Street, is over safety as the logistics of the street as they stand do not lend themselves to constant traffic.

Anderson Street is a small, single lane, dead end residential street. There is very little maneuverability on the street that would allow for ingress and egress of non-resident traffic. The corner to Stafford Street is very sharp and requires careful attention of oncoming traffic as the exiting cars must swing wide into the opposing avenue of traffic. The same is true for either end of Stafford Street, either to West Johnson or West Beverly Streets. Both exits are very sharp and partially blind due to architecture or parked cars. None of these factors make for a safe environment for residents or visitors.

Another concern is that Anderson Street is isolated from any areas of business or entertainment and having a business zone in a dead-end, difficult to access location makes little sense. Downtown business are nearly half a mile away, with the next set of businesses over half a mile away on the other side of Thornrose Avenue. An isolated business zone in the middle of a High Density Residential Zone makes very poor business sense, even if it were to be just a paid parking lot.

Overall, the Rezoning would add very little to the revitalization of the West End and actually create significant problems in regards to implementing remedial traffic safety measures. The request is from a non-resident landowner and indicates a lack of awareness to the viability of such a project.

Thank you for your consideration.

Sincerely,
Rachel Sites

Timothy A. Hartless

From: Richard Mandy
Sent: Thursday, June 15, 2023 11:25 AM
To: Timothy A. Hartless
Subject: Anderson Street meeting

Dear Sir/ Madam,

I have learned that there is a public hearing tonight with regard to a commercial zoning request for a vacant lot in Anderson Street. I am the resident owner of 949 Anderson Street. I am unable to attend due to work commitment. I do wish to go on record as stating that this zoning should be declined. We have a lovely street that is on the up and up with new owners renovating and investing. The choice of a parking venue is poor- this will lead to unwanted traffic in an already challenging street with awkward access via Stafford to Beverley Street due to the tight access which allows only one way traffic up or down when exiting Beverley. Additionally commercial lighting will affect the neighborhood and cause light pollution and security issues as people congregate in these accessible areas. At all hours of night. Frankly the residents of houses next to the lot will suffer greatly.

Please honor our request and decline the zoning request.

Most Sincerely,

Richard Mandy

Sent from my iPhone

Timothy A. Hartless

From: Clarke Banta
Sent: Thursday, June 15, 2023 12:15 PM
To: Timothy A. Hartless
Subject: Proposed parking lot on Anderson Street

My name is Clarke Banta and I lived in Staunton till May of 2019 at which time we moved to northern Virginia to be with my younger son's family. Unfortunately, my wife passed away in 2020 and late last year I decided to try to move back to Staunton, where my older son and his family live and where I had enjoyed working with VACSI (now known as Valley Supportive Housing) for nine years as their Executive Director. Last November I found a delightful small home at 953 Anderson Street and I've enjoyed becoming part of this small community of neighbors. The only thing that is a difficulty on Anderson Street, and the reason I strongly oppose the proposed parking lot, is that the street is already very narrow, residents park along the Street and turning onto Anderson from Stafford is already challenging and doubly so if anyone is driving out of the Street. In addition, turning onto Stafford from Beverley is impossible if someone is trying to drive up the steep hill onto Beverley and any additional traffic onto Anderson from Stafford could create some real traffic problems and danger in my opinion. I also can't imagine that having a parking lot next to the beautiful back yard that the owners of 920 Anderson Street have created would be welcomed or something that they should be forced to accept in what has become a small cozy community of homes that almost everyone is working to improve.

For these reasons and more I strongly urge that the Staunton Planning Commission reject the request to change the zoning of 916 Anderson Street to a General Business District classification.

Thank you for your consideration and giving homeowners the opportunity to convey our opinions on this proposed change.

Sincerely,

Clarke Banta
953&955 Anderson Street
Sent from my iPhone

Timothy A. Hartless

From: Aubrey Whitlock
Sent: Thursday, June 15, 2023 1:50 PM
To: Timothy A. Hartless
Subject: Rezoning of 916 Anderson Street

Hello,

I am writing to comment on the notification my neighbors and I received in the mail regarding the rezoning of 916 Anderson Street from residential to business. I am a resident of that block, and although my own street address is on W Beverley, I access my driveway and backyard from Anderson via Stafford street. Those streets are already perilously narrow and not well regulated (e.g. little to no signage about traffic flow or markings on the pavement, and few sidewalks) or maintained, so I worry what bringing a parking lot (which is what I hear is the aim of this rezoning effort) will do to the neighborhood. To my mind, the potential extra traffic brought to those narrow streets makes the entire neighborhood less safe for residents, pets, and wildlife. Unless the owners of the proposed rezoned property intend to allow residents to use the parking lot (free of charge), too, thereby freeing more space on Anderson street in general, I think this is a bad idea for our neighborhood. I am opposed to the rezoning effort.

Thank you for your time,

--

Aubrey Whitlock

Timothy A. Hartless

From: Emily Holt
Sent: Thursday, June 15, 2023 2:10 PM
To: Timothy A. Hartless
Subject: Opposition to Rezone 916 Anderson Street

Hello!

I wanted to reach out to share my strong opposition to rezoning 916 Anderson Street here in Staunton. My property faces West Beverley, but the back is on Anderson. I rely on my piece of property on Anderson for parking as do many of my neighbors. Anderson Street is VERY narrow and at times dangerous currently. Having this area rezoned for business adds notable stress both traffic-wise and to the people that reside here. This street is barely set up for the traffic we currently see, adding more would be disastrous. Please oppose this request and come see this area for yourself as it will be immediately apparent it is a poor choice for rezoning. Let me know if you have any questions, I am more than happy to expand on any of the information I have provided here. Thank you for your time!

Emily Holt

Timothy A. Hartless

From: Brian Goff
Sent: Thursday, June 15, 2023 2:46 PM
To: Timothy A. Hartless
Subject: Rezoning of 916 Anderson Street

I have just learned of the proposed rezoning of the property at 916 Anderson Street and am writing to voice my whole hearted opposition. This street is practically one way and already can be difficult to travel for those of us that live on, or off of Anderson Street. Any additional traffic, especially from folks that are not familiar with the area, would lead to difficulties accessing the parking areas of the residences on the street and make walking along the street much less safe. Please do not allow this request to go forward.

Thank you,
Brian Goff
934 W Beverley St
Staunton, VA 24401

Timothy A. Hartless

From: Sean Corcoran
Sent: Thursday, June 15, 2023 2:48 PM
To: Timothy A. Hartless
Subject: Rezone for 916 Anderson St

Hello! I am renting in 956 Anderson St. I'm new here, but I question the amount of traffic that will occur on Anderson if a parking lot or any other commercial enterprise develops at 916. Will my ability to park on the street be hindered? Will I now have to maintain a parking sticker so I can park on Anderson? Who is this parking lot serving?

Part of the reason I'm at this house is for the silence. How will we be guaranteed the silence will continue?

The turn into Anderson is already tight enough without a bunch of people not use to the neighborhood coming and going.

I'm far enough away from the lot where the sounds of doors slamming may not affect me, but what will be done to assist those living much closer to the noise? Will it drive property values down having a large increase of traffic from visitors?

Thanks for considering those of us near 916.

-Sean

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 27, 2023	Staff Members: Billy Vaughn Rebecca Joyce
Item #	D	
Department:	Community Development	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Built Environment Values: Excellence, Environmentally Conscious	
Subject:	Consideration of a Resolution Authorizing the Adoption of the FY 2023 Annual Action Plan for the City of Staunton through the U.S. Department of Housing and Urban Development Community Development Block Grant Program Fund	

Background: On February 26, 2019, the City received official confirmation from the U.S. Department of Housing and Urban Development (HUD) of its designation as an entitlement community. Under this program designation, the City receives annual allocations from HUD. This is the City's fifth year of such designation. In accordance with the federal regulations, an Annual Action Plan (AAP) must be prepared and adopted by City Council annually. The AAP is a prerequisite to receiving the annual allocation through HUD's Community Development Block Grant (CDBG) program.

Proposed FY2023 Annual Action Plan: The plan covers the period of October 1, 2023 through September 30, 2024. The City anticipates receiving \$319,410 in CDBG funds for the program year. In preparation of the draft AAP, the City utilized an approach that resulted in the prioritization of the needs for low- and moderate-income persons, and continued partnerships with the private and not-for-profit sectors. In doing so, City staff sought input from local agencies concerning their potential utilization of HUD funds while achieving CDBG goals. Staff engaged M&L Associates, Inc., the housing consultant under contract with the City, to provide technical support and guidance services, to vet the proposals to ensure compliance with HUD CDBG guidelines. Based on the findings, the following strategies are recommended for funding:

- Valley Mission, Inc Initial Housing Support program provides financial support to formerly homeless individuals who move into housing within the city after exiting Valley Mission. They will be assisted with approximately \$500 to \$1,000 each in initial housing support or other funds necessary to facilitate moving into safe, affordable, permanent, and appropriate housing for 5 persons with a total budget of \$5,000.
- Valley Program for Aging Service (VPAS) Transportation Assistance program provides transportation services to residents 60 years of age or older, and those under 60 years of age with a disability needing transportation to medical and other life-necessary destinations when there is no other reliable or affordable transportation option available to them. Approximately 50 low-income residents will be assisted through this program with a budget of \$10,000.
- Valley Program for Aging Service (VPAS) Meals on Wheels program provides nutritious meals five days a week to frail, older Staunton residents who are at nutritional risk. Approximately 120 seniors will be assisted through this program with a budget of \$10,000.
- Blue Ridge Legal Services will provide free legal assistance to 25 low-income residents facing legal issues resulting from the COVID-19 pandemic and subsequent economic crisis with a total budget of \$8,000.
- Blue Ridge CASA provides advocacy for abused and neglected children. The proposed activities will directly benefit at least 50 low-income children living in unstable and inadequate housing conditions who have been victims of abuse or neglect and have special needs with a total budget of \$14,600.
- West Beverley Street Sidewalk Improvements project involves installing approximately 550 linear feet of 5 feet sidewalk on the north side of West Beverley Street from Grubert Avenue to 2213 West Beverley Street, completing the gap between two existing sidewalk termini. This project also includes installing a crosswalk at the intersection of West Beverley Street and Morris Mill Road. Installing new entrances at the businesses in the project limits with an at-grade sidewalk crossing will also be included. Existing drainage grates along the route will be modified to meet ADA requirements. A safety, grassed buffer will be used where feasible between the sidewalk and road. This year's proposed funding for the multi-year project is \$157,928.
- Renewing Homes of Greater Augusta Critical Housing Rehabilitation Project starts with a staff assessments to establish critical home repairs and rehabilitation needs for low-income homeowners. Local contractors provide pro bono consultation services on homes with complex issues. HUD funds are used for repairs that are too complex for volunteers and require the expertise, licensure, and insurance of a professional contractor. Five to ten low-income families will be served with a budget of \$50,000.
- CDBG Program Administration funding will be used to support the general administration and planning activities for the Community Development Block Grant Program. The maximum budget for administration is \$63,882.

As required by HUD, public hearings were held on May 16, 2023 and July 11, 2023 to solicit feedback on the draft FY2023 AAP.

At City Council's July 27, 2023 regular meeting, Kate Molinaro, MPA, Community Development Director with M&L Associates, the City's HUD consultant, will be in attendance to present an overview of the draft FY2023 Annual Action Plan.

Attachments:

Attachment 1 - FY2023 Annual Action Plan

Attachment 2 - Resolution Authorizing Adoption of FY2023 Annual Action Plan

City Manager's Recommendation: Recommend City Council approve of the attached resolution authorizing the adoption of the FY2023 Annual Action Plan, and provide authorization for the City Manager to sign sub-recipient agreements and other associated documents with agencies recommended to receive HUD CDBG funds.

Suggested Motion: I move that City Council approve the attached resolution authorizing the adoption of the FY2023 Annual Action Plan, and authorizing the City Manager to execute the sub-recipient agreements and associated documents with agencies recommended to receive HUD CDBG funds.

City Manager: Leslie M. Beauregard

CITY OF STAUNTON, VIRGINIA

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Staunton is a federal entitlement community under the U.S. Department of Housing and Urban Development (HUD). As a HUD entitlement community, the City is required to prepare Annual Action Plans related to the most recent Five-Year Consolidated Plan (CP) in order to implement any federal programs that fund housing, community development and economic development within the community. The Staunton Annual Action Plan covers the period from FY 2023 (October 1, 2023 through September 30, 2024) and has a CDBG allocation of \$319,410.

This Annual Action Plan (AP) outlines the planning and project requirements for CDBG funds. The primary objective of the CDBG Program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities, principally for persons of low- and moderate-income levels.

2. Summarize the objectives and outcomes identified in the Plan

Objectives. The Consolidated Plan three overarching objectives guiding proposed activities:

- Providing Decent Affordable Housing
- Creating Suitable Living Environments
- Creating Economic Opportunities

Goals. All future activities funding in the next three years of the Consolidated Plan will support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals:

- Provide Decent, Affordable Housing
- Provide a Suitable Living Environment
- Increase Homeownership

Anticipated Outcomes. Outcomes or accomplishments show how programs and activities benefit low- and moderate- income areas of a community or the people served. The three outcomes anticipated are:

- Improve Availability/Accessibility
- Improve Affordability

- Improve Sustainability

3. Evaluation of past performance

The following evaluation of past performance is from the Program Year 2021 (October 1, 2021 – September 30, 2022) Consolidated Annual Performance and Evaluation (CAPER) report.

During FY 2021, the City of Staunton completed the following activities that were considered high priority:

- Persons benefiting from Public Services: 230 persons served, of those were:
 - o 17 low-income Staunton residents facing critical civil legal issues benefited from free legal service.
 - o 7 clients exiting Valley Mission received initial housing support.
 - o 37 Staunton residents age 62 or older who did not have access to other forms of transportation received benefited from transportation services to medical and other life necessary destinations.
 - o 122 seniors or persons with disabilities benefited from the Meals on Wheels program.
 - o Approximately 46 youth were assisted with advocacy services.
- Housing Units identified for rehabilitation/completed rehabilitation: 2 homes identified/2 homes completed and passed inspection.

In 2021, the City of Staunton continued to utilize CARES Act funding for the prevention of, and response to Coronavirus to address the following objectives:

- Provide emergency payments for rental, mortgage and utility assistance to low- to moderate-income households. 44 households received this type of assistance in 2021.
- Provide funding for additional emergency shelter staffing due to the increased shelter space needs resulting from social distancing. Valley Mission previously expended funds and was awarded additional funding in September 2022.
- Increase outreach and education to underserved populations to provide prevention messaging in socially vulnerable areas, as identified by CDC social vulnerability index maps of the City. The Central Shenandoah Health District returned their unspent CDBG-CV funds, which the City will reallocate to other activities to respond to the pandemic.
- Furnish legal aid services to persons at risk of homelessness as a result of COVID-19 to low- and moderate-income households facing evictions. 6 households were assisted.
- Provide CDBG CV Program Administration.

Additional CDBG-CV funding was awarded to VPAS for test kits to be distributed to the elderly and disabled receiving Meals on Wheels delivery. The City is currently reviewing its remaining unmet needs related to its response to COVID-19 and will reallocate CDBG-CV resources as necessary.

4. Summary of Citizen Participation Process and consultation process

Public Hearings—A public hearing was held on May 16th, 2023, in Council Chambers 116 W Beverley St, Staunton VA 24401 at 2:00pm to solicit feedback on the Annual Action Plan development. This hearing was to solicit input from the public on the needs and priorities for the City.

A second public hearing will be held on July 11th at 2:00 pm in the Council Chambers. Both hearings were advertised in the *News Leader* and on the City's website in accordance with the City's Citizen Participation Plan.

5. Summary of public comments

The first public hearing was conducted on May 16th, 2023 at 2:00pm in the city council chambers. Questions were asked regarding previous uses of funding, and whether goals and needs had been established for the city. It was explained that goals were established as part of the 2019-2023 consolidated plan, but additions could be made. Comments were also made about coordinated outreach with the Community Services Board.

The second hearing will be held on July 11th at 2:00pm.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted.

7. Summary

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	STAUNTON	Department of Community and Economic Development

Table 1 – Responsible Agencies

Narrative (optional)

The City, a relatively newly designated HUD entitlement grantee, is required by HUD to prepare an Annual Action Plan that meets the Consolidated Plan regulations in order to receive grant program funds. The lead agency responsible for overseeing the development of these plans and reports is the City's Community and Economic Development Departments.

Consolidated Plan Public Contact Information

William L. "Billy" Vaughn
Director, Community and Economic Development Departments
116 W Beverley St

***City of Staunton, VA 24401*AP-10 Consultation – 91.100, 91.200(b), 91.215(l)**

1. Introduction

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

As an Entitlement grantee, the City encouraged a high level of public communication and agency consultation when developing the 2019-2023 Consolidated Plan to demonstrate its commitment to identifying priority needs and engaging the participation of citizens, public agencies, and nonprofit organizations in a positive and collaborative manner. A list of stakeholders was developed for the purpose of developing the Plan, and included affordable housing providers, public agencies and private nonprofit organizations whose missions include the provision of affordable housing and human services to LMI households and persons. In line with the process during the Consolidated Plan, these stakeholders were invited to participate in scheduled public meetings held to develop the 2023 Annual Action Plan.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City participates in the Virginia Balance of State Continuum of Care (BoS CoC) and is a member of one of twelve local planning groups. This group encompasses the City of Staunton, Augusta County, the City of Waynesboro, Highland County, the City of Lexington, the City of Buena Vista, and Rockbridge County. Members of the CoC were consulted during the development of the Con Plan to understand how to best address the needs of homeless persons and persons at risk of homelessness. Through its cooperation with the CoC, the City will seek to identify ways to enhance coordination among the assisted housing providers and governmental health, mental health, and service agencies.

The City anticipates continuing its coordination of human service funding with other social service agencies and charitable organizations to better target the limited amount of human service dollars available in the community. The City continues to fund non-profit organizations that provide services to persons experiencing homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City does not receive ESG funds.

City staff will continue to work with the local planning group of the BoS CoC to undertake the establishment of performance measurements for homeless programs. Members of the CoC provided valuable input during public outreach, plan drafting, and project selection process of the Con Plan. The CoC administers the local HMIS.

The City's Citizen Participation Plan allows for citizens, community agencies, and the local CoC to provide input on the use of all funding. Notifications of the public hearings are published in Staunton's newspaper of largest distribution, the *News Leader*. Information is also made available at the City's office of Community Development and is displayed on the City's website.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities.

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Staunton Redevelopment & Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
2	Agency/Group/Organization	City of Staunton Public Works Engineering Office
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This municipal department was consulted through a one-on one meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
3	Agency/Group/Organization	City of Staunton Community and Economic Development
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This municipal department was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.

4	Agency/Group/Organization	VPAS
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
5	Agency/Group/Organization	Community Foundation of Central Blue Ridge
	Agency/Group/Organization Type	Community Foundation
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
6	Agency/Group/Organization	Valley Supportive Housing
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
7	Agency/Group/Organization	Blue Ridge CASA
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
8	Agency/Group/Organization	Blue Ridge legal Services, Inc.
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through public meetings and brought several community needs to the attention of City staff that have been incorporated into the plan.

Identify any Agency Types not consulted and provide rationale for not consulting.

All entities were considered for consultation.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care Strategic Plan	BoS CoC	The CoC Strategic Plan goals were reviewed.
Capital Improvement Plan	City of Staunton	The City's Capital Improvement Plan, updated in 2021, informed the Strategic Plan sections aimed at public infrastructure improvements.
ALICE Report United Way	United Way Greater Augusta	The goals of the Strategic Plan are aligned with the goals of ALICE, to improve access to opportunity for Staunton residents.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation. Summarize citizen participation process and how it impacted goal-setting.

In April 2020, the City updated the Citizen Participation Plan to include information on how the City will conduct citizen participation in the event of an emergency. Until 2022, public meetings associated with each Annual Action Plan have been held virtually. In 2023, meetings have returned to g in-person.

Public Hearings—A public hearing was held on May 16th, 2023 to solicit community needs feedback on the Annual Action Plan development. This hearing was to solicit input from the public on the needs and priorities for the City. Several city staff and four other members of the public were in attendance. Questions were asked about previous years' goals and plans for citizen outreach.

A second public hearing will be held on July 11th at 2:00pm. This hearing presented the draft Annual Action Plan for public comment. Both hearings were advertised in the *News Leader* and on the City's website in accordance with the City's Citizen Participation Plan.

The City underwent extensive citizen participation in the development of its 2019-2023 Consolidated Plan, which included stakeholder meetings, public hearings and an online survey. Results from this process outlined the five-year strategic goals for the City of Staunton. The creation of the 2023 Annual Action Plan included a smaller engagement process including discussions with CDBG applicants, City department directors, attendance at CoC meetings, and two public hearings.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Non-targeted/broad community	4 participants attended in total. Of those, 2 provided comment	Questions were asked about prior years' planning, goals, and objectives. Comments were given expressing gratitude for funding opportunities.	All comments accepted	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public-federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$319,410	0	0	\$319,410	\$51,974	The estimated expected amount available after the last year of the 2019-2023 Con Plan is \$51,974.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Over the next year, Staunton will attempt to leverage its CDBG allocations with federal and other public resources, as well as private sector

funding sources, to address the City's housing and community development needs. The City will continue to partner with other public agencies and non-profit organizations, when feasible, to leverage resources and maximize outcomes in providing the housing and supportive services needs of the community.

The City annually provides general fund dollars to organizations that provide housing and/or supportive services to area residents, including LMI households. The City will continue this practice to maximize its CDBG investments.

The non-profit organizations funded through the CDBG program have additional financial capacity through foundations, fundraising campaigns, and other grants. The City's allocation of federal funds provides these organizations with the opportunity to expand their services to benefit more low- and moderate-income persons.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The Staunton Crossing redevelopment site is publicly owned and will be used as a catalyst for economic development in Staunton. In January 2022, additional funding was awarded from the VA Business Ready Sites Program from the VA Economic Development partnership. Some of the needs identified in the 2022 Action Plan are consistent with this development, but also the City as a whole. Development outcomes include: improved infrastructure and focused workforce development programs for middle to high paying jobs. Proposed infrastructure at the site includes a new roadway, which is currently under construction as Crossing Way Extension. The project is funded and administered by VDOT and is currently scheduled for completion in spring 2024. Also, design plans to extend public water and sewer service to and through the site are nearing completion, with construction anticipated to take place in 2023 and 2024.

Discussion

No additional discussion

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Improve Access to and Quality of Housing	2019	2023	Affordable Housing Public Housing	City-Wide	Increase Access to Affordable Housing	CDBG: \$50,000	Public service activities for Low/Moderate Income Housing Benefit: 5 Households Assisted
2	Provide Public Services	2019	2023	Homeless Non-Homeless Special Needs	City-Wide	Provide Public Services	CDBG: \$47,600	Public service activities other than Low/Moderate Income Housing Benefit: 197 Persons Assisted
3	Improve Public Facilities and Infrastructure	2019	2023	Non-Housing Community Development	City-Wide	Improve Public Facilities and Infrastructure	CDBG: \$157,928	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 115 Persons Assisted
5	Planning and Administration	2019	2023	Non-Housing Community Development	City-Wide	Planning and Administration	CDBG: \$63,882	Other: 1 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Improve Access to and Quality of Housing
	Goal Description	Includes the rehabilitation and preservation of quality affordable housing as well as increasing access to homeownership through City initiatives and partnerships with SR&HA.
2	Goal Name	Provide Public Services
	Goal Description	Expand and continue non-housing community development supportive services, including services for the homeless, mental health, elderly, and other special needs populations.
3	Goal Name	Improve Public Facilities and Infrastructure
	Goal Description	Continue and expand public facility improvements and improve and maintain infrastructure servicing households in low-income areas.
5	Goal Name	Planning and Administration
	Goal Description	Includes administration of the CDBG program, planning activities and activities to affirmatively further fair housing choice.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b)

The City expects to serve 5 low-income homeowners with housing rehabilitation assistance with 2023 funding.

Projects

AP-35 Projects – 91.220(d)

Introduction

Projects

#	Project Name
1	CDBG Administration
2	Valley Mission Inc., Initial Housing Support Program
3	Blue Ridge CASA for Children
4	Blue Ridge Legal Services
5	West Beverly St. Sidewalk Improvements
6	Critical Housing Rehab
7	Valley Program for Aging Services – Meals on Wheels
8	Valley Program for Aging Services – Senior Transportation Program

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of Staunton has directed its FY 2023 CDBG activities to low/moderate income neighborhoods where concentrations of poverty, deteriorated infrastructures and community facilities, and poor housing conditions are most prevalent.

The following are obstacles to meeting underserved needs in the City:

- The reduction of funding at the local, state, and federal levels will significantly limit the resources available to meet the needs of low- and moderate- income residents. With declining resources from various sources, the City and non-profit organizations will be unable to serve all persons who are in need of services.

As the population of Staunton continues to grow, continuing limitations on affordable housing will become a major barrier.

The City is also considering a waterline replacement project in the Pierce Street area. The project would directly impact 49 households. The improvements will provide a looped system for Paige St, Pierce St, West Ave, and Wayne Ave. When completed, this project will directly improve water service to 49 homes. In addition, this project will significantly improve fire-fighting capability in the neighborhood, as well as provide redundancy in the event water shutoff is needed in one area. The project is located in Census Tract 2, City of Staunton with a MHI of \$41,406. Should excess funds be available, and pending the results of a demographic survey, the City will consider the Pierce Street waterline project as an alternative project.

AP-38 Project

Summary

Project Summary Information

1	Project Name	CDBG Administration
	Target Area	City-Wide
	Goals Supported	Planning and Administration
	Needs Addressed	Planning and Administration
	Funding	CDBG: \$63,882
	Description	This funding will be used to support the general administration and planning activities for the Community Development Block Grant Program.
	Target Date	9/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Citywide
	Planned Activities	This funding is used to support the general administration and planning activities for the Community Development Block Grant Program.

2	Project Name	Valley Mission Inc., Initial Housing Support Program
	Target Area	City-Wide
	Goals Supported	Provide Public Services
	Needs Addressed	Provide Public Services, Increase Access to Affordable Housing, Housing and Services to Decrease Homelessness
	Funding	CDBG: \$5,000
	Description	Formally homeless individuals who move into housing within Staunton City limits after exiting Valley Mission will be assisted with approximately \$500 to \$1,000 each initial housing support or other funds necessary to facilitate moving into safe, affordable, permanent, and appropriate housing.
	Target Date	9/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	Depending on the needs of each person and the cost of the housing at the time, anywhere from 5-10 individual families/clients can be assisted with these funds. All clients would be immediately formerly homeless and meet low-income requirements as set forth by the Federal Poverty Level guidelines.
	Location Description	Citywide
3	Planned Activities	Case Managers employed by Valley Mission will provide case management services as is typical of all housed clients at our facility. This particular program will provide only for the financial aid for initial housing support for the five to ten identified individuals/families. Payments will be made directly to housing, service and/or utility provider.
	Project Name	Blue Ridge CASA for Children
	Target Area	City-Wide
	Goals Supported	Provide Public Services
	Needs Addressed	Provide Public Services
	Funding	CDBG: \$14,600.00

	Description	Abused and neglected children served by a CASA volunteer are 50% more likely than other abused children to stay at the home where they are placed at the end of the Court process. The stability and quality of their housing conditions increases significantly because of their CASA Advocate's work. Blue Ridge CASA is the only private independent organization that has eyes on abused and neglected children and their housing conditions. Legally, it is the only non-profit able to access the child's records, talk to the people in their lives, and develop a relationship with the child, then report crucial information to the Judge, the sole institutional decision-maker regarding an abused or neglected child's final destination. One core goal of CASA's advocacy is to obtain a stable home. The Children are not in control of where they live. They depend on their parents, caretakers, and public institutions to make those choices. They are removed by DSS and the Court from inadequate (unsafe, unhealthy) housing into temporary housing (foster care). CASA's work on their cases is focused on the goal of a "permanent placement" which is the technical phrase we use for stable housing. CASA Advocates investigate the circumstances and quality of their original home and any potential new home for these children. With a CASA, children are significantly more likely to end up in a safe, stable home and 50% less likely to re-enter the child welfare system.
	Target Date	9/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	The proposed activities will directly benefit at least 50 low-income children living in unstable and inadequate housing conditions who have been victims of abuse or neglect. The proposed activities will also directly benefit up to 25 trained volunteer Advocates assigned to these cases.
	Location Description	Multiple locations throughout the city of Staunton, including the CASA office at 119 W. Frederick St.
	Planned Activities	July 1 - December 30: Recruit, screen, select, and train 5 new Advocates January 1 - June 15: Recruit, scree, select, and train 5 new Advocates June 30: Annual assessment of Advocate Manager's performance Monitor goals monthly Submit Quarterly Reports
4	Project Name	Blue Ridge Legal Services
	Target Area	City-Wide
	Goals Supported	Provide Public Services
	Needs Addressed	Provide Public Services

	Funding	CDBG: \$8,000
	Description	Provide free legal assistance to low-income residents of Staunton in various types of civil legal matters. The project will focus on providing assistance to low-income residents facing eviction, foreclosure, and other critical housing matters. BRLS will also provide assistance on legal issues such as domestic violence and other family disputes, access to affordable health care, eligibility for various governmental assistance programs for the poor, and other issues impacting the elderly poor and those with special needs.
	Target Date	9/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	We estimate that these funds will cover the costs of providing free civil legal assistance to approximately 25 additional residents (and members of their households, up to 60 or more) of Staunton facing critical legal issues. The individuals that will benefit from these services are residents of Staunton in the greatest socioeconomic need who cannot afford the services of a private attorney.
	Location Description	City-wide
	Planned Activities	BRLS will provide free legal assistance to the low-income residents of Staunton dealing with critical legal matters, such as eviction, foreclosure, and other housing-related matters. The project will improve access to housing for low-income residents of the City and help to alleviate the threat of homelessness in Staunton. Additionally, staff attorneys will also provide free legal assistance to low-income residents in cases such as unemployment claims, debt and consumer-related issues, domestic violence, and more. The services provided over the project year will range from legal advice and performing a brief service, to direct representation and extensive services. The legal assistance will result in improved housing and living conditions, and/or direct financial benefit, for the majority of the clients represented with the funding.
5	Project Name	City of Staunton - West Beverly Street Sidewalk Improvements
	Target Area	West End, Beverly Street Sidewalk near Morris Mill Road Intersection
	Goals Supported	Improve Public Facilities and Infrastructure
	Needs Addressed	Improve Public Facilities and Infrastructure
	Funding	CDBG: \$157,928

	Description	The project involves installing approximately 550 linear feet of 5' sidewalk on the north side of West Beverley Street from Grubert Ave to 2213 W Beverley St., completing the gap between two existing sidewalk termini. This project includes installing a crosswalk at the intersection of W. Beverley St/Morris Mill Rd. The geometry of the intersection will be revised to reduce the turn radius, thereby decreasing driver speed at the turn, as well as reducing the length of the crosswalk in traffic. The project also includes installing new entrances at the businesses in the project limits with an at-grade sidewalk crossing. Any existing drainage grates along the route will also be modified to meet ADA requirements. Where feasible, a grassed buffer area will be used to provide a safety buffer between pedestrians on the sidewalk and vehicular traffic.
	Target Date	9/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	1000 property owners within 1-mile radius of intersection, including approximately 518 low-income households.
	Location Description	North side of W Beverley Street between Grubert Avenue to 2213 W Beverley St in a General Business District enveloped by residential and industrial districts. The area contains several food businesses, household goods businesses, and schools which the neighborhoods need to access. Traffic Count reports are as follows: West Beverley Street AAWDT 8,200 Morris Mill Rd AAWDT 2,500
	Planned Activities	Remove existing soil and asphalt and replace with a concrete sidewalk, grassed sidewalk buffer, entrances, and crosswalk; revise geometry of existing intersection to improvement pedestrian safety
6	Project Name	Critical Housing Rehabilitation - Renewing Homes of Greater Augusta
	Target Area	City of Staunton
	Goals Supported	Improve Access to/and Quality of Housing
	Needs Addressed	Increased Access to Affordable Housing
	Funding	CDBG: \$50,000.00

Description	RHGA has been providing critical home repair services to low-income and vulnerable homeowners since 1994. Initial years' access to HUD CDBG program funds were limited to Roof Replacements. Through these projects, the organization began to realize that homes needing new roofs were often of an age where other structural deterioration or presence of non-code-compliant electrical, HVAC and plumbing systems created unsafe situations. Many times, these issues needed to be remediated prior to completing roofing replacements. The primary stakeholders within the project are vulnerable homeowners, committed volunteers, the nonprofit, Renewing Homes of Greater Augusta (RHGA), and community-minded contractors. The project starts with a need for critical home rehabilitation on the homes of low-income homeowners. This need is established via a home assessment, performed by RHGA staff, where the severity of need is established. Local contractor/s are available and willing to provide pro bono consultative services, as needed, to complete more complex assessments and to confirm RHGA's proposed repair/replacement plan. The assessment, and need, is brought before RHGA's board of directors for approval. In parallel to this RHGA assessment and approval process, the Executive Director completes the Tier 2 Pre-Approval Review process and request for bids from contractors. The requested HUD CDBG funds will be used for critical home repairs that are not suitable for volunteer crews to perform, requiring the skills and expertise of licensed and insured professionals. Clients are not required to pay for services, which can be an enormous relief for low-income individuals as roofing costs are often well outside of their financial capabilities.
Target Date	9/30/2024
Estimate the number and type of families that will benefit from the proposed activities	Depending on the complexity and extent of repairs needed, it is estimated that the requested funds would impact 5-10 low-income families.
Location Description	Homes in the City of Staunton
Planned Activities	RHGA application processing and home assessment to identify eligible projects. Tier 2 Pre-Approval process. Request for contractor bids. Contract bid awards. Inspection of contractor work to ensure satisfactory completion prior to payment. Maintaining client files and reports.

7	Project Name	Valley Program for Aging Services (VPAS) - Meals on Wheels
	Target Area	City of Staunton
	Goals Supported	Provide Public Services
	Needs Addressed	Provide Public Services
	Funding	CDBG: \$10,000.00
	Description	VPAS' Meals on Wheels (MOW) program provides a freshly prepared nutritious meal five days per week to frail, older Staunton residents who are at nutritional risk. The meal is a key health service to older persons who often neglect their nutrition when they live alone and do not have the ability, financial resources, or support system to assist with preparing or purchasing food. Almost 26% of Staunton's residents are 60 years and older. This is a higher percentage than the Virginia or National averages. Numerous studies show older adults who don't have adequate nutrition are more likely to get sick, have more difficulty recovering from illness, are more likely to be depressed and to be hospitalized. Food insecurity can also contribute to an older adult's inability to remain living independently in their home and community. Receiving MOWs helps older adults prevent illness, improves their ability to manage chronic health conditions, reduces the risk of social isolation and premature placement in assisted living or nursing care. VPAS Case Managers assess each individual to determine eligibility for MOWs and identify other needs to support the older adult in their home. Guidelines for MOWs are: 60 years or older, homebound, unable to prepare nutritionally balanced meals on their own and lack caregiver support to meet mid-day meal needs. There is no fee for Meals on Wheels, but recipients are encouraged to donate as they are able. The donations support the MOW program. All meals provided meet stringent nutrition guidelines provided by the Department of Aging and Rehabilitative Services (DARS) to ensure each meal provides 1/3 of the Dietary Reference Intake for an adult. Meals are delivered by dedicated community volunteers whose in-kind donation of time greatly reduces the cost of providing the meals. From May 1, 2022 - April 30, 2023 VPAS experienced a 13% increase in the number of Staunton residents age 62 and older receiving MOW over the same period a year earlier (May 1, 2021 – April 30, 2022). The goal of Meals on Wheels is to help older persons obtain needed nutrition, maintain or improve their health, remain socially engaged, and remain living independently in their homes and community.

Target Date	9/30/2024
Estimate the number and type of families that will benefit from the proposed activities	VPAS estimates at least 120 Staunton residents age 62 or older, that fall into the CDBG presumed benefit “elderly” population, will receive MOW. All MOW recipients live in the community versus in senior living facilities, and the vast majority live alone. A small percentage of recipients live with a spouse or in the home of an adult child.
Location Description	City of Staunton
Planned Activities	Individuals currently receiving Meals on Wheels through VPAS will continue to receive meals as long as they need the service. VPAS Case Managers receive referrals for new MOW from a variety of sources, including the Department of Social Services, Augusta Health, Valley Community Services Board, family members, friends, and also self-referrals. As VPAS Case Managers assess new contacts, they follow standard VPAS procedures to determine need and eligibility. If need is determined and eligibility requirements are met, those individuals will be enrolled in the program. The assessment process starts with a home visit by a VPAS Case Manager to determine eligibility, complete program paperwork, and conduct a nutrition risk assessment. Educational materials are provided to address identified nutrition risk factors. Nutritional options are explored, including Meals on Wheels, SNAP, local food pantries, printed materials and on-line resources where appropriate. Each individual is eligible for Nutrition Counseling by our contracted Registered Dietician, with the referral being strongly encouraged for those with the highest risk factors. Generally, once the individual is determined eligible, they are added to a delivery route and will begin receiving meals. Client demographic and eligibility information is recorded in a web-based application called Peerplace. The Case Manager follows up with the recipients to ensure that: the meals were provided; the individual is consuming the meals; the services are meeting the basic identified needs; and that the participant wishes to remain on the service. The VPAS Meals Coordinator tracks all meals delivered to individuals daily and records totals for each person on a monthly basis. Peerplace reports allow VPAS to gather the number of CDBG eligible Staunton residents who are served and how many meals they received. An annual reassessment is conducted by the Case Manager to determine the: current status of the participant; satisfaction with the services provided; impact of the services received; and whether additional unmet needs exist. Assessment and income data is updated every year, along with the Nutritional Assessment.

8	Project Name	Valley Program for Aging Services (VPAS) - Senior Transportation Program
	Target Area	City of Staunton
	Goals Supported	Provide Public Services
	Needs Addressed	Provide Public Services
	Funding	CDBG: \$10,000.00
	Description	Nearly 26% of Staunton residents are age 60 or over which is higher than the Virginia and National averages. As adults age, changes in eyesight, mobility, and cognition can contribute to the decision to give up driving. VPAS Senior Transportation Program (STP) provides adults 60 years and older transportation services to non-emergency medical appointments and other life necessary destinations when there is no other reliable or affordable transportation available to them. Lack of transportation leads to increased social isolation. VPAS' STP provides a connection to the community for the elderly. In the 2023 advisory "Our Epidemic of Loneliness and Isolation" the US Surgeon General states loneliness and isolation is associated with a greater risk of cardiovascular disease, dementia, stroke, depression, anxiety, and premature death. Social connection is a way to improve the health of individuals. One of the factors listed in the advisory that shape social connection is transportation in a community. By providing transportation to medical appointments and other life necessary destinations VPAS STP is fostering a community connection for an aging population increasingly at risk of isolation. Reliable transportation helps reduce social isolation and depression and provides relief for family caregivers. VPAS' STP provides relief for family caregivers by transporting their loved one to medical appointments and reducing the caregiver's need to miss work, lose income, and put their job at risk. The majority of ride requests to VPAS' STP are for rides to medical appointments. This includes doctor, treatments, therapy, counseling, laboratory, pharmacy, and other medically related destinations. VPAS' STP will also transport to other destinations such as grocery stores, banks, hair salons, etc. In most cases our drivers are transporting one rider at a time. Drivers provide door-through-door assistance and assist with packages as needed. Riders are encouraged to make a suggested donation when they ride to support the program but the service is provided regardless of the person's ability to pay. Over the time period of May 1, 2022 – April 30, 2023 VPAS experienced a 23% increase in unduplicated Staunton residents age 62 and older using STP, and a 46% increase in the number of one-way trips over the same period a year earlier (May 1, 2021 – April 30, 2022). VPAS has recruited and trained 2 new volunteer drivers, and restructured staff positions to allow shifting hours to meet rider demand. Through STP, riders are empowered by having reliable and affordable transportation options that improve health outcomes and reduce social isolation and depression. Riders have a safe option that offers dignity

	of choice, ease, and the assistance they need to get to medical and other life necessary destinations. VPAS' STP increases the ability of older adults to live independently, with enhanced safety and connectivity to community.
Target Date	9/30/2024
Estimate the number and type of families that will benefit from the proposed activities	VPAS expects to provide at least 1500 one-way rides to at 50 elderly Staunton residents (age 62 and older) in the funding year.
Location Description	City of Staunton
Planned Activities	Individuals age 60 and older who can't drive themselves and don't have other transportation benefits can sign up for STP at any time prior to their first ride request. If riders have other options for transportation, they would be directed to those options first. Client information is updated annually. Referrals for transportation come from Social Services workers, medical social workers and care planners, VPAS Case Managers, other community organizations, apartment managers, and concerned family and friends. Most requests for information originate from the person needing the transportation. Rides are scheduled as needed and advance notice is required. Thanks to the continued support of the City of Staunton, VPAS has been able to keep full-time staff serving the needs of Staunton residents. Volunteers are recruited and trained to expand capacity. Two new volunteers have been added in FY23. Paid and volunteer staff complete training for passenger safety and assistance, defensive driving, and emergency procedures at the time of hire, and receive annual refresher training. All drivers have annual DMV checks and healthcare provider screenings. Riders are not charged for rides but a suggested donation is requested. At the end of each month, total rides provided to each rider are logged in a web-based software system called Peerplace required by the Department of Aging and Rehabilitative Services (DARS). This allows for detailed reporting on the individuals serviced and the number of rides provided. VPAS has 3 wheelchair accessible vans dedicated to STP in SAW one of which is assigned daily, Monday-Friday, to transportation for Staunton riders. Volunteer drivers use their own vehicles or VPAS vans based on their preference.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City will use CDBG funds throughout the jurisdiction to serve low and moderate-income persons.

Geographic Distribution

Target Area	Percentage of Funds
City-Wide	100

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Staunton does not allocate funds by target areas. Rather, the City allocates funds based upon the priorities that have been identified by citizens participating in the public input process and through the regular planning contacts made with elected officials and staff. The City will use CDBG funds throughout the jurisdiction to serve low and moderate-income persons.

Discussion

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City will use its federal funds to provide affordable housing by providing funds to rehabilitation existing units.

The special needs population will be served through grants to local service providers. The homeless population will be served through assistance grants to local service providers.

One Year Goals for the Number of Households to be Supported	
Homeless	5
Non-Homeless	5
Special-Needs	0
Total	10

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	5
The Production of New Units	0
Rehab of Existing Units	5
Acquisition of Existing Units	0
Total	10

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

AP-60 Public Housing – 91.220(h)

Introduction

As of 2016, Staunton Redevelopment and Housing Authority (SR&HA) converted all of its public housing units into project-based Section 8 units under the Rental Assistance Demonstration Program. SR&HA currently owns and manages a total of 150 residential units including 50 units for elderly and disabled. The units range from one bedroom to five-bedroom townhouses. Rent is based on income and utilities are included.

Actions planned during the next year to address the needs to public housing

SR&HA converted all of its public housing units into Section 8 units under the Rental Assistance Demonstration Program.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

SR&HA has a functioning resident council that participates in meetings and events. The Council was particularly active during the conversion of the units to project-based vouchers under the Rental Assistance Demonstration program in 2016.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

SR&HA is not designated as troubled.

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

As a participant in the Virginia Balance of State Continuum of Care (BoS CoC), the City is a partner in addressing homelessness and the priority needs of homeless individuals and families, including homeless subpopulations.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The BoS CoC has an established Coordinated Entry System, which offers a central point of entry for households experiencing homelessness or at-risk of homelessness. During an initial phone call, a housing counselor asks questions that will help determine eligibility for services with local agencies. The BoS CoC uses two assessment tools for prioritization of services. Prevention assessment: The BoS created a prevention prioritization tool that includes both homeless vulnerability and housing barriers. Once a household's housing crisis is triaged and it is determined that the household is at imminent risk of homeless (14 days or less), then the coordinated entry staff will conduct the prevention prioritization assessment. Based on eligibility and assessment score prevention providers are guided on service needs of households. The BoS CoC uses the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT) as the common standardized assessment tool for those who are literally homeless. This assessment is conducted no more than 3 to 5 days after the household has been referred to shelter or once an outreach worker is able to establish rapport with an unsheltered or un-engaged household.

Each January, the CoC conducts a Point-in-Time (PIT) count of the City's sheltered and unsheltered homeless to ascertain the number and characteristics of the homeless population and to assess their needs. Staunton's continued participation in the PIT study will give the City the ability to collect information to be used in setting priorities, written standards, and performance measures for the area.

Addressing the emergency shelter and transitional housing needs of homeless persons

In 2023, the City will continue to support Valley Mission, which offers emergency shelter and services for homeless individuals and families. In 2023, Valley Mission will receive \$5,000 to provide subsistence payments to assist 5-10 formally homeless individuals more into safe housing.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals

and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City will maintain coordination and collaboration with local non-profit agencies serving the homeless population. The City will continue will use its entitlement grant funds to assist non-profit organizations that serve homeless individuals and families in Staunton.

Valley Mission uses CDBG funds to assist formally homeless households' transition into safe, permanent housing. Blue Ridge Legal Services will also receive funding to assist households with free legal services to reduce the threat of homelessness in the City by using the courts to prevent evictions or foreclosures and keep City residents in their homes.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City will maintain coordination and collaboration with local non-profit agencies serving the homeless population. The City will continue to use its entitlement grant funds to assist non-profit organizations that serve homeless individuals and families in Staunton.

Discussion

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Staunton has prepared an Analysis of Impediments to Fair Housing Choice to satisfy requirements of the Housing and Community Development Act of 1974, as amended, in 2020. This act requires that any community receiving Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) funds affirmatively further fair housing.

A summary of the impediments to fair housing choice that emerged from the data analysis, public engagement initiatives, and policy review were identified. They are the results of primary and secondary research that define the underlying conditions, trends, and context for fair housing planning in Staunton. The impediments were assigned three priority levels based on the amount and strength of the supporting evidence that initially identified the factor:

- High – factors that limit or deny fair housing choice or access to opportunity, as well as other factors that are urgent or establish a foundation for future actions
- Medium – moderately urgent or building on prior actions
- Low – limited impact on fair housing issue

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Impediment: Location and type of affordable housing

The City and other local organizations should address the diverse housing needs for the City's various subpopulations, including low-and moderate-income households, persons with disabilities, and large families. They will do so by continuing to invest in housing in a wide geographic area throughout the City. This will be measured by the number of affordable units created/rehabilitated by location and unit type. The City should expand affordable housing in areas of higher opportunities.

The City has reserved multiple years' worth of CDBG funding for the A Street Aging In Place project to develop infrastructure to support the construction of 25 single family homes. The A Street project is located in Census Tract 3, which is within one of the Lowest Opportunity tracts, however it is directly bordering Census Tract 4, which is the only "Higher Opportunity" tract in the City.

Impediment: Lack of policies and procedures related to fair housing.

During FY2020, the City created an Anti-Displacement and Relocation Plan in accordance with the

Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325.

Impediment: Fair housing education, outreach, and enforcement

During FY2023, the City will work toward designating a Fair Housing liaison and adding a new fair housing page to the City's website.

Discussion:

AP-85 Other Actions – 91.220(k)

Introduction:

The following information illustrates other actions that Staunton will take to address its priority needs.

Actions planned to address obstacles to meeting underserved needs

The primary impediment to the City's ability to meet underserved needs is the limited amount of funding to address identified priorities. The City will continue to seek public and private resources to leverage its entitlement funds in assisting with implementation of policies and programs.

Programs funded through the CDBG program will assist the elderly and children living in unstable and inadequate housing conditions, who have been victims of abuse or neglect.

Actions planned to foster and maintain affordable housing

The City will continue to support its goals of maintaining and expanding affordable housing. In FY 2023, the City has 5 low-income housing apartment complexes within its boundaries. These apartments are funded from a variety of sources including HUD, Section 8, VA Housing Authority, local public housing, non-profit senior and family low-income apartments, as well as apartments funded through Low Income Housing Tax Credit programs.

The City will utilize CDBG funds to Renewing Homes of Greater Augusta, which provides assistance to low-income and vulnerable homeowners to complete expensive critical repairs that would ensure the safety of their homes.

In 2021, the Staunton Redevelopment and Housing Authority (SRHA) accepted proposals from developers to provide affordable, permanent new construction housing for families within the City of Staunton. This past year, SRHA has issued vouchers to developers for the construction of over 40 housing projects.

Actions planned to reduce lead-based paint hazards

The City will work with other parties to achieve cost effective methods for controlling these hazards through the following:

- As part of its code enforcement efforts, Staunton's building code department will continue to educate City residents about lead paint hazards.
- Properties will be made lead safe during renovation of older residential units.
- The City will continue to monitor Virginia Department of Health reports regarding Staunton

children with elevated blood lead levels.

Actions planned to reduce the number of poverty-level families

The City will collaborate with human service, social service, and economic development agencies and organizations to facilitate their efforts and maximize their resources to provide quality services to low-income residents to help them improve their incomes.

The Community Action Partnership of Staunton, Augusta, and Waynesboro (CAPSAW) is the community action agency designated in July 2009 by Virginia's governor to serve the citizens of Augusta County, the City of Staunton, and the City of Waynesboro. CAPSAW administers funds made available annually to designated community action agencies through the Federal Community Services Block Grant, the State Community Services Block Grant, and Federal Temporary Assistance to Needy Families (TANF) funds, along with required match funds provided by each of three localities.

Actions planned to develop institutional structure

Although the City feels that the existing institutional structure is sufficient for carrying out activities to address identified community development needs, the City Manager's Office plans to continue strengthening its working relationships with local social service agencies. Public and non-profit agencies that are critical to the institutional structure must work cooperatively, and agency staff have the ability and expertise to deliver services efficiently and effectively, often with years of expertise in their respective fields.

Actions planned to enhance coordination between public and private housing and social service agencies

The City plans to improve coordination among its partners to promote a broadly shared understanding of community needs, collaborative and complementary approaches to addressing needs, and responsiveness to changes in conditions.

The City anticipates coordination of human service funding with other social service agencies and charitable organizations to better target the limited amount of human service dollars available in the community. The City will also continue to coordinate its housing efforts with SR&HA.

Discussion:

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the new year has been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income	0

Other CDBG Requirements

1. The amount of urgent need activities	0

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
AUTHORIZING THE ADOPTION OF THE FY2023 ANNUAL ACTION PLAN
FOR 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, and under this designation the City receives annual allocations from HUD, starting with the federal fiscal year 2019;

C. HUD has advised the City that the FY 2023 Entitlement amount for CDBG funds will be \$319,410; and

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 must be prepared and adopted by City Council;

E. The City of Staunton has prepared an Annual Action Plan for the FY 2023 funding year, which assesses the housing and community development needs in Staunton;

F. The draft FY2023 Annual Action Plan was on public display and the City held two public hearings on CDBG eligible activities and the draft plan. Various agencies, groups, and citizens were provided the opportunity to comment and provide input in the preparation of the draft documents. This matter has been properly advertised, heard, and considered.

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

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

1. The FY2023 Annual Action Plan 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 is hereby **APPROVED** and **ADOPTED**.

47 2. City Council **AUTHORIZES** and **DIRECTS** the City Manager to
48 execute any sub-recipient agreements and associated documents with agencies
49 recommended to receive HUD Community Development Block Grant Program funds.
50

51 Adopted this 27th day of July, 2023.
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Stephen W. Claffey, Mayor

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57
58 Attest: _____
59 Kiley A. Kesecker, Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 27, 2023	Staff Members: Billy Vaughn Amanda DiMeo
Item #	E	
Department:	Economic Development	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Economic Development Value: Excellence	
Subject:	Update on Staunton Crossing Site Preparation Efforts and Other Economic Development Activity	

Background: During Council's July 27, 2023 meeting, an update will be provided on the recent economic development activity around the City, as well as site preparation efforts at Staunton Crossing. Staff will focus on the following topics:

- City-Wide
 - o Business Activity and Plans
 - o Industrial Revitalization Fund Grant
- Staunton Crossing
 - o Marketing Strategy
 - o VDOT's Crossing Way Extension
 - o Virginia Business Ready Site Program Grants
 - o Site Interest

City Manager's Recommendation: Not Applicable.

Suggested Motion: Not Applicable.

City Manager: Leslie M. Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 27, 2023	John C. Blair, II City Attorney Shane Ayers Staunton Police Department
Item #	F	
Departments:	City Attorney Police Department	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government	
Subject:	Amendment to Nuisance Animal Ordinance	

Background: On June 8, 2023, the City Attorney and members of the Staunton Police Department discussed with City Council at their work session the City's "nuisance animal" ordinance.

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.

At the conclusion of the work session, the Council authorized the City Attorney to go forward with the proposed ordinance amendment.

Since that work session, the City Attorney is proposing that the amended code contain a provision defining continuously. “Continuously” will permit up to fifteen second pauses during the proposed fifteen-minute time frame. This amendment is proposed because any animal is unlikely to make the same noise for fifteen consecutive minutes without any pause.

Attachments:

Attachment 1—Staunton City Code Section 6.10.240

Attachment 2—Proposed Ordinance Revisions

City Manager Recommendation: To adopt the amendments to Staunton Code Section 6.10.240, as presented.

Suggested Motion: I move that City Council adopt the amendments to Staunton Code Section 6.10.240, as presented.

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. For purposes of this code section,

“continuously” shall be defined as fifteen consecutive minutes of the aforementioned noised with a silent period of no longer than fifteen consecutive seconds during the fifteen minute timeframe.

(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