

**Work Session Agenda  
Staunton City Council  
Rita S. Wilson Council Chambers  
May 8, 2025  
4:15 p.m.**

- |                  |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4:15 p.m.</b> | <b>1.</b> | <b>Annual Visit to Betsy Bell</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>5:00 p.m.</b> | <b>2.</b> | <b>Consideration of Work Session and Regular Meeting Agendas</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>5:05 p.m.</b> | <b>3.</b> | <b>Overview of Land Use Matters that Come Before City Council</b>                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>5:30 p.m.</b> | <b>4.</b> | <b>Presentation on Progress of City's Comprehensive Plan Update</b>                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>5:45 p.m.</b> | <b>5.</b> | <b>Presentation on Development of Staunton's Flood Resiliency Plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>6:00 p.m.</b> | <b>6.</b> | <b>Closed Meeting for: (i) the Discussion or Consideration of the Acquisition of Real Property for a Public Purpose located on Churchville Avenue; (ii) Consultation with Legal Counsel for Legal Advice Related to Stream Buffers; (iii) the Discussion or Consideration of the Disposition of Publicly Held Real Property on A Street; and (iv) Consultation with Legal Counsel for Legal Advice Related to a Boundary Adjustment (Includes Dinner Break Until Regular Meeting at 7:00 p.m.)</b> |

**Regular Meeting Agenda  
Staunton City Council  
Rita S. Wilson Council Chambers  
May 8, 2025  
7:00 p.m.**

**Call to Order**

**Pledge of Allegiance**

**Invocation/Moment of Silence—Campbell**

**Proclamation—Building Safety Month**

**Mayor's Report**

**Additional Items by Members of Council**

**REGULAR MEETING**

**A. Consent Agenda**

**A.1. Approval of Minutes**

**Special Meeting Minutes of April 17, 2025**

**Work Session and Regular Meeting of April 24, 2025**

**A.2. Consideration of Proclamations to be Presented in Council Chambers at the May 22, 2025 City Council Meeting— *LGBTQ+ Pride Month & The Shenandoah LGBTQ Center and Juneteenth***

**All items will be voted on in one (1) motion. If so requested by any member of Council, an item placed on the consent agenda shall be removed and taken up as a separate matter at the end of the Regular Meeting.**

**B. Public Hearing and Consideration of a Request by Sarah Geary for a Special Use Permit to Operate a School at 224 Taylor Street Under the Provisions of Staunton City Code (SCC) Section 18.20.030(2)\***

**C. Public Hearing and Consideration of Amendments to Chapter 18.85, H-1, Historic Preservation District of Title 18, Zoning, of the Staunton City Code\***

**D. Public Hearing and Consideration of an Ordinance to Grant an Easement for Natural Gas Equipment and Facilities Across 2040 West Beverley Street\***

**E. Update on Gypsy Hill Park Pool House and 2025 Pool Season**

**Matters from the City Manager**

**Matters from the Public\***

**Adjournment**

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

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                                      |                                                |
|------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------|
| Meeting Date:                                        | May 8, 2025                                                                          | Chris Tuttle<br>Director, Parks and Recreation |
| Item #                                               | 1                                                                                    |                                                |
| Department:                                          | Parks and Recreation                                                                 |                                                |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Environmentally Conscious<br>Strategic Area: Responsive, Efficient Government |                                                |
| Subject:                                             | Annual Visit to Betsy Bell                                                           |                                                |

**Background:** The deed conveying Betsy Bell Mountain to the City of Staunton for use as a city park requires that a majority of the elected members of Council shall “go in a body to the top of the mountain at some time each spring,” and that each such visit shall be noted in the minutes. The annual visit to Betsy Bell has been scheduled for the work session. All members of Council are encouraged to make this annual visit, so that the city remains in compliance with the terms of the deed.

After the visit, Councilmembers will proceed to City Hall to participate in the remainder of the work session and the regular meeting.

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

**Suggested Motion:** Not applicable.

**City Manager:** Leslie Beauregard

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                          |              |
|------------------------------------------------------|------------------------------------------|--------------|
| Meeting Date:                                        | May 8, 2025                              | City Council |
| Item #                                               | 2                                        |              |
| Department:                                          | City Council                             |              |
| Alignment with Staunton Plan (Value/Strategic Area): | Values: Integrity<br>Engagement          |              |
| Subject:                                             | Work Session and Regular Meeting Agendas |              |

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

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

**City Manager:** Leslie Beauregard

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, VA

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|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Meeting Date:                                        | May 8, 2025                                                                                                                                                                                     | Rodney Rhodes<br>Community<br>Development Director<br><br>Tim Hartless<br>Planning Manager |
| Item #                                               | 3                                                                                                                                                                                               |                                                                                            |
| Department:                                          | Community Development – Planning Division                                                                                                                                                       |                                                                                            |
| Alignment with Staunton Plan (Value/Strategic Area): | Values: Inclusion & Equity; Excellence; Engagement; Environmentally Conscious<br><br>Strategic Areas: Infrastructure; Responsive, Efficient Government; Built Environment; Economic Development |                                                                                            |
| Subject:                                             | Overview of Land Use Matters that Come Before City Council                                                                                                                                      |                                                                                            |

**Background:** Staff will provide a summary of land use matters that routinely come before City Council for action. These include special use permits, rezonings, final plats, master plans, and planned residential developments.

The presentation will summarize the various land use applications, their review and approval process, and the factors that Council should consider before acting on the requests.

**Attachments:** Not applicable.

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

**Suggested Motion:** Not applicable.

**City Manager:** Leslie Beauregard

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, VA

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|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Meeting Date:                                                 | May 8, 2025                                                                                                                                                                                                        | Rodney Rhodes<br>Community<br>Development Director<br><br>Meggie Roche<br>Comprehensive/Long<br>Range Planner |
| Item #                                                        | 4                                                                                                                                                                                                                  |                                                                                                               |
| Department:                                                   | Community Development –<br>Planning Division                                                                                                                                                                       |                                                                                                               |
| Alignment with<br>Staunton Plan<br>(Value/Strategic<br>Area): | Values: Inclusion & Equity; Excellence; Engagement;<br>Environmentally Conscious<br><br>Strategic Areas: Infrastructure; Responsive, Efficient<br>Government; Built Environment; Economic<br>Development; West End |                                                                                                               |
| Subject:                                                      | Presentation on Progress of City’s Comprehensive<br>Plan Update                                                                                                                                                    |                                                                                                               |

**Background:** The City of Staunton initiated the Comprehensive Plan 2045 update with EPR, PC in August 2024, embarking on a multi-faceted engagement process. This effort included the formation of a Citizen Steering Committee, conducting a public open house, and extensive stakeholder meetings with 10 groups, engaging 65 individuals to gather diverse perspectives on the city's future. Concurrently, formal research and data analysis commenced, including an online map survey that garnered 258 comments from 55 participants, highlighting key community priorities. These engagements revealed four overarching themes: addressing infrastructure and development challenges, ensuring community engagement, fostering sustainable economic growth, and maximizing resource management through collaboration.

The presentation will summarize these findings and introduce the next steps in the process.

**Attachment:** Not applicable

**City Manager’s Recommendation:** Not applicable

**Suggested Motion:** Not applicable

**City Manager:** Leslie Beauregard

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                            |                                                                                                                          |                                                          |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Meeting Date:                                              | May 8, 2025                                                                                                              | Willow Hughes<br>Environmental Programs<br>Administrator |
| Item #                                                     | 5                                                                                                                        |                                                          |
| Department:                                                | City Council                                                                                                             |                                                          |
| Alignment with<br>Staunton Plan<br>(Value/Strategic Area): | Value: Environmentally Conscious; Excellence<br><br>Strategic Areas: Infrastructure; Responsive, Efficient<br>Government |                                                          |
| Subject:                                                   | Presentation on Development Staunton’s Flood<br>Resiliency Plan                                                          |                                                          |

**Background:** The Environmental Programs Division is working with Wiley | Wilson and WSSI to develop a flood resiliency plan for the City of Staunton. This plan will provide a deeper look at the city's natural hazards and vulnerabilities and will lay out a framework for the best projects and/or studies to pursue for enhancing flood control and resilience. Its ultimate goal is to help prepare the city for the increased threat of urban flooding. Its adoption will also be required before the city can pursue certain flood related grant funding.

**Attachment:** Not applicable

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

**Suggested Motion:** Not applicable

**City Manager:** Leslie Beauregard

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                        |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Meeting Date:                                        | May 8, 2025                                                                                                                                                                                                                                                                                                                                                                                                                      | City Council<br><br>John C. Blair, II<br>City Attorney |
| Item #                                               | 6                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                        |
| Department:                                          | City Council                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                        |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Excellence<br><br>Strategic Area: Responsive, Efficient Government                                                                                                                                                                                                                                                                                                                                                        |                                                        |
| Subject:                                             | Closed Meeting for: (i) the Discussion or Consideration of the Acquisition of Real Property for a Public Purpose located on Churchville Avenue; (ii) Consultation with Legal Counsel for Legal Advice Related to Stream Buffers; (iii) the Discussion or Consideration of the Disposition of Publicly Held Real Property on A Street; and (iv) Consultation with Legal Counsel for Legal Advice Related to a Boundary Adjustment |                                                        |

**Suggested Motion:** I move to enter a closed meeting for (i) the discussion or consideration of the acquisition of real property located on Churchville Avenue for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3); (ii) the discussion or consideration of the disposition of real property located on A Street for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3); and (iii) for consultation with legal counsel from the City Attorney for legal advice related to stream buffers and a boundary line adjustment pursuant to Virginia Code §2.2-3711(A)(8).

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

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

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

**City Manager:** Leslie Beauregard



CITY OF STAUNTON, VIRGINIA

# Proclamation

## Building Safety Month

### May 2025

- WHEREAS,** Staunton is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings, and infrastructure play, both in everyday life and when disasters strike, and;
- WHEREAS,** our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians: building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers, and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;
- WHEREAS,** modern building codes and standards include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods, and earthquakes, and;
- WHEREAS,** Building Safety Month recognizes the critical role of our city’s code officials, who assure us of safe, sustainable, and affordable buildings that are essential to our prosperity, and;
- WHEREAS,** each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local, state, tribal, territorial, and federal building safety and fire prevention departments, in protecting lives and property.

**NOW, THEREFORE, BE IT PROCLAIMED** that Staunton City Council hereby recognizes the month of May, 2025 as

## Building Safety Month

In the City of Staunton, and we encourage our citizens to join us in celebrating the people who help keep our buildings safe.

**IN WITNESS WHEREOF,** I have set my hand and caused the seal of the city to be affixed, adopted this 8<sup>th</sup> day of May, 2025.

\_\_\_\_\_  
**MICHELE D. EDWARDS, MAYOR**

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

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                  |              |
|------------------------------------------------------|--------------------------------------------------|--------------|
| Meeting Date:                                        | May 8, 2025                                      | City Council |
| Item #:                                              | A                                                |              |
| Department:                                          | City Council                                     |              |
| Alignment with Staunton Plan (Value/Strategic Area): | Strategic Area: Responsive, Efficient Government |              |
| Subject:                                             | Consent Agenda                                   |              |

**Background:** As provided in [Council Procedure Memorandum No. 14](#), it is the policy of City Council to have the City Manager place routine, noncontroversial items on a Consent Agenda. Briefings for each item included on the Consent Agenda have been prepared in the manner and format of regular business items on the agenda, with each item described in sufficient detail to provide the public with an appropriate understanding of such item. All matters listed on the Consent Agenda will be enacted by one motion and as a single item. There will be no separate discussion of an item. If discussion is desired, the item may be removed from the Consent Agenda at the request of a member of City Council and considered separately at the end of the regular meeting agenda.

The Mayor will inquire whether any member of City Council desires to remove any item from the Consent Agenda and to place such item on the regular meeting agenda for separate consideration.

**Suggested Motion (if no items removed):** I move to approve the Consent Agenda, as presented.

**Suggestion Motion (if one or more items removed):** I move to approve the Consent Agenda with the exception of item(s) \_\_\_\_\_, and that item(s)\_\_\_\_\_ be moved to the end of the regular agenda for discussion and a separate vote.

**City Manager:** Leslie Beauregard

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                 |              |
|------------------------------------------------------|---------------------------------|--------------|
| Meeting Date:                                        | May 8, 2025                     | City Council |
| Item #                                               | A.1                             |              |
| Department:                                          | City Council                    |              |
| Alignment with Staunton Plan (Value/Strategic Area): | Values: Integrity<br>Engagement |              |
| Subject:                                             | Approval of Minutes             |              |

**Background:** Draft meeting minutes are attached for City Council's consideration and for approval as Council prefers.

**Attachment:**

Attachment 1 – Special Meeting Minutes of April 17, 2025

Attachment 2 – Work Session and Regular Meeting Minutes of April 24, 2025

**Suggested Motions:** I move to approve the special meeting minutes of April 17, 2025, and the work session and regular meeting minutes of April 24, 2025 [as presented] [with the following changes: \_\_\_\_\_].]

**City Manager:** Leslie Beauregard



City Council  
SPECIAL CALLED BUDGET WORK SESSION  
April 17, 2025  
7:00 p.m.

Council Members present: Mayor Edwards, Vice Mayor Arrowood, and Councilors Campbell, Overholtzer, Park, and Woods. Councilor Shepherd was absent.

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

**1. FY 2026 Budget Work Session**

City Manager Leslie Beauregard and Chief Financial Officer Jessie Moyers gave a presentation and review of the FY 2026 proposed budget as follows:

The following items do not affect the FY 2026 budget:

Staunton Crossing Sales \$1,174,250

- \$30,000 Arcadia contribution
- \$35,000 Economic development website
- Remaining for infrastructure needs for repair work for tunnels
- Could be on the last budget amendment for FY2025 or carried over into FY2026

Adaptive Traffic Controls \$720,000

- Reserve funded 2020-2025
- Purchase made using VDOT reimbursable funds
- No additional purchases planned in the near future
- Could repurpose funds to another capital project, requires one Council meeting

City Council Contingency \$50,000

- Potential uses: fund new outside agency requests that remain unfunded in the FY 2026 budget
- Timing of decision does not affect FY 2026 budget

The following reserves are funded with a General Fund transfer:

West End Revitalization \$287,261

- Started in FY2024
- Current balance is \$574,522
- Reserve will fund future improvements in the West End area per the West End Revitalization Strategies Plan adopted by City Council in December 2024
- No spending to date

Uniontown Improvements \$287,261

- Started in FY2024
- Current balance is \$452,222
- Reserve will fund items in the Uniontown Neighborhood Action Plan, including a grant match for the RAISE grant if received
- \$122,300 spent or encumbered to date for surveys and grant application assistance

Library Improvements Reserve \$287,261

- Started in FY2024
- Current balance is \$574,522
- Reserve will fund future improvements to the Staunton Public Library
- No spending to date
- A proposal is expected soon from Wiley|Wilson for a structural analysis of the building
- Space needs study will be done following the structural analysis

Real Estate Tax Rate

- Proposed Real Estate Tax Rate = \$.91 cents
- Two cents dedicated to infrastructure repairs and improvements

Mayor Edwards asked if there were any questions or comments from Councilmembers.

Mr. Campbell stated his firm support of the 91¢ tax rate, noting the long list of deferred infrastructure needs and the risk of underpreparing. He also stressed the importance of flexibility and readiness for matching grant opportunities, as well as aggressive investment in sidewalk and infrastructure improvements.

Mr. Overholzer supported a 90¢ tax rate as a compromise between affordability and investment, noting his concerns about the cumulative effect of recent assessment increases. He also suggested that the city assess personnel needs more broadly, possibly adding roles in economic development or permitting that could boost revenue.

Ms. Woods stated that she would support a 90¢ tax rate as a necessary step while acknowledging that future tax rate increases may still be needed.

Ms. Park spoke in strong support of a 91¢ tax rate, while advocating for long-term planning and compassionate governance, especially in light of unstable federal funding and rising community needs.

Vice Mayor Arrowood stated that he would be comfortable with a 91¢ tax rate, noting that Staunton would still remain affordable compared to other Virginia cities.

Mayor Edwards stated that she could understand 90¢ as a reasonable compromise, given the availability of \$720,000 in one-time infrastructure funds, but ultimately supported 91¢ after weighing long-term needs. She also emphasized awareness of how tax increases disproportionately affect vulnerable residents and urged increased support for human services agencies.

Mayor Edwards, Vice Mayor Arrowood, Ms. Park, and Mr. Campbell were in agreement and instructed staff to move forward with the real estate tax rate at 91¢.

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The work session adjourned at 7:55 p.m.

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Kiley A. Kesecker  
Clerk of Council

DRAFT



City Council  
WORK SESSION  
April 24, 2025  
6:15 p.m.

Council Members present: Mayor Edwards, Vice Mayor Arrowood, and Councilors Campbell, Overholtzer, Park, Shepherd, and Woods.

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

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

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

Ms. Woods moved to approve the work session and regular meeting agendas as presented.

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

|                 |     |                     |     |
|-----------------|-----|---------------------|-----|
| Ms. Park        | aye | Mr. Shepherd        | aye |
| Mr. Overholtzer | aye | Vice Mayor Arrowood | aye |
| Ms. Woods       | aye | Mayor Edwards       | aye |
| Mr. Campbell    | aye |                     |     |

**2. Presentation of Central Shenandoah Health District 2024 Annual Report**

Dr. Allison Baroco, Health District Director, presented the annual report, noting that the Central Shenandoah Health District is one of 35 health districts under the Virginia Department of Health. It is comprised of seven health departments that serve the counties of Augusta, Bath, Highland, Rockbridge, and Rockingham along with the cities of Buena Vista, Harrisonburg, Lexington, Staunton, and Waynesboro. The local health departments within the district provide numerous services to approximately 293,000 individuals. Those services include, but are not exclusive to, immunizations, health testing and screenings, health physicals, restaurant permitting, mobile clinic, and screening services for nursing home and in home care.

Dr. Baroco noted that 2024 was a post-COVID adjustment year with the loss of 12 contract staff due to grant cuts, mostly in population health and epidemiology. No core services have been disrupted yet, but future funding is uncertain.

Ms. Woods asked if the mobile clinic would supplement or duplicate Augusta Health's outreach. Dr. Baroco clarified it will coordinate, not overlap.

Mr. Overholtzer asked for quantitative data on increases in preventable childhood diseases and asked if vaccination rates were dropping. Dr. Baroco replied that rates are slightly declining, with measles at 94 percent.

Councilmembers had no further questions.

### **3. Presentation of Valley Career & Technical Center Foundation**

Building Official John Glover presented information on the role the Valley Career & Technical Center (VCTC) plays and how people can contribute to their efforts. The VCTC Foundation supports VCTC's efforts by building partnerships and providing additional resources for students and programs.

Mr. Glover stated that Valley Career & Technical Center is a top Career and Technical Education Center in the area and one of nine regional centers in Virginia. VCTC provides technical education and career preparation to meet the needs of today's high school students and adults. The school serves the public school systems of Augusta County, Staunton, and Waynesboro. Through their adult and continuing education departments, adult students can take part in various programs from GED preparation to highly technical apprenticeship training.

Mr. Campbell asked about enrollment trends. Director Lee Ann Whitesell stated that enrollment has grown about 28 percent in four years and is capped by safety related class size limits.

Ms. Woods asked if there is financial aid available for adult students. Dr. Whitesell stated that there is not currently, but it is a future goal.

The work session adjourned at 6:43 p.m.

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Kiley A. Kesecker  
Clerk of Council

**REGULAR MEETING OF STAUNTON CITY COUNCIL****Thursday, April 24, 2025****7:00 p.m.****Rita S. Wilson Council Chambers****PRESENT:**

**Mayor Michele D. Edwards**  
**Vice Mayor Brad D. Arrowood**  
**Adam F. Campbell**  
**Jeff L. Overholtzer**  
**Corrie R. Park**  
**Blake N. Shepherd**  
**Alice L. Woods**

**ALSO PRESENT:**

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

**Mayor Edwards called the meeting to order:** Mayor Edwards 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 Vice Mayor Arrowood.

**PROCLAMATIONS**

**Arbor Day** – Received by City Horticulturalist Matt Sensabaugh. Shenandoah Green also presented a plaque recognizing the city for its support and honored Mr. Sensabaugh as an “Earth Hero” for Earth Day 2025.

**Letter Carriers’ “Stamp Out Hunger” Food Drive** – Received by members of the National Association of Letter Carriers Staunton Branch 513.

**MAYOR’S REPORT**

Mayor Edwards stated that she had attended a poverty simulation at Mary Baldwin and an open house at the Shenandoah LGBTQ Center. She also shared some information from the city’s March

Activity Report.

### **ADDITIONAL ITEMS BY MEMBERS OF COUNCIL**

Mr. Overholtzer shared information on Staunton High School's outdoor classroom project, with the pavilion being built by Rotary Club.

Vice Mayor Arrowood provided information on the upcoming Breaking Bread event hosted by Building Bridges, as well as a middle school band concert.

### **REGULAR MEETING**

#### **A. Consent Agenda**

Mayor Edwards made the following statement:

"Per Procedure Memorandum No. 14, it is the policy of City Council to have routine, non-controversial items placed on a Consent Agenda. All items on the Consent Agenda will be voted on in one motion. If separate discussion of an item is requested by any member of Council, that item shall be removed and considered separately at the end of the regular meeting agenda."

##### **A.1 Approval of Meeting Minutes Special Meeting of April 3, 2025 Work Session and Regular Meeting of April 10, 2025**

##### **A.2 Consideration of Resolution Approving City Council Summer Meeting Schedule for 2025**

##### **A.3 Consideration of Proclamation to be Presented in Council Chambers at the May 8, 2025 City Council Meeting—Building Safety Month**

##### **A.4 FY 2025 3<sup>rd</sup> Quarter Financial Report**

Mayor Edwards asked if any Councilmembers desired to remove any item from the Consent Agenda to be placed on the regular meeting agenda for separate consideration.

Ms. Woods moved to approve the Consent Agenda as presented.

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

|                 |     |                     |     |
|-----------------|-----|---------------------|-----|
| Ms. Woods       | aye | Ms. Park            | aye |
| Mr. Shepherd    | aye | Vice Mayor Arrowood | aye |
| Mr. Campbell    | aye | Mayor Edwards       | aye |
| Mr. Overholtzer | aye |                     |     |

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**RESOLUTION  
OF THE  
COUNCIL OF THE CITY OF STAUNTON  
ESTABLISHING DATES FOR  
REGULAR MEETINGS OF THE  
COUNCIL OF THE CITY OF STAUNTON  
FOR THE PERIOD OF  
JUNE, 2025 THROUGH  
DECEMBER, 2025**

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**RECITALS**

105 A. Section 6 of Chapter II of the Charter of the City of Staunton provides that regular  
106 meetings of the Council must occur at least once per month and that Council meet at such times  
107 as prescribed by ordinance or resolution;  
108

109 B. Section 2.10.070 of the Staunton City Code provides that Council will hold regular  
110 meetings on the second and fourth Thursdays of each month at such hour as it may designate and  
111 at any other time to which it may be regularly adjourned or postponed;  
112

113 C. For the months of June and July 2025, City Council has determined that it will not meet  
114 on the second Thursday, and for the months of November and December 2025, City Council has  
115 determined that it will not meet on the fourth Thursday due to the Thanksgiving and Christmas  
116 holidays, respectively, which Council recognizes as holidays observed by the City;  
117

118 **NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Staunton,  
119 Virginia, that:  
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121 1. Regular meetings of the Council shall be held on the second and fourth Thursdays  
122 of each month for the period of June, 2025 through December, 2025, at City Hall, 116 West  
123 Beverley Street, Staunton, Virginia, at 7:00 p.m. or at such earlier or other time or place as may be  
124 designated by the published agenda for any meeting or session of Council, except Council shall  
125 only meet on the fourth Thursday of June and July, 2025, and only meet on the second Thursday  
126 of November and December, 2025  
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128 2. In the event the Mayor, or the Vice-Mayor, if the Mayor is unable to act, finds and  
129 declares that weather or other conditions are such that it is hazardous for members of the Council  
130 to attend a regular meeting, such regular meeting shall be continued to the next Monday. Such  
131 finding and declaration shall be communicated to the members of the Council and the media as  
132 promptly as possible. And to the fullest extent permitted by law, all hearings and other matters  
133 previously advertised shall be conducted at the continued meeting and no further advertisement is  
134 required.  
135

Adopted this 24th day of April, 2025.

Signed: MICHELE D. EDWARDS, MAYOR

Attest: KILEY A. KESECKER  
Clerk of Council

**B. Public Hearing and Consideration of an Amendment to Chapter 18.50 P-1, Professional District, of Title 18, Zoning, of the Staunton City Code**

Planning Manager Tim Hartless stated that Melissa Swan has requested a zoning text amendment to allow florist shops as a use permitted on review in the P-1, Professional District. The applicant recently purchased property at 2010 North Augusta Street with the intention of relocating her business, Honey Bee's Florist; however, 2010 North Augusta Street is zoned P-1, Professional District, and florist shops are not a permitted use in the district. If Staunton City Code Chapter 18.50 is amended to allow florist shops as a use permitted on review, a Special Use Permit could be approved to allow Honey Bee's to operate at this location. Florist shops are permitted in business districts as a "shop for the conduct of retail business." Staff is opposed to florist shops as a by-right use in a professional zoning district but supports florist shops as a use permitted on review. Not all professional districts are suitable for retail sales, but some areas could be compatible with small scale retail such as the area where the applicant wishes to relocate.

The draft amendment creates SCC section 18.50.030, *uses permitted on review* and lists florist shop as the only use. The Planning Commission expressed interest in allowing additional uses but in the interest of time for the applicant, ultimately decided to send the amendment to Council with only florist shops included. The Planning Commission will continue to evaluate other uses that could be permitted on review in the P-1 District and may bring an additional amendment to Council in the future.

Staff believes that florists shops can be permitted in the areas along North Augusta and North Coalter Streets but is opposed to florist shops on North Lewis Street and the area around East Beverley and Kalorama Streets. The Special Use Permit process allows each request to be evaluated individually based upon the specific business type and the location where it is proposed. This allows flexibility for business owners, while still allowing the city to retain control over where these types of retail businesses can locate.

At its March 20, 2025 meeting, the Planning Commission conducted a public hearing on the request, during which no one spoke in opposition, and the Planning Commission unanimously recommended approval of the amendment.

Mayor Edwards asked if there were any questions from Councilmembers.

Vice Mayor Arrowood asked what other potential uses might be considered. Mr. Hartless stated that other uses would be limited retail use with low foot traffic.

Mayor Edwards 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 matter. 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 from the Public. Please keep your comments to five minutes. 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.

Charlie Hildebrand, 11 Woodland Drive, spoke in support of the proposed amendment and Honey Bee’s Florist.

Xavier Wilhelmy, 1803 Orchard Lane, spoke in support of the proposed amendment and Honey Bee’s Florist.

Barbara Lee, 904 Rockway Street, spoke in support of the proposed amendment and Honey Bee’s Florist.

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

Mr. Shepherd moved that Council adopt the ordinance and approve the amendment as recommended by the Planning Commission.

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

|              |     |                     |     |
|--------------|-----|---------------------|-----|
| Mr. Campbell | aye | Mr. Overholtzer     | aye |
| Ms. Woods    | aye | Vice Mayor Arrowood | aye |
| Mr. Shepherd | aye | Mayor Edwards       | aye |
| Ms. Park     | aye |                     |     |

**Ordinance No. 2025-08****AN ORDINANCE AMENDING  
CHAPTER 18.50, P1, PROFESSIONAL DISTRICT,  
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE,  
TO ADD SECTION 18.50.030, USES PERMITTED ON REVIEW****Recitals**

**A.** Staunton City Code (SCC) Chapter 18.50 establishes the regulations for the P- 1, Professional District within the City of Staunton;

**B.** Currently, Chapter 18.50 includes a list of permitted uses in the district but does not include a list of uses permitted on review;

**C.** Swan's Properties, LLC wishes to operate a florist shop at a property zoned Professional (P-1) and has applied for a zoning text amendment to make florist shops a use permitted on review in the P-1, Professional District;

**D.** Staff supports the requested amendment and believes that florist shops could be operated on certain properties within the P-1, Professional District without creating conflict or unnecessary impacts with other Professional uses;

**E.** It is necessary to amend SCC Chapter 18.50 by adding section 18.50.030, Uses permitted on review, and subsection 18.50.030 (1), florist shops;

**F.** At its February 20, 2025 meeting, the Planning Commission took action to authorize staff to proceed with drafting the necessary zoning text amendment;

**G.** The Staunton Planning Commission conducted a public hearing on the request, after notice and advertisement as required by law on March 20, 2025;

**H.** The Planning Commission considered the matter and after study, review, and consideration of comments received during the public hearing has unanimously recommended approval of the amendment;

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

**J.** These recitals are an integral part of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Staunton, Virginia, that Chapter 18.50, P-1, Professional District, of Title 18, Zoning, of the Staunton City Code, are **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

## Chapter 18.50

### P-1 PROFESSIONAL DISTRICT

#### Sections:

18.50.010 General description.

18.50.020 Uses permitted.

18.50.030 Uses permitted on review

18.50.0340 Area regulations.

18.50.0450 Height regulations.

18.50.0560 Off-street parking.

18.50.0670 Occupancy limitations.

#### **18.50.010 General description.**

This professional district is intended to encourage and promote the use of lands adjacent to residential areas that are undesirable for residential use and older homes that are no longer practical to maintain as dwellings. These uses are intended to be compatible with the other uses in the area and should not be a detriment to the surrounding properties. One important purpose of this district is to increase the value of surrounding properties by maintaining attractive buildings with open spaces landscaped and all service entrances or unattractive area screened. (Zoning ordinance Art. 4, § 7).

#### **18.50.020 Uses permitted.**

The following uses shall be permitted in the P-1 professional district:

(1) Any use permitted in the R-4 residential district.

(2) Any use permitted on review in the R-4 district.

(3) Medical care facility, except veterinary establishments.

(4) Clinical laboratories.

(5) Hospitals, incidental hospital retail uses such as cafeterias, gift or variety shops, soda bars conducted solely for the convenience of employees, patients, patrons, or visitors wholly within the principal buildings and without exterior advertising display.

(6) Agencies and offices rendering specialized services in the professions, finance, insurance, real estate and brokerage, including service agencies not involving on-premises retail or wholesale trade nor the maintenance of a stock of goods for display of sale.

(7) Chiropractors, optometrists, osteopaths.

(8) Dental laboratories.

(9) Offices of architects and engineers.

(10) Funeral homes.

(11) Signs as regulated by Chapter 18.140 SCC.

(12) Living or sleeping quarters shall be permitted in the same building with professional uses, provided they meet the requirements of the building codes and additional off-street parking is provided.

(13) Co-location of telecommunication antenna and related equipment as regulated in SCC 18.185.020(4). (Zoning ordinance Art. 4, § 7).

**18.50.030 Uses permitted on review.**

The following uses may be permitted on review by the city council in accordance with provisions contained in Chapter 18.210 SCC:

**(1) Florist shops.**

**18.50.0340 Area regulations.**

The following shall apply to all uses permitted in this district:

(1) Front Yard. All buildings shall set back from the street right-of-way lines not less than 25 feet.

(2) Side Yard. On the side of a lot adjoining a residential district, there shall be a side yard of Not less than 12 feet. There shall be a side yard setback from an intersecting street of not less than 25 feet. In all other cases, a side yard for a professional building shall not be required. Side yard for dwellings shall be as required in the R-4 district.

(3) Rear Yard. There shall be a rear yard, alley, service court or combination thereof, of not less than 30 feet in depth and all of the service areas of all buildings shall be completely screened from public view with permanent ornamental screening materials. Rear yard for dwellings is the same as R-4 district.

(4) Maximum Lot Coverage. No building or buildings shall cover more than 35 percent of the lot area. (Zoning ordinance Art. 4, § 7).

**18.50.0450 Height regulations.**

No building shall exceed two and one-half stories, or 35 feet in height, except as provided in Chapter 18.115 SCC. (Zoning ordinance Art. 4, § 7).

**18.50.0560 Off-street parking.**

Off-street parking is as regulated in Chapter 18.125 SCC. (Zoning ordinance Art. 4, § 7).

**18.50.0670 Occupancy limitations.**

Occupancy limitations are as regulated in Chapter 18.180 SCC. (Zoning ordinance Art. 4, § 7).

In all other respects, the provisions of Title 18, Zoning, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: April 24, 2025

Adopted: April 24, 2025

Effective Date: April 24, 2025

Signed: MICHELE D. EDWARDS, MAYOR

Attest: KILEY A. KESECKER

Clerk of Council

**C. Public Hearing and Consideration of a Request by Melissa Swan for a Special Use Permit at 2010 North Augusta Street to Operate a Florist Shop in a P-1, Professional District**

Mr. Hartless stated that Melissa Swan, owner of Honey Bee's Florist, is requesting a Special Use Permit at 2010 North Augusta Street to operate her florist business. The property is located on North Augusta Street near the intersection with College Circle, and is zoned P-1, Professional District. In the immediate area there are a number of professional and business offices, Terry Court Shopping Center, and many residential uses.

Professional zoning is intended for residential uses as well as professional business offices. Currently, a shop for the conduct of retail business is not a permitted use, either by-right or on review. Ms. Swan acquired the property in January of 2025, unaware of the permissible uses of P-1 zoning, and is now requesting a Special Use Permit.

Surrounding zoning is P-1, Professional, to the north, south, and east, R-2, Low Density Residential, to the southwest, and R-1, Low Density Residential, to the west. The property is part of the North Augusta Street Entrance Corridor Overlay (ECO) District and if any exterior changes are made to the structure, the changes would be reviewed and approved through the ECO review process. This would include changes to the building façade, windows, doors, and any exterior lighting and signs.

The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, Future Land Use Map, designates this area as Professional. This designation is characterized as service-oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. Although florist shop is a retail use, it could also be considered a service-oriented use. Given the 8 a.m. – 5 p.m. Monday through Saturday operations of a florist shop, the requested Special Use Permit is consistent with this designation.

At its March 20, 2025 meeting, the Planning Commission conducted a public hearing on the request, during which no one spoke in opposition, and the Planning Commission unanimously recommended approval of the request.

Applicant Melissa Swan presented an overview of the request and her business.

Mayor Edwards asked if there were any questions from Councilmembers.

Mayor Edwards asked what the downstairs floor will be used for. Ms. Swan stated that it will remain a rented apartment.

Vice Mayor Arrowood asked what the timeline is for reopening in the new space. Ms. Swan stated that they have been waiting for approval before beginning the major renovations, but they hope to be open by June.

Councilmembers had no further questions.

Mayor Edwards 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.

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

Mr. Shepherd moved that City Council adopt the resolution and approve the Special Use Permit with its condition as recommended by the Planning Commission.

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

|                 |     |                     |     |
|-----------------|-----|---------------------|-----|
| Ms. Park        | aye | Ms. Woods           | aye |
| Mr. Campbell    | aye | Vice Mayor Arrowood | aye |
| Mr. Shepherd    | aye | Mayor Edwards       | aye |
| Mr. Overholtzer | aye |                     |     |

**RESOLUTION  
OF THE  
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA  
GRANTING A SPECIAL USE PERMIT FOR A  
FLORIST SHOP  
AT 2010 N AUGUSTA STREET (PIN 2946)**

**Recitals**

A. Swan's Properties, LLC (Owner), owner of certain land identified as parcel identification number (PIN) 2946, currently addressed as 2010 N Augusta Street, in the City of Staunton, Virginia (the Property), having acquired the land through a deed dated December 31, 2024 and recorded in the Clerk's Office of the Circuit Court of the City of Staunton as Instrument Number 250000014, is requesting a Special Use Permit to use the existing building located on the property as a florist shop (the Project);

B. The Owner seeks a Special Use Permit under Staunton City Code (SCC) Section 18.50.030 to establish the new use;

C. The Property is located within a P-1, Professional District, which, according to SCC Section 18.50.030 florist shops may be permitted on review;

D. The Staunton Planning Commission conducted a public hearing on the request, after notice and advertisement as required by law on March 20, 2025 and recommended approval of the Special Use Permit;

E. Upon consideration of comments received at the public hearing, as well as the factors set forth within Section 18.50.030 and Chapter 18.210 of the SCC, Staunton City Council finds and determines that granting the proposed Special Use Permit would serve the public necessity, convenience, general welfare and good zoning practice; and

F. 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. Any alterations to the building must comply with the provisions of the Virginia Uniform Statewide Building Code as determined by the Staunton Building Official and Title 18, Zoning, of the Staunton City Code as determined by the Staunton Zoning Administrator

Introduced: April 24, 2025

Adopted: April 24, 2025

Effective Date: April 24, 2025

Signed: MICHELE D. EDWARDS, MAYOR

Attest: KILEY A. KESECKER

Clerk of Council

**D. Public Hearing and Consideration of an Ordinance Authorizing the Lease Agreement Between City of Staunton and Staunton Baseball, Inc. for the Limited Use of Baseball Field, and Operation of Concession Rights**

City Attorney John Blair stated that the city intends to enter into a lease agreement with Staunton Baseball, Inc. for the lease of John Moxie Memorial Baseball Stadium and related facilities for the purposes of the 2025 Valley League baseball season and the operation of the concession stand at the stadium. Staunton Baseball, Inc. also wants to hold promotional music events immediately preceding the homes games on May 31, June 7, 14, and 28, and July 20. Staunton Baseball, Inc. staff have requested access to office facilities beginning May 20, 2025. No field activity will take place until after May 20, 2025. The proposed lease agreement has been reviewed by the City Attorney with staff and is ready for consideration.

Councilmembers had no questions.

Mayor Edwards 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.

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

Vice Mayor Arrowood moved that City Council adopt the ordinance authorizing approval of the lease agreement between the City of Staunton and Staunton Baseball, Inc. for the limited use of the baseball field and operation of concession rights beginning May 20, 2025, and further authorizing the City Manager be authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

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

|                 |     |                     |     |
|-----------------|-----|---------------------|-----|
| Mr. Shepherd    | aye | Ms. Park            | aye |
| Mr. Campbell    | aye | Vice Mayor Arrowood | aye |
| Ms. Woods       | aye | Mayor Edwards       | aye |
| Mr. Overholtzer | aye |                     |     |

**Ordinance No. 2025 -09**

**AN ORDINANCE  
AUTHORIZING THE APPROVAL OF A LEASE AGREEMENT BETWEEN  
THE CITY OF STAUNTON AND STAUNTON BASEBALL, INC.  
FOR THE LIMITED USE OF BASEBALL FIELD  
AND OPERATION OF CONCESSION RIGHTS**

**Recitals**

A. The City of Staunton owns and operates John Moxie Memorial Baseball Stadium in Gypsy Hill Park;

B. Staunton Baseball, Inc. is a privately organized and operated organization that has requested a lease agreement for the use of John Moxie Memorial Baseball Stadium for the purposes, during summer months, of playing baseball during the Valley League Baseball Season, including the operation of a concession stand, and to hold promotional music events immediately preceding the homes games on May 31<sup>st</sup>, June 7<sup>th</sup>, 14<sup>th</sup>, and 28<sup>th</sup>, and July 20<sup>th</sup>.

C. The Valley Baseball League program provides the City and its residents with valued recreational and entertainment opportunities during the summer;

D. The Council of the City of Staunton has conducted a public hearing regarding the proposed lease agreement;

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 it authorizes the lease agreement between the City of Staunton and Staunton Baseball, Inc. for the limited use of the baseball field and operation of concession rights to and including May 20, 2025; and it is

**FURTHER ORDAINED** that the Staunton City Manager is authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

Introduced: April 24, 2025

Adopted: April 24, 2025

Effective Date: April 24, 2025

Signed: MICHELE D. EDWARDS, MAYOR

Attest: KILEY A. KESECKER  
Clerk of Council

**E. Public Hearing and Consideration of an Ordinance Authorizing the Lease Agreement Between City of Staunton and Happy Birthday America, Inc.**

Mr. Blair stated that the city intends to enter into a lease agreement with Happy Birthday America, Inc. for the lease of Gypsy Hill Park and related facilities for the purposes of Fourth of July-related activities. The proposed lease agreement has been reviewed by the City Attorney with staff and is ready for consideration.

Mayor Edwards asked if there were any questions from Councilmembers.

Andrew Deitz, president of Happy Birthday America, presented information on this year's celebration.

Councilmembers had no questions.

Mayor Edwards 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.

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

Mr. Overholtzer moved that City Council adopt the ordinance authorizing the approval of the lease agreement between the City of Staunton and Happy Birthday America, Inc., and further authorizing the City Manager to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

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

|                 |     |                     |     |
|-----------------|-----|---------------------|-----|
| Ms. Woods       | aye | Ms. Park            | aye |
| Mr. Campbell    | aye | Vice Mayor Arrowood | aye |
| Mr. Shepherd    | aye | Mayor Edwards       | aye |
| Mr. Overholtzer | aye |                     |     |

#### **Ordinance No. 2025-10**

### **AN ORDINANCE AUTHORIZING THE APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF STAUNTON AND HAPPY BIRTHDAY AMERICA, INC. FOR HAPPY BIRTHDAY AMERICA'S BIRTHDAY CELEBRATION 2025 FOURTH OF JULY HOLIDAY ACTIVITIES**

#### **Recitals**

A. The City of Staunton (City) owns and operates what is commonly known as Gypsy Hill Park;

B. Happy Birthday America, Inc. (HBA) is a privately organized and operated organization that has requested a lease agreement for charitable and educational purposes to sponsor and conduct Fourth of July-related activities for the year 2025;

C. HBA's Fourth of July activities provide the City and its residents with valuable civic, educational, and recreational opportunities;

D. The Council of the City of Staunton has conducted a public hearing regarding the proposed lease agreement;

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 it authorizes the lease agreement between the City of Staunton and Happy Birthday America, Inc. to sponsor and conduct Fourth of July-related activities for the year 2025; and it is

**FURTHER ORDAINED** that the Staunton City Manager is authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

Introduced: April 24, 2025

Adopted: April 24, 2025

Effective Date: April 24, 2025

Signed: MICHELE D. EDWARDS, MAYOR

Attest: KILEY A. KESECKER  
Clerk of Council

**F. Consideration of an Ordinance to Establish a Budget for Fiscal Year 2026, July 1, 2025—June 30, 2026, totaling \$164,535,789 and for the Capital Improvement Plan FY2026-FY2030**

City Manager Leslie Beauregard stated that the proposed budget, as presented to Council, establishes a real estate tax rate at \$.91 per \$100 of assessed value.

Since the initial budget presentation, modifications have been made to the General Fund budget in the amount of \$190,500. The updated FY 2026 General Fund Budget is \$79,803,513. The modifications to the proposed budget include:

**Additional Revenues of \$190,500**

\$50,000 – Increase in business license tax revenue

\$140,500 – Increase in personal property tax revenue

**Additional Expenditures of \$190,500**

(\$35,080) – Economic development website

\$225,580 – Phase I of Police Department career development plan

A public hearing for the proposed real estate tax rate was advertised on February 25, 2025 in *The News Leader* and conducted at the March 27, 2025 Council meeting. The public hearing for all ordinances for the proposed budget was advertised on April 2, 2025 in *The News Leader* and conducted at the April 10, 2025 Council meeting. Council held budget discussions on the proposed budget on April 3, April 10, and April 17 for the City and School Division Proposed Budgets.

The FY 2026 budget ordinance is based on the City Manager's proposed budget with the modifications listed above.

The FY 2026 budget ordinance includes the following:

- Totals \$164,535,789 (City Budget = \$112,846,285 and School Budget = \$51,689,504).
- Provides \$18,904,462 in local funding to Staunton City Schools, an increase of \$1,647,852 over FY2025's Adopted Budget.
- Provides \$6,586,025 for all annual debt service payments for all funds.
- Provides \$1,518,813 as a transfer to the city Capital Improvement Fund.
- Sets the real estate tax at \$0.91 per \$100 of assessed values, effective January 1, 2025.
- Maintains the current personal property tax rate at \$2.90 per \$100 of assessed value, effective January 1, 2025.
- Maintains the current machinery and tools tax rate at \$1.24 per \$100 of assessed value.
- Adds one full-time position and one part-time position for the Sheriff's Office, one full-time and one part-time position for the Building Maintenance Department to the General Fund. All positions relate to Staunton's new Juvenile & Domestic Relations District Courthouse.
- Restores funding for one previously frozen full-time position in the Traffic Department.
- Restores funding for one previously frozen full-time position in the Water Distribution Division in the water fund.
- Provides \$1,334,421 in funding to outside agencies, an increase of \$179,465.
- Maintains the current utility rates for water, sewer, and stormwater.

- Provides no increase in residential or commercial refuse collection fees.

### **FY 2026-2030 Capital Improvement Plan**

- An overview of the plan was presented to the Planning Commission on January 16, 2025. A public hearing, consideration, and approval of the plan occurred at the Commission's February 20, 2025. The plan was approved on a unanimous vote.
- The plan was presented to the School Board on December 9, 2024 and adopted by the School Board on January 13, 2025.
- The plan was introduced to City Council on February 27, 2025, with subsequent work sessions on April 3, April 10, and April 17.
- The scheduled FY 2026-2030 Capital Improvement Plan totals \$78,729,917 for all city and school funds.
- While \$1,518,813 is a General Fund transfer to the FY 2026 City Capital Improvement Fund, the remainder of the FY 2026 Capital Improvement Plan will be appropriated at a later date with FY 2025 Year End Carryover.

Mayor Edwards asked if there were any questions or comments from Councilmembers.

Vice Mayor Arrowood stated that Staunton has put off major infrastructure for too long and now faces \$134,000,000 in known infrastructure needs, including the North River pipeline and Wharf tunnel. He added that a 91¢ tax rate still leaves Staunton in the bottom quartile statewide in property tax rate.

Mr. Campbell agreed with Vice Mayor Arrowood, adding that the \$360,000 tunnel design cost likely indicates that total repair costs will be ten times that amount. He also stated that funding basic infrastructure is not optional and this budget moves Staunton forward.

Mr. Overholtzer expressed concerns about the cumulative tax burden on residents given recent assessment increases and rising costs, and expressed hope that the city could still make progress on infrastructure without going to the highest of the proposed tax rates.

Mr. Overholtzer moved to adopt a proposed ordinance with a fixed real estate tax rate at 90 cents per \$100 of assessed value of such property per year, establishing and approving a budget for the City of Staunton for FY 2026 totaling \$163,878,759, and fixing other tax rates and fees as proposed, advertised, and considered for public hearing, and to adopt the FY 2026-2030 Capital Improvement Plan, as presented.

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

|     |              |     |                     |     |
|-----|--------------|-----|---------------------|-----|
| 765 | Ms. Park     | no  | Mr. Overholtzer     | aye |
| 766 | Mr. Shepherd | no  | Vice Mayor Arrowood | no  |
| 767 | Ms. Woods    | aye | Mayor Edwards       | no  |
| 768 | Mr. Campbell | no  |                     |     |

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770 Mr. Campbell moved to adopt the FY 2026 Budget Ordinance, as presented, establishing and  
771 approving a budget for the City of Staunton for fiscal year 2026, totaling \$164,535,789, and fixing  
772 other tax rates and fees as proposed, advertised, and considered for public hearing, and to adopt  
773 the FY 2026-2030 Capital Improvement Plan, as presented.

774

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

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|     |              |     |                     |     |
|-----|--------------|-----|---------------------|-----|
| 777 | Ms. Park     | aye | Mr. Overholtzer     | aye |
| 778 | Mr. Shepherd | aye | Vice Mayor Arrowood | aye |
| 779 | Ms. Woods    | no  | Mayor Edwards       | aye |
| 780 | Mr. Campbell | aye |                     |     |

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#### Ordinance No. 2025-11

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**BE IT ORDAINED** by the Council of the City of Staunton, Virginia, as follows:

**SECTION 1.** The following budget, annexed and incorporated by reference, totaling **\$164,535,789** for the City of Staunton, Virginia for the fiscal year beginning July 1, 2025 and ending June 30, 2026 is hereby proposed, approved and adopted:

**(SEE ATTACHED BUDGET, incorporated by reference)**

**SECTION 2.** Public revenues of the City of Staunton, Virginia are hereby appropriated for public purposes for the fiscal year beginning July 1, 2025, and ending June 30, 2026, as set forth in the appropriate Section of such budget.

**SECTION 3.**

3.1. The tax rate for all real estate, including real estate owned by public service corporations, subject to tax for the calendar year beginning January 1, 2025, shall be and is fixed at \$0.91 per \$100.00 of assessed value of such property per year, with assessed values being established through biennial reassessments pursuant to Section 58.1-3253 of the Code of Virginia, as amended, as of January of every odd numbered year.

3.2. The tax rate for all real property and improvements located in the Downtown Service District is subject to an additional tax for the calendar year beginning January 1, 2025, which shall be and is fixed at \$0.15 (fifteen cents) per \$100.00 of assessed value of such property for calendar year 2025. Assessed values for the Downtown Service District shall be established through biennial reassessments pursuant to Section 58.1-3253 of the Code of Virginia, as amended, as of January 1 of every odd numbered year. These rates shall continue until modified by action of the Council of the City of Staunton, Virginia.

**SECTION 4.**

4.1. The tax rate for all personal property, including vehicles owned by public service corporations (but excluding machinery and tools, referenced and defined in Section 58.1-3507 of the Code of Virginia, as amended), subject to tax for the calendar year beginning January 1, 2025, shall be fixed at \$2.90 per \$100.00 of assessed value per year.

4.2. The tax rate for machinery and tools as defined in Section 58.1-3507 of the Code of Virginia, as amended, subject to tax for the calendar year beginning January 1, 2025 shall be and is fixed at \$1.24 per \$100.00 of assessed value per year.

**SECTION 5.** For the period of July 1, 2025, through June 30, 2026, certain categories of property exempted from taxation under Section 58.1-3600 et seq. of the Code of Virginia, as amended, shall be assessed and have imposed a fee or service charge based on the assessed value of the real estate and the amount which the City of Staunton expended in the year preceding for police and fire protection and, in the case of faculty and staff housing of an educational institution, the cost of public school education. The categories of property eligible for such assessment, and the method for calculating the assessment, are prescribed in Section 58.1-3400 et seq. of the Code of Virginia, as amended.

**SECTION 6.** The rate of service charge or fee imposed for property subject to such charge or fee under Section 5 of this ordinance shall be and is fixed and imposed at \$0.19 per annum per \$100.00 of assessed value and \$0.49 per annum per \$100.00 of assessed value for faculty and staff housing of an educational institution for the 2025 calendar year. The service charge shall be and is payable in one installment on December 15, 2025. Any service charge not paid when due shall bear interest computed at the rate of 10% per annum from the due date until paid.

**SECTION 7.** The real estate lawfully owned by the County of Augusta lying wholly or partly in the corporate limits of the City of Staunton, Virginia, shall be exempt from the service charge imposed by Section 5 of this ordinance.

**SECTION 8.** It is the intention of Section 5, 6 and 7 of this ordinance to conform to and meet all the requirements of Section 58.1-3400 et seq. of the Code of Virginia, as amended, and shall be read and construed accordingly.

**SECTION 9.** The annual salary for each member of the Council of the City of Staunton, Virginia, is hereby established as follows and shall remain in effect until formal action is taken to amend this ordinance:

**SECTION 10.**

10.1. The City Manager is hereby authorized to transfer funds from one line item to another line item within each Fund of such budget, with the exception of the general contingency account.

|                |          |
|----------------|----------|
| Mayor          | \$11,000 |
| Vice Mayor     | \$10,000 |
| Council Member | \$10,000 |

10.2. Authorization is hereby given to the City Manager to withhold or postpone the expenditure of any funds appropriated by and in this ordinance when it appears to the City Manager that it would be in the best interests of the City for such expenditure to be withheld; but, this provision shall not in any way limit or restrict the right of the Council of the City of Staunton, Virginia, in its sole discretion to the fullest extent permitted by law, to direct immediate disbursement of any appropriated funds when the Council of the City of Staunton, Virginia, is of the opinion that the funds should be expended regardless of the position or action or inaction of the City Manager.

**SECTION 11.** Any ordinance in conflict with this ordinance is hereby repealed to the extent and only to the extent that such conflict exists. However, all ordinances not in conflict with this ordinance shall continue in effect, including specifically all ordinances of the City of Staunton, Virginia relating to taxes, licenses, fees, service charges, costs and payment and collection thereof continuing in effect except as herein specifically modified.

**SECTION 12.** If any part of this ordinance is found to be invalid by competent authority, the remaining portions of this ordinance shall continue in effect to the fullest extent permitted by law.

This ordinance shall be effective July 1, 2025.

Signed: MICHELE D. EDWARDS, MAYOR

Attest: KILEY A. KESECKER  
Clerk of Council

**CITY OF STAUNTON, VIRGINIA  
FY 2026 ADOPTED BUDGET**

**GENERAL FUND**

**ANTICIPATED REVENUE**

|                           | <b>BUDGET</b> |
|---------------------------|---------------|
| General Property Taxes    | \$ 39,318,157 |
| Other Local Taxes         | \$ 20,328,522 |
| Commonwealth of Virginia  | \$ 15,155,748 |
| Current Service Charges   | \$ 2,149,436  |
| Federal Revenue           | \$ 1,145,746  |
| Recovered Costs           | \$ 524,500    |
| Licenses and Permits      | \$ 288,200    |
| Use of Money and Property | \$ 615,000    |
| Fines and Forfeitures     | \$ 200,500    |
| Miscellaneous             | \$ 77,704     |
| Total Revenue             | \$ 79,803,513 |

**APPROPRIATIONS**

|                                          |               |
|------------------------------------------|---------------|
| Transfer to Education Fund               | \$ 18,904,462 |
| Public Safety                            | \$ 17,453,657 |
| Health and Welfare                       | \$ 8,444,940  |
| Public Works                             | \$ 8,384,279  |
| General Government Administration        | \$ 8,078,751  |
| Transfer to Debt Service Sinking Fund    | \$ 5,676,903  |
| Parks, Recreation, Library, and Cultural | \$ 4,603,465  |
| Judicial Administration                  | \$ 3,952,766  |
| Community Development                    | \$ 3,061,477  |
| Transfer to the City CIP Fund            | \$ 1,518,813  |
| Nondepartmental                          | \$ (285,000)  |
| Educational Agency Contributions         | \$ 9,000      |
| Total Appropriations                     | \$ 79,803,513 |

**DEBT SERVICE SINKING FUND**

**ANTICIPATED REVENUE**

|                                |              |
|--------------------------------|--------------|
| Transfer from the General Fund | \$ 5,676,903 |
| General Revenues               | \$ 909,122   |
| Total Revenue                  | \$ 6,586,025 |

**APPROPRIATIONS**

|                      |              |
|----------------------|--------------|
| Debt                 | \$ 6,586,025 |
| Total Appropriations | \$ 6,586,025 |

**CAPITAL IMPROVEMENTS PROJECT FUND**

**ANTICIPATED REVENUE**

|                                |              |
|--------------------------------|--------------|
| Transfer from the General Fund | \$ 1,518,813 |
| Total Revenue                  | \$ 1,518,813 |

**APPROPRIATIONS**

|                      |              |
|----------------------|--------------|
| Capital Improvements | \$ 1,518,813 |
| Total Appropriations | \$ 1,518,813 |

**BLUE RIDGE COURT SERVICES FUND**

**ANTICIPATED REVENUE**

|                                   |              |
|-----------------------------------|--------------|
| Non Capital Grants/ Contributions | \$ 1,365,927 |
| Miscellaneous                     | 120,468      |
| Charges for Services              | 140,000      |
| Total Revenue                     | \$ 1,626,395 |

**APPROPRIATIONS**

|                      |              |
|----------------------|--------------|
| Operations           | \$ 1,626,395 |
| Total Appropriations | \$ 1,626,395 |

**WATER FUND****ANTICIPATED REVENUE**

|                     |    |            |
|---------------------|----|------------|
| Charges for Service | \$ | 4,699,708  |
| General Revenues    |    | 5,507,267  |
| Grant Contributions |    | -          |
| Total Revenue       | \$ | 10,206,975 |

**APPROPRIATIONS**

|                      |    |            |
|----------------------|----|------------|
| Operations           | \$ | 3,707,946  |
| Debt                 |    | 944,029    |
| Capital              |    | 5,555,000  |
| Total Appropriations | \$ | 10,206,975 |

**SEWER FUND****ANTICIPATED REVENUE**

|                      |    |           |
|----------------------|----|-----------|
| Charges for Services | \$ | 4,332,757 |
| General Revenues     |    | 2,362,061 |
| Total Revenue        | \$ | 6,694,818 |

**APPROPRIATIONS**

|                      |    |           |
|----------------------|----|-----------|
| Operations           | \$ | 3,093,483 |
| Debt                 |    | 868,342   |
| Capital              |    | 2,732,993 |
| Total Appropriations | \$ | 6,694,818 |

**PARKING FUND****ANTICIPATED REVENUE**

|                      |    |         |
|----------------------|----|---------|
| Charges for Services | \$ | 241,550 |
| General Revenues     |    | 230,811 |
| Total Revenue        | \$ | 472,361 |

**APPROPRIATIONS**

|                      |    |         |
|----------------------|----|---------|
| Operations           | \$ | 296,492 |
| Debt                 |    | 175,869 |
| Total Appropriations | \$ | 472,361 |

**STORMWATER FUND****ANTICIPATED REVENUE**

|                      |    |           |
|----------------------|----|-----------|
| Charges for Services | \$ | 1,349,145 |
| General Revenues     |    | 78,000    |
| Total Revenue        | \$ | 1,427,145 |

**APPROPRIATIONS**

|                      |    |           |
|----------------------|----|-----------|
| Operations           | \$ | 415,385   |
| Capital              |    | 1,011,760 |
| Total Appropriations | \$ | 1,427,145 |

**ENVIRONMENTAL FUND****ANTICIPATED REVENUE**

|                                   |    |           |
|-----------------------------------|----|-----------|
| Charges for Services              | \$ | 3,822,400 |
| General Revenues                  |    | 675,840   |
| Non Capital Grants/ Contributions |    | 12,000    |
| Total Revenue                     | \$ | 4,510,240 |

**APPROPRIATIONS**

|                      |    |           |
|----------------------|----|-----------|
| Operations           | \$ | 3,297,240 |
| Capital              |    | 1,213,000 |
| Total Appropriations | \$ | 4,510,240 |

**EDUCATION FUND****ANTICIPATED REVENUE**

|                                |    |                |
|--------------------------------|----|----------------|
| Commonwealth of Virginia       | \$ | 24,898,871 (1) |
| Transfer from the General Fund |    | 18,904,462     |
| Federal Government             |    | 1,956,507      |
| Charges for Services           |    | 10,000         |
| General Revenues               |    | 87,000         |
| Total Revenue                  | \$ | 45,856,840     |

**APPROPRIATIONS**

|                                         |    |            |
|-----------------------------------------|----|------------|
| Administration and Operation of Schools | \$ | 45,856,840 |
| Total Appropriations                    | \$ | 45,856,840 |

(1) This revenue figure is estimated and will be adjusted on the first budget amendment of FY2026.

**CAFETERIA FUND**

**ANTICIPATED REVENUE**

|                     |                |
|---------------------|----------------|
| Operating Grants    | \$ 1,907,952   |
| Charges for Service | 154,200        |
| General Revenues    | <u>338,316</u> |
| Total Revenue       | \$ 2,400,468   |

**APPROPRIATIONS**

|                      |                     |
|----------------------|---------------------|
| Operations           | \$ <u>2,400,468</u> |
| Total Appropriations | \$ 2,400,468        |

**SCHOOL TEXTBOOK FUND**

**ANTICIPATED REVENUE**

|                          |                |
|--------------------------|----------------|
| Commonwealth of Virginia | \$ 249,538     |
| General Revenues         | <u>150,812</u> |
| Total Revenue            | \$ 400,350     |

**APPROPRIATIONS**

|                      |                   |
|----------------------|-------------------|
| Operations           | \$ <u>400,350</u> |
| Total Appropriations | \$ 400,350        |

**SCHOOL CAPITAL IMPROVEMENTS PROJECT FUND**

**ANTICIPATED REVENUE**

|                  |                   |
|------------------|-------------------|
| General Revenues | \$ <u>200,000</u> |
| Total Revenue    | \$ 200,000        |

**APPROPRIATIONS**

|                      |                   |
|----------------------|-------------------|
| Capital Improvements | \$ <u>200,000</u> |
| Total Appropriations | \$ 200,000        |

**STATE OPERATED PROGRAMS**

**ANTICIPATED REVENUE**

|                  |                     |
|------------------|---------------------|
| Operating Grants | \$ <u>2,831,846</u> |
| Total Revenue    | \$ 2,831,846        |

**APPROPRIATIONS**

|                      |                     |
|----------------------|---------------------|
| Operations           | \$ <u>2,831,846</u> |
| Total Appropriations | \$ 2,831,846        |

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|                                 |                              |
|---------------------------------|------------------------------|
| <b>Grand Total Revenues</b>     | <b>\$ 164,535,789</b>        |
| <b>Grand Total Expenditures</b> | <b>\$ <u>164,535,789</u></b> |
| <b>Balance</b>                  | <b>\$0</b>                   |

Approved this 24th day of April 2025

Effective Date: July 1, 2025

ATTEST: \_\_\_\_\_  
Kiley A. Kesecker  
Clerk of Council

CERTIFIED: \_\_\_\_\_  
Michele D. Edwards  
Mayor of Council

898 **MATTERS FROM THE CITY MANAGER**

899  
900 Ms. Beauregard provided information and updates on trash, bulky brush, and yard waste pickup,  
901 as well as spring road paving schedules.

902  
903 **MATTERS FROM THE PUBLIC**

904  
905 Mayor Edwards read the following statement:

906  
907 “This part of City Council’s agenda is entitled matters from the public. It is a time that Council  
908 sets aside to hear from citizens and others about a wide variety of subjects. A copy of the Staunton  
909 City Council’s ‘Matters from the Public’ rules is available in paper form at the Clerk’s desk and  
910 online at the City of Staunton webpage. You are asked to familiarize yourself with those rules  
911 before commenting. Please come to the podium or raise your hand, identify yourself, and complete  
912 your remarks within five minutes.”

913  
914 Constance Birch, 319 Mary Gray Lane, discussed ways the city could potentially generate revenue  
915 besides raising taxes.

916  
917 Cindy Connors, 106A Skyline Avenue, thanked Council for the proclamation and provided  
918 information on the *Stamp Out Hunger* food drive.

919  
920 Karen Ress, 220 Biltmore Street, thanked Council for settling on the 91¢ tax rate and for the  
921 thoughtful discussion leading up to it.

922  
923 There was no one else present wishing to speak.

924  
925 **ADJOURNMENT**

926  
927 There being no further business to come before Council, the meeting adjourned at 8:40 p.m.  
928  
929  
930  
931  
932

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Kiley A. Kesecker  
Clerk of Council

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                                                                                                                              |              |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Meeting Date:                                        | May 8, 2025                                                                                                                                                                  | City Council |
| Item #                                               | A.2                                                                                                                                                                          |              |
| Department:                                          | City Council                                                                                                                                                                 |              |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Engagement<br>Strategic Area: Responsive, Efficient Government                                                                                                        |              |
| Subject:                                             | Consideration of Proclamations to be Presented in Council Chambers at the May 22, 2025 City Council Meeting— LGBTQ+ Pride Month & The Shenandoah LGBTQ Center and Juneteenth |              |

**Background:** Per [City Council Procedure Memorandum No. 19](#), all proclamations presented in Council Chambers must be approved by City Council at the preceding regular meeting.

The item before City Council is the approval of two requests for proclamations to be presented in Council Chambers at the May 22, 2025 Council meeting. The proclamations are in recognition of **LGBTQ+ Pride Month & The Shenandoah LGBTQ Center and Juneteenth**. Should Council approve these proclamations, they will be prepared for presentation at the beginning of the Regular Meeting on May 22.

**Attachment:** Not applicable

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

**Suggested Motion:** I move to approve the requested proclamations in recognition of LGBTQ+ Pride Month and Juneteenth for presentation at the May 22, 2025 City Council meeting.

**City Manager:** Leslie Beauregard

## CITY COUNCIL



## AGENDA BRIEFING

Staunton, Virginia

|                                                      |                                                                                                                                                                                                      |                                  |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Meeting Date:                                        | May 8, 2025                                                                                                                                                                                          | Tim Hartless<br>Planning Manager |
| Item #                                               | B                                                                                                                                                                                                    |                                  |
| Department:                                          | Community Development—<br>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 Sarah Geary for a Special Use Permit to Operate a School at 224 Taylor Street Under the Provisions of Staunton City Code (SCC) Section 18.20.030(2) |                                  |

**Background:** Sarah Geary (applicant) is requesting a Special Use Permit at 224 Taylor Street (property) to operate a school in a portion of the building owned by Memorial Baptist Church. The property is located on Taylor Street across from Staunton High School and adjacent to McSwain Elementary School. The property is zoned R-1, Low Density Residential District. In the immediate area, there are two public schools and a number of single-family residential uses.

The current use of the property as Memorial Baptist Church will not change. The applicant has obtained permission from the church to use approximately 3,250 square feet of space within the existing building for the school use. This portion of the building will continue to also be used for church purposes. Churches are permitted in R-1 zoning districts by special use permit and Memorial Baptist Church has a current special use permit to operate at this location. The proposed school is not part of the church ministry; therefore, a separate special use permit is required for the school to operate at this location.

**Analysis:** The applicant proposes the school to operate in a single-room schoolhouse model. Initially, there will be two staff members and up to 12 students (based on information given to the Fire Department – attachment 1). The school will operate Monday through Friday from 8 a.m. to 3:15 p.m.

Staff has conducted a parking analysis. There are two parking calculations that could be applied to this use. Staff determined that the most appropriate calculation is the one used for kindergartens, day schools, and the equivalent private or parochial schools as this calculation includes provisions for student drop off and pickup.

|                                                                                                                                                              |                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Kindergartens, day schools, and the equivalent private or parochial schools:                                                                                 | 2 staff<br>12 students                                                               |
| Two parking spaces per three teachers and employees normally engaged in or about the building or grounds plus one off-street loading space per eight pupils. | 2 staff spaces + (12 students / 8 = 1.5)<br>(rounded up to nearest whole number = 2) |
| 2 + 2 =                                                                                                                                                      | 4 parking spaces required                                                            |

The property contains approximately 198 parking spaces. These spaces can be dual counted for the church and the school because the two entities operate at different timeframes, so parking is not an issue for this request.

As shown on the attached map (Attachment 3), surrounding zoning is all R-1, Low Density Residential District. Surrounding uses include single-family homes, two schools, and an existing church located on the same property.

Staff supports the request; however, there is one area of concern that staff believes should be addressed with a special use condition. Staff believes there should be a cap on the number of students and if that number is exceeded, a new special use permit review would be required. Staff shared its concern with the applicant, and they have proposed a cap at 100 students and school staff. Staff believes that number is too large and has proposed the cap be set at 50. That number would include students and any school related personnel.

The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, Future Land Use Map, designates this area as Low Density Residential. This designation is characterized as single-family residential with a suggested density of one to five units per acre. Although not necessarily supported by the Comprehensive Plan, the property is currently used as a church consistent with the provisions for uses permitted on review within the R-1, Low Density Residential, zoning classification. Additionally, the property is located on the edge of the adjacent residential neighborhood and adjacent to two public schools. The requested use is consistent with other established uses in the area.

#### **Planning Commission Recommendation:**

At its April 17, 2025 meeting, the Planning Commission considered the staff's recommendation to establish a cap at 50 persons. It also considered the applicant's request that the cap be set at 100 persons. After consideration and discussion, the Commission elected to set the cap at 50.

The Commission also gave consideration to where student drop offs and pickups should

occur. Currently, parents dropping and picking up students at McSwain Elementary School use the western side of the parking lot, closest to McSwain. The Commission recommended as a condition of approval, that the proposed school use the eastern side of the parking lot on the opposite side of the church building to eliminate potential conflicts between traffic for the two schools.

On April 17, 2025, the Planning Commission conducted a public hearing on the request. During the public hearing no one spoke in opposition and on a 3-0 vote, the Planning Commission unanimously recommended approval of the request with two conditions:

1. If the school use expands to exceed 50 students and staff, a new special use permit will be required.
2. Student drop offs and pickups must be done using the entrance off of Taylor Street that is furthest from North Coalter Street.

**Attachment:**

Attachment 1—Application, and Supporting Documents Supplied by the Applicant

Attachment 2—Vicinity Map

Attachment 3—Current Zoning Map

Attachment 4—Future Land Use Map

Attachment 5—Draft Resolution

**Suggested Motion:** I move that Council adopt the resolution and approve the Special Use Permit with its conditions as recommended by the Planning Commission.

**City Manager:** Leslie M. Beauregard



DEPARTMENT OF PLANNING &  
INSPECTIONS  
116 W. BEVERLEY STREET | P.O. BOX  
58 | STAUNTON, VA 24402  
540.332.3862 (OFFICE)  
540.332.3807 (FAX)

## APPLICATION FOR SPECIAL USE PERMIT

DATE: 12 March 2025

NAME OF APPLICANT: Sarah Geary

ADDRESS OF APPLICANT: 161 Bobwhite Lane, Churchville, VA 24421

PHONE #: 540-290-3437

E-MAIL ADDRESS: gearytm@gmail.com

IF APPLICANT IS **NOT** THE OWNER OF THE PROPERTY IN QUESTION, EXPLAIN. A COPY OF A PENDING CONTRACT OR OPTION AGREEMENT MUST BE ATTACHED HERETO AND MADE A PART OF THIS APPLICATION.

LOCATION OF PROPERTY: Memorial Baptist Church, 224 Taylor St., Staunton, VA 24401

MAP PROVIDED: YES X NO        SITE PLAN PROVIDED: YES        NO X

FEE PAID: YES        NO X \*check or cash only

PRESENT ZONING OF THE PROPERTY: R1

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON REVIEW:  
18.20.030 (2)

ARE PUBLIC UTILITIES AVAILABLE AND ADEQUATE FOR PROPOSED USE? IF **NO**, EXPLAIN HOW UTILITIES WILL BE PROVIDED:  
Yes, no change

LEGAL DESCRIPTION OF PROPERTY: The property is a church.

DETAILED DESCRIPTION OF PROPOSED USE (DRAWINGS MUST BE INCLUDED IF NEW CONSTRUCTION, ADDITIONS, OR CHANGES TO THE EXTERIOR OF THE PROPERTY ARE PROPOSED).

We propose that a small private school be permitted to rent some of the unused spaces of the church during the school week. No construction or changes to the property are proposed.

SIGNATURE: Sarah K. Geary



**Todd W. Latham Pastor**  
**Mark P. Bowman, Director of Youth & Children**  
**Kathy W. Lafon, Director of Music & Worship**  
**Donna H. Harner, Organist**  
**Temple D. Myers, Pastor Emeritus**

City of Staunton  
Planning Commission  
116 W. Beverly St  
Staunton VA 24401

This letter serves to inform the Staunton Planning Commission that Memorial Baptist Church is looking to enter into an agreement with Travis and Sarah Geary to operate a small private school. The school seeks to use space located within Memorial Baptist Church located at 224 Taylor St, Staunton VA 24401. We are aware that an inspection will be required.

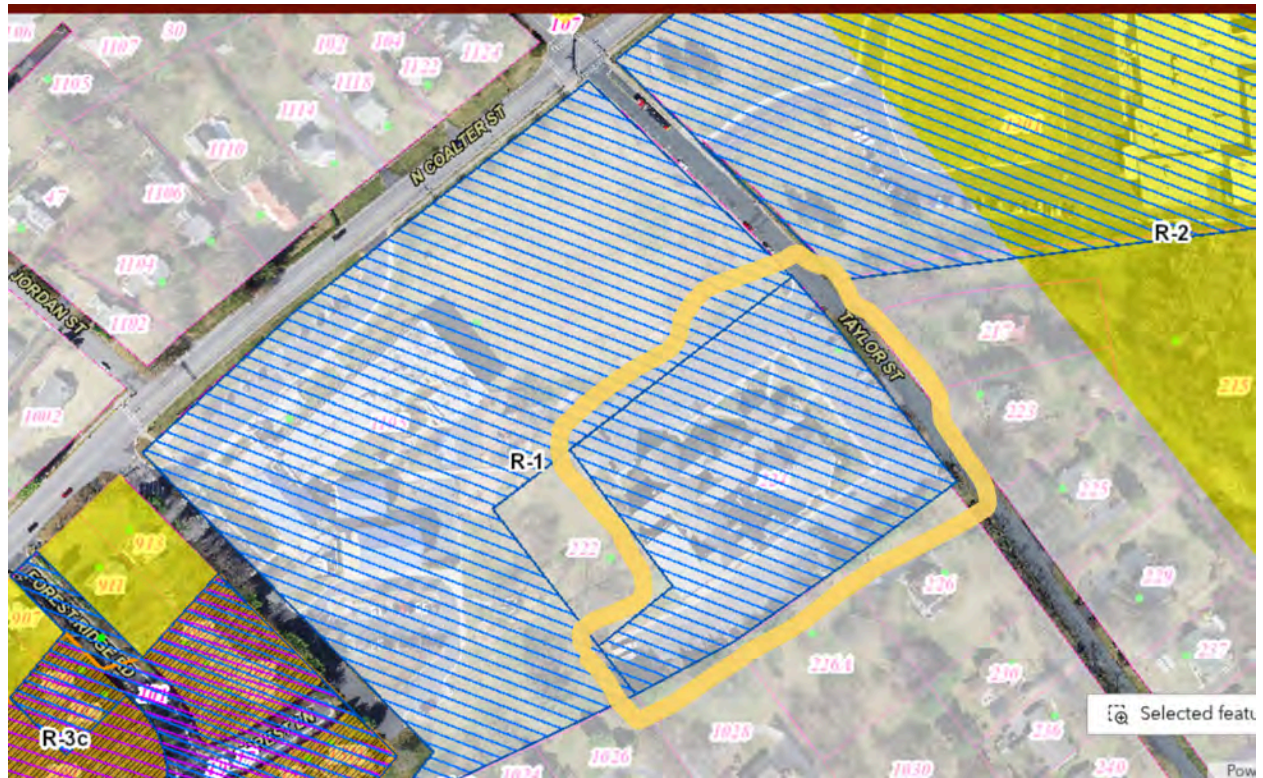
If the commission has any further questions, please contact the church office at 540-885-8033.

Sincerely,

*Todd W. Latham*

Todd Latham, Pastor

# Staunton GIS Map of Memorial Baptist Church



# Sunday School

## Youth + Children

- E26** - 1st + 2nd Grade
- CH1** - 3rd + 4th Grade
- E24** - 5th Grade
- E25** - 6th Grade
- E21** - 7th + 8th Grade Girls
- E27** - 7th + 8th Grade Boys
- E11** - Senior High 1 - 9th + 10th
- E13** - Senior High 2 - 11th + 12th

## Nursery

- N1 - N5** For young children, infant through 5 Years Old.
- E22 E23** Blessings /  
Special Needs Ministry  
A class for those with Special Needs, no matter the age.  
(Available during all services)

## Adult Classes

- S6** - **Sonrise Class (8:00am)** - A class designed for Early Risers of all ages.
- SH1** - **Rebekah Class** - A mature co-ed class welcoming sub-seniors, seniors, and super-seniors.
- S5** - **Joy Class** - Mature ladies in faith and active in service.
- S7** - **Men's Fellowship** - A class for men of all ages to spend time in fellowship and Bible Study.
- S3** - **Stewards Class** - A Sunday School class of men and women of all ages with a small-group feel.
- S9** - **Promise Class** - A class for women of all ages, from career-workers to grandmothers.
- S8** - **Friends in Fellowship** - A class for singles and couples who have raised families.
- GH1** - **"Misfits" Men's Class** - Single and married men in the midst of life raising families or actively retired. Basically, you're a guy!
- S6** - **Sonshine Class** - A class of Singles and couples of all ages.
- S4** - **Disciples for Christ Class** - A class designed for couples parenting youth and young adults.
- E12** - **Young Adult Class** - A co-ed class of college and career-aged young adults.
- GH2** - **F.I.S.H. Class** - This class is made up of young couples who are beginning careers and establishing families.

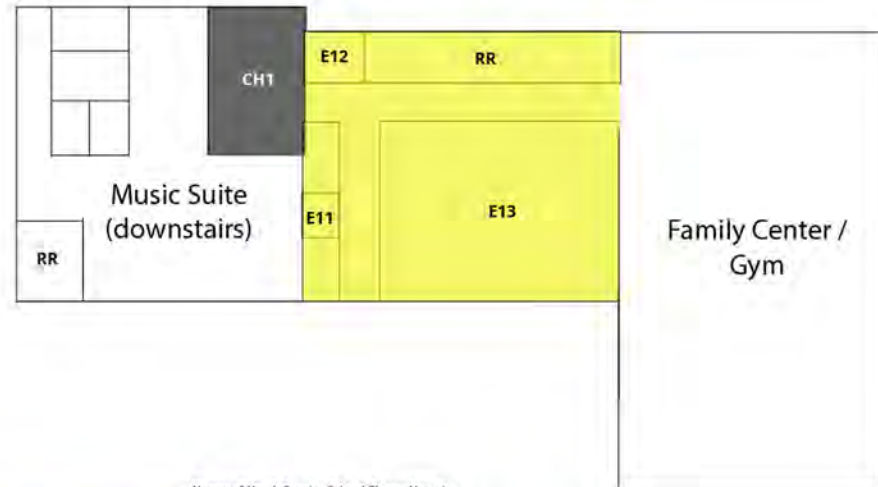
# SUNDAY morning

**Worship at 9:00 and 11:00**  
**Sunday School at 8:00 and 9:45**

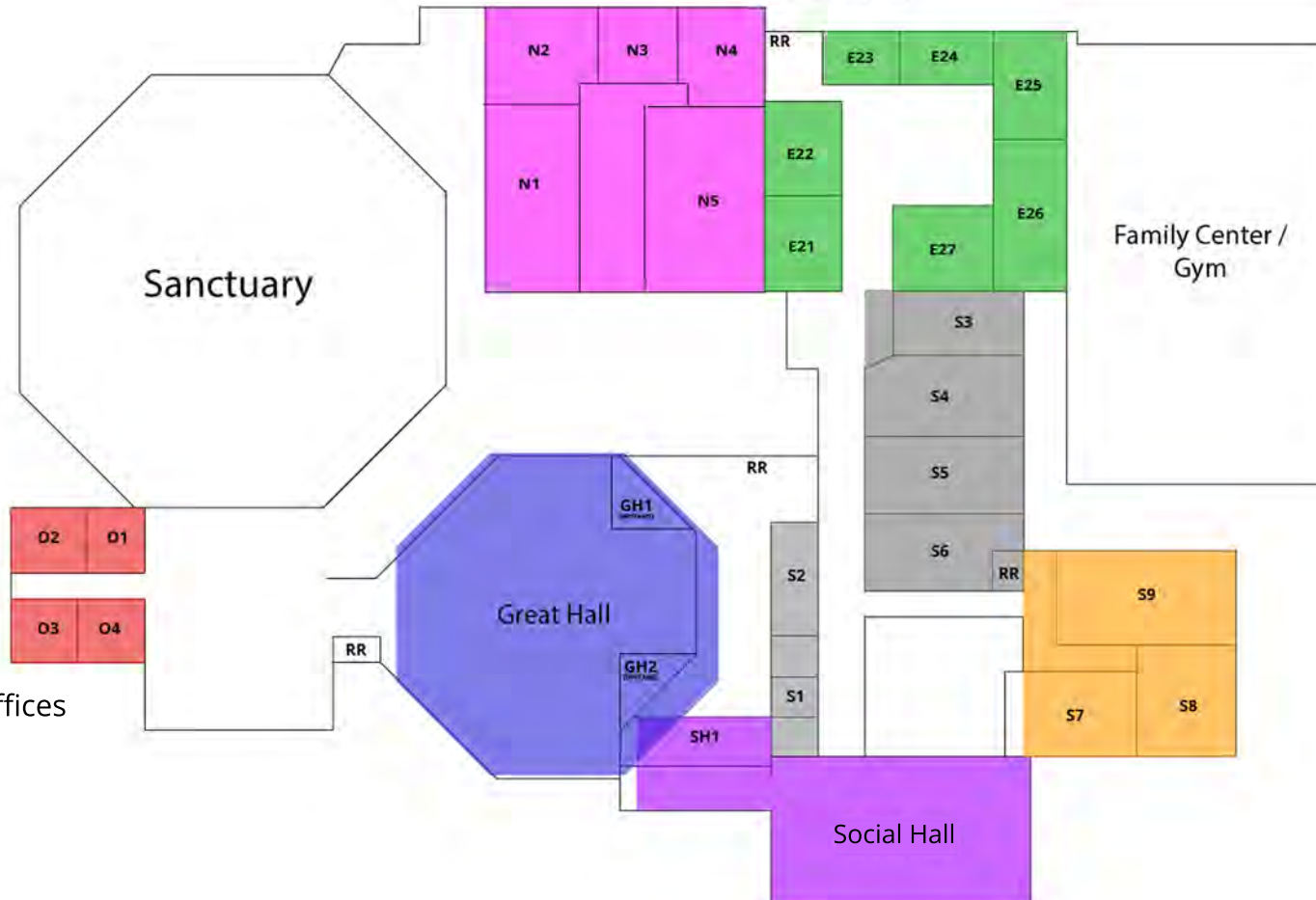


*memorial*  
BAPTIST CHURCH

Music Suite, Youth Assembly, Young Adult Class + Gym Entrance Downstairs

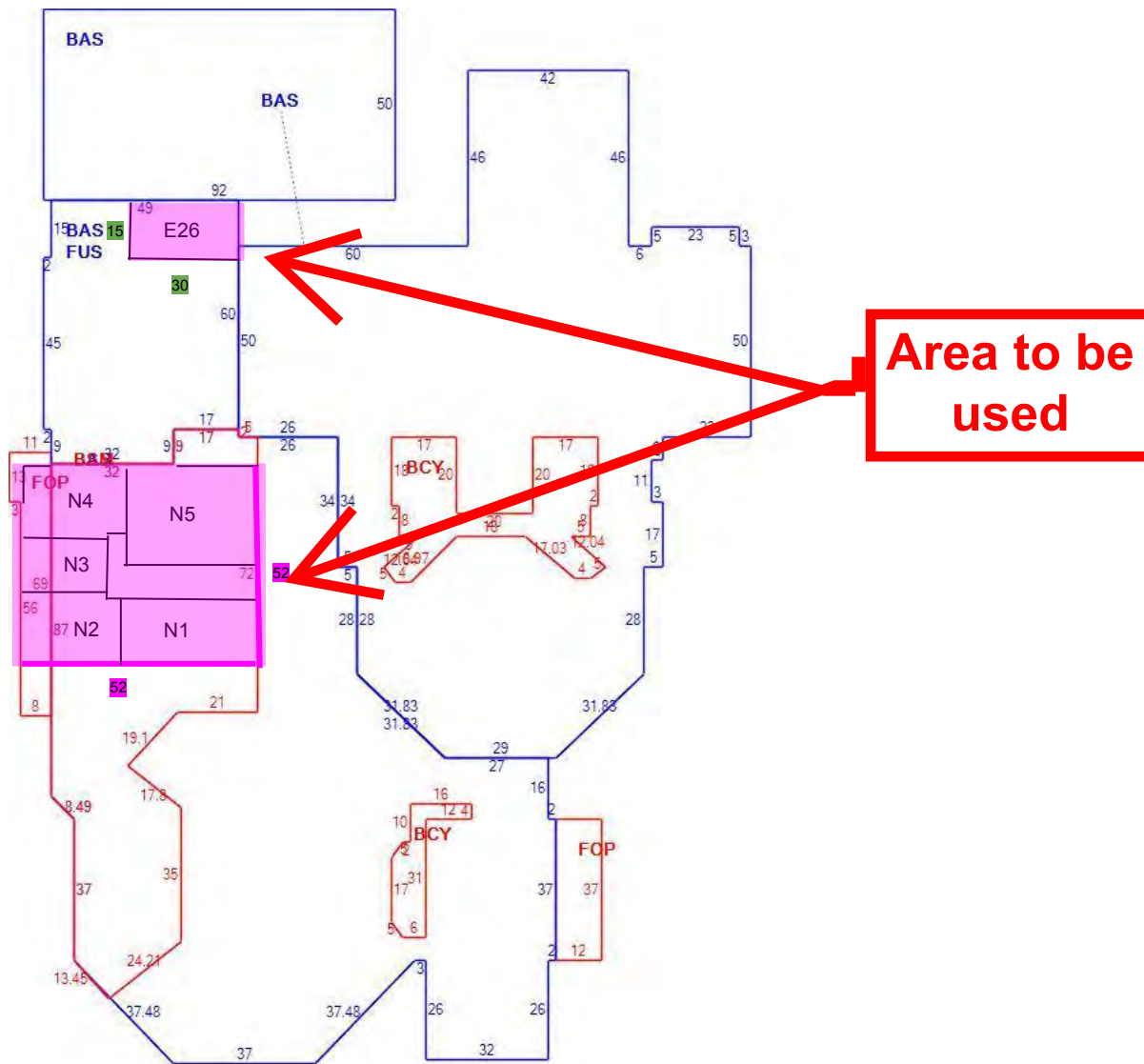


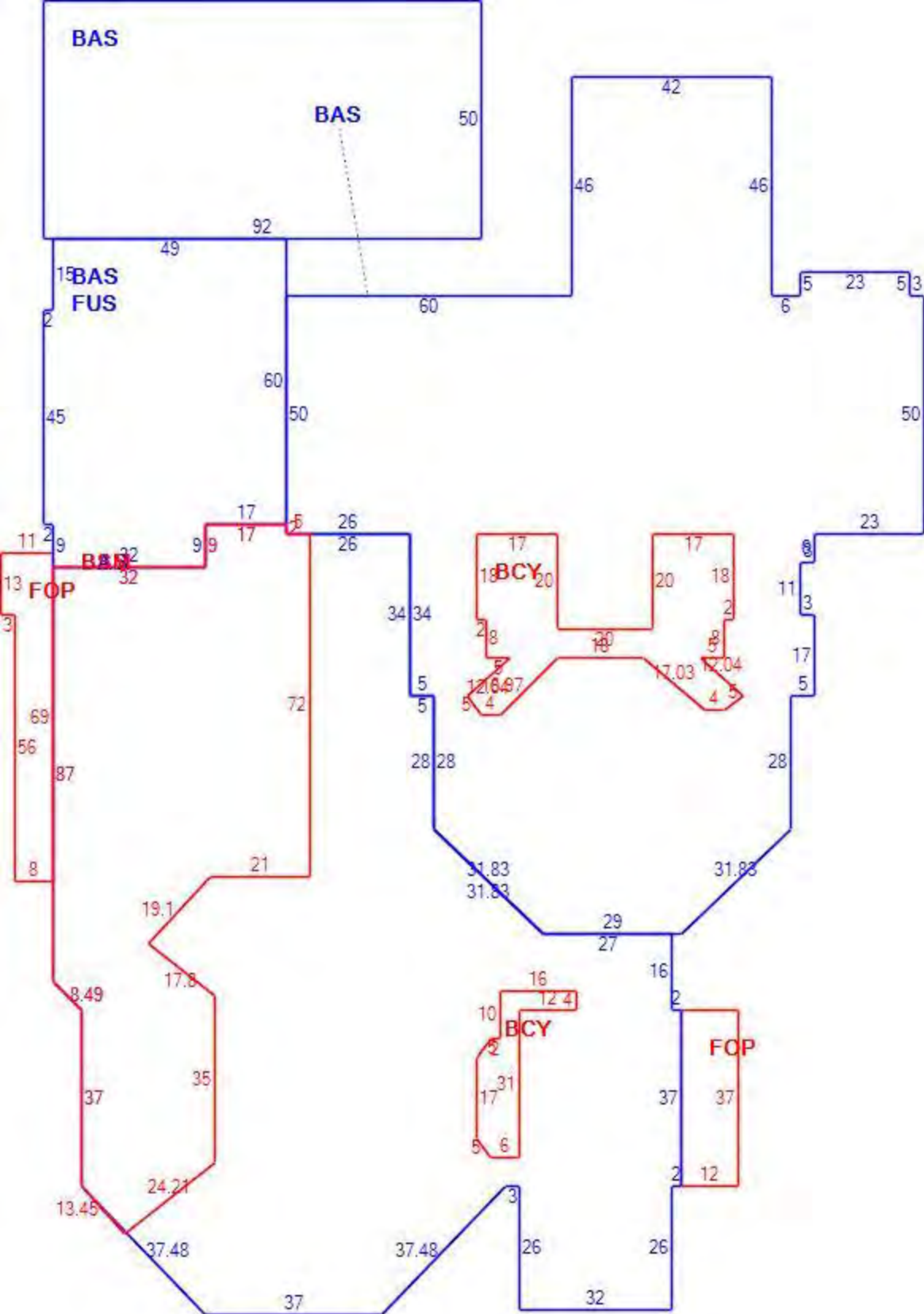
Nursery & Youth Sunday School Classes Upstairs



Church Offices

Library





**From:** [sarah.geary@actonacademyblueridge.com](mailto:sarah.geary@actonacademyblueridge.com)  
**To:** [Timothy A. Hartless](#)  
**Subject:** [Timothy A Hartless] Re: [Timothy A Hartless] Fwd: Application for a special use permit, Application for a special use permit  
**Date:** Tuesday, March 25, 2025 2:09:30 PM

---

Hello Tim,

Below are the answers to the other questions.

Thanks!

~ Sarah

- The Planning Commission is going to want to see something that shows the specific area within the church that you will use.

Attached is a parcel sketch (MBCParcelSketch.jpeg) from Saunton's GIS database: <https://gis.vgsi.com/stauntonva/Parcel.aspx?Pid=9030>)

I've also attached "MBC map.pdf" which shows the individual rooms of the church. The third attachment is "MBC Floor Plan Map Merge.pdf" which overlays the area of the church that the school plans to use from the MBC map onto the official parcel sketch.

- Will the church continue to use the space as well or will you all be the only users?

The church will continue to use the space as well.

- How many square feet of space?

The church has a total of 41,954 sqft of "living area" according to <https://gis.vgsi.com/stauntonva/Parcel.aspx?Pid=9030>). The school is considering E26 (450 sqft) and the N area of the church map (2,704 sqft). Both areas have been approved by David Smithgall.

- number of rooms?

The first year we only anticipate using 1-2 rooms.

- which floor of the building?

The N area of the church is on the ground floor. E26 is on an upper level that can be reached by stairs or elevator.

- How many students will you serve?

We currently only have 4 students enrolled. For the first year, I can't imagine having more than 10 students.

- Days and hours of the week?

Monday - Friday from 8AM-3:15PM

On Thu, Mar 20, 2025 at 10:32 AM Timothy A. Hartless

<[HartlessTA@ci.staunton.va.us](mailto:HartlessTA@ci.staunton.va.us)> wrote:

Yes, a hearing on April 17 is our goal. I have been looking over your application packet this morning. We probably have enough for a staff review but I think we will need more information for the Planning Commission portion of the review.

You submitted:

Application form

Letter from the church agreeing to provide the space

a map

Additional information for Planning Commission:

- the Planning Commission is going to want to see something that shows the specific area within the church that you will use.
- Will the church continue to use the space as well or will you all be the only users?
- How many square feet of space?
- number of rooms?
- which floor of the building?
- How many students will you serve?
- Days and hours of the week?

I may ask for additional information as we go but that is what comes to mind at this time.

Tim

**Timothy A. Hartless, CZA**

Planning Manager – Current Planning

Community Development

Planning and Zoning Division

City of Staunton

---

**From:** [Sarah Geary](#)  
**To:** [Timothy A. Hartless](#)  
**Subject:** Re: [Timothy A Hartless] Fwd: Application for a special use permit, Application for a special use permit  
**Date:** Thursday, March 20, 2025 12:39:09 PM  
**Attachments:** [image001.png](#)

---

Thank you, Tim. We'll work on getting together answers for the questions you asked on the other email chain. Here are some answers to the Fire Dept. questions below:

How many students and staff?

- We currently have 4 students enrolled and 2 staff. For the first year, I can't imagine having more than 10 students and 2 staff.

What grade levels?

- We will start with just elementary school ages (about 5-11 years old). The grades are combined in a one-room school house model.

Are there any special needs individuals?

- No. Our school is not licensed to work with special needs students.

On Thu, Mar 20, 2025 at 10:34 AM Timothy A. Hartless <[HartlessTA@ci.staunton.va.us](mailto:HartlessTA@ci.staunton.va.us)> wrote:

Well, it looks like I was wrong about having enough for staff. The Fire Department just contacted me and are asking the following:

How many students and staff?

What grade levels?

Are there any special needs individuals?

**Timothy A. Hartless, CZA**

Planning Manager – Current Planning

Community Development

Planning and Zoning Division

City of Staunton

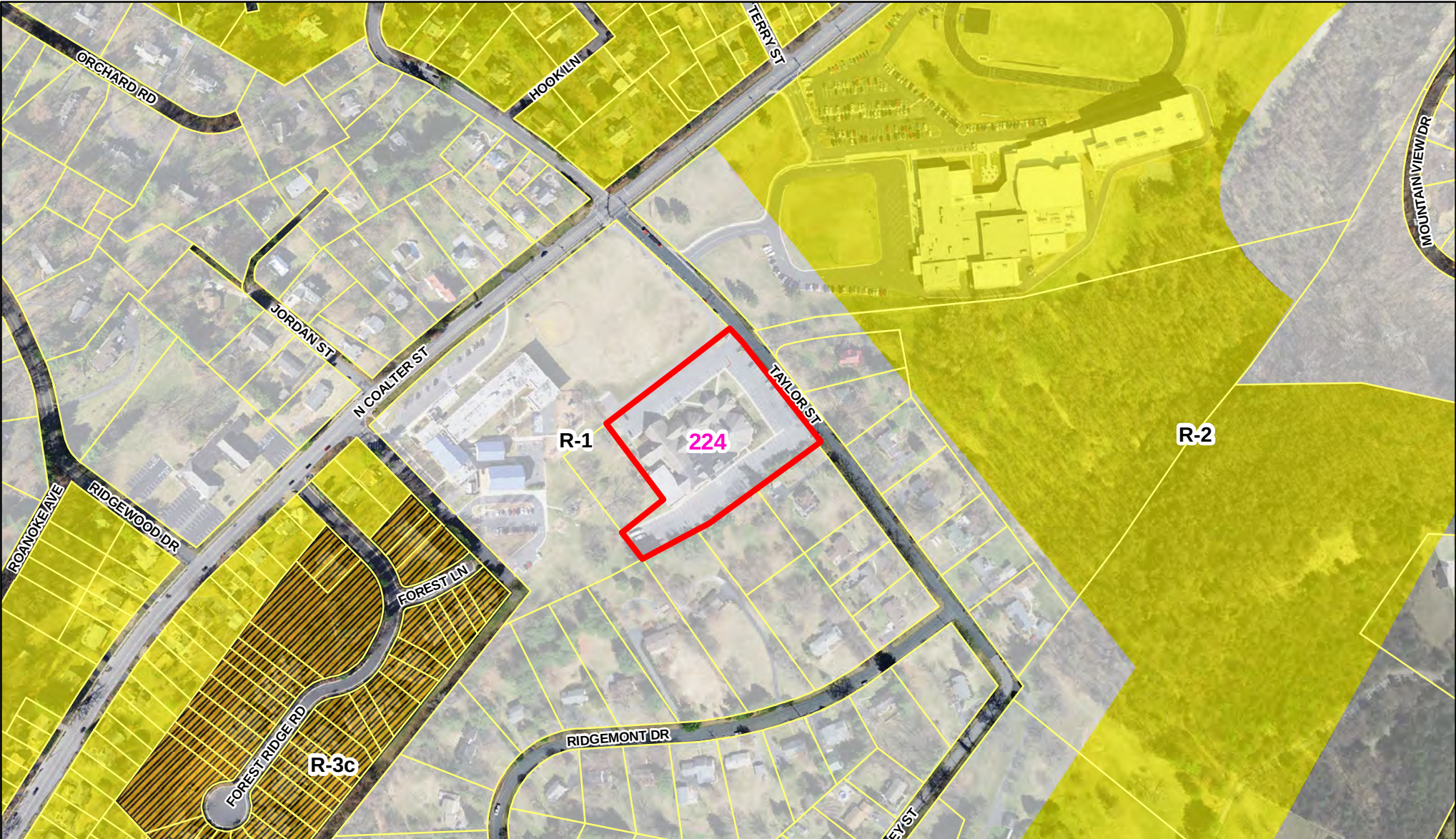
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# Vicinity Map: 224 Taylor St

Attachment 2



# Current Zoning: 224 Taylor St



### 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)

TRD-1 (Traditional Residential Development District)

### Additional Layers

Selected Property

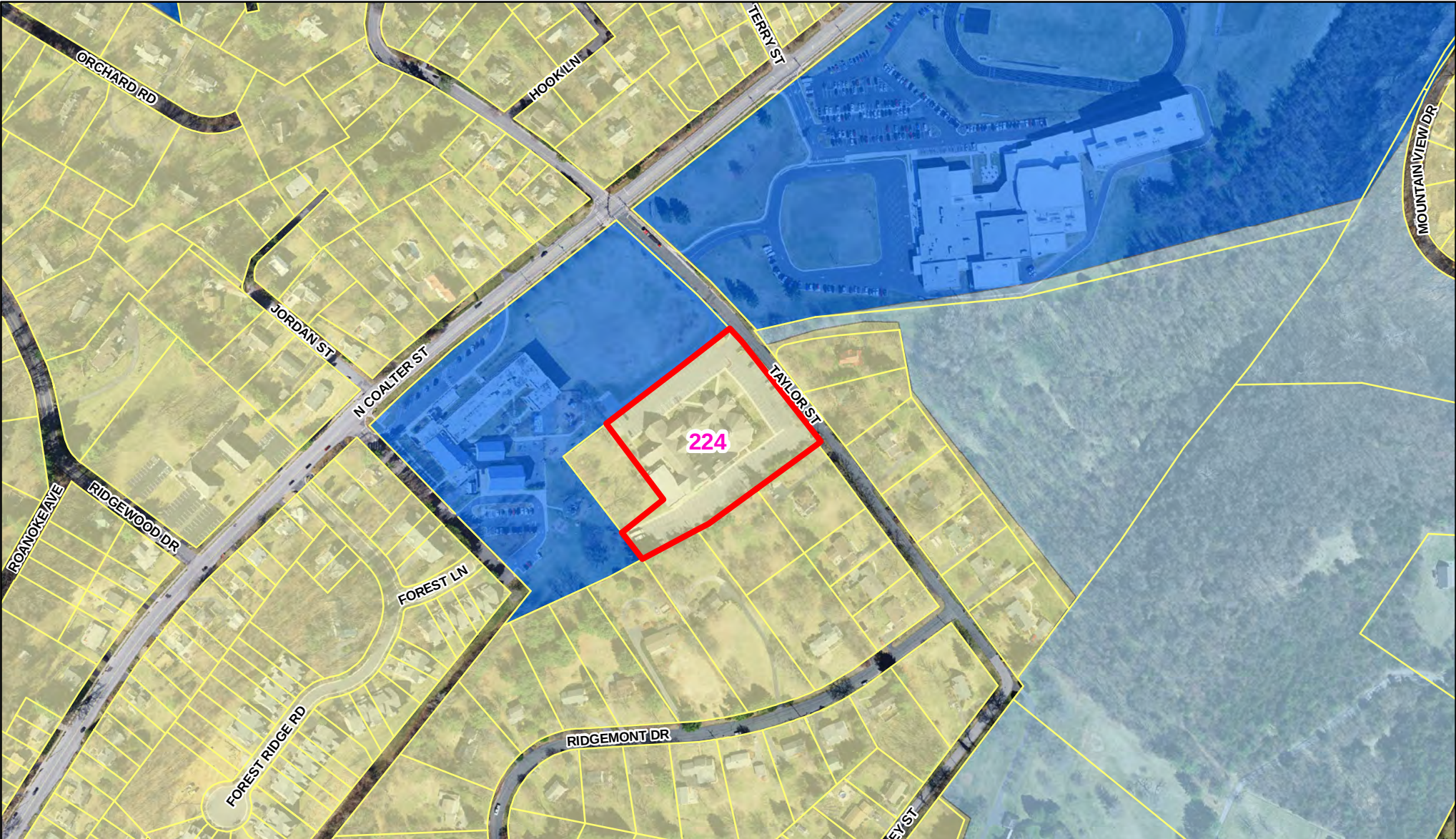
Lot\_Lines



0 150 300 600 Feet

# Future Land Use: 224 Taylor St

Attachment 4

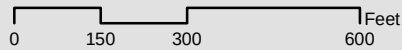


## Future Land Use

- |                                    |                                    |                                      |                    |
|------------------------------------|------------------------------------|--------------------------------------|--------------------|
| CONSERVATION/RECREATION/OPEN SPACE | LOW DENSITY RESIDENTIAL            | TRADITIONAL NEIGHBORHOOD DEVELOPMENT | PLANNED BUSINESS   |
| PLANNED FARM DEVELOPMENT           | LOW DENSITY PLANNED RESIDENTIAL    | LOW DENSITY PLANNED RESIDENTIAL      | BUSINESS           |
| PUBLIC/SEMI-PUBLIC                 | MEDIUM DENSITY RESIDENTIAL         | NEIGHBORHOOD RESIDENTIAL             | PLANNED INDUSTRIAL |
|                                    | MEDIUM DENSITY PLANNED RESIDENTIAL | PROFESSIONAL                         | LIGHT INDUSTRIAL   |
|                                    | HIGH DENSITY RESIDENTIAL           |                                      | HEAVY INDUSTRIAL   |

## Additional Layers

- Selected Property  
 Lot\_Lines



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**RESOLUTION  
OF THE  
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA  
GRANTING A SPECIAL USE PERMIT FOR A  
PRIVATE SCHOOL  
AT 224 TAYLOR STREET (PIN 9030)**

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**Recitals**

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**A.** Sarah Geary (Applicant), has requested a Special Use Permit at 224 Taylor Street, identified as parcel identification number (PIN) 9030, in the City of Staunton, Virginia (the Property), to use a portion of the existing church building located on the Property as a private school (the Project);

**B.** The Applicant seeks a Special Use Permit pursuant to Staunton City Code (SCC) Section 18.20.030(2) to establish the project;

**C.** The Property is located within a R-1, Low Density Residential District, which, according to SCC Section 18.20.030(2) elementary or high schools, private or public may be permitted on review;

**D.** The Staunton Planning Commission conducted a public hearing on the request, after notice and advertisement as required by law on April 17, 2025 and recommended approval of the Special Use Permit;

**E.** Upon consideration of comments received at the public hearing, as well as the factors set forth within Section 18.20.030 and Chapter 18.210 of the SCC, Staunton City Council finds and determines that granting the proposed Special Use Permit would serve the public necessity, convenience, general welfare and good zoning practice; and

**F.** 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:

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1. If the school use expands to exceed 50 students and staff, a new special use permit will be required.
  2. Student drop offs and pickups must be done using the entrance off of Taylor Street that is furthest from North Coalter Street.

Introduced:

Adopted:

Effective:

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\_\_\_\_\_  
Michele D. Edwards, Mayor

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

DRAFT

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, Virginia

|                                                               |                                                                                                                                                              |                                                                                    |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Meeting Date:                                                 | May 8, 2025                                                                                                                                                  | Linda Nesselrodt<br>Zoning Administrator &<br>Historic Preservation<br>Coordinator |
| Item #                                                        | C                                                                                                                                                            |                                                                                    |
| Department:                                                   | Community<br>Development—<br>Planning and Zoning                                                                                                             |                                                                                    |
| Alignment with<br>Staunton Plan<br>(Value/Strategic<br>Area): | Strategic Areas: Infrastructure; Responsive,<br>Efficient Government                                                                                         |                                                                                    |
| Subject:                                                      | Public Hearing and Consideration of<br>Amendments to Chapter 18.85, H-1, Historic<br>Preservation District of Title 18, Zoning, of the<br>Staunton City Code |                                                                                    |

**Background:** The Staunton Historic Preservation Commission (HPC) held a work session in October of 2024 to discuss possible changes to the H-1, Historic Preservation District ordinance. The proposed changes were to include updating definitions, administrative review for certain exterior changes, an exception to the guidelines, and updating maintenance provisions.

## **Proposed Amendments**

**Definitions:** The proposed changes to definitions will better align the city ordinance with the federal *Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* for reconstruction, rehabilitation, and restoration. This includes the addition of a definition for "preservation".

A revision to the definition of "repairs" to require that the HPC review any work or replacement in kind when the work or replacement exceeds fifty percent of the building

element. This purpose of this change is to address problems that have occurred in recent years with replacement of roof surfaces; specifically, with improper installation of historic standing seam metal roofing and where porches or decks have been removed and replaced with in-kind materials but have resulted in a total reconstruction where important elements have been lost.

The addition of a definition of “substantial justification” as it pertains to the proposed exception to the guidelines in certain applications.

**Administrative processing of applications:** Throughout the chapter, small changes are proposed to update how Certificates of Appropriateness are processed, clarification on treatment types, and updating the responsible person to inspect for conformance with the chapter.

**Exception to guidelines:** In cases where the HPC deems it necessary, this change will grant the HPC the availability to deviate from the Historic District Design Guidelines when approving a certificate for proposed alterations if the proposed changes do not change the character of the district or property.

**Administrative review:** The current ordinance allows the review of signage to be completed administratively. This process includes the review and issuance of a sign permit by city staff, along with a recommendation by Historic Staunton Foundation, to ensure the proposed signage meets city sign regulations and complies with the Staunton Historic District Guidelines. This process generally takes about ten business days.

To reduce application review times for minor changes that are appropriate treatments for historic buildings, HPC is proposing to include four additional items to be reviewed administratively. These include screening of mechanical equipment, removal of vinyl or metal siding to expose the original siding, removal of gutters to install metal, half round gutters, and replacement of roofing material with in-kind material when the repair exceeds fifty percent of the roof element. This administrative review will reduce review times from a four-week waiting period for a full HPC review, to ten business days.

**Update to maintenance provision:** This change includes clarification that paint products causing alteration and potential damage of exterior surfaces, including application of liquid siding products, are not exempted from review by the HPC.

**Planning Commission Recommendation:**

At its February 20, 2025 meeting, the Planning Commission conducted a public hearing on the request. During the public hearing no one spoke in opposition. Action on the item was postponed until the April 24, 2025 meeting to provide clarification on two items. At the April 24, 2025 meeting, the Planning Commission unanimously recommended approval of the amendment with a 3-0 vote.

**Attachment:** Draft Ordinance

**Suggested Motion:** I move that Council adopt the ordinance and approve the amendments as recommended by the Planning Commission.

**City Manager:** Leslie M. Beauregard

Ordinance No. 2025-\_\_\_\_

AN ORDINANCE AMENDING  
CHAPTER 18.85, H-1, HISTORIC PRESERVATION DISTRICT,  
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE,  
TO ADD AND UPDATE DEFINITIONS, ADMINISTRATIVE REVIEWS,  
ADMINISTRATIVE PROCESSES, AN EXCEPTION TO THE GUIDELINES, AND  
OTHER ADMINISTRATIVE UPDATES

Recitals

A. Staunton City Code (SCC) Chapter 18.85 establishes the regulations for the H-1, Historic Preservation District within the City of Staunton;

B. It is necessary to amend SCC Chapter 18.85 to align the Historic Preservation District ordinance definitions with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, to update administrative review processes, provide additional items that staff may review administratively to better serve citizens, allow for an exception to the guidelines when there is a conflict between the local zoning ordinance and the adopted guidelines as well as other updates;

C. At its December 19, 2024 meeting, the Staunton Planning Commission took action to authorize staff to work with the Staunton Historic Preservation Commission to draft the necessary zoning text amendments;

D. The Staunton Planning Commission conducted a public hearing on the request, after notice and advertisement as required by law on February 20, 2025;

E. The Planning Commission considered the matter and after study, review, and consideration of comments received during the public hearing has unanimously recommended approval of the amendments;

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

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

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Staunton, Virginia, that Chapter 18.85, H-1, Historic Preservation District, of Title 18, Zoning, of the Staunton City Code, is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

Chapter 18.85

H-1 HISTORIC PRESERVATION DISTRICT

Sections:

18.85.010 Purpose.

18.85.020 Definitions.

18.85.030 Creation of an historic preservation commission.

18.85.040 Recommendation and designation of historic districts.

18.85.050 Application to commission for certificate of appropriateness.

18.85.060 Maintenance and zoning code provisions.

**18.85.010 Purpose.**

The intent of this chapter is to promote and protect the health, safety, comfort, recreation, prosperity, and general welfare of the community through the identification, preservation, rehabilitation, restoration, reconstruction, new construction, and enhancement of buildings, structures, sites, neighborhoods, landscapes, places and areas which have special historical, cultural, artistic, architectural or archaeological significance as provided by Sections 15.2-2201 and 15.2-2306 of the Code of Virginia, as amended.

It is hereby recognized that inappropriate treatment through neglect, the deterioration, destruction, or alteration of such buildings, structures, sites, neighborhoods, landscapes, places, and areas may cause the permanent loss of unique resources which are of great value to the people of the city of Staunton, the state of Virginia and the nation, and that the special controls and incentives are warranted to ensure that such losses are avoided when possible.

The purposes for establishing this chapter are:

(1) To preserve and improve the quality of life for residents of the city by protecting familiar and reassuring visual elements in the area.

(2) To promote tourism investment and business growth by protecting historical and cultural resources attractive to visitors and thereby supporting local business and industry.

(3) To stabilize and improve property values by providing incentives for the upkeep and rehabilitation of older structures and by encouraging desirable uses and forms of economic development.

(4) To educate residents on the local cultural and historic heritage as embodied in the historic districts and properties and to foster a sense of pride in this heritage.

(5) To promote local historic preservation efforts and to encourage the identification and nomination of qualified historic properties and districts to the National Register of Historic Places and the Virginia Landmarks Register.

(6) To prevent the encroachment of additions or new buildings and structures which are architecturally incongruous with their environs within areas of architectural harmony and historic character.

(7) To recognize and develop the historic areas as integral parts of the city so that succeeding generations may build with the quality and sensitivity of past generations.

**18.85.020 Definitions.**

The following definitions apply to this chapter:

(1) "Alteration" means any change, modification, or addition to a part of or all of the exterior of any building or structure.

(2) "Building" means any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.

(3) "Building official" means that person appointed by the city manager as the individual who issues the permit for the construction, alteration, reconstruction, or demolition of all or part of any building.

(4) "Building permit" means an approval statement signed by the building official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building.

(5) "Contributing properties" means properties so designated on the inventory map of historic districts and properties which is adopted as a part of this chapter, being generally those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the part of the historic district in which they are located.

(6) "Certificate of appropriateness" means the approval statement signed by the zoning administrator~~chairman of the historic preservation commission~~ which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building within an historic district, subject to the issuance of all other regional permits needed for the matter sought to be accomplished.

(7) "Demolition" means the dismantling or tearing down of all or part of any building and all operations incidental thereto.

(8) "Exterior architectural features" means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, details, features, or elements.

(9) "Exterior environmental features" means all those aspects of the landscape or the development of a site which affect the historical character of the property including trees, shrubbery, plantings, walks, fences, walls, signs, lights, and other appurtenances and elements.

(10) "Historic district" means a geographically definable area consisting of public and/or private property within the city, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. An historic district shall further mean an area designated by the city council as an historic district pursuant to the criteria established in SCC 18.85.040(2) and (3).

(11) "Historic property" means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the city council as an historic property pursuant to the criteria established in SCC 18.85.040(2) and (3).

(12) "Material change in appearance" means a change that will affect either the exterior architectural or environmental features of an historic property or any contributing or noncontributing building, structure, site, object, or landscape feature within an historic district, such as:

(a) ~~Reconstruction or~~ Alteration of the size, shape, or facade of an historic building, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements.

(b) Demolition or relocation of an historic structure.

(c) Commencement of excavation for construction purposes.

(d) Change in the location of advertising visible from the public right-of-way.

(e) The erection, alteration, restoration or removal of any building or other structure within an historic property or district, including walls, fences, steps, and pavements, or other appurtenant features.

(f) New construction within an historic district.

(13) "New construction" means any construction within an historic district which is independent and exclusive of an existing building or structure or part thereof in the historic district.

(14) "Noncontributing properties" means properties so designated on the inventory map of historic districts and properties which is adopted as a part of this chapter, being generally those properties which by reason of age, condition, amount of alterations, form, materials, architectural details and relation to surrounding properties do not contribute favorably to the general character of the part of the historic district in which they are located.

(15) Object. An "object" is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

## DRAFT 4.22.25

(16) "Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. Limited and sensitive upgrading of mechanical, electrical, and plumbing systems, as well as other code-required work, to make properties functional is appropriate within a preservation project.

~~(176)~~ "Reconstruction" means ~~any or all work needed to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.~~ the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

(18) "Rehabilitation" means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

~~(197)~~ "Repairs" means any work or all work involving the replacement of existing material with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction. Any work or replacement, in-kind, where the project exceeds fifty percent of the building element, is not considered a repair and shall be reviewed as a rehabilitation and reviewed by the Commission.

~~(2018)~~ "Restoration" means ~~any or all work connected with the returning to or restoring of a building, or part of any building, to its original condition through the use of original or nearly original materials.~~ the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems as well as other code-required work to make properties functional is appropriate within a restoration project

~~(2149)~~ "Site" means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

~~(2220)~~ "Structure" means anything manmade that is a work made up of interdependent and inter-related parts in a definite pattern of organization.

(23) "Substantial justification" means a conflict between the Staunton Historic District Design Guidelines and the Staunton Zoning Ordinance that is not inconsequential, incidental, or trivial.

**18.85.030 Creation of an historic preservation commission.**

(1) Creation of the Commission. There is hereby created a commission whose title shall be city of Staunton historic preservation commission (hereinafter "commission").

(2) Commission Members – Number. The commission shall consist of five voting members appointed by the city council and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. All members shall be residents of the city of Staunton.

(3) Commission Members – Qualifications. To the extent available in the city of Staunton, at least two members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions and at least one member shall be appointed from among professionals in the disciplines of building construction or real estate or the general business community.

(4) Commission Members – Terms. Members shall serve three-year terms. Members may be reappointed for consecutive terms. In order to achieve staggered terms, initial appointments shall be: one member for one year; two members for two years; and two members for three years. The term of any member who is also a member of the planning commission shall be concurrent with his/her appointment to the planning commission. A new appointment shall be made by the city council for any unexpired term within 60 days after it becomes vacant.

(5) Commission Members – Conflict of Interests. No member shall participate in the selection, award, or administration of a contract, vote, participate or otherwise engage in any other conduct or action which would violate the terms of the applicable provisions of the Virginia State and Local Government Conflict of Interests Act, Sections 2.2-3100 through 2.2-3127 of the Code of Virginia.

(6) Commission Members – Removal. Any appointed member of the commission may be removed from office by the city council for inefficiency, neglect of duties, or malfeasance. An appointment to fill a vacancy shall be only for the unexpired term on the vacancy.

(7) Statement of the Commission's Powers and Responsibilities. The commission shall have the following powers:

(a) To issue or deny certificates of appropriateness for any material change in appearance including construction, reconstruction, exterior alteration, demolition, or relocation of contributing or noncontributing properties within the historic districts and for individually designated historic properties with the exceptions of ordinary maintenance and repair items listed in SCC 18.85.060;

(b) To assist and advise the city council, the planning commission, and other city departments, agencies, and property owners in matters involving historically significant sites and buildings or other properties in historic districts. Upon request of the commission and with approval of the city manager, the departments, agencies, boards, commissions, and other offices of city government shall furnish to the commission such available

information and render it such service as may be required for the exercise of the powers and performance of the duties and functions of the commission. All city departments and agencies responsible for individually designated historic properties or for properties within an historic district shall make application to the commission for review and recommendation for any project related to construction, reconstruction, substantial exterior alteration, demolition, or relocation;

(c) To continuously evaluate and recommend to the planning commission and the city council specific places, areas, neighborhoods, landscapes, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;

(d) Adopt standards or guidelines for review and approval by the city council to supplement the standards set forth in this chapter;

(e) Conduct educational programs on historic properties and districts located within the city of Staunton and on general historic preservation activities;

(f) Prepare and submit an annual budget to the city council and seek out local, state, federal, or private funds for historic preservation with consent of the city council, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;

(g) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The commission shall not obligate the city of Staunton without prior consent and the commission shall ensure that these funds do not displace any appropriated governmental funds;

(h) Employ qualified persons, if necessary, to advise and assist the commission within the limits of funds that may be made available to the commission for the performance of its work;

(i) Review and make comments to the Virginia Department of Historic Resources concerning the nomination of districts and properties within its jurisdiction to the National Register of Historic Places and to the Virginia Landmarks Register with consent of the city council;

(j) Participate in private, state and federal historic preservation programs and with the consent of the city council enter into agreements to do the same; and

(k) Perform other historic preservation activities as the official agency of the city of Staunton's historic preservation program.

(8) Commission's Power to Adopt Rules and Standards. The commission shall adopt rules and standards for the transaction of its business such as bylaws and design guidelines and criteria without amendment to this chapter as approved by city council. The commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The

commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

(9) Records of Commission Meetings and Annual Report. A public record shall be kept of the commission's resolutions, proceedings, and actions and the commission shall make an annual report with recommendations to the planning commission and the city council concerning the operation of the commission and the status of historic preservation within the city.

**18.85.040 Recommendation and designation of historic districts.**

**(1) Preliminary Research by Commission.**

(a) Inventory Map of Local Historical Resources Established. The commission shall prepare and recommend for adoption as a part of this chapter an inventory map covering the areas to be considered for inclusion as historic districts and/or historic properties and based upon the criteria set forth in this chapter. This map, hereinafter called the inventory map, when adopted shall be as much a part of this chapter as if fully described herein and shall be filed as a part of this chapter. All structures shall be considered as contributing or noncontributing structures for the purposes of this chapter. Structures or sites designated as properties which contribute to the historic character of the city shall be known as contributing properties for the purpose of this chapter. Structures or sites not designated as contributing properties shall be known as noncontributing properties. The inventory map may be amended from time to time in the same manner as the zoning district map. The commission shall compile and collect such information and conduct surveys of historic resources within the city of Staunton with the assistance of Historic Staunton Foundation.

(b) Commission's Power to Recommend Districts and Buildings to the City Council. The commission shall present to the city council recommendations for historic districts and historic properties.

(c) Commission's Documentation of Proposed Designation. Prior to the commission's recommendation of an historic district or historic property to the city council for designation, the commission shall prepare a report for nomination consisting of a completed National Register of Historic Places nomination or:

(i) A physical description;

(ii) A statement of the historical, cultural, architectural and/or aesthetic significance;

(iii) A map showing historic district boundaries and classification (i.e., contributing, noncontributing) of individual properties therein, or showing boundaries of individual historic properties;

(iv) A statement justifying district or individual property boundaries; and

(v) Representative photographs.

**(2) Designation of an Historic District or Historic Property.**

(a) Criteria for Selection of Historic District. An historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:

- (i) Have special character or special historic/aesthetic value or interest;
- (ii) Represent one or more periods, styles, or types of architecture typical of one or more eras in the history of the city, state, or region; and
- (iii) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the city.

(b) Criteria for Selection of an Historic Property. An historic property is a building, structure, site, or object, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the city, state, or region, for one of the following reasons:

- (i) It is an outstanding example of a structure representative of its era;
- (ii) It is one of the few remaining examples of a past architectural style;
- (iii) It is a place or structure associated with an event or persons of historic or cultural significance to the city, state, or the region; or
- (iv) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, state, or region.

(c) Boundaries of an Historic District or Historic Property. Boundaries of an historic district or an historic property shall be included in the separate ordinances designating such districts and properties and shall be shown on the official zoning map of the city of Staunton.

**(3) Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties.**

(a) Application for Designation of Historic Districts or Property. Designations may be proposed by the city council, the planning commission, the commission, Historic Staunton Foundation, neighborhood associations, group of property owners, or individual property owners.

(b) Required Components of a Designation Ordinance. Any ordinance designating any property or district as historic shall:

- (i) List each property in a proposed historic district or describe the proposed individual historic property;
- (ii) Set forth the name(s) of the owner(s) of the designated property or properties;

## DRAFT 4.22.25

(iii) Require that the property or district be shown on the official zoning map of the city of Staunton, Virginia, and kept as a public record to provide notice of such designation.

(c) Required Public Hearings for Designation. Requests for the designation of historic districts or historic properties or for the termination of any district or property designation previously created shall be made in the same manner provided in this title for the amendment, supplementation or changing zoning designations, and the procedure for such amendments or designations and the establishment of such district shall be in accordance with the provisions of Section 15.2-2280 et seq., Chapter 22 of Title 15.2 of the Code of Virginia, as amended. Virginia Code Section 15.2-2285 contains the procedures for amending a local zoning code. It sets forth six basic steps for zoning amendments:

(i) The planning commission prepares the proposed amendment after consultation and a recommendation from the historic preservation commission;

(ii) The planning commission, after providing notice in accordance with Section 15.2-2204 of the Code of Virginia, holds a public hearing on the proposal;

(iii) The planning commission presents the proposal to the city council, with its recommendations;

(iv) The city council, after providing notice in accordance with Section 15.2-2204 of the Code of Virginia, holds a public hearing on the proposal;

(v) If the amendment is adopted, it must be enacted in the same manner as all other ordinances; and

(vi) Any person, firm, or corporation aggrieved by the decision may file an action contesting the city council's adoption or failure to adopt a proposed zoning amendment within 30 days of the decision in the circuit court which has jurisdiction of the land affected by the decision.

(d) Recording Requirement for Historic Districts or Historic Properties. Following the creation of each historic district or historic property, a copy of the resolution creating such district or property, and a boundary description of such district, shall be filed by the zoning administrator with the clerk of circuit court for the city of Staunton.

(e) Notification of Adoption of Ordinance for Designation. Within 30 days following the adoption of the ordinance codified in this chapter for designation by the city council, the owners of each designated historic property, and the owners and occupants of each building, structure, site, or object located within a designated historic district, shall be given written notification of such designation by the commission which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated.

(f) Notification of Other Agencies Regarding Designation. The commission shall notify all necessary agencies within the city of Staunton of the ordinance for designation.

(g) Ordinance Relation to City Codes and Other Ordinances. Whenever the regulations of this chapter require more restrictive standards than are required in or under any other statute or ordinance, the requirements of this chapter shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this chapter, the provisions of such statute or ordinance shall govern.

(4) Designation of Existing Historic Districts.

(a) Upon the effective date of the adoption of the ordinance codified in this chapter, the following districts situated within the city of Staunton, Virginia, all of which are presently shown and registered with the Virginia Department of Historic Resources and the National Register of Historic Places and all of which are shown on the "Map of Staunton's National Register Historic Districts," a copy of which is on file at the city of Staunton's Department of Planning and Inspections, are hereby designated as historic districts, including:

(i) The Newtown Historic District;

(ii) The Stuart Addition Historic District;

(iii) The Beverley Historic District;

(iv) The Gospel Hill Historic District;

(v) The Wharf Historic District.

(b) Upon the effective date of the adoption of the ordinance codified in this chapter, the districts hereby created, as their boundaries are now shown on the "Map of Staunton's National Register Historic Districts," shall be overlaid onto the existing underlying zoning of such areas on the official zoning map of the city of Staunton.

**18.85.050 Application to commission for certificate of appropriateness.**

(1) Approval of Material Change in Appearance in Historic Districts or Involving Historic Properties. After the designation by ordinance of an historic property or of an historic district, no material change including construction, reconstruction, exterior alteration, demolition, or relocation that affects the appearance of such historic property, or of a contributing or noncontributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the commission. A certificate of appropriateness shall be required whether or not a building permit is required. Ordinary maintenance and repair items such as those listed in SCC 18.85.060 are exempt from review.

(2) Pre-Application Conference With Staff. Prior to the formal submission of a proposed plan of erection, demolition, alteration, or removal of buildings controlled by this chapter, the

applicant or his or her representative is encouraged to meet with the designated staff of the commission concerning the proposed plan of action and submit unofficial preliminary studies, a written description, drawings, photographs, and plans of the concept of the proposed action for tentative review, comments, and recommendations.

(3) Submission of Plans to Commission. An application for a certificate of appropriateness shall be accompanied by a written description, drawings, photographs, plans, and documentation as required by the commission and as further set forth on the application for the certificate of appropriateness. Upon the filing of a complete application and the payment of the application fee no later than the first Tuesday of the month, the application shall be considered at that month's commission meeting. An application filed or application fee paid after such first Tuesday shall cause such application to be considered at the following month's commission meeting.

(4) Interior Alterations. In its review of applications for certificate of appropriateness, the commission shall not consider interior arrangement or use having no effect on exterior architectural features.

(5) Technical Advice. The commission shall have the power to seek technical advice from outside its members on any application subject to funds being available for such purposes.

(6) Public Meetings on Applications for Certificate of Appropriateness, Notices, and Right to Be Heard. The commission shall hold a public meeting at which each proposed certificate of appropriateness is discussed. Notice of the meeting shall be emailed by the commission to all owners and occupants of the proposed property. The commission shall give the property owner and/or applicant and any other interested party an opportunity to be heard at the meeting.

(7) Commission Options. The commission may approve the certificate of appropriateness as proposed, approve the certificate of appropriateness with any modifications it deems necessary, or reject it.

The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, cultural, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

(a) Rehabilitation, Restoration, Reconstruction, Additions, Alteration, or New Construction, or Renovation. The commission shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building material, setback and landscaping and to the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties and the Staunton Historic District Design Guidelines.

(b) Relocation Criteria. A decision by the commission approving or denying a certificate of appropriateness for the relocation of a building, structure, or object shall be guided by:

(i) The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, site, or object.

(ii) The importance of the building, structure, site, or object to the ambiance of a district.

(iii) Whether there are definite plans for the property to be vacated and what the effect of those plans on the character of the surrounding area will be.

(iv) Whether the building, structure, or object can be moved without significant damage to its physical integrity.

(v) Whether the proposed relocation area is compatible with the scenic, cultural, aesthetic, historical, and architectural character of the building, structure, site, or object.

(c) Demolition Criteria. A decision by the commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites, or objects shall be guided by:

(i) The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, site, or object.

(ii) The importance of the building, structure, site, or object to the ambiance of a district.

(iii) The difficulty or the impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location.

(iv) Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the city.

(v) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.

(vi) Whether reasonable measures can be taken to save the building, structure, site, or object from collapse.

(vii) Whether the building, structure, site, or object is capable of earning reasonable economic return on its value.

(d) Applications for Demolition. In the case of an application for demolition, if preservation is found by the commission to be physically or economically unfeasible, the commission shall issue the certificate of appropriateness. If preservation is found to be both physically and economically feasible, the commission shall take or promote the taking of whatever public or private action that seems likely to lead to such preservation, either on the site on which the structure is located or on another site to which it might appropriately be moved.

Where preservation is feasible but the applicant still seeks demolition, the following provisions of subsection (7)(a)(v), Right to Demolish, from the Code of Virginia may be undertaken while alternatives for preservation are sought.

(e) Right to Demolish. The owner of an historic property or the owner of a building, structure, site, or object in any historic district, shall, as a matter of right, be entitled to raze or demolish such building, or structure; provided, that:

(i) The owner has applied to the commission for such right. If the demolition request is denied by the commission, the owner may appeal this decision to the city council;

(ii) The owner has, for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building, structure, site, or object, and the land pertaining therein to such city or municipality or to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building, structure, site or object, and the land pertaining thereto;

(iii) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the city council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above;

(iv) No offer to sell shall be made more than one year after a final decision by the city council, but thereafter the owner may renew his request to the commission to approve the demolition of the historic landmark, building, or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than \$25,000; four months when the offering price is \$25,000 or more but less than \$40,000; five months when the offering price is \$40,000 or more but less than \$55,000; six months when the offering price is \$55,000 or more but less than \$75,000; seven months when the offering price is \$75,000 or more but less than \$90,000; and 12 months when the offering price is \$90,000 or more.

(f) Undue Hardship. The commission shall have the power to reduce or suspend any of the requirements of this chapter, if the property presents special circumstances whereby the strict compliance of this chapter will produce an undue hardship or if the spirit of the chapter has been met and deviation has been deemed to be in the best interest of the city.

(g) Approval or Rejection of Application for Certificate of Appropriateness. The commission shall approve or reject an application for a certificate of appropriateness at the meeting when the item is heard as prescribed in subsection (3) of this section. Failure of the commission to act shall constitute approval, and the certificate of appropriateness shall be

issued, unless the applicant agrees to an extension of time in writing. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance of approval or denial of a certificate of appropriateness shall be sent by the United States mail or electronically to the applicant and all other persons who have requested such notice in writing filed with the commission. ~~within 15 calendar days of the date of the decision.~~

(h) Necessary Action to be Taken by the Commission upon Rejection of Application for Certificate of Appropriateness.

(i) In the event the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

(ii) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the commission shall be binding upon the building official or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

(i) Requirement of Conformance with Certificate of Appropriateness. All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. When a certificate of appropriateness has been issued, the zoning building official may administrator, may from time to time inspect the material changes, alteration, or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the city. The ~~building zoning administrator official~~ may revoke the certificate ~~or the building permit~~ if violations are not corrected by the applicant in a timely manner. The building official may place a hold on any building permits until the violation is corrected.

(j) Certificate of Appropriateness Time Constraints.

(i) Certificates of appropriateness shall be issued for a period of 12 months. On written request from an applicant, the commission may grant a single extension of its approval for a period of up to one additional year if, based upon submissions from the applicant, the commission finds that conditions on the site and in the area of the proposed project are essentially the same as when approval originally was granted.

(ii) Any certificate of appropriateness shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being commenced. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this chapter shall be excluded from the computation of the 12 months.

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(k) Recording of Applications for Certificate of Appropriateness. The commission shall keep a public record of all applications for certificates of appropriateness, and of all the commission's proceedings in connection with said application.

(l) Acquisition of Property. The commission may, where such action is authorized by the city council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.

(m) Exception to Guidelines. The commission may, when there is a conflict between the local zoning ordinance and historic district design guidelines, and there is substantial justification, deviate from the Staunton Historic District Design Guidelines when approving a certificate for proposed alterations if the exception does not change the character of the historic district or historic property. Reasons for the approval shall be noted by the member making the motion.

~~(n)~~ Appeals.

(i) An appeal from a decision of the commission may be taken to the city council by the owner of the property in question or by any person, firm, or corporation aggrieved by said decision. This appeal must be filed within 30 days of the commission's decision and the city council will hear such appeal at its next regularly scheduled meeting to be held at least 14 days after the appeal is filed. In exercising its powers, the city council may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the commission.

(ii) If the city council fails to approve the application, an appeal may be filed by the property owner or any aggrieved person, firm, or corporation with the Staunton Circuit Court within 30 days of the city council decision.

~~(o)~~ Notwithstanding the foregoing, however, a certificate of appropriateness may be granted ~~for signs~~ by the zoning administrator without submission to the commission as a whole unless, in the discretion of the zoning administrator, the application should be reviewed by the whole commission for the following:

-(i) Installation of signage.

(ii) Screening of mechanical equipment.

(iii) Removal of vinyl or metal siding on a building to expose the original siding.

(iv) Removal of gutters to install metal, half round gutters.

(v) Replacement of roofing material with in-kind material, when the repair exceeds fifty percent of the roof element.

Appeals from the decision of the zoning administrator hereunder shall be processed as set forth in subsection (7)(~~nm~~) of this section.

**18.85.060 Maintenance and zoning code provisions.**

(1) Ordinary Maintenance or Repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on an historic property or a building, structure, site or object within an historic district to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness.

Such actions shall include the following and any similar actions which in the opinion of the commission or its designated staff will have no more effect on the character of the district than those listed:

(a) Repainting resulting in the same or in a different color. (Products causing alteration and potential damage of exterior surfaces including application of liquid siding products and ~~o~~Original painting of masonry surfaces is not exempted from review.)

(b) Replacing broken window panes, missing roof shingles, or documented missing features with matching in-kind materials.

(c) Addition or deletion of storm windows and doors, window-box gardens, awnings, temporary canopies, window air conditioners, or similar appurtenances.

(d) Addition or deletion of television or radio antennas, skylights or solar collectors in locations not visible from a public street.

(e) Planting of grass, trees and shrubs, but not including landscape treatment which substantially alters the contour of a site or involves landscaping or construction of parking areas, fences, walls, walkways, pools, fountains and the like which materially affect the appearance of a site and which is visible from a public street.

(f) Any changes to a structure which are not visible from a public street.

Provided, however, that the commission or designated staff shall have authority to order that work be stopped and that an appropriate application be filed for review in any case where in his/her opinion the action may produce the loss or irreparable changes to character-defining features of the building or arresting and spectacular effects, violent contrasts of materials or colors and intense and lurid colors or patterns, or a multiplicity of incongruous details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district.

(2) Failure to Provide Ordinary Maintenance or Repair. Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The commission shall be charged with the following responsibilities regarding deterioration by neglect:

(a) The commission shall monitor the condition of historic properties and existing buildings, structures, sites, and objects in historic districts to determine if they are being allowed to deteriorate by neglect.

Examples of such decay, deterioration or defects which, in the opinion of the commission, may result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, include but are not limited to:

(i) The deterioration of exterior walls or other vertical supports;

(ii) The deterioration of roofs or other horizontal members;

(iii) The deterioration of exterior chimneys;

(iv) The deterioration or crumbling of exterior plaster or mortar;

(v) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;

(vi) The peeling of paint, rotting, holes and other forms of decay;

(vii) The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;

(viii) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions; or

(ix) Signs that are not in good condition may be removed by the building official if not repaired by the owner within six months of a written request.

(b) In the event the commission determines a failure to provide ordinary maintenance or repair, the commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have 30 days in which to begin corrective action of the situation and completion shall be done in a timely manner. Thereafter, each day during which there exists any violation of this chapter shall constitute a separate offense and shall be punishable as provided in Division IV of this title.

(c) In addition to the remedies set forth above and, at the direction of the city council, the commission may request that staff after due notice to the owner, to enter the property and make or cause to be made such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the commission and staff. If these costs are not paid by the owner within 60 days, a lien shall be placed against the property.

(3) Affirmation of Existing Building and Zoning Codes. Nothing in this chapter shall be construed as to exempt property owners from complying with existing city building and zoning codes, nor

to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

In all other respects, the provisions of Title 18, Zoning, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:

Effective Date:

\_\_\_\_\_  
Michele D. Edwards, Mayor

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

Kiley A. Kesecker,  
Clerk of Council

## CITY COUNCIL



## AGENDA BRIEFING

Staunton, VA

|                                                      |                                                                                                                                                 |                                    |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Meeting Date:                                        | May 8, 2025                                                                                                                                     | John C. Blair, II<br>City Attorney |
| Item #                                               | D                                                                                                                                               |                                    |
| Department:                                          | City Attorney                                                                                                                                   |                                    |
| Alignment with Staunton Plan (Value/Strategic Area): | Strategic Area: Responsive, Efficient Government<br>Value: Excellence                                                                           |                                    |
| Subject:                                             | Public Hearing and Consideration of an Ordinance to Grant an Easement for Natural Gas Equipment and Facilities Across 2040 West Beverley Street |                                    |

**Background:** Staunton's new Juvenile and Domestic Relations Courthouse is currently under construction. Construction of a new courthouse was mandated by the Supreme Court of Virginia with a required completion date of November 1, 2025.

To accommodate natural gas service to the new courthouse, Columbia Gas of Virginia, Inc. has requested an easement from the north side of the property (2040 West Beverley Street) to the gas service connection on the south side of the building. The property is owned by the City of Staunton. The proposed easement is a variable width easement.

The City has advertised and solicited bids for a potential 40-year easement to be granted to place natural gas equipment and facilities across the property as detailed in the attached franchise ordinance and form of right of way agreement (Attachment 1).

At Council's regular meeting, it is anticipated that, consistent with the provisions of Virginia Code §§ 15.2-2100 and 15.2-2101 (Attachment 2), the Mayor will open all bids, read them or a summary aloud, and conduct a public hearing, as properly noticed in *The News Leader* (Attachment 3). Council will then receive any preliminary recommendations from the staff relative to any bids. Bids will be further reviewed by staff subsequent to the regular meeting or

as otherwise directed by Council. Council could adopt an ordinance, authorizing a franchise to the successful bidder, at the regular meeting or at the Council's next scheduled regular meeting.

**Attachments:**

Attachment 1— Draft Franchise Ordinance

Attachment 2— Virginia Code §§ 15.2-2100 and 15.2-2101

Attachment 3— Notice of Invitation for and Public Opening of Bids and Public Hearing

**City Manager's Recommendation:** Recommend that, at the regular meeting, the Mayor (i) open all bids received for the easement franchise, (ii) read the bids or a summary of them, (iii) inquire if any other bids are offered, (iv) receive further bids if offered, (v) declare the bidding closed, (vi) conduct a public hearing, and (vii) award the franchise if only one bid is received or, alternatively, if more than one bid is received, take the matter under advisement until Council's next meeting on May 22, 2025.

**Alternative Motions (to be made after the public hearing):**

**If only one bid is received:**

I move that City Council adopt the franchise ordinance, as presented, granting to \_\_\_\_\_ a franchise for an easement to place natural gas equipment and other facilities across City-owned property located at 2040 West Beverley Street, as set forth in the ordinance and further authorize and direct the City Manager to sign the right-of-way agreement with such modifications in final form as approved by the City Attorney.

**If more than one bid is received:** I move that Council continue this matter until its May 22, 2025 regular meeting, with staff to review the matter further for any other recommendations to Council to be made at that time when Council may adopt a proposed ordinance to grant the franchise under the conditions reflected in a finalized form of a franchise agreement.

**City Manager:** Leslie M. Beauregard

|                                                                             |                                                                      |
|-----------------------------------------------------------------------------|----------------------------------------------------------------------|
| Parcel ID No. 3432<br>Location: 2040 W. Beverley St., Staunton, VA<br>24401 | Land Record No.<br>Job/Work Order No. 24-0382656-00<br>25-0382836-00 |
|-----------------------------------------------------------------------------|----------------------------------------------------------------------|

### **EASEMENT**

This Easement (collectively, the “Easement”) is made by and between **CITY OF STAUNTON, VIRGINIA**, a Virginia municipal corporation, with a mailing address of 116 W. Beverley Street, Staunton, VA 24401 (the “Grantor”, whether singular or plural) and **COLUMBIA GAS OF VIRGINIA, INC.**, a Virginia corporation, with principal offices at 1809 Coyote Drive, Chester, Virginia 23836 (the “Grantee”).

**GRANT.** For good and valuable consideration of the sum of One Dollar (\$1.00) paid, the receipt and sufficiency of which are acknowledged by Grantor, Grantor grants to Grantee the rights in, on, over, under, across and through Grantor’s property situated in the City of Staunton, Virginia, and more particularly described in Instrument 230001874 as recorded in the Office of Recorder of Deeds, City of Staunton, Virginia on August 15, 2023 (the “Premises”) to all the following:

1. construct, operate, maintain, improve, repair, inspect, replace, alter the size, and remove or abandon in place pipelines and appurtenances, including, but not limited to, valves, markers, service lines and connections, lateral lines and connections, and cathodic and other protection(s) for transporting gas with associated products or other substances that can be transported through pipelines (collectively, the “Facilities”); and
2. perform pre-construction and due diligence work; and
3. access to and from the Easement Area (defined below) by means of existing or future roads and other reasonable routes on the Premises and Grantor’s adjoining lands to allow Grantee to exercise all rights under this Easement; and
4. exercise all other rights necessary or convenient for the full use and enjoyment of the rights granted in this Easement, including but not limited to, the right from time to time to the following: (a) clear the Easement Area (defined below) of all dwellings, garages, out-buildings, pools, decks, man-made bodies of water, leach beds, septic tanks, unapproved utility installations, or any other obstruction of any kind that, prevent or interfere with Grantee’s rights under this Easement; and (b) clear, cut, trim, and remove any and all trees, vegetation, shrubbery, brush, and overhanging branches from the Easement Area (defined below) by various means and methods, including, but not limited to, the use of herbicides approved by the United States Environmental Protection Agency ((a) and (b) together shall collectively be known as “Encroachments”).

The Facilities laid pursuant to the terms of this Easement shall be located within the limits

of a easement (“Easement Area”) as described or depicted, or both, on the attached Drawing Number **V790-58-25 revised 3/26/2025**, which is fully incorporated into this Easement, for a term not to exceed forty years, pursuant to Virginia Code Section 15.2-2100(B).

Grantor may use and enjoy the Easement Area, except to the extent such use and enjoyment interferes with the rights granted to Grantee under this Easement. Grantor shall not construct or permit to be constructed or place any Encroachments on or over the Easement Area that will, in any way, , interfere with the use and enjoyment of the rights granted to Grantee in this Easement. Except as may be consented to by Grantee, in writing, Grantor, along with Grantor’s agents, representatives, and independent contractors, shall not change the depth of cover in the Easement Area, conduct grading operations within the Easement Area, permit the dumping of refuse or waste in the Easement Area, operate heavy machinery or equipment in the Easement Area, or engage in any activity within the Easement Area that, creates or could create a safety issue or otherwise interferes with the rights granted to Grantee in this Easement.

Grantee shall restore and remediate any area on the Premises disturbed by Grantee in connection with Grantee exercising its rights under this Easement to as near as practical to the Premises’ original condition, except as provided herein. Should Grantor and Grantee disagree regarding whether Grantee is responsible for restoration or remediation hereunder (the “Dispute”), the Dispute shall be submitted to a mutually agreed upon mediator who will mediate the disagreement before any legal action is commenced in any appropriate court having jurisdiction.

Grantor represents and warrants to Grantee that, to the best of Grantor’s knowledge the following: (a) no pollutants, contaminants, petroleum, or hazardous substances have been disposed or released on or under the Premises that would cause or threaten to cause an endangerment to human health or the environment or require clean up; (b) no portion of the Premises is legally or contractually restricted as to its use or is subject to special environmental protections that would affect the use of the Easement Area for Grantee’s intended use under this Easement. Grantor further represents that it has informed Grantee, prior to the execution of this Easement, of all pollutants, contaminants, petroleum, hazardous substances, and endangerments which the Grantor knows or has reason to know exist or may exist on or under the Easement Area.

Grantor and Grantee agree that, except to the extent caused by the acts or omissions of Grantee or its representatives and contractors, Grantee shall not be liable for, and is forever released from, any and all claims, damages, losses, judgments, suits, actions, and liabilities, whether arising during, prior to, or subsequent to the term of this Easement, related to the presence of pollutants, contaminants, petroleum, hazardous substances, or endangerments in, beneath, or along the Premises.

Grantor covenants to the following: (a) to be the true and lawful owner of the Premises; (b) to be lawfully seized of the Premises in fee simple; (c) to have good right and full power to grant this Easement; and (d) that it will not convey or transfer fee simple ownership of the Premises prior to the recording of this Easement in the public land records.

Failure or refusal to exercise any rights in this Easement is not a waiver of any kind and no waiver or release is valid unless executed in writing by the waiving party and properly recorded in the public land records of the Premises' title. Both parties having participated fully and equally in the negotiation and preparation of this Easement, this Easement shall not be more strictly construed, nor any ambiguities in this Easement resolved, against either Grantor or Grantee.

The rights, privileges, and terms of this Easement shall be covenants running with the land and extend to and be binding upon Grantor and Grantee and their respective representatives, heirs, successors, and assigns.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.)

Notwithstanding the foregoing language, this Easement is governed by Article VII, Section 9 of the Constitution of Virginia.

*(Remainder of page intentionally blank. Signature page to follow)*

IN WITNESS WHEREOF, intending to be legally bound, Grantor executes this Easement this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**GRANTOR: CITY OF STAUNTON, VIRGINIA**

BY: \_\_\_\_\_ (SEAL)

Name: \_\_\_\_\_ Title: \_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) to-wit: CITY/COUNTY  
OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2025 before me, a Notary Public the undersigned officer, personally appeared \_\_\_\_\_ who acknowledged himself/herself to be the \_\_\_\_\_ of \_\_\_\_\_, a corporation/partnership, and that he/she as such being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation/partnership.

IN WITNESS WHEREOF, I, \_\_\_\_\_, a Notary Public, here unto set my hand and official seal.

\_\_\_\_\_  
(Notary Signature)

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Registration No.: \_\_\_\_\_

**Ordinance No. 2025 - \_\_**

**AN ORDINANCE**

To grant to \_\_\_\_\_, a public service corporation doing business in the Commonwealth of Virginia (SCC# \_\_\_\_\_), its successors and assigns, under the Code of Virginia, the right, for the term and upon the conditions stated in this ordinance and incorporated agreement, an easement authorizing the placement and maintenance of its gas equipment and facilities across 2040 W. Beverley St., Staunton, VA, and for that purpose to (i) construct, operate, maintain, improve, repair, inspect, replace, alter the size, and remove or abandon in place pipelines and appurtenances, including, but not limited to, valves, markers, service lines and connections, lateral lines and connections, and cathodic and other protection(s) for transporting gas with associated products or other substances that can be transported through pipelines; (ii) perform pre-construction and due diligence work; access to and from the easement area by means of existing or future roads and other reasonable routes on the premises and grantor's adjoining lands to allow grantee to exercise all rights under the easement; and (iii) exercise all other rights necessary or convenient for the full use and enjoyment of the rights granted in the easement, including but not limited to, the right from time to time to the following: (a) clear the easement area of all dwellings, garages, out-buildings, pools, decks, man-made bodies of water, leach beds, septic tanks, unapproved utility installations, or any other obstruction of any kind that prevent or interfere with grantee's rights under the easement; and (b) clear, cut, trim, and remove any and all trees, vegetation, shrubbery, brush, and overhanging branches from the easement area by various means and methods, including, but not limited to, the use of herbicides approved by the United States Environmental Protection Agency.

**Recitals**

**A.** By deed dated August 7, 2023 ("Deed") and recorded as Instrument Number 230001874, in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, Valley Investments, Inc. conveyed unto the City of Staunton, a municipal corporation of the Commonwealth of Virginia, all of that certain tract or parcel of land, together with all improvements thereon, and all rights, privileges and appurtenances thereunto belonging, situate in the City of Staunton, Virginia, and more particularly described in the Deed, and known as City Parcel Identification Number 3432, with an address of 2040 W. Beverley Street;

**B.** The property is the site of the new Juvenile and Domestic Relations District Court of the City of Staunton, currently under construction;

48  
49       **C.** Columbia Gas of Virginia, Inc. has requested a utility easement across a  
50 portion of City-owned property located at 2040 W. Beverley St., Staunton, in the form of  
51 a Right of Way Agreement (Agreement), annexed and incorporated by reference (**Exhibit**  
52 **A**);  
53

54       **D.** Consistent with Chapter II, Section 11, of the City Charter, Staunton City  
55 Code § 2.10.190 and the provisions of Virginia Code Sections §§ 15.2-2100 and 15.2-2101,  
56 the City may grant easements for a period of not longer than forty years;  
57

58       **E.** Pursuant to §§ 15.2-2101(A) and 15.2-1427 of the Code of Virginia, before  
59 granting any franchise, privilege, lease or right of any kind to use any public property  
60 described in § 15.2-2100 or easement of any description, for a term in excess of five years,  
61 except in the case of and for a trunk railway, the city or town proposing to make the grant  
62 shall advertise a descriptive notice of the ordinance proposing to make the grant in a  
63 newspaper having general circulation in the city or town;  
64

65       **F.** This matter was properly advertised in the *Staunton News Leader* on April  
66 23, 2025 and April 30, 2025;  
67

68       **G.** The Staunton City Council, at its May 8, 2025 regular meeting, conducted  
69 an opening of any bid(s);  
70

71       **H.** The Staunton City Council conducted a public hearing on May 8, 2025, on  
72 the proposed ordinance and Agreement and any bid(s);  
73

74       **I.** The provisions of Virginia Code § 15.2-2100 and Staunton City Code §  
75 2.10.180 require a recorded affirmative vote of three-fourths of all the members elected to  
76 Council to grant, lease, sell or otherwise dispose of public property;  
77

78       **J.** These recitals are deemed an integral part of this ordinance.  
79

80       **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of  
81 Staunton, Virginia, that it authorizes the grant and conveyance of the utility easement as  
82 contemplated in the proposed Agreement, for a term not to exceed forty years; and  
83

84       **BE IT FURTHER ORDAINED** that the City Manager of the City of Staunton,  
85 Virginia, is authorized to make minor modifications to the Agreement and to execute such  
86 proposed instrument on behalf of the City of Staunton, Virginia, as advised by the City  
87 Attorney of the City of Staunton, Virginia, and take all other reasonable actions in  
88 exchange for full execution by the other parties and receipt by the City of Staunton,  
89 Virginia, in a form satisfactory as determined in the sole discretion of the City Attorney.  
90

91  
92 Introduced:

93 Adopted:

Effective Date:

\_\_\_\_\_  
Michelle D. Edwards, Mayor

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

DRAFT

## § 15.2-2100. Restrictions on selling certain municipal public property and granting franchises

A. No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to the council, notwithstanding any contrary provision of law, general or special, and under such other restrictions as may be imposed by law. Notwithstanding any contrary provision of law, general or special, in case of a veto by the mayor of such an ordinance, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council to override the veto.

B. No franchise, lease or right of any kind to use any such public property or any other public property or easement of any description, in a manner not permitted to the general public, shall be granted for a period longer than forty years, except for air rights together with easements for columns for support, which may be granted for a period not exceeding sixty years.

Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor, in such manner as is provided by § 15.2-2102, and shall then act as may be required by law.

Such grant, and any contract in pursuance thereof, may provide that, upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation become the property of the city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise. Any such plant or property acquired by a city or town may be sold or leased or, if authorized by general law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for and shall make adequate provisions by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

C. Any additional restriction now required in any existing municipal charter relating to the powers of cities and towns in selling or granting franchises or leasing any of their property is hereby superseded; however, nothing herein contained shall be construed as affecting the term of any existing franchise, lease or right. The requirement of an affirmative three-fourths vote of council shall apply only to the sale of the listed properties and not to their franchise, lease or use.

D. The provisions of this section shall only apply to cities or towns and shall not apply to counties or other political subdivisions.

Code 1950, § 15-727; 1962, c. 623, § 15.1-307; 1971, Ex. Sess., c. 64; 1997, c. 587; 2001, c. 498.

The chapters of the acts of assembly referenced in the historical citation at the end of this

section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia

Title 15.2. Counties, Cities and Towns

Subtitle II. Powers of Local Government

Chapter 21. Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities

Article 1. Franchises; Sale and Lease of Certain Public Property

## § 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised

A. Before granting any franchise, privilege, lease or right of any kind to use any public property described in § [15.2-2100](#) or easement of any description, for a term in excess of five years, except in the case of and for a trunk railway, the city or town proposing to make the grant shall give notice in accordance with § [15.2-1427](#). The notice may also be advertised as many times in such other newspaper or newspapers, published outside the city, town or Commonwealth, as the council may determine.

B. The advertisement shall invite bids for the franchise, privilege, lease or right proposed to be granted in the ordinance. The bids shall be in writing and delivered upon the day and hour named in the advertisement and shall be opened in public session and marked for identification by the person designated in the advertisement to receive such bids. The cost of the required advertisement shall be paid by the city or town which shall be reimbursed by the person to whom the grant is made. The city or town shall have the right to reject any and all bids and shall reserve this right in the advertisement.

Code 1950, §§ 15-728, 15-729; 1962, c. 623, §§ 15.1-308, 15.1-309; 1971, Ex. Sess., c. 64; 1983, c. 138; 1997, c. [587](#); 2001, c. [498](#); 2024, cc. [225](#), [242](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

NOTICE OF INVITATION FOR AND PUBLIC OPENING OF BIDS AND  
PUBLIC HEARING FOR GRANT OF  
UTILITY EASEMENT ON CITY OWNED PROPERTY  
TO PLACE GAS EQUIPMENT AND OTHER FACILITIES  
ACROSS CITY-OWNED PROPERTY LOCATED AT 2040 W. BEVERLEY ST.,  
STAUNTON, VA

Notice is hereby given of the invitation for and the receipt and for the opening of bids and public hearing on a potential 40-year easement to be granted by the following referenced ordinance to be considered by the Staunton City Council at its regular meeting, in the Rita S. Wilson Council Chambers on May 8, 2025, at 7:00 p.m. This notice is occasioned by the request of Columbia Gas of Virginia, Inc. to be granted a utility easement to place gas equipment and other facilities across City-owned property located at 2040 W. Beverley St., Staunton, VA 24401.

After the Mayor or other presiding officer of City Council receives and opens and reads aloud such bids, the Council will proceed with the continued consideration of the granting of the proposed easement in the mode prescribed by law and will conduct a public hearing. The City reserves the right to reject any and all bids, pursuant to Virginia Code § 15.2-2101.

All bids must be in writing and shall include reference to the City's preferred form of any proposed agreement. All sealed bids must be submitted by not later than 5:00 p.m., local time, May 7, 2025, to the office of the Clerk of Council, 116 W. Beverley St., 3<sup>rd</sup> Floor, Staunton, VA 24401. The right is hereby expressly reserved to reject any and all non-responsive and untimely bids and to proceed as prescribed by law, as may be permitted by law. A descriptive notice of the proposed easement ordinance, including the full text of this advertised notice, includes the foregoing and following:

To grant to \_\_\_\_\_, a public service corporation doing business in the Commonwealth of Virginia (SCC# \_\_\_\_\_), its successors and assigns, under the Code of Virginia, the right, for the term and upon the conditions stated in this ordinance and incorporated agreement, an easement authorizing the placement and maintenance of its gas equipment and facilities across 2040 W. Beverley St.,

Staunton, VA, and for that purpose to (i) construct, operate, maintain, improve, repair, inspect, replace, alter the size, and remove or abandon in place pipelines and appurtenances, including, but not limited to, valves, markers, service lines and connections, lateral lines and connections, and cathodic and other protection(s) for transporting gas with associated products or other substances that can be transported through pipelines; (ii) perform pre-construction and due diligence work; access to and from the easement area by means of existing or future roads and other reasonable routes on the premises and grantor's adjoining lands to allow grantee to exercise all rights under the easement; and (iii) exercise all other rights necessary or convenient for the full use and enjoyment of the rights granted in the easement, including but not limited to, the right from time to time to the following: (a) clear the easement area of all dwellings, garages, out-buildings, pools, decks, man-made bodies of water, leach beds, septic tanks, unapproved utility installations, or any other obstruction of any kind that prevent or interfere with grantee's rights under the easement; and (b) clear, cut, trim, and remove any and all trees, vegetation, shrubbery, brush, and overhanging branches from the easement area by various means and methods, including, but not limited to, the use of herbicides approved by the United States Environmental Protection Agency.

The proposed ordinance is authorized by, among other considerations, the Staunton City Charter, Chapter II, Section 11; Staunton City Code § 2.10.190; and by Virginia Code Sections §§ 15.2-2100 and 15.2-2101.

A true and complete copy of the proposed ordinance and form of agreement, including all of its terms and conditions, is on file and available for inspection during normal working hours at the office of the Clerk of Council.

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: <https://www.ci.staunton.va.us/government/city-council/access-city-council-meetings>. 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). Hearing impaired persons desiring to participate in the public hearings should contact the Clerk of Council by email at

64 [keseckerka@ci.staunton.va.us](mailto:keseckerka@ci.staunton.va.us) to request an interpreter.

65

66

67

68

Kiley A. Kesecker,  
Clerk of Council

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69 **Please publish twice on Wednesday, April 23, 2025 and Wednesday, April 30, 2025 as a boxed ad in**  
70 **the classified “Legal Notice” section of the paper.**

## CITY COUNCIL



Staunton, Virginia

## AGENDA BRIEFING

|                                                      |                                                                     |                                                                                                              |
|------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Meeting Date:                                        | May 8, 2025                                                         | Chris Tuttle<br>Director, Parks and Recreation<br><br>Ken Jacobsen<br>Assistant Superintendent of Recreation |
| Item #                                               | E                                                                   |                                                                                                              |
| Department:                                          | Parks and Recreation                                                |                                                                                                              |
| Alignment with Staunton Plan (Value/Strategic Area): | Value: Excellence & Engagement<br>Strategic Area: Built Environment |                                                                                                              |
| Subject:                                             | Update on Gypsy Hill Park Pool House and 2025 Pool Season           |                                                                                                              |

**Background:** Chris Tuttle, Director of Parks and Recreation, will provide an update on the changes to the use of the Gypsy Hill Park Pool House for the summer 2025 season.

In November 2023, a Preliminary Architectural Report indicated structural issues with the pool house. These issues were addressed to make the pool house operational for summer 2024, but it was determined that ultimately the pool house would need to be replaced. A new pool house is in the final stages of design by Wiley|Wilson, and it is anticipated the project will go out to bid in Spring 2025. The goal is to have this new facility open for the 2026 pool season.

This spring, the pool house was inspected to prepare for the reopening this summer. Upon inspection, a few areas of new concern were identified. As a result, adjustments have been made to the use of the pool house for the upcoming season. Staff will brief City Council on these and answer any questions.

**Attachment:** Not applicable.

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

**Suggested Motion:** Not applicable.

**City Manager:** Leslie Beauregard