

**Work Session Agenda
Staunton City Council
Caucus Room
October 10, 2019
5:30 p.m.**

- 5:30 p.m. Celebration of Holiday Lights Dinner**
- Invocation/Moment of Silence—Mead**
- 6:00 p.m. 1. Consideration of Work Session and Regular Meeting Agendas**
- 6:05 p.m. 2. Presentation of Staunton Creative Community Fund Annual Report**
- 6:20 p.m. 3. & B Discussion of Application to the Virginia Department of Transportation for Transportation Alternatives Program Grant Funding—2019 Staunton Pedestrian Safety Improvement Projects**
- 6:30 p.m. 4. Exchange of Visits between Delegations from Çair Municipality, Skopje, North Macedonia and City of Staunton**
- 6:45 p.m. 5. Closed Meeting for Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Pertaining to (i) Specific Land Use and Zoning Matters; (ii) the Role of the City Attorney as to One or More City Agencies or Authorities; and (iii) Potential Jurisdictional and Venue Ramifications in the Operation of a State District Court, Including but not Limited to a Consideration of the Provisions of Section 19.2-244 of the Virginia Code, and Related Discussion within a Fuller Context of the Implications for Localities**
- 7:15 p.m. Break**

**Regular Meeting Agenda
Staunton City Council
Council Chambers
October 10, 2019
7:30 p.m.**

Call to Order

Pledge of Allegiance

Mayor's Report

Proclamation—White Cane Awareness Day

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of September 26, 2019

REGULAR MEETING

- A. Presentation by Staunton Augusta Waynesboro Metropolitan Planning Organization of Transportation Studies—Richmond Road and 250 Connector Transit Service**
- B. Consideration of Application to the Virginia Department of Transportation for Transportation Alternatives Program Grant Funding—2019 Staunton Pedestrian Safety Improvement Projects**

Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 10, 2019	City Council
Item #	1	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
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 Session, the addition/deletion of _____].

City Manager: Steven L. Rosenberg

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Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 10, 2019	Steve Rosenberg City Manager
Item #	2	
Ordinance #		
Department:	City Manager	
Council Vision:	Economic Development	
Subject:	Staunton Creative Community Fund Annual Report	

Background: Debbie Irwin, Executive Director of Staunton Creative Community Fund (SCCF), will present SCCF's annual report for fiscal year 2019. The report is attached to this agenda briefing.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg



STAUNTON CREATIVE COMMUNITY FUND

FY19 Annual Report – City of Staunton

The 2019 fiscal year has come to a close. We first would like to thank the City of Staunton for their continued support of the Staunton Creative Community Fund. Although it has been a year of transition, we have been able to make a lot of progress this past fiscal year and are looking forward to creating new and innovative ways to support entrepreneurs and help create economic vibrancy for our local community.

ENTREPRENEURIAL EDUCATION

- A. Startup Experience** – We hosted the first Startup Experience this past October where we brought together 151 high school students from Staunton, Waynesboro, Augusta County, Rockingham County, and Harrisonburg. The students formed teams and created business models that attempted to help solve some very deep problems, such as the mental health crisis for teens and safety on the roads.

We plan to host 150 students again this year on November 18-19, 2019 and invite you to attend. Peter Denbigh and I (Debbie Irwin) will be serving as the facilitators on the program.

If you would like to help: We need to recruit mentors for the program, identify potential sponsors for financial investment as well as in-kind donations of materials and food.

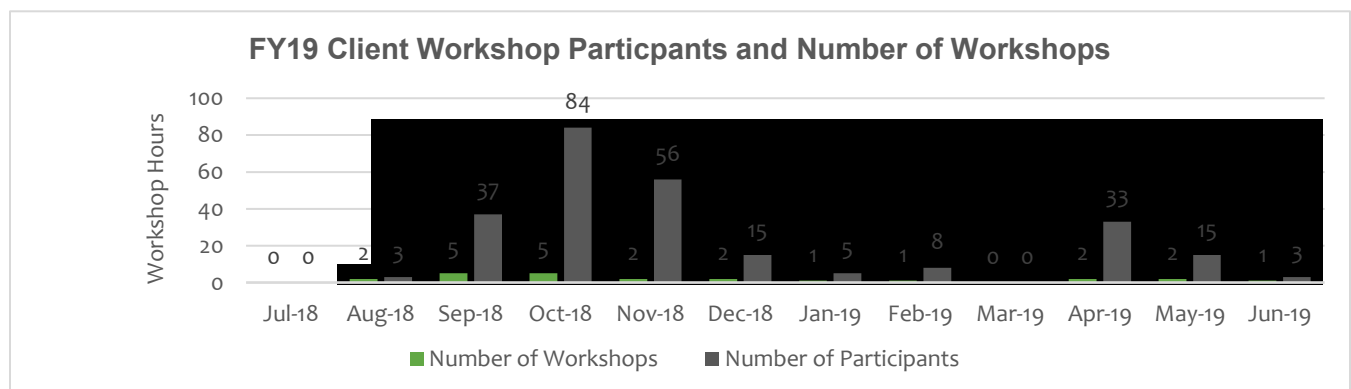
- B. Entrepreneurs Unite** – A local entrepreneur has volunteered to coordinate monthly entrepreneur meetups on the first Thursday of each month. The series will be called Entrepreneurs Unite.

If you would like to help: Let any of the entrepreneurs in your life know about the monthly event and encourage them to attend.

ENTREPRENEUR SUPPORT

A. Workshops

- a. Tuesday Tip Workshops and Professional Days** - We partnered with the Staunton Innovation Hub to present Tuesday Tip Workshops each and also partnered with the Hub to offer professional hours each Wednesday. This consists of a professional offering 3 pro-bono hours once a month in the hub on a first come first serve basis. Below you will find a breakdown of workshops conducted and the number of participants each month. Most of the participants came from the Staunton area.



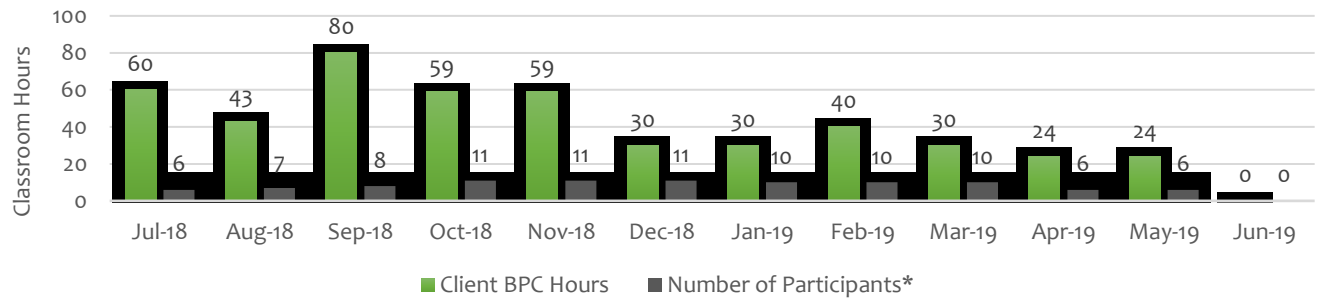
B. Business Planning Course

- a.** The Business Planning Course, now known as Business Bootcamp, saw a record number of participants this past fiscal year. We are looking forward to helping more entrepreneurs create viable business models in FY2020



STAUNTON CREATIVE COMMUNITY FUND

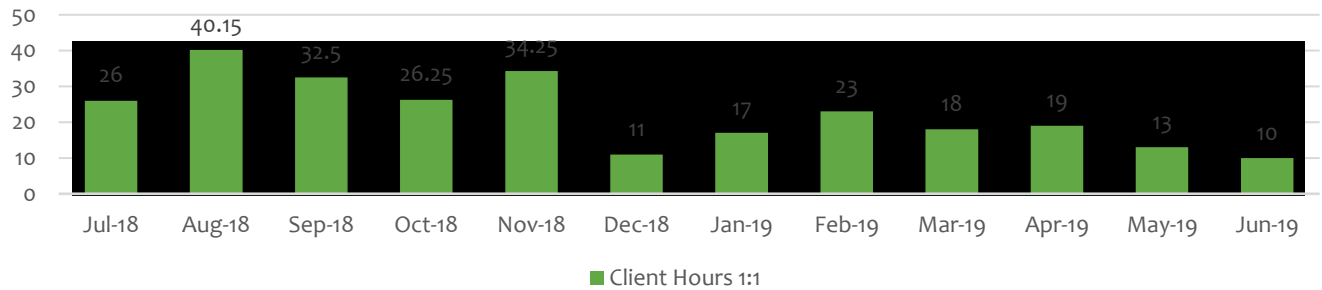
FY19 Business Planning Course Hours



C. Clients Served 1:1

SCCF offered over 270 client 1:1 hours over the course of FY19. While we may see these services decrease YoY due to capacity, this service has been highly valuable to our clients and contributed to their overall success

FY19 Client 1:1 Hours



ACCESS TO CAPITAL

A. VIDA – The VIDA program has officially launched. We have 15 individuals who have submitted applications with 7 more in the pre-screening process.

B. Loan Program

Fiscal Year Ending	Loans Issued	Total Amount Issued
2008	1	\$5,000
2009	5	\$34,500
2010	3	\$37,000
2011	9	\$203,000
2012	8	\$107,700
2013	6	\$163,000
2014	4	\$56,000
2015	4	\$98,900
2016	3	\$52,400
2017	2	\$29,900
2018	9	\$191,500
2019	4	\$43,000



STAUNTON CREATIVE COMMUNITY FUND

COMMUNITY DEVELOPMENT.

We are scheduled to host the Strategic Doing day on October 30th, 2019. Strategic Doing Day is an initiative to help build the entrepreneurial ecosystem in the Shenandoah Valley. We are bringing together all of our entrepreneurial support organizations together along with multiple localities to help build projects that highlight entrepreneurship across the region.

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 10, 2019	Staff Members: Nickie Mills Billy Vaughn Tom Sliwoski
Item #	3 & B	
Ordinance #		
Department:	Community Development—Engineering Public Works	
Council Vision:	Responsive, Efficient Government Built Environment	
Subject:	Application to the Virginia Department of Transportation for Transportation Alternatives Program Grant Funding—2019 Staunton Pedestrian Safety Improvement Projects	

Background: In 2018, the City applied for a Virginia Department of Transportation (VDOT) Highway Safety Improvement Program (HSIP) grant for pedestrian safety improvements at the following five intersections:

- Coalter Street, Edgewood Road, and Statler Boulevard
- Augusta Street and Johnson Street
- Middlebrook Avenue and Hampton Street
- Greenville Avenue and Barterbrook Road
- Augusta Street and Taylor Street

Proposed improvements include pedestrian signals, ADA-compliant curb ramps and crosswalks at each intersection. These intersections are identified City's Bicycle and Pedestrian Plan, adopted in 2018, as intersections most in need of upgrade to address inadequate or nonexistent pedestrian infrastructure.

In 2019, VDOT announced that HSIP applications would not be processed, and that no projects (including the City's) would be funded from the prior application cycle. In September of 2019, VDOT announced that localities with suspended HSIP applications, eligible for Transportation

Alternatives Program (TAP) funding, would be permitted to apply for such funding for a limited time. City staff have completed the preapplication process for TAP.

The initial HSIP application was for \$170,000, with 100% grant funding and no required local match. Projects under the TAP program are funded at 80%, with a 20% required local match. Since the initial HSIP application, VDOT has recommended that additional costs be accounted for in the final application. Final project costs are now estimated to be \$257,000, requiring a local match of \$51,400.

A resolution of support is required from City Council to be included as a part of the final application to be submitted to VDOT. A proposed resolution is attached to this briefing for Council's consideration.

City Manager's Recommendation: Recommend the resolution be adopted, as presented.

Suggested Motion: I move that Council adopt a resolution authorizing staff to apply to the Virginia Department of Transportation for a grant in the amount of \$257,000, for funding for the City's 2019 Transportation Alternatives Program (TAP) grant application, with a required local match of \$51,400.

City Manager: Steven L. Rosenberg

**TRANSPORTATION ALTERNATIVES PROGRAM GRANT RESOLUTION
2019 STAUNTON PEDESTRIAN SAFETY IMPROVEMENT PROJECTS**

WHEREAS, the City of Staunton desires to submit an application for a grant of funds from the Virginia Department of Transportation (the “Department”), in the total amount of \$257,000, from the Transportation Alternatives Program to fund the cost of the City’s 2019 Pedestrian Safety Projects, with 80% of that amount, or \$205,600, funded by the Department, and a local 20% match of \$51,400, funded by the City; and

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the City requesting that the Department establish a Transportation Alternatives Program grant project to be administered by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA, THAT:

1. The City requests the Commonwealth Transportation Board to establish a project for the 2019 Staunton Pedestrian Safety Improvement Projects as presented to City Council on October 10, 2019, with a total allocation of funds in the amount of \$257,000.
2. The City commits to provide a minimum 20% matching contribution for this project and any additional funds necessary to complete the project.
3. The City agrees to enter into a project administration agreement with the Department and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right-of-way acquisition and construction of a federally funded transportation project.
4. The City will be responsible for maintenance and operating costs of any improvement/facility constructed with Transportation Alternative Program grant funds unless other arrangements have been made with the Department.
5. If the City subsequently elects to cancel this project, the City agrees to reimburse the Department for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.
6. The Council of the City of Staunton, Virginia grants authority to the City Manager to execute project agreements, and amendments to project agreements, for the above referenced 2019 Staunton Pedestrian Safety Improvement Projects.

Adopted this 10th of October, 2019.

Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons, Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 10, 2019	Mayor Carolyn Dull
Item #	4	
Ordinance #		
Department:	City Council	
Council Vision:	Culture	
Subject:	Exchange of Visits between Delegations from Çair Municipality, Skopje, North Macedonia and City of Staunton	

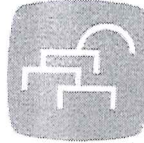
Background: During Council's work session on October 10, 2019, City Manager Steve Rosenberg will provide an update to Council concerning plans for visits by a delegation from Çair Municipality, Skopje, North Macedonia to Staunton in early November, and by a Staunton delegation to Çair Municipality later during the same month. Mr. Rosenberg will also seek guidance from Council about the arrangements for each visit. A letter from the mayor of Çair Municipality, initiating the exchange of visits, is attached to this briefing.

City Manager's Recommendation: Receive the update and provide guidance and direction.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

KOMUNA E
ÇAIRIT



ОПШТИНА
ЧАИР

MUNICIPALITY OF CAIR

KRYETARI I KOMUNËS - ГРАДОНАЧАЛНИК - MAYOR

Bul. Hristijan T. Karposh Nr. 5 | Бул. Христијан Т. Карпош бр. 5

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Mayor Carolyn W. Dull
116 W Beverley St.
Staunton, VA 24401

August 20, 2019

Dear Hon. Dull,

I am the mayor of the Çair district of Skopje, North Macedonia. Let me thank you personally for honoring the Albanian delegation that visited Staunton to honor President Woodrow Wilson at his birthplace, on the 100th anniversary of the Paris Peace Conference.

Upon our delegation's return to North Macedonia and our renewed understanding of Wilson's role in helping small nations such as ours, our Parliament has approved that a bust of President Wilson be made and placed in the main park in that district. Also, we will rename the park with President Wilson's name.

As you may remember from the Albanian event in Staunton, Mother Theresa was born in our district. Our two humble cities have in common the honor of being the birthplace of two Nobelists, two great warriors for peace.

As such, I would like to formally invite Staunton to enter with us into a "sister city" relationship. We envision this as a symbolic gesture of friendship based on our two Nobelists, without any financial requests. We would love to see more Albanians visit Staunton as a kind of historic pilgrimage. Roots and friendships are important to us.

If you should agree, we would be honored with your presence in Skopje when we unveil Wilson's bust at our renamed park, and we would also like to offer your city a meaningful representation of Mother Theresa.

Since we are still within the purview of the 100th anniversary of the Paris Peace Conference, the proposal is that this be done in 2019-2020.

Thank you for your consideration,

Visar Ganiu
Mayor



CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 10, 2019	Doug Guynn City Attorney Steve Rosenberg City Manager City Council
Item #	5	
Ordinance #		
Department:	City Attorney	
Subject:	Closed Meeting for Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Pertaining to (i) Specific Land Use and Zoning Matters; (ii) the Role of the City Attorney as to One or More City Agencies or Authorities; and (iii) Potential Jurisdictional and Venue Ramifications in the Operation of a State District Court, Including but not Limited to a Consideration of the Provisions of Section 19.2-244 of the Virginia Code, and Related Discussion within a Fuller Context of the Implications for Localities	

Suggested Motion:

Before the closed meeting: I move to enter a closed meeting for consultation with legal counsel for necessary legal-related advice and discussion pertaining to: (i) specific land use and zoning matters; (ii) the role of the city attorney as to one or more city agencies or authorities; and (iii) potential jurisdictional and venue ramifications in the operation of a state district court, including but not limited to a consideration of the provisions of Section 19.2-244 of the Virginia Code, and related discussion within a fuller context of the implications for localities, 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 OF STAUNTON, VIRGINIA

Proclamation

White Cane Awareness Day October 15, 2019

WHEREAS, the white cane, which every blind citizen of Staunton has the right to carry, demonstrates and symbolizes the ability to achieve a full and independent life and the capacity to work productively in competitive employment; and

WHEREAS, the white cane, by allowing every blind person to move freely and safely from place to place, makes it possible for the blind to fully participate in and contribute to our society and to the lives they want; and

WHEREAS, every citizen should be aware that the law requires that motorists and cyclists exercise appropriate caution when approaching a blind person carrying a white cane; and

WHEREAS, applicable law also calls upon employers, both public and private, to be aware of and utilize the employment skills of our blind citizens by recognizing their worth as individuals and their productive capacities; and

WHEREAS, Staunton, through its public agencies and agencies of the Commonwealth of Virginia, can and should facilitate the expansion of employment opportunities for and greater acceptance of blind persons in the competitive labor market.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council that October 15 is hereby designated as

White Cane Awareness Day

in the City of Staunton and Council calls upon our schools, colleges and universities to offer full opportunities for training to blind persons; upon employers and the public to utilize the available skills of competent blind persons and to open new opportunities for the blind in our rapidly changing society; and upon all citizens to recognize the white cane as a tool of independence for blind pedestrians on our streets and highways.

Dated this 10th day of October, 2019.

CAROLYN W. DULL, MAYOR

ATTEST: _____
CLERK OF COUNCIL

City Council
WORK SESSION
September 26, 2019
5:00 p.m.

Council Members Present: Mayor Dull, Vice Mayor Kier, Council Members Curren, Holmes, Oakes, and Mead. Dr. Harrington arrived at 5:46 p.m.

The Mayor called the meeting to order at 5:00 p.m., and the invocation/moment of silence was given by Mr. Holmes.

1. Consideration of Work Session and Regular Meeting Agendas

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

Ms. Oakes moved to approve the Regular Meeting agenda as presented and asked to table Item 7 on the Work Session agenda, "Presentation and Discussion of Gypsy Hill Golf Course Survey" for the next City Council meeting as there were no attachments to this particular item.

The motion was seconded by Vice Mayor Kier.

Discussion ensued among members of Council.

The motion failed as follows:

Ms. Mead	no	Mr. Holmes	aye
Vice Mayor Kier	aye	Ms. Oakes	aye
Dr. Curren	no	Dr. Harrington	absent
Mayor Dull	no		

Dr. Curren moved to accept the Work Session and the Regular Meeting agenda as presented.

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

Dr. Curren	aye	Ms. Oakes	no
Mayor Dull	aye	Ms. Mead	aye
Mr. Holmes	aye	Dr. Harrington	absent
Vice Mayor Kier	no		

2. Update Concerning Evaluation of Water Supply

Tom Sliwoski, Director of Public Works stated the Gardner Spring pump station was developed in 1949, and expanded in 1951. An intake from the Middle River was added in 1974, with other improvements later made in 1988. Very minor upgrades have been made to the station over the years. Mr. Sliwoski stated Gardner Spring itself has proven to be a very reliable, high-quality water source for the City.

Mr. Sliwoski stated the pump station and its associated components have been in place for 70 years and now is the time for the City to think about reliability, survivability and redundancy. He noted the consulting firm of Wiley|Wilson was commissioned in October 2016, to evaluate the water supply, focusing specifically on Gardner Spring, the pump station, the raw waterline, Middle River and other groundwater sources, with respect to reliability and future growth. He noted that evaluation has been completed and Dennis Knight, from Wiley|Wilson, will brief Council on the firm's findings, recommendations and priorities.

Mr. Knight stated the study evaluated the existing water source infrastructure and provided recommendations for treatment of and sustainability and reliability of the raw water supply. Mr. Knight stated the City will need to explore additional sources based on projected demands. He stated the primary recommendation is to upgrade the Gardner Spring pump station, including removing it from the flood plain, upgrading pumps, providing emergency back-up power, and constructing the first phase of a parallel line into the water treatment plant. The construction cost of this project, estimated at \$6.0 million, is identified in the City's FY2022 Capital Improvement Plan (CIP) Water Fund. Wiley|Wilson also recommends that a groundwater water source evaluation study be conducted (FY2022 CIP), and exploratory groundwater source wells drilled (FY2023 CIP).

Mr. Knight briefed Council on the City's primary goals of increasing reliability, standby power, efficiency of operations and maintenance and flood proofing. He noted the study's number one recommendation is the establishment of a Surface Water Protection Area (SWPA), but he further noted that is not a capital improvement project.

Dr. Curren asked how the Surface Water Protection Area would work. Mr. Knight stated it was a process that involved looking at that area and identifying potential contaminants and pollution sources. Mr. Knight stated this would involve the City putting a policy in place for monitoring. Mr. Sliwoski stated this would involve working with the County since the source is located outside of the City.

Mayor Dull asked Mr. Knight for clarification regarding the projected water demand.

Mr. Holmes asked Mr. Knight about other possible water sources. Mr. Knight explained the process involved regarding other water sources.

Mr. Sliwoski stated Public Works would be issuing a request for proposals (RFP) for qualified engineering firms to perform a preliminary engineering report (PER), which will be submitted to the Virginia Department of Health (VDH) Office of Drinking Water for approval. The PER is currently funded in the FY2020 budget. This RFP will also include provisions for the successful bidder to take the PER to final design (after approval by VDH), and to provide engineering services during the pre- and final- bid process and during construction. Funding for these actions will be requested in the FY2021 budget.

3. Discussion of Staunton Crossing Economic Development Business Plan

Billy Vaughn, Director of Economic Development, stated the final results of the work done at the stakeholders' meeting on December 13, 2018, was presented previously by Tim Davey of Timmons Group. At the meeting of the board of directors of the Staunton Economic Development Authority on August 22, 2019, Mr. Davey addressed the board's questions and concerns about the

proposed Staunton Crossing Economic Development Business Plan, and following the discussion, the board voted to approve the plan without changes. The motion also included a recommendation that Council approve the plan. Mr. Vaughn noted Council members had received a full copy of that summary and recommendation.

Vice Mayor Kier asked for the scheduled completion date that includes full build out. Mr. Davey explained to Council their 10 recommended steps, two of which the City has already undertaken. He stated the last five steps could be undertaken over the next 24 months.

Mayor Dull stated she had enjoyed participating in the creation of the plan.

This will be Item B on the Regular meeting agenda.

4. Discussion of Resolution for the Benefit of Shenandoah Valley Regional Airport Commission

Steve Rosenberg, City Manager, stated this item is included on the Work Session and Regular meeting agenda at the request of Greg Campbell, Executive Director of the Shenandoah Valley Regional Airport Commission (Commission). He noted the Commission, of which the City of Staunton is a member locality, is moving forward with a project to construct new aircraft hangar facilities and to upgrade the airport's fuel facilities. Mr. Rosenberg stated the Commission will be obtaining interim and permanent financing for those projects. He noted the Commission itself has adopted the necessary resolutions to incur debt, and that they are included in Council's agenda package.

Mr. Rosenberg stated the Commission has requested that the governing body of each of its member localities approve the incurrence of indebtedness to finance the proposed project. For that purpose, Council has a resolution that is proposed. As set forth in the resolution, the Commission's incurrence of debt is not a financial obligation of the city.

Mr. Campbell provided information regarding the two capital projects. He stated occupancy is at 100% in the aircraft hangar facilities. He noted the Commission also operates the fuel concession and is proposing to upgrade the fuel facilities. Mr. Campbell stated this involves long term financing that has been secured. He noted the Commission has passed resolutions and has held the required the public hearings. Mr. Campbell stated whenever the Commission enters into long term agreements or financing, they appear before the five member jurisdictions to seek approval.

Mr. Campbell presented an update to Council members regarding airport services.

Vice Mayor Kier thanked SkyWest for their excellent customer service.

This will be Item C on the Regular meeting agenda.

5. Discussion of Resolution Establishing the Percentage of Relief at 37% for Purposes of the Personal Property Tax Relief Act (PPTRA)

Maggie Ragon, Commissioner of Revenue, stated she had received a letter from the Commonwealth's Auditor of Public Accounts informing the City no material findings were discovered.

Ms. Ragon stated the Personal Property Tax Relief Act 2004 (PPTRA) provided for a level funding amount of which the City's share is \$1,652,200 for motor vehicles. She stated she is presenting a proposed percentage of relief to offer citizens based on calculations that the Commissioner of Revenue's office has assessed. She stated in 2018, the rate was proposed at 39%. For 2019, she is proposing a rate of 37%.

Ms. Ragon stated she has ascertained Augusta County is proposing 37%, and Waynesboro currently has not made a determination. She stated there is a decrease in fleet of 99 vehicles since last year, but the value has increased. Ms. Ragon stated the median age is vehicles is a 2007 model. Ms. Ragon stated there are 24,134 taxable vehicles in the City. The oldest vehicle is now a 1909 Brush roadster, and the most expensive is a Mercedes Benz valued at \$102,500. She provided further interesting facts regarding popular cars, trucks, and motorcycles.

This will be Item D on the Regular meeting agenda.

6. Discussion of an Ordinance to Vacate Utility and Sanitary Sewer Easements and to Accept the Dedication of New Sanitary Sewer and Stormwater Easements within Augusta Terrace Subdivision

Nickie Mills, City Engineer, stated this item is considered a housekeeping matter. He noted there are old easements that the City no longer needs.

The City has been approached by the developer-owners of Lots 15 through 34 of Augusta Terrace Subdivision, located at or near the intersection of Richmond Avenue and Community Way. In effect, the owners want to eliminate easements within the interior of the lots and relocate them to the perimeter of the lots. The easements are situated within what were alleyways that have since been vacated by ordinances adopted by City Council in previous years. In basic description, the developer-owners want the City to eliminate three easements (two utility easements and one conditional sanitary sewer easement) and establish two new easements (a sanitary sewer easement and a stormwater easement). Community Development staff, including the City Engineer, have reviewed the request and endorse approval of vacating and abandoning the existing utility easements and relocating and accepting the newly proposed easements.

This will be Item E on the Regular meeting agenda.

7. Presentation and Discussion of Gypsy Hill Golf Course Survey

Mr. Rosenberg stated this item in on the agenda at the request of Councilwoman Brenda Mead.

Ms. Mead stated this was an unofficial survey that she conducted by herself and distributed through Facebook, that was meant to be shared online, and noted she also attended several community events and obtained paper copies of the survey from people who attended. Ms. Mead stated she received approximately 200 responses. She noted she'd asked people to identify whether they lived within five miles of Gypsy Hill Park. Results were not included if people lived outside of that 5-mile radius.

Ms. Mead stated her survey asked three questions and explained to Council what those questions were. She noted results obtained over approximately one week seemed to be consistent. She noted

44% wanted to leave the golf course as is, 25% asked that the City find another recreational use for the golf course, and approximately 30% asked to keep part of the golf course and change the rest to another recreational use. Ms. Mead shared the distribution of responses by age group as well as other uses for the property. On question #3, 41% of all respondents stated they would like to participate in a golf program at Gypsy Hill Golf Course with 59% stating they would not.

Ms. Mead stated it was her feeling that there was not a clear mandate in the results of her survey. She noted she questioned whether 200 responses are more statistically significant than 23 responses. Ms. Mead stated she didn't view this as the document that would convince her one way or another of how she might view this matter in the future. She stated she felt there wouldn't be a clear mandate from the voters, and Council may just be in the position of having to do their job which is to think about the future.

Ms. Mead stated she probably did not get responses from the minority community at the level that she would have liked to see.

Discussion ensued among Council members, during which Council members raised several points of order.

8. Closed Meeting for: (a) Discussion or Consideration of the Possible Disposition of Publicly Held Real Property(ies) or Interests in Real Property(ies), Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy; and (b) Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Pertaining to (i) Specific Land Use and Zoning Matters; and (ii) a Claim Involving a Former Employee of One of the City's Departments or Agencies

Ms. Oakes moved to enter a closed meeting for: (a) discussion or consideration of the possible disposition of publicly held real property(ies) or interests in real property(ies), where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy, pursuant to Virginia Code § 2.2-3711(A)(3); and (b) consultation with legal counsel for necessary legal-related advice and discussion pertaining to (i) specific land use and zoning matters; and (ii) a claim involving a former employee of one of the City's departments or agencies, pursuant to Virginia Code § 2.2-3711(A)(8).

The motion was seconded by Dr. Harrington and carried unanimously as follows:

Vice Mayor Kier	aye	Ms. Oakes	aye
Dr. Curren	aye	Dr. Harrington	aye
Mayor Dull	aye	Ms. Mead	aye
Mr. Holmes	aye		

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

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

245	Dr. Curren	aye	Dr. Harrington	aye
246	Mayor Dull	aye	Ms. Mead	aye
247	Mr. Holmes	aye	Vice Mayor Kier	aye
248	Ms. Oakes	aye		

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250 The work session adjourned at 7:15 p.m.

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Suzanne F. Simmons
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, September 26, 2019
7:30 p.m.
Council Chambers

PRESENT: **Mayor Carolyn W. Dull**
 Ophie A. Kier, Vice Mayor
 James L. Harrington
 R. Terry Holmes
 Erik D. Curren
 Andrea Oakes
 Brenda O. Mead

ALSO PRESENT: **Steven Rosenberg, City Manager**
 Douglas L. Guynn, City Attorney
 Suzanne F. Simmons, Clerk of Council

Mayor Dull called the meeting to order. The Pledge of Allegiance was recited in unison.

MAYOR'S REPORT

Mayor Dull read the following Proclamation and presented it to Carsten Schmidt, Artistic Director, Jason Stell, Executive Director, and Louise Scott, President of Board of Directors of the Staunton Music Festival.

WHEREAS, in early 1998, Carsten Schmidt organized two chamber music concerts, pulling together several friends to make a weekend of music in Staunton, Virginia; and

WHEREAS, 50 people attended those first concerts at the Woodrow Wilson Presidential Library; and

WHEREAS, from those early days with just a handful of performers, 21 years later the Staunton Music Festival has grown to a series of events with 84 musicians who come to Staunton from places throughout the United States and the world; and

WHEREAS, in August, 2019, the festival welcomed almost 8,800 music lovers who attended 28 concerts and 10 preconcert talks offered over 10 days;

WHEREAS, the Staunton Music Festival has been awarded funding from private foundations and the National Endowment for the Arts, and has been recognized as a key arts event by *The Washington Post*, *Travel + Leisure Magazine*, *Virginia Living* and the Southeast Tourism Society; and

WHEREAS, the City of Staunton has benefitted tremendously from the economic and

cultural spark of the festival, which has contributed significantly to the City's reputation as a special place to live, work and play.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council that it does hereby celebrate the Staunton Music Festival and express its appreciation to its devoted volunteer board for bringing world-renowned artists and music-lovers to the City of Staunton and for adding to the quality of life of the City.

Dated this 26th day of September, 2019.

/s/ Carolyn W. Dull

CAROLYN W. DULL, MAYOR

ATTEST: /s/ Suzanne F. Simmons

CLERK OF COUNCIL

Mayor Dull stated she and Dr. Harrington attended the naturalization ceremony held at the Frontier Culture Museum and encouraged citizens to attend this yearly event.

Mayor Dull congratulated the Central Shenandoah Planning District Commission as they celebrated their 50th anniversary.

Mayor Dull stated she and Dr. Curren recently attended the Chamber of Commerce's Pig Pickin' and Politickin' event.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Oakes stated three citizens wanted to praise refuse workers of the Public Works Department. She reminded citizens of the Queen City Mischief and Magic event being held September 27-29, 2019. Ms. Oakes stated Staunton had been ranked as the #1 city to live in Virginia and #31 in the United States. She noted she'd attended the West End Road Rally and Scavenger Hunt and stated it was a huge success. Ms. Oakes stated she attended the Building Bridges event held on September 25, 2019, and thanked Vice Mayor Kier for organizing the event.

Dr. Harrington spoke about some of the moving aspects of the naturalization ceremony at the Frontier Culture Museum and observed it is a reminder of some of the gifts taken for granted as citizens of the United States. Mayor Dull stated 77 citizens were sworn in from 36 different countries.

Vice Mayor Kier stated a Unity Prayer vigil, sponsored by Building Bridges for the Greater Good, was held on September 25, 2019. He noted younger members stressed concern with the fact that so many citizens are dying at the hands of someone holding a gun. He thanked City staff for helping to organize the event.

Dr. Curren stated on October 9, 2019, there will be a meeting at the Library on how Staunton can commit to 100% clean energy. He invited everyone to attend.

Ms. Oakes stated she and Mayor Dull had recently participated in the Climate Change March.

APPROVAL OF MINUTES

Ms. Oakes moved to approve the work session and regular meeting minutes of September 12, 2019.

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

Mr. Holmes	aye	Ms. Mead	aye
Mayor Dull	aye	Ms. Oakes	aye
Dr. Curren	aye	Dr. Harrington	aye
Vice Mayor Kier	aye		

REGULAR MEETING

A. Presentation on Sister City Viseu de Sus, Romania

Bruce Dorries gave an information presentation to City Council about his recent visit to Viseu de Sus, Romania, one of Staunton's sister cities. He spoke on relationship balance; shared interests, such as geography, economics, history, arts and kids; and leadership.

Mayor Dull stated she appreciated Mr. Dorries' visit to Viseu de Sus.

B. Consideration of Staunton Crossing Economic Development Business Plan

Billy Vaughn, Director of Economic Development, stated he is requesting Council's consideration of the Staunton Crossing Economic Development Business Plan. He noted the plan is truly a strategy which lays out the many recommendations with the help of Tim Davey of the Timmons Group. Mr. Vaughn stated the plan provides a framework and foundation for guaranteeing the highest return on investment for Staunton Crossing.

Mr. Vaughn stated at the meeting of the board of directors of the Staunton Economic Development Authority on August 22, 2019, Mr. Davey addressed the board's questions and concerns, and following the discussion, the board voted to approve the plan without changes. The motion also included a recommendation that Council approve the plan. Mr. Vaughn stated the process began in November, 2018, with the community.

Mayor Dull stated she appreciated the whole effort and felt it ended with a good result.

Ms. Mead moved to approve the Staunton Crossing Economic Development Business Plan, as presented.

The motion was seconded by Dr. Harrington and carried as follows:

Mayor Dull	aye	Ms. Oakes	aye
Dr. Curren	aye	Dr. Harrington	aye
Vice Mayor Kier	aye	Mr. Holmes	aye
Ms. Mead	aye		

C. Consideration of Resolution for the Benefit of Shenandoah Valley Regional Airport Commission

Steve Rosenberg, City Manager, stated during the Work Session Council heard from Greg Campbell, Executive Director of the Shenandoah Valley Regional Airport Commission (Commission) about two projects being undertaken by the Commission. The projects involve the construction of new aircraft hangar facilities and upgrade of the airport's fuel facilities. Mr. Rosenberg stated the Commission has arranged for interim and permanent financing of the project and those loans have been authorized by the board of the Commission.

Mr. Rosenberg stated it has been the practice in such circumstances for the Commission to seek the concurring approval of the member localities of the Commission. He noted the City, along with other localities, is a member of the Commission. He stated there is a resolution, which if adopted, would demonstrate City Council's approval of the incurrence of debt by the Commission, both the interim and permanent financing for the two projects.

Dr. Curren moved to adopt the proposed resolution for the benefit of Shenandoah Valley Regional Airport Commission, approving and authorizing the Commission's incurrence of debt to finance its project, all as described in the resolution.

The motion was seconded by Mr. Holmes.

Mayor Dull reiterated that this resolution does not obligate the City for the debt and is only an approval of what the Commission is going to incur.

The motion carried as follows:

Dr. Curren	aye	Dr. Harrington	aye
Vice Mayor Kier	aye	Mr. Holmes	aye
Ms. Mead	aye	Mayor Dull	aye
Ms. Oakes	aye		

RESOLUTION

FOR THE BENEFIT OF SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION

WHEREAS, the Shenandoah Valley Regional Airport Commission (the “Commission”) was duly established pursuant to the Code of Virginia, 1950, as amended, and by resolution and agreement of the several political subdivisions of the Commonwealth of Virginia comprising the Commission, namely the Counties of Augusta and Rockingham and the Cities of Staunton, Staunton and Waynesboro (collectively, the “Member Localities”), to have and exercise, on behalf of such Member Localities, the power and authority to operate the Shenandoah Valley Regional Airport (“SVRA”) located in Augusta County, Virginia; and

WHEREAS, the Commission has determined that it is necessary and desirable to (a) acquire, construct, and equip aircraft hangar facilities at SVRA, (b) install and/or replace all or any portion of the SVRA’s fuel farm tanks, and (c) pay issuance costs in connection with the financings therefor (collectively, the “Project”); and

WHEREAS, the United States of America, acting through Rural Housing Service, an agency of the United States Department of Agriculture (“RHS”), has offered to purchase an up to \$3,086,500 Shenandoah Valley Regional Airport Commission Taxable Airport Revenue Bond, Series 2020 (or any other series designation as may be applicable, the “Bond”) to provide the permanent financing needed by the Commission to pay all or any portion of the costs of the Project on the terms and conditions described in that certain RHS Letter of Conditions, dated September 26, 2018; and

WHEREAS, RHS requires interim financing for the Project and the Commission reasonably expects that long-term, permanent financing for the Project being financed by the Commission on an interim basis with the proceeds of the Note shall ultimately be provided to the Commission by RHS, together with any other lawfully available funds therefor; and

WHEREAS, it is reasonably anticipated that the Commission shall obtain interim financing from Blue Ridge Bank, with the long-term permanent financing for the costs of the Project provided by RHS; and

WHEREAS, after the holding of related public hearings on August 21, 2019, the Commission adopted resolutions authorizing the issuance, execution, and delivery of (a) the \$3,086,500 Shenandoah Valley Regional Airport Commission Taxable Airport Revenue Note, Series 2019 to Blue Ridge Bank for interim financing of the Project, and (b) the \$3,086,500 Shenandoah Valley Regional Airport Commission Taxable Airport Revenue Bond, Series 2020 (or other series designation) to RHS for permanent, long-term financing of the Project; and

WHEREAS, the Commission desires to obtain the approval of each of the governing bodies of its Member Localities with respect to the incurrence of indebtedness to pay the costs of the Project, subject to the Commission’s final determination of the form and details thereof (all such undertakings by the Commission to finance the Project, on an interim or permanent basis, being collectively referenced herein as the “Loans”); and

262

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Carolyn W. Dull, Mayor	Aye			
Ophie Kier, Vice Mayor	Aye			
Erik D. Curren	Aye			
James J. Harrington	Aye			
R. Terry Holmes	Aye			
Brenda O. Mead	Aye			
Andrea Oakes	Aye			

263

264

265 Dated: September 26, 2019

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268 [SEAL]

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/s/ Suzanne F. Simmons

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Clerk of City Council

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City of Staunton, Virginia

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274 **D. Consideration of Resolution Establishing the Percentage of Relief at 37% for**
275 **Purposes of the Personal Property Tax Relief Act (PPTRA)**

276

277 Maggie Ragon, Commissioner of Revenue, stated each year after she completes the tax book
278 assessments, she appears before Council to present a proposal on the percentage tax relief to offer
279 citizens for their personal property under Personal Property Tax Relief Act (PPTRA).

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281 Ms. Ragon stated in 2018, the PPTRA percentage was at 39 percent. She stated for 2019, she is
282 recommending that percentage to be 37 percent. She stated there has been a fixed amount since
283 2004, of relief that is granted to the City of Staunton by the state in the amount of \$1,652,200. Ms.
284 Ragon stated the 37 percent would spread that amount as per the requirements of the state across
285 the entire fleet of vehicles owned by City residents. She noted this relief would be offered to
286 residents on their 2019 personal property tax bills.

287

288 Ms. Ragon stated there are 99 fewer vehicles in 2019, with the total being 24,132 vehicles. She
289 noted the highest assessed value is \$102,500 for a single vehicle. Ms. Ragon provided information
290 on cars, truck, and motorcycles that were most favored by residents of Staunton. The median age
291 for vehicles is a 2007 model year. Ms. Ragon stated this year the oldest vehicle is a 1909 Brush
292 roadster.

293

Mr. Holmes moved that a resolution, as proposed, be adopted, establishing the Personal Property Tax Relief Act (PPTRA) percentage at 37 percent.

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

Vice Mayor Kier	aye	Mr. Holmes	aye
Ms. Mead	aye	Mayor Dull	aye
Ms. Oakes	aye	Dr. Curren	aye
Dr. Harrington	aye		

**RESOLUTION
IMPLEMENTING ORDINANCE 2006-05, CODIFIED AS SECTION 3.10.015 OF THE
STAUNTON CITY CODE,
TO FURTHER IMPLEMENT THE 2004-2005 CHANGES
TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998**

WHEREAS, by Ordinance 2006-05, adopted April 13, 2006, and codified as Section 3.10.015 of the Staunton City Code, the Council of the City of Staunton fashioned a local program of tax relief that serves the best interests of the citizenry regarding personal property tax on qualifying use vehicles, pursuant to modifications made by the General Assembly of Virginia to the Personal Property Tax Relief Act of 1998 (PPTRA);

WHEREAS, the City's program of tax relief contemplates the allocation of PPTRA relief provided by the Commonwealth of Virginia pursuant to the provisions of Ordinance 2006-05, codified as Section 3.10.015 of the Staunton City Code, as further implemented by resolution adopted annually after the personal property tax book is certified by the Commissioner of Revenue and delivered to the Treasurer;

WHEREAS, on September 1, 2019, the Commissioner of Revenue delivered to the Treasurer a certified personal property tax book; and

WHEREAS, the Commissioner of Revenue has recommended to the Council of the City of Staunton, Virginia, that with respect to qualifying vehicles with assessed values of more than \$1,000 the percentage of relief to be applied to the first \$20,000 in value of each such qualifying vehicle should be 37%, which the Commissioner of Revenue estimates will fully use all available state PPTRA relief.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that 37% shall be the percentage of relief to be applied to the first \$20,000 in value of each qualifying vehicle with an assessed value of more than \$1,000, pursuant to and in accordance with the provisions of Section 3.10.015 of the Staunton City Code.

Adopted this 26th day of September, 2019.

Approved: /s/ Carolyn W. Dull
Mayor

Attest: /s/ Suzanne F. Simmons
Suzanne F. Simmons
Clerk of Council

E. Consideration of an Ordinance to Vacate Utility and Sanitary Sewer Easements And to Accept the Dedication of New Sanitary Sewer and Stormwater Easements within Augusta Terrace Subdivision

Nickie Mills, City Engineer, stated this item was considered as a housekeeping measure. He noted there are some old easements and some remnants from an alley vacation that are no longer needed. He stated this would allow some development to move forward and get a new sewer line in place request by the developer-owners of Lots 15 through 34 of Augusta Terrace Subdivision, located at or near the intersection of Richmond Avenue and Community Way.

Doug Gynn, City Attorney, stated a public hearing was required and advertised for this item.

The public hearing was opened.

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

Ms. Oakes moved to adopt the proposed ordinance now before Council to vacate and abandon the utility easement lying between Lots 15 through 22 and Lots 27 through 34; to vacate and abandon the utility easement lying between Lots 23 and 26; to vacate and abandon the conditional sanitary sewer easement along the western boundary of Lot 23; to relocate and accept the sanitary sewer easement along the northern boundary of Lots 15 through 22 and a portion of Lot 23; and to accept the proposed stormwater easement along the northeastern corner of Lot 24, within Augusta Terrace Subdivision on the following conditions as reflected in the proposed ordinance: the Staunton City Manager is authorized to sign a Deed of Dedication and Easement Relocation on behalf of the City, substantially in the form of Exhibit A to the proposed ordinance, and is further authorized to agree to changes in the deed, upon approval of the City Attorney; and the proposed ordinance shall be effective only upon delivery and acceptance by the City Manager of the Deed of Dedication and Easement Relocation for the new, relocated sanitary sewer easement and new stormwater easement and further only upon recordation of such Deed of Dedication and Easement Relocation in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia.

The motion was seconded by Dr.Harrington and carried as follows:

Ms. Mead	aye	Mayor Dull	aye
Ms. Oakes	aye	Dr. Curren	aye

Dr. Harrington aye Vice Mayor Kier aye
Mr. Holmes aye

Ordinance No. 2019-33

**AN ORDINANCE VACATING AND ABANDONING
ALL THAT PORTION OF AN EXISTING UTILITY EASEMENT LYING IN AN AREA
BETWEEN LOTS 15 THROUGH 22 AND LOTS 27 THROUGH 34;
AND
VACATING AND ABANDONING ALL THAT PORTION OF AN EXISTING UTILITY
EASEMENT LYING IN AN AREA BETWEEN LOTS 23 AND 26;
AND
VACATING AND ABANDONING ALL THAT PORTION OF AN EXISTING
CONDITIONAL SANITARY SEWER EASEMENT RUNNING ALONG THE
WESTERN BOUNDARY OF LOT 23;
AND
ACCEPTING THE DEDICATION OF A RELOCATED SANITARY SEWER
EASEMENT ALONG THE NORTHERN BOUNDARY OF LOTS 15 THROUGH 22 AND
A PORTION OF LOT 23;
AND
ACCEPTING THE DEDICATION OF A NEW STORMWATER EASEMENT
ON THE NORTHEASTERN CORNER OF LOT 24
WITHIN AUGUSTA TERRACE SUBDIVISION, STAUNTON, VA**

Recitals

A. The Augusta Terrace Subdivision is located at or near the intersection of Richmond Avenue and Community Way in the City of Staunton. The Staunton City Council has previously taken several actions related to aspects of the subdivision.

B. Staunton City Council adopted Ordinance No. 2000-12, vacating and abandoning what is described as “all the undeveloped alley which lies between Community Way and the easternmost corners of Lots 22 and 27, of Augusta Terrace Subdivision,” and accepted the dedication of a conditional sewer line easement “twenty (20) feet wide from the alley along the western boundary of Lot 23 where it abuts Lot 22, terminating at the right of way for Richmond Road,” with the City retaining “only so much of a utility easement in the alleyway as may be necessary to lay and maintain a sewer pipe as it turns 90 degrees into the easement [located within the area between Lots 23 and 26].” The ordinance was recorded in the Clerk’s Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 010002033, and to implement the ordinance, a Deed of Easement was recorded as instrument number 010002034.

C. Staunton City Council adopted Ordinance No. 2006 – 21, vacating and abandoning what is described as “all that portion of a twenty foot alley lying between Lots 15 through 22 and Lots 27 through 34, of Augusta Terrace” subdivision, and the “City of Staunton reserv[ed] unto itself, its successors and assigns, an easement over the vacated portion of the

aforementioned alley for the construction, installation, repair and maintenance of utility lines...”
The ordinance was recorded in the Clerk’s Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 190002235.

D. By proposed Deed of Dedication and Easement Relocation, attached hereto and incorporated as Exhibit A, the owners of Lots 15 through 34 within the Augusta Terrace Subdivision have now requested further action by the Staunton City Council to: have vacated and abandoned all of that portion of the aforementioned utility easement granted by Ordinance 2000 - 12; have vacated and abandoned all of that portion of the aforementioned utility easement reserved by Ordinance 2006 – 21; to have vacated and abandoned the conditional sanitary sewer easement granted and conveyed to the City of Staunton by deed of easement recorded in the Clerk’s Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 010002034, and in exchange, to relocate and grant a new variable width sanitary sewer easement to the City of Staunton; and to grant a new 20’ stormwater easement to the City of Staunton.

E. A plat showing the aforementioned easements to be vacated, abandoned, relocated, and dedicated is attached hereto and incorporated as Exhibit B.

F. City staff, including the City Engineer, has recommended vacating, abandoning, relocating, and accepting the aforementioned easements.

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that as shown on Exhibit B, the utility easement lying between Lots 15 through 22 and Lots 27 through 34 is hereby **VACATED and ABANDONED**; the utility easement lying between Lots 23 and 26 is hereby **VACATED and ABANDONED**; the conditional sanitary sewer easement along the western boundary of Lot 23 is hereby **VACATED and ABANDONED**; and subject to further action by the Staunton City Manager as contemplated by this ordinance, a new sanitary sewer easement is **CONDITIONALLY ACCEPTED** as **RELOCATED** along the northern boundary of Lots 15 through 22 and a portion of Lot 23; and subject to further action by the Staunton City Manager as contemplated by this ordinance, a new stormwater easement along the northeastern corner of Lot 24 is hereby **CONDITIONALLY ACCEPTED**; and it is

FURTHER ORDAINED that the Staunton City Manager is authorized to sign a Deed of Dedication and Easement Relocation on behalf of the City, and is further authorized to agree to changes in deed, upon approval of the City Attorney substantially in the form of Exhibit A; and it is

FURTHER ORDAINED that this ordinance shall be effective only upon delivery and acceptance by the City Manager of the Deed of Dedication and Easement Relocation for the new, relocated sanitary sewer easement and new stormwater easement and only upon recordation

of such Deed of Dedication and Easement Relocation in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia.

Introduced: September 26, 2019

Adopted: September 26, 2019

/s/ Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: /s/ Suzanne F. Simmons

Suzanne F. Simmons

Clerk of Council

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg stated the Queen City Mischief and Magic festival commences on September 27, 2019, and directed the public to several websites for information. He noted the contractor is finishing up the paving project in Gypsy Hill Park and encouraged Council and residents to visit.

MATTERS FROM THE PUBLIC

Baldwin Jennings, 332 Sharon Lane, commented on the outstanding job of the recent paving in the Gypsy Hill Park. He stated the golf course is one of the diamonds in the City and urged Council to keep it open. He noted more marketing should be done to promote the golf course.

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:27 p.m.

Suzanne F. Simmons

Clerk of Council

DRAFT 9.19.19

PIN: 10335, 10325, 10336, 10402, 10338, 10386, 10388, 10304, 10300, 9436, 9435, 9446, 10352, 10312, 10330, 9551, 9550, 9447, 9448, and 10354

THIS DEED OF DEDICATION AND EASEMENT RELOCATION is dated this _____ day of September 2019 by and between **DAHL INVESTMENTS LLC**, a Virginia limited liability company, **ATLANTIC UNION BANK & TRUST**, as successor in interest to **PLANTERS BANK AND TRUST COMPANY OF VIRGINIA**, as **TRUSTEE** for the benefit of the **ALLEN P. DAHL IRA TRUST** and as **TRUSTEE** of the **THOMAS P. DAHL IRA TRUST, S8 OF STAUNTON, LLC**, a Virginia limited liability company, **Peter H. WRAY, Allen P. DAHL, and Thomas P. DAHL**, Grantors and Grantees, and the **CITY OF STAUNTON, VIRGINIA**, Grantor and Grantee, and **CITY NATIONAL BANK OF WEST VIRGINIA**, as successor in interest to **COMMUNITY BANK**, party of the third part, Grantor for indexing purposes.

RECITALS:

WHEREAS, Dahl Investments LLC, Atlantic Union Bank & Trust, as successor in interest to Planters Bank and Trust Company of Virginia, as Trustee for the benefit of the Allen P. Dahl IRA Trust and as Trustee of the Thomas P. Dahl IRA Trust, S8 of Staunton LLC, Peter H. Wray, Allen P. Dahl, and Thomas P. Dahl are respectively the owners of certain parcels of land consisting of Lots 15 (Rev) through 34 (Rev) Augusta Terrace located adjacent to Richmond Road in the City of Staunton, Virginia (the "Properties") as set forth on the attached "PLAT SHOWING VACATION AND DEDICATION OF EASEMENTS ACROSS LOTS 15 (REV) THROUGH 34 (REV), AUGUSTA TERRACE, CITY OF STAUNTON, VIRGINIA" dated August 27, 2019, prepared by Daniel E. Hansen, Land Surveyor with Balzer & Associates, Inc., attached hereto and by this reference made a part hereof (the "Plat"), having acquired such parcels by Instrument Nos. 050004696, 040002589, 040002907, 010001361, and 060004045 and in Deed Book 327, Page 374, respectively, recorded in the Clerk's Office of the Circuit Court of the City of Staunton;

29 WHEREAS, at different times, the City of Staunton has reserved or obtained utility
30 and sewer easements over the Properties by either deed or ordinance, specifically
31 Ordinance 2000 – 12, recorded as Instrument Nos. 010002033 and 010002034 and
32 Ordinance No. 2006-21, recorded as Instrument No. _____ in the Clerk’s Office of the
33 Circuit Court of the City of Staunton, Virginia; and

34 WHEREAS, it is the desire of the parties hereto to vacate and/or relocate certain
35 utility and sewer easements all as depicted on Plat.

36 WHEREAS, some of the properties affected by the relocated easements are
37 subject to a lien of a deed of trust for the benefit of City National Bank of West Virginia,
38 successor in interest to Community Bank, dated September 25, 2009, of record in the
39 Clerk’s Office of the Circuit Court of City of Staunton, Virginia, as Instrument No.
40 090003053, securing a note in the amount of \$1,200,000.00. City National Bank of West
41 Virginia joins in this Deed of Dedication and Easement Relocation to subordinate its lien
42 as to all easements and rights of way created herein.

43 NOW, THEREFORE, for and in consideration of the mutual conveyances herein
44 made, S8 of Staunton LLC and Peter H. Wray, the owners of Lots 23(Rev) and 24 (Rev),
45 Atlantic Union Bank & Trust, as successor in interest to Planters Bank And Trust
46 Company of Virginia, as Trustee for the benefit of the Allen P. Dahl IRA Trust and as
47 Trustee of the Thomas P. Dahl IRA Trust, the owners of both Lots 22 (Rev), and Dahl
48 Investments LLC, the owner of Lots 15 (Rev), 16(Rev), 17(Rev), 18(Rev), 19(Rev),
49 20(Rev), and 21(Rev), do hereby grant WITH GENERAL WARRANTY OF TITLE to the
50 City of Staunton, Virginia, storm water and sanitary sewer easements as located and
51 shown on the Plat and labeled thereon as “PROP. 20’ STORM EASEMENT,” and
52 “PROPOSED VARIABLE WIDTH SANITARY SEWER EASEMENT,” respectively. Said
53 easements are for the purpose of constructing, installing, and maintaining sewer
54 distribution, collection or transmission lines and storm water transmission and detention
55 facilities over and under the properties of the owner, as well as all equipment, accessories
56 and appurtenances necessary in connection therewith, all of which are hereinafter called
57 “Facilities”. The easements granted and Facilities constructed shall be easements in
58 gross which are appurtenant to the existing facilities and shall remain the property of the
59 City of Staunton. The City of Staunton shall have the perpetual right to inspect, rebuild,

60 remove, repair, improve, enlarge and make such changes, alterations, and additions to
61 or extensions of its Facilities within the boundaries of said easements as are consistent
62 with the purposes expressed herein.

63 The owners of the property over which the easements are located, their heirs and
64 assigns, may use said easements for any purpose not inconsistent with the rights hereby
65 granted, provided such use does not interfere with the safe and efficient access to and
66 construction, operation, and maintenance of said Facilities and further provided that such
67 use is not inconsistent with any laws, ordinances or codes pertaining to the construction,
68 operation or maintenance of the Facilities.

69 After the installation of the sewer lines within the sanitary sewer easement, and
70 after any maintenance or repair of said lines, the owner of the property over which the
71 easements are located and subsequently the City of Staunton shall fill and level all
72 ditches, ruts, and depressions caused by construction, maintenance, or removal
73 operations; shall remove all debris resulting therefrom; shall remove all stakes and posts
74 that may have been put into the ground; and shall generally restore the surface of the
75 premises as near to its original condition as is reasonably possible, all within a reasonable
76 time after the installation of or the repair or maintenance of the said transmission lines.

77 THIS AGREEMENT FURTHER WITNESSETH THAT for and in consideration of the
78 conveyance hereinabove made, the City of Staunton, by action of its Council with the
79 adoption of Ordinance 2019 - _____ does hereby vacate the utility and sewer easements
80 located as shown on the Plat and labeled thereon as follows:

81 (1) "UTILITY EASEMENT PER INST# 010002034 & 010002033 (TO BE VACATED)", (2)
82 "UTILITY EASEMENT PER ORDINANCE NO. 2006-21 (TO BE VACATED)", and
83 (3) "CONDITIONAL SEWER EASEMENT PER INST# 010002034 & 010002033 (TO BE
84 VACATED)".

85 Witness the following signatures and seals.

86
87 (Signature Pages to follow)
88

(Signature Page for Deed of Dedication and Easement Relocation)

DAHL INVESTMENTS LLC

a Virginia limited liability company

By: _____ (Seal)

(print name and title)

COMMONWEALTH OF VIRGINIA AT LARGE,
CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
____ day of _____, 2019, by _____, _____ of
Dahl Investments LLC, on behalf of said company.

My Commission Expires: _____
Registration No. _____

NOTARY PUBLIC

(Signature Page for Deed of Dedication and Easement Relocation)

ALLEN P. DAHL IRA TRUST

By: _____ (Seal)

(print name and title)

Atlantic Union Bank & Trust, as successor in interest
to Planters Bank and Trust Company of Virginia, as
Trustee for the benefit of the Allen P. Dahl IRA Trust

COMMONWEALTH OF VIRGINIA AT LARGE,
CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
____ day of _____, 2019, by _____ of
Atlantic Union Bank & Trust, as successor in interest to Planters Bank and Trust Company
of Virginia, as Trustee for the benefit of the Allen P. Dahl IRA Trust.

My Commission Expires: _____
Registration No. _____

NOTARY PUBLIC

(Signature Page for Deed of Dedication and Easement Relocation)

THOMAS P. DAHL IRA TRUST

By: _____ (Seal)

(print name and title)

Atlantic Union Bank & Trust, as successor in interest
to Planters Bank and Trust Company of Virginia, as
Trustee for the benefit of the Thomas P. Dahl IRA
Trust

COMMONWEALTH OF VIRGINIA AT LARGE,
CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
____ day of _____, 2019, by _____ of
Atlantic Union Bank & Trust, as successor in interest to Planters Bank and Trust Company
of Virginia, as Trustee for the benefit of the Thomas P. Dahl IRA Trust.

My Commission Expires: _____
Registration No. _____

NOTARY PUBLIC

(Signature Page for Deed of Dedication and Easement Relocation)

S8 OF STAUNTON, LLC

a Virginia limited liability company

By: _____(Seal)

(print name and title)

COMMONWEALTH OF VIRGINIA AT LARGE,
CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
____ day of _____, 2019, by _____, _____ of S8
of Staunton LLC, on behalf of said company.

My Commission Expires: _____
Registration No. _____

NOTARY PUBLIC

195 (Signature Page for Deed of Dedication and Easement Relocation)

196
197 By: _____ (Seal)
198 Peter H. Wray
199

200
201 COMMONWEALTH OF VIRGINIA AT LARGE,
202 CITY OF STAUNTON, to-wit:
203

204 The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
205 ____ day of _____, 2019, by Peter H. Wray.
206

207 My Commission Expires: _____
208 Registration No. _____
209

210 _____
211 NOTARY PUBLIC
212

213 (Signature Page for Deed of Dedication and Easement Relocation)

214
215 By: _____(Seal)
216 Allen P. Dahl
217

218
219 COMMONWEALTH OF VIRGINIA AT LARGE,
220 CITY OF STAUNTON, to-wit:
221

222 The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
223 ____ day of _____, 2019, by Allen P. Dahl.
224

225 My Commission Expires: _____
226 Registration No. _____
227

228
229 _____
230 NOTARY PUBLIC

231

(Signature Page for Deed of Dedication and Easement Relocation)

By: _____ (Seal)
Thomas P. Dahl

COMMONWEALTH OF VIRGINIA AT LARGE,
CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
____ day of _____, 2019, by Thomas P. Dahl.

My Commission Expires: _____
Registration No. _____

NOTARY PUBLIC

CITY NATIONAL BANK OF WEST VIRGINIA

By: _____(Seal)

(print name and title)

COMMONWEALTH OF VIRGINIA AT LARGE,
CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
____ day of _____, 2019, by _____, _____ of City
National Bank of West Virginia, on behalf of said company.

My Commission Expires: _____
Registration No. _____

NOTARY PUBLIC

(Signature Page for Deed of Dedication and Easement Relocation)

CITY OF STAUNTON, VIRGINIA,

a municipal corporation and political subdivision of
the Commonwealth of Virginia

By: _____ (Seal)
City Manager

COMMONWEALTH OF VIRGINIA AT LARGE,
CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this
____ day of August, 2019, by _____, City Manager of the City of
Staunton, Virginia.

My Commission Expires: _____
Registration No. _____

NOTARY PUBLIC

OFFICE OF THE CITY ATTORNEY
Approved as to form:

By: _____
Douglas L. Guynn, City Attorney

AFFIDAVIT

AFFIANT, first being duly sworn, states as follows:

1. I am a Manager of Dahl Investments L.L.C., a manager-managed Limited Liability Company (the "LLC"), registered in the Commonwealth of Virginia.
2. I make this affidavit in support of my execution of a Deed of Dedication and Easement Relocation dated September _____, 2019 among **DAHL INVESTMENTS LLC, ATLANTIC UNION BANK & TRUST, as successor in interest to PLANTERS BANK AND TRUST COMPANY OF VIRGINIA, as TRUSTEE for the benefit of the ALLEN P. DAHL IRA TRUST** and as **TRUSTEE** of the **THOMAS P. DAHL IRA TRUST, S8 OF STAUNTON, LLC, Peter H. WRAY, Allen P. DAHL, and Thomas P. DAHL**, Grantors and Grantees, and the **CITY OF STAUNTON, VIRGINIA**, Grantor and Grantee, and **CITY NATIONAL BANK OF WEST VIRGINIA**, as successor in interest to **COMMUNITY BANK**, party of the third part, Grantor for indexing purposes.
3. The Articles of Organization of the LLC that are in effect on the date of this affidavit are incorporated herein by reference and have not been amended.
4. There are no limitations on a Manager's authority in the current Operating Agreement or otherwise that would prohibit, nullify, void, or otherwise invalidate the execution, any provision or binding effect of the deed.
5. As of the date hereof, the LLC continues to exist and has not been dissolved for any reason, including but not limited to the bankruptcy of any Member of the LLC or the LLC itself, or the death, resignation, or expulsion of any LLC Member.
6. I acknowledge that this statement is under oath and subject to the full penalties of law.

Affiant

COMMONWEALTH OF VIRGINIA
City/County of _____, to-wit:

SWORN AND SUBSCRIBED TO before me in my jurisdiction aforesaid this _____
day of _____, 2019, by _____,
_____, LLC.

Notary Public

My Commission expires: _____
Notary Registration No.: _____

AFFIDAVIT

AFFIANT, first being duly sworn, states as follows:

1. I am a Manager of S8 of Staunton, L.L.C., a manager-managed Limited Liability Company (the "LLC"), registered in the Commonwealth of Virginia.
2. I make this affidavit in support of my execution of a Deed of Dedication and Easement Relocation dated September _____, 2019 among **DAHL INVESTMENTS LLC, ATLANTIC UNION BANK & TRUST, as successor in interest to PLANTERS BANK AND TRUST COMPANY OF VIRGINIA, as TRUSTEE for the benefit of the ALLEN P. DAHL IRA TRUST** and as **TRUSTEE** of the **THOMAS P. DAHL IRA TRUST, S8 OF STAUNTON, LLC, Peter H. WRAY, Allen P. DAHL, and Thomas P. DAHL**, Grantors and Grantees, and the **CITY OF STAUNTON, VIRGINIA**, Grantor and Grantee, and **CITY NATIONAL BANK OF WEST VIRGINIA**, as successor in interest to **COMMUNITY BANK**, party of the third part, Grantor for indexing purposes.
3. The Articles of Organization of the LLC that are in effect on the date of this affidavit are incorporated herein by reference and have not been amended.
4. There are no limitations on a Manager's authority in the current Operating Agreement or otherwise that would prohibit, nullify, void, or otherwise invalidate the execution, any provision or binding effect of the deed.
5. As of the date hereof, the LLC continues to exist and has not been dissolved for any reason, including but not limited to the bankruptcy of any Member of the LLC or the LLC itself, or the death, resignation, or expulsion of any LLC Member.
6. I acknowledge that this statement is under oath and subject to the full penalties of law.

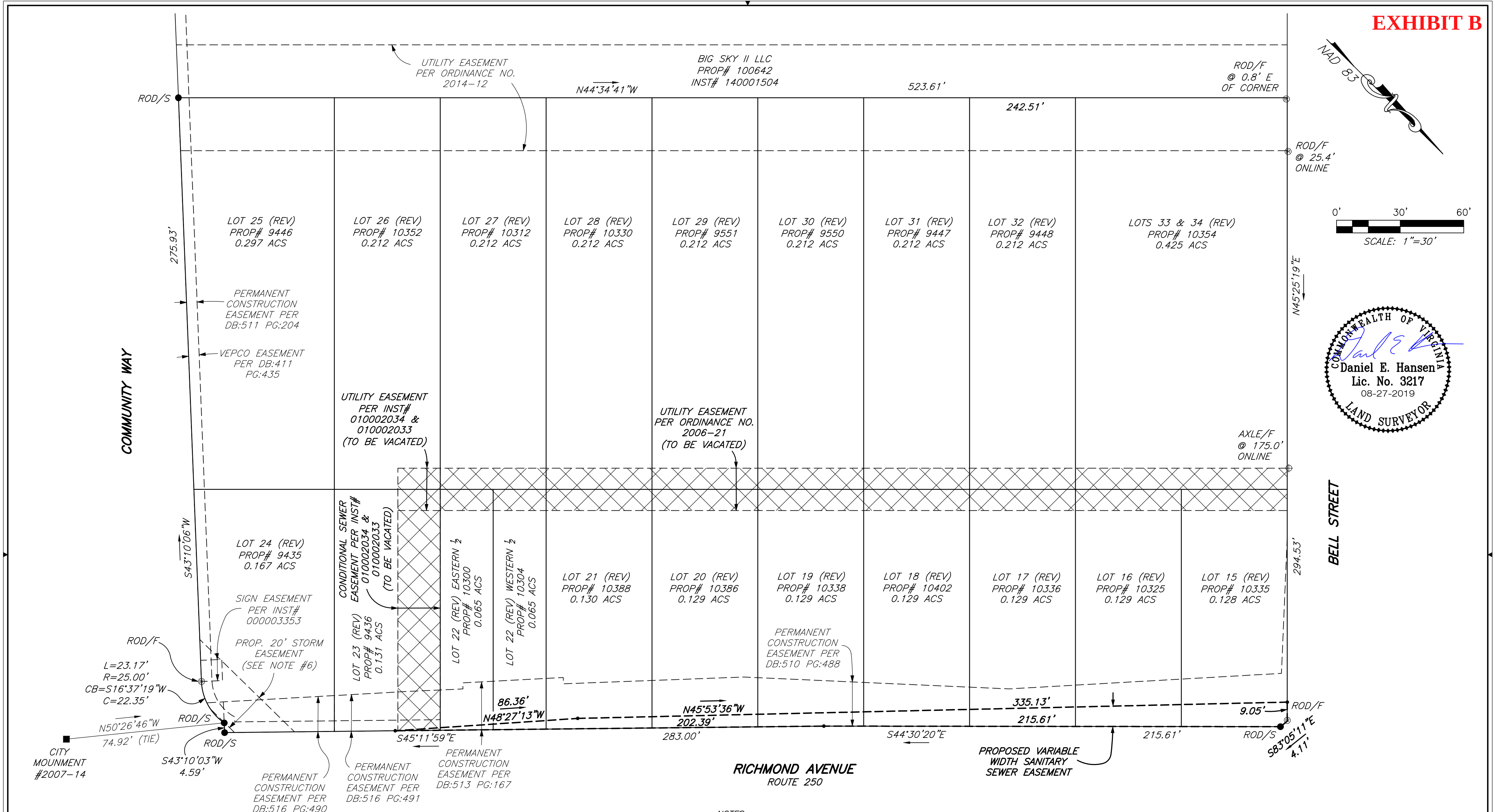
Affiant

COMMONWEALTH OF VIRGINIA
City/County of _____, to-wit:

SWORN AND SUBSCRIBED TO before me in my jurisdiction aforesaid this _____
day of _____, 2019, by _____,
_____, LLC.

Notary Public

My Commission expires: _____
Notary Registration No.: _____

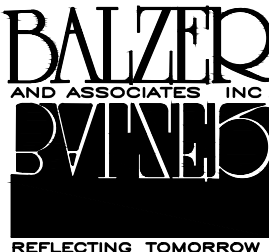


OWNER INFORMATION		
LOT(S)	OWNER NAME	INSTRUMENT/DEED BOOK REFERENCE
15 (REV), 16 (REV), 17 (REV), 18 (REV), 19 (REV), 20 (REV), & 21 (REV)	DAHL INVESTMENTS LLC	INST# 050004696
22 (REV) EASTERN 1/2, 22 (REV) WESTERN 1/2	ALLEN P DAHL IRA TRUST & THOMAS P DAHL IRA TRUST	DB:327 PG:374
23 (REV), 24 (REV), 25 (REV), 26 (REV), 27 (REV), 31 (REV), & 32 (REV)	S8 OF STAUNTON & PETER H WRAY	INST# 040002589
28 (REV)	ALLEN P DAHL & THOMAS P DAHL	INST# 040002907
29 (REV) & 30 (REV)	ALLEN P DAHL & THOMAS P DAHL	INST# 010001361
33 & 34 (REV)	ALLEN P DAHL ETAL	INST# 060004045

- NOTES:
- 1) THIS PLAT COMPILED FROM PLATS OF RECORD AND PRIOR FIELD SURVEYING.
 - 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.
 - 3) PROPERTY IS LOCATED IN FEMA DEFINED ZONE "X" PER MAP #51015C0343D. EFFECTIVE 9/28/07.
 - 4) LOTS 15 (REV) THROUGH 24 (REV) LIE WITHIN THE CORRIDOR OVERLAY DISTRICT.
 - 5) SUBJECT PROPERTY BEING A PORTION OF LOTS 15-34 AUGUSTA TERRACE. DB:180 PG:304 (AUG. CO.).
 - 6) PROPOSED STORM EASEMENT SHOWN HEREON BASED ON CURRENTLY UNRECORDED PLAT TITLED "PLAT SHOWING BOUNDARY LINE ADJUSTMENTS BETWEEN LOTS 21 (REV) THROUGH 23 (REV) & LOTS 25 (REV) THROUGH 28 (REV), AUGUSTA TERRACE TO BE KNOWN AS LOT 21 REVISED, LOT 23 REVISED, AND LOT 28 REVISED AND THE DEDICATION OF A STORM EASEMENT ACROSS LOT 24 (REV), AUGUSTA TERRACE" BY BALZER AND ASSOCIATES, INC. DATED 06-11-2019.
 - 7) IT IS THE INTENTION OF THIS PLAT TO VACATE THE CONDITIONAL SEWER EASEMENT AND UTILITY EASEMENTS SHOWN HEREON. IT IS FURTHER THE INTENTION OF THIS PLAT TO DEDICATE THE SANITARY SEWER EASEMENT AS SHOWN HEREON.

PLAT SHOWING
VACATION AND DEDICATION OF EASEMENTS ACROSS
LOTS 15 (REV) THROUGH 34 (REV), AUGUSTA TERRACE
CITY OF STAUNTON, VIRGINIA

PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS
ROANOKE • RICHMOND • NEW RIVER VALLEY • STAUNTON • HARRISONBURG
1561 Commerce Road • Suite 401 • Verona, Virginia 24482 • Phone (540) 248-3220 • dhansen@balzer.cc



CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 10, 2019	Steve Rosenberg City Manager
Item #	A	
Ordinance #		
Department:	City Manager	
Council Vision:	Responsive, Efficient Government Built Environment	
Subject:	Presentation by Staunton Augusta Waynesboro Metropolitan Planning Organization of Transportation Studies—Richmond Road and 250 Connector Transit Service	

Background: Ann Cundy, transportation program manager with the Staunton Augusta Waynesboro Metropolitan Planning Organization, will attend City Council's regular meeting on October 10, 2019, to share the results of two recently completed transportation studies in service to the City.

The first study, Richmond Road Multimodal Corridor Study, can be viewed at [Corridor Study](#). The second study, 250 Connector Route Evaluation and Recommendations, can be viewed at [Route Study](#).

Ms. Cundy will be available to answer questions after her presentation.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg