Work Session Agenda
Staunton City Council
Caucus Room
November 14, 2019
5:15 p.m.

		Invocation/Moment of Silence—Curren
5:15 p.m.	**1.**	**Consideration of Work Session and Regular Meeting Agendas**
5:20 p.m.	**2.**	**Staunton Public Library Annual Report 2018-2019**
5:35 p.m.	**3.**	**Presentation on U.S. Environmental Protection Agency (EPA) Brownfields Program and Grant Application**
5:45 p.m.	**4.**	**Discussion of 2020 Legislative Program**
6:00 p.m.		**Break**
6:20 p.m.	**5. & B**	**Discussion of an Ordinance Amending Sections 3.15.010, Definitions; 3.15.020, Authorized; and 3.15.030, General Eligibility Requirements, of Chapter 3.15, Real Estate Exemption for Elderly and Disabled Persons, of Title 3, Revenue and Finance, to Align with Changes to the Code of Virginia as Enacted by the General Assembly and to Make Clarifications**
6:25 p.m.	**6. & C**	**Discussion of an Ordinance Amending Section 3.17.010, General Eligibility Requirements, of Chapter 3.17, Real Estate Tax Exemption for U.S. Military Veterans, of Title 3, Revenue and Finance, to Align with Changes to the Code of Virginia as Enacted by the General Assembly**

6:30 p.m.	**7. & D**	**Discussion of an Ordinance Amending Section 6.05.010, Definitions, of Chapter 6.05, In General, of Title 6, Animals and Fowl, to Align with Changes to the Code of Virginia as Enacted by the General Assembly**
6:35 p.m.	**8. & E**	**Discussion of an Ordinance Amending Section 8.30.230, Penalty for Violation of Article, of Chapter 8.30, Solid Waste, of Title 8, Health and Safety, to Establish Civil Penalties for Repeated Violations Regarding the Failure to Remove or Properly Dispose of Trash, Garbage, Refuse, Rubbish, Litter, and Other Like Substances**
6:40 p.m.	**9.**	**Discussion of Solar Panels in Historic Districts**
6:55 p.m.	**10. & A**	**Presentation and Discussion of a Resolution Authorizing Refinancing of 2007 and 2008 Bonds**
7:15 p.m.		**Break**

Regular Meeting Agenda
Staunton City Council
Council Chambers
November 14, 2019
7:30 p.m.

Call to Order

Pledge of Allegiance

Mayor's Report

Proclamation—Small Business Saturday

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of October 24, 2019

REGULAR MEETING

A.	**Consideration of a Resolution Authorizing Refinancing of 2007 and 2008 Bonds**
B.	**Introduction and Public Hearing of an Ordinance Amending Sections 3.15.010, Definitions; 3.15.020, Authorized; and 3.15.030, General Eligibility Requirements, of Chapter 3.15, Real Estate Exemption for Elderly and Disabled Persons, of Title 3, Revenue and Finance, to Align with Changes to the Code of Virginia as Enacted by the General Assembly and to Make Clarifications**
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D.	**Introduction and Public Hearing of an Ordinance Amending Section 6.05.010, Definitions, of Chapter 6.05, In General, of Title 6, Animals and Fowl, to Align with Changes to the Code of Virginia as Enacted by the General Assembly**

E.	**Introduction and Public Hearing of an Ordinance Amending Section 8.30.230, Penalty for Violation of Article, of Chapter 8.30, Solid Waste, of Title 8, Health and Safety, to Establish Civil Penalties for Repeated Violations Regarding the Failure to Remove or Properly Dispose of Trash, Garbage, Refuse, Rubbish, Litter, and Other Like Substances**

Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 14, 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:	**November 14, 2019**	**Staff Member:** **Sarah Skrobis**
Item #	**2**	
Ordinance #		
Department:	**Staunton Public Library**	
Council Vision:	**Culture** **Education**	
Subject:	**Staunton Public Library Annual Report 2018-2019**	

Background: Sarah Skrobis, Director of Library Services, has prepared the attached annual report of activities for the past fiscal year and will present a general update on the Staunton Public Library's activities.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

STAUNTON™
PUBLIC LIBRARY

Annual Report

FOR FISCAL YEAR 2019

1 CHURCHVILLE AVENUE, STAUNTON, VA 24401
540.332.3902 | WWW.STAUNTONLIBRARY.ORG

NOTE FROM THE DIRECTOR

It's been a year of changes at Staunton Public Library! If you've visited us lately, you'll notice that the most visible updates are on the first floor. We've moved our check-out desk to provide an improved customer service experience for you. In addition, we've created some new comfortable seating areas to give visitors a range of choices: a silent study space, a quiet reading room, and a conversational browsing area by the new books.

We've also seen a shift in usage towards our digital collections. Digital check-outs increased 35% in just one year! Don't you love the convenience of browsing the library's eBooks in your pajamas on a Sunday night? We sure do, but that doesn't mean we'll get rid of our print collections any time soon. It's all about balance.

Some things simply don't change, though. Our staff is still patron-focused and making collection and programming decisions based on community needs, because the Staunton Public Library exists for YOU. So come on in, see what's new, and tell us what you'd like to see in the future.

Sarah Skrobis, Director of Library Services

FISCAL YEAR 2019 AT A GLANCE

367,391

ITEMS CHECKED OUT

174,766

VISITORS

25,637

COMPUTER USES

VALLEY LIBRARIES

19,378

CARD HOLDERS

841

PROGRAMS OFFERED

11,028

REFERENCE QUESTIONS

594

PUBLIC MEETINGS

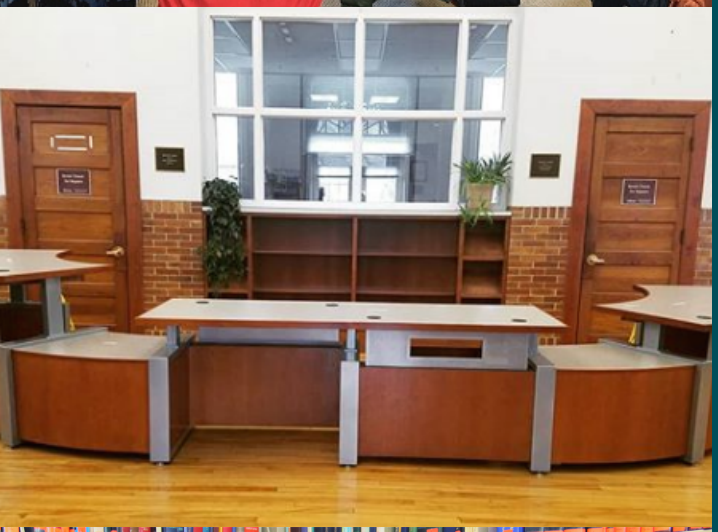
Friends of the Staunton Library

2,392

VOLUNTEER HOURS

Staunton Public Library Advisory Board Members serving during FY2019

Christy Davis - Chair, Dr. Josh Howard - Vice-Chair, Dan Swift - Secretary, Lisa Brooks, & Dr. Mark Peterson



PUBLIC SERVICES

Relocated the first floor check-out desk to provide improved customer service

Instituted open access to the local history and genealogy collections

Hosted two traveling exhibits from the Library of Virginia:

- Teetotalers & Moonshiners: Prohibition in Virginia
- Strong Men & Women in Virginia History

Became the only public library in Virginia to host Geri-Fit® strength training classes; SPL participated in a study which then granted public performance rights for future use

Collected over 1,600 lbs. of food for the Blue Ridge Area Food Bank during the annual Can Your Fines forgiveness month

OUTREACH

- Pop-Up Playground at Gypsy Hill Park
- Nonfiction Nights at the Frontier Culture Museum
- Staunton Pride Festival
- Shakespeare's Birthday Party at the American Shakespeare Center
- Monthly visits to over 20 different sites including daycares, preschools, public schools, and low-income housing

Photo courtesy of CJ Clark

TECHNOLOGY & TECHNICAL SERVICES

Digital circulation increased over 35%

Was one of 121 stops on the Digital Bookmobile's route across the United States.

Hosted 39 technology classes and one-on-one Book a Librarian appointments

Overhauled the website to provide better accessibility and highlight new digital resources provided by the Library of Virginia

Partnered with the Friends of the Library to divert books from recycling by scanning and sending unneeded discards and donations to Better World Books

Coordinated catalog and patron database maintenance work between the Valley Libraries partners

YOUTH SERVICES

9,441 attendees at 602 programs

544 children and 92 teens participated in the 2019 Summer Reading Games program

Received one of 70 national grants to participate in the American Library Association's Great Stories Club series on Truth, Racial Healing, & Transformation: a thematic teen book club that engages under-served teens and encourages young people to find their voices and speak truth to power

Hosted authors M.K. England and Anne Marie Pace to connect young readers with writers they love

Implemented a range of STEAM programs including terrarium and log cabin building work shops, Sciencetellers performance, and a Magical Makerspace before Queen City Mischief & Magic

OUR BEST ASSET: STAFF

Technology Services Librarian Kayla Payne elected Secretary of the Virginia Library Association

Participated in annual Valley Libraries Staff Development Day; toured Libbie Mill Library and the Library of Virginia

Launched staff-wide training on serving patrons experiencing homelessness

Staff members attended the annual Virginia Library Association, American Library Association, and Association of Rural and Small Libraries conferences

Hosted a representative from the Virginia School for the Deaf & Blind to discuss best practices for serving patrons with disabilities

COMMUNITY SUPPORT

Friends of the Staunton Library awarded their first $500 Teen Advisory Board Scholarship

The Friends hosted fundraisers: Bingo at Bedlam Brewery and two book sales that raised over $10,000 with the help of 164 volunteers

The Staunton Library Foundation purchased a new copier for public use

Volunteers contributed almost 2,400 hours of service

Friends of the Staunton Library

Talking Book Center

Named National Subregional Library of the Year by the National Library Service for the Blind & Print Disabled and accepted the award at the Library of Congress

Circulated 19,415 items, an increase of 14.5% over 2018

Conducted outreach at Queen City Mischief & Magic, Staunton Pride, Augusta County Senior Health Fair, Staunton City Senior Health Fair, and an open house event

Received grant funding from United Way Rockbridge, United Way Greater Augusta, Community Foundation of the Blue Ridge, CAPSAW, and the Rotary Club of Staunton

Started monthly patron newsletter to promote accessible activities, encourage community involvement, and provide information on the latest titles

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 14, 2019**	**Staff Member:** **Billy Vaughn**
Item #	**3**	
Ordinance #		
Department:	**Community Development**	
Council Vision:	**Built Environment**	
Subject:	**Presentation on U.S. Environmental Protection Agency (EPA) Brownfields Program and Grant Application**	

Background: During Council's work session on August 8, 2019, Lori Kroll, Community Resource Specialist with Draper Aden Associates, provided an overview of the U.S. Environmental Protection Agency (EPA) Brownfields Program. The purpose of the program is to return vacant or underutilized properties to productive reuse by providing funds for initial assessments and planning that will serve to incentivize investment and jumpstart redevelopment and area-wide revitalization of communities.

While EPA offers multiple types of grants, Ms. Kroll recommends that the City apply for a Community-Wide Brownfields Assessment Grant totaling $300,000, which would be funded over a 3-year period. The targeted area for the grant application would be the West Beverley Street corridor. Community groups in the West End, including for example the West End Alliance and the West End Business Association, will be fully engaged during this process. This will not only strengthen the application and implementation should the City receive the grant funds, but the impacted community can be at the forefront and serve as champions for these revitalization initiatives.

The program would include funding for sites potentially impacted by both hazardous substances and petroleum. Funded activities include direct costs associated with:

- community engagement, including targeted, site specific efforts as well as broader community education about the program and its benefits;
- brownfields inventory, including initial site characterization, prioritization, access coordination and eligibility determinations;
- environmental site assessments (ESAs), including Phase I and Phase II ESAs, along with associated work plans required by the program;
- planning for site remediation and/or redevelopment, which can include target area or site specific planning, such as marketing/feasibility studies and concept plans; and
- grant administration and required federal reporting.

No direct cash match is required of the City for this grant. Communities typically provide in-kind services toward grant oversight and contract with a qualified environmental consultant to carry out most of the administrative and technical aspects of the program.

Grant proposals are due on December 3, 2019. Grant awards are usually announced in the spring, followed by development and execution of a federal cooperative agreement over the summer. Funds would become available October 1, 2020. The 3-year grant cycle will end September 30, 2023.

Ms. Kroll will attend Council's work session on November 14, 2019, to provide a brief overview of the program and grant application.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 14, 2019**	**Staff Member:** **Steven L. Rosenberg**
Item #	**4**	
Ordinance #		
Department:	**City Manager**	
Council Vision:	**Responsive, Efficient Government**	
Subject:	**2020 Legislative Program**	

Background: Each year, City Council adopts a legislative program which is transmitted to the Governor, local General Assembly members, the Virginia Municipal League (VML), and Virginia First Cities. Council discussed the City's legislative program for 2020, at its work session on October 24, 2019. During Council's work session on November 14, 2019, there will be a continued discussion of the program. A draft resolution setting forth the program, with proposed changes to last year's program highlighted, is attached for Council's consideration (with proposed deletions stricken and proposed additions underlined.) Also attached, for Council's reference, are a draft of the same document, without highlighted changes (which may be easier to read) and VML's adopted 2020 legislative program.

City Manager's Recommendation: Review and discuss the draft 2020 Legislative Program. If it is in an acceptable form, Council may adopt the program during its regular meeting on November 14, 2019. Alternatively, if Council desires to provide further input on the draft, staff can revise the program and schedule it for Council consideration on December 12, 2019. A suggested motion is included below in the event Council desires to proceed with adoption on November 14.

Suggested Motion: I move that City Council adopt the resolution establishing the City of Staunton's 2020 Legislative Program.

City Manager: Steven L. Rosenberg

RESOLUTION ESTABLISHING THE
CITY OF STAUNTON'S
~~2019~~2020 LEGISLATIVE PROGRAM

The Mayor and City Council of the City of Staunton, Virginia, governing from a position closest to the City's citizens and desiring to make City government more responsive to Staunton citizens, believe it is important to advise the City's representatives in the Virginia General Assembly of the City's legislative positions.

THEREFORE, BE IT RESOLVED by the Council of the City of Staunton that the legislative principles adopted by the Virginia Municipal League (VML) are hereby endorsed:

The Governor and General Assembly should not:

- Restrict further local revenue authority or sources.
- Impose new funding requirements or expand existing ones on services delivered by local governments.
- Shift state funding responsibilities onto local governments.
- Impose state fees, taxes or surcharges on local government services.
- Place additional unfunded mandates and other administrative burdens on local governments.

BE IT FURTHER RESOLVED that City Council respectfully requests that the General Assembly **support** legislation regarding the following issues:

A. Education

1. The General Assembly should fully fund public education—funding all mandated programs and services of education on the basis of realistic costs; increasing Standards of Quality funding, coming from general fund revenues, appropriated to elementary and secondary education; providing for flexibility in the use of those funds to meet unique local needs; and supporting specialized training, professional development and extended contracts for staff in challenged schools.

2. The General Assembly should fully fund the Virginia Preschool Initiative.

3. The General Assembly should continue to support the revisions of the system of accountability to encompass balanced assessments and expand the implementation of problem-based assessments for greater validity and more cost-effective sampling techniques, and continue the implementation of expedited test retakes to more accurately reflect student achievement, sense of inquiry, and love of learning.

4. The General Assembly should enact legislation to double the sales and use tax revenue distribution statewide to provide funding for capital for new or renovated school building projects, using the same formula for sales and use tax distribution as is used currently for distribution for Standards of Quality funding.

5. The General Assembly should provide new avenues for funding public school construction and renovation costs, including the creation of a pilot program of competitive grants using funds from the Virginia Public Building Authority to offset new construction costs for publicly owned and operated K-12 schools.

B. Pediatric Cancer Research

City Council is appalled by the lack of cancer research coordination, the glacially slow FDA new treatment approval process, and the totally inadequate level of federal funding for pediatric cancer research. Less than 4% of all cancer research spending is for pediatric cancer and only two treatments are currently approved by the FDA. Council requests that the Virginia General Assembly petition the federal government to make pediatric cancer a real priority in order to save the lives of countless children who cannot speak for themselves or vote.

C. Certificates of Public Need

Council supports Virginia's Certificate of Public Need (COPN) program as an important component of the Commonwealth's health care system and encourages the General Assembly to retain COPN in its current form.

D. Chesapeake Bay Water Quality

City Council requests that the Commonwealth increase Stormwater Legal Assistance Fund (SLAF) funding to at least $~~50~~80 million and Agricultural BMP Cost-Share Program funding to at least $100 million.

E. Transportation

1. City Council supports improvements to railroad infrastructure to increase freight shipment capacity and reduce truck traffic and impacts on Interstate 81.

2. City Council supports a Primary Seatbelt Law.

3. City Council supports a generally applicable ban on handheld cell phone use by operators of moving motor vehicles, not limited to construction zones.

4. City Council supports the use of non-motorized transportation, including trails, pathways and green corridors, for health, energy conservation and cost reasons for all Virginians.

5. City Council supports increased federal and state funding for public transit; policies that allow for the equitable distribution of such funding; and dedicated sources for such funding.

F. Libraries

City Council supports efforts to maintain and increase State Aid to Public Libraries as mandated by the Code of Virginia to strengthen funding for public library materials and programs that target childhood literacy and STEM instruction.

G. Virginia State Parks

City Council encourages the Governor and General Assembly to support additional land acquisition for state parks, outdoor recreation and natural areas.

H. Broadband Expansion

City Council supports the expansion of broadband to all areas of the Commonwealth.

I. Solar Tax Incentives

City Council supports state tax incentives for private homeowners, businesses and the solar energy industry to incentivize an increase in the use of clean solar energy systems, to reduce dependence on extractive fossil fuels and emissions and increase energy independence.

J. Predatory Lending

City Council continues its ~~eight~~nine-year long fight against predatory lending. Council supports:

- 1. A return to the usury law (36% interest rate cap inclusive of all fees) that Virginia had prior to 2002.

- 2. Vigorous enforcement by the Attorney General of the ban on illegal internet loans.

- 3. If the Senate and the House refuse to act, swift approval by the General Assembly of a statewide referendum on an interest rate cap.

K. Equal Rights Amendment

City Council supports passage of the Equal Rights Amendment (ERA) and urges the General Assembly to take the necessary steps to put this matter before the citizens of the Commonwealth of Virginia.

L. Opioids

City Council supports any efforts to curb opioid use and abuse, including state programs that partner with local governments to deal with the effects of this ~~growing~~continuing epidemic.

M. Fair Elections

Like many of our citizens, members of City Council regard with concern the reports received from other states and regions of apparent attempts on the part of government officials to suppress voter turnout. Reductions in voting locations, malfunctioning voting machines, preemptory removal of citizens' names from voting rolls, and other such strategies for unfairly influencing the outcome of an election reflect an abandonment of the democratic principles upon which our nation and commonwealth were founded.

Council urges our representatives in the General Assembly to make every effort to ensure that Virginia elections are fair, secure, accurate, accessible, and transparent. Further, Council urges the General Assembly to explore and implement additional strategies for encouraging voter turn-out, including:

- automatic registration
- expanded voting hours
- establishment of election day as a state holiday

N. Public Notice, Public Hearing and Public Procurement

The General Assembly should support legislation to reduce required, expensive newspaper advertising for public notices, public hearings and public procurement including legislation to give localities the option to use electronic or other forms of notification as an alternative to newspaper advertising.

O. Behavioral Health and Development Disability

1. The General Assembly should provide full funding for the System Transformation Excellence and Performance (STEP-VA) initiative of the Virginia Department of Behavioral Health & Developmental Services during the ~~2018~~ 2020-2022 biennial budget.

2. The General Assembly should increase the Medicaid Early Intervention case management reimbursement rate to its data-determined adequacy.

3. The General Assembly should fund 800 additional Family and Individual Supports (FIS) Waivers and 250 Community Living (CL) Waivers.

4. The Valley Community Services Board has proposed a community crisis center that will offer both detox and crisis intervention services. And while the needs of our citizens are great, the closest center is 29 miles away in Harrisonburg. For instance, the suicide rate in our area is higher than both the Virginia and national averages and drug induced deaths are 16.6 per 100,000 as compared to 10.6 statewide. The General Assembly should provide the necessary funding and support this new center that will better serve our City and region.

P. State Aid to Localities for Law Enforcement - HB599

The City of Staunton requests the General Assembly fully fund HB599 for law enforcement as mandated by the Code of Virginia.

Q. Jail Staffing/Compensation Board

The City of Staunton requests the General Assembly fund ~~the~~ required staffing positions for the Middle River Regional Jail (MRRJ). In 2018, the Virginia Department of Corrections published a staffing analysis for MRRJ based on ~~the Average Daily Population~~an average daily population (ADP) for ~~regional jails, which would result~~2017 of 775 member jurisdiction inmates. This resulted in ~~70 more~~a recommendation for an additional 76 jail officer positions ~~for Middle River Regional Jail based on~~and 17 support positions. The member jurisdiction ADP for ~~2017~~2018 was 857, exceeding the 2017 ADP that resulted in the recommendation of additional fully-funded staff positions and demonstrating the continued need.

R. Local Option Regulation of Disposable Plastic Bags

The City of Staunton supports legislation to allow local option authority to develop incentives or regulations to decrease or otherwise regulate the distribution, sale, or offer of disposable plastic bags.

S. Mental Health of First Responders

In 2018, the Code of Virginia was amended to require mental health awareness programs for fire and EMS personnel, prescribing specific actions and training that must occur. Trauma and PTSD are realities in the lives of all first responders, yet vital funding to implement the required

programs did not follow the mandates. City Council requests that the General Assembly add funding that can be accessed by localities in order to better offer vital services, including access to providers who specialize in the needs of first responders and much needed training.

T. Economic Development

1. Because site readiness, characterization and development are key to Virginia's and the City of Staunton's economic development efforts, City Council supports increased funding for the Virginia Business Ready Sites Program (VBRSP).

2. City Council supports maintenance of funding for GO Virginia that will encourage collaboration among Virginia's localities in order to spur economic growth, diversification and higher paying jobs.

U. Plastics Recycling Facility

On April 1, 2019, the City stopped collection of plastic of any sort for recycling. Because of a stressed recycling market and a processing capacity that has become very limited in the past year, plastic is now ending up in the landfill as trash. This is very undesirable for the environment, our citizens and our economy. Therefore, City Council requests that the General Assembly provide funding or offer incentives so a plastic recycling facility can be located in the Valley.

BE IT ALSO RESOLVED that City Council respectfully requests that the General Assembly **oppose** the following legislation~~:~~ and mandated regulations:

A. Eminent Domain by Private Utilities for Surveying

City Council opposes the eminent domain rights extended to Dominion ~~Virginia Power~~Energy and other private utilities to enter onto private property without the consent of the landowner for the purpose of surveying for proposed projects before agreements have been reached with such property owners.

B. Stormwater Utility Exemptions

City Council opposes legislation which would exempt any property owner from the payment of local stormwater utility fees.

C. Water Quality Funding

The Commonwealth's Final Chesapeake Bay TMDL Phase III Watershed Implementation Plan (August 2019) includes language imposing a new "floating" wasteload allocation on larger wastewater treatment plants. This new

requirement would cut the total wasteload allocation to Augusta County Service Authority (with which the City of Staunton contracts for wastewater treatment) by more than 45% (based on 2018 flow data), possibly requiring expensive upgrades which would significantly impact ratepayers with minimal additional benefit. Accordingly, City Council asks that the General Assembly reconsider its mandate of the new wastewater treatment wasteload allocation regulation set forth in the recently adopted Phase III Watershed Implementation Plan. City Council further requests, to facilitate continued successful local water quality improvement projects, full capitalization by the Commonwealth of the Water Quality Improvement Fund and provision for the necessary appropriations for local government water quality improvement projects, to continue the substantial progress made in the restoration of the Chesapeake Bay.

The Clerk of Council shall mail or deliver a copy of this Resolution to the Governor, the City's representatives in the General Assembly, other selected members of the General Assembly and area local governments; to the Virginia Municipal League, Virginia Association of Counties and Virginia First Cities and to other interested persons, as appropriate.

Adopted this ____ day of_____, ~~2018~~2019.

_____
Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons
Clerk of Council

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1. The General Assembly should fully fund public education—funding all mandated programs and services of education on the basis of realistic costs; increasing Standards of Quality funding, coming from general fund revenues, appropriated to elementary and secondary education; providing for flexibility in the use of those funds to meet unique local needs; and supporting specialized training, professional development and extended contracts for staff in challenged schools.

2. The General Assembly should fully fund the Virginia Preschool Initiative.

3. The General Assembly should continue to support the revisions of the system of accountability to encompass balanced assessments and expand the implementation of problem-based assessments for greater validity and more cost-effective sampling techniques, and continue the implementation of expedited test retakes to more accurately reflect student achievement, sense of inquiry, and love of learning.

4. The General Assembly should enact legislation to double the sales and use tax revenue distribution statewide to provide funding for capital for new or renovated school building projects, using the same formula for sales and use tax distribution as is used currently for distribution for Standards of Quality funding.

5. The General Assembly should provide new avenues for funding public school construction and renovation costs, including the creation of a pilot program of competitive grants using funds from the Virginia Public Building Authority to offset new construction costs for publicly owned and operated K-12 schools.

B. Pediatric Cancer Research

City Council is appalled by the lack of cancer research coordination, the glacially slow FDA new treatment approval process, and the totally inadequate level of federal funding for pediatric cancer research. Less than 4% of all cancer research spending is for pediatric cancer and only two treatments are currently approved by the FDA. Council requests that the Virginia General Assembly petition the federal government to make pediatric cancer a real priority in order to save the lives of countless children who cannot speak for themselves or vote.

C. Certificates of Public Need

Council supports Virginia's Certificate of Public Need (COPN) program as an important component of the Commonwealth's health care system and encourages the General Assembly to retain COPN in its current form.

D. Chesapeake Bay Water Quality

City Council requests that the Commonwealth increase Stormwater Legal Assistance Fund (SLAF) funding to at least $80 million and Agricultural BMP Cost-Share Program funding to at least $100 million.

E. Transportation

1. City Council supports improvements to railroad infrastructure to increase freight shipment capacity and reduce truck traffic and impacts on Interstate 81.

2. City Council supports a Primary Seatbelt Law.

3. City Council supports a generally applicable ban on handheld cell phone use by operators of moving motor vehicles, not limited to construction zones.

4. City Council supports the use of non-motorized transportation, including trails, pathways and green corridors, for health, energy conservation and cost reasons for all Virginians.

5. City Council supports increased federal and state funding for public transit; policies that allow for the equitable distribution of such funding; and dedicated sources for such funding.

F. Libraries

City Council supports efforts to maintain and increase State Aid to Public Libraries as mandated by the Code of Virginia to strengthen funding for public library materials and programs that target childhood literacy and STEM instruction.

G. Virginia State Parks

City Council encourages the Governor and General Assembly to support additional land acquisition for state parks, outdoor recreation and natural areas.

H. Broadband Expansion

City Council supports the expansion of broadband to all areas of the Commonwealth.

I. Solar Tax Incentives

City Council supports state tax incentives for private homeowners, businesses and the solar energy industry to incentivize an increase in the use of clean solar energy systems, to reduce dependence on extractive fossil fuels and emissions and increase energy independence.

J. Predatory Lending

City Council continues its nine-year long fight against predatory lending. Council supports:

1. A return to the usury law (36% interest rate cap inclusive of all fees) that Virginia had prior to 2002.

2. Vigorous enforcement by the Attorney General of the ban on illegal internet loans.

3. If the Senate and the House refuse to act, swift approval by the General Assembly of a statewide referendum on an interest rate cap.

K. Equal Rights Amendment

City Council supports passage of the Equal Rights Amendment (ERA) and urges the General Assembly to take the necessary steps to put this matter before the citizens of the Commonwealth of Virginia.

L. Opioids

City Council supports any efforts to curb opioid use and abuse, including state programs that partner with local governments to deal with the effects of this continuing epidemic.

M. Fair Elections

Like many of our citizens, members of City Council regard with concern the reports received from other states and regions of apparent attempts on the part of government officials to suppress voter turnout. Reductions in voting locations, malfunctioning voting machines, preemptory removal of citizens' names from voting rolls, and other such strategies for unfairly influencing the outcome of an election reflect an abandonment of the democratic principles upon which our nation and commonwealth were founded.

Council urges our representatives in the General Assembly to make every effort to ensure that Virginia elections are fair, secure, accurate, accessible, and transparent. Further, Council urges the General Assembly to explore and implement additional strategies for encouraging voter turn-out, including:

- automatic registration
- expanded voting hours
- establishment of election day as a state holiday

N. Public Notice, Public Hearing and Public Procurement

The General Assembly should support legislation to reduce required, expensive newspaper advertising for public notices, public hearings and public procurement including legislation to give localities the option to use electronic or other forms of notification as an alternative to newspaper advertising.

O. Behavioral Health and Development Disability

1. The General Assembly should provide full funding for the System Transformation Excellence and Performance (STEP-VA) initiative of the Virginia Department of Behavioral Health & Developmental Services during the 2020-2022 biennial budget.

2. The General Assembly should increase the Medicaid Early Intervention case management reimbursement rate to its data-determined adequacy.

3. The General Assembly should fund 800 additional Family and Individual Supports (FIS) Waivers and 250 Community Living (CL) Waivers.

4. The Valley Community Services Board has proposed a community crisis center that will offer both detox and crisis intervention services. And while the needs of our citizens are great, the closest center is 29 miles away in Harrisonburg. For instance, the suicide rate in our area is higher than both the Virginia and national averages and drug induced deaths are 16.6 per 100,000 as compared to 10.6 statewide. The General Assembly should provide the necessary funding and support this new center that will better serve our City and region.

P. State Aid to Localities for Law Enforcement - HB599

The City of Staunton requests the General Assembly fully fund HB599 for law enforcement as mandated by the Code of Virginia.

Q. Jail Staffing/Compensation Board

The City of Staunton requests the General Assembly fund required staffing positions for the Middle River Regional Jail (MRRJ). In 2018, the Virginia Department of Corrections published a staffing analysis for MRRJ based on an average daily population (ADP) for 2017 of 775 member jurisdiction inmates. This resulted in a recommendation for an additional 76 jail officer positions and 17 support positions. The member jurisdiction ADP for 2018 was 857, exceeding the 2017 ADP that resulted in the recommendation of additional fully-funded staff positions and demonstrating the continued need.

R. Local Option Regulation of Disposable Plastic Bags

The City of Staunton supports legislation to allow local option authority to develop incentives or regulations to decrease or otherwise regulate the distribution, sale, or offer of disposable plastic bags.

S. Mental Health of First Responders

In 2018, the Code of Virginia was amended to require mental health awareness programs for fire and EMS personnel, prescribing specific actions and training that must occur. Trauma and PTSD are realities in the lives of all first responders, yet vital funding to implement the required programs did not follow the mandates. City Council requests that the

General Assembly add funding that can be accessed by localities in order to better offer vital services, including access to providers who specialize in the needs of first responders and much needed training.

T. Economic Development

1. Because site readiness, characterization and development are key to Virginia's and the City of Staunton's economic development efforts, City Council supports increased funding for the Virginia Business Ready Sites Program (VBRSP).

2. City Council supports maintenance of funding for GO Virginia that will encourage collaboration among Virginia's localities in order to spur economic growth, diversification and higher paying jobs.

U. Plastics Recycling Facility

On April 1, 2019, the City stopped collection of plastic of any sort for recycling. Because of a stressed recycling market and a processing capacity that has become very limited in the past year, plastic is now ending up in the landfill as trash. This is very undesirable for the environment, our citizens and our economy. Therefore, City Council requests that the General Assembly provide funding or offer incentives so a plastic recycling facility can be located in the Valley.

BE IT ALSO RESOLVED that City Council respectfully requests that the General Assembly **oppose** the following legislation and mandated regulations:

A. Eminent Domain by Private Utilities for Surveying

City Council opposes the eminent domain rights extended to Dominion Energy and other private utilities to enter onto private property without the consent of the landowner for the purpose of surveying for proposed projects before agreements have been reached with such property owners.

B. Stormwater Utility Exemptions

City Council opposes legislation which would exempt any property owner from the payment of local stormwater utility fees.

C. Water Quality Funding

The Commonwealth's Final Chesapeake Bay TMDL Phase III Watershed Implementation Plan (August 2019) includes language imposing a new "floating" wasteload allocation on larger wastewater treatment plants. This new requirement would cut the total wasteload allocation to Augusta County Service

Authority (with which the City of Staunton contracts for wastewater treatment) by more than 45% (based on 2018 flow data), possibly requiring expensive upgrades which would significantly impact ratepayers with minimal additional benefit. Accordingly, City Council asks that the General Assembly reconsider its mandate of the new wastewater treatment wasteload allocation regulation set forth in the recently adopted Phase III Watershed Implementation Plan. City Council further requests, to facilitate continued successful local water quality improvement projects, full capitalization by the Commonwealth of the Water Quality Improvement Fund and provision for the necessary appropriations for local government water quality improvement projects, to continue the substantial progress made in the restoration of the Chesapeake Bay.

The Clerk of Council shall mail or deliver a copy of this Resolution to the Governor, the City's representatives in the General Assembly, other selected members of the General Assembly and area local governments; to the Virginia Municipal League, Virginia Association of Counties and Virginia First Cities and to other interested persons, as appropriate.

Adopted this ____ day of_____, 2019.

_____
Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons
Clerk of Council

VML 2020 Legislative Program

As approved by the VML Membership on Oct. 8, 2019

Preamble: Local Authority

VML supports expanded local government authority and opposes any erosion of local authority.

VML 2020 Legislative Program

Listed in alphabetical order

****=Priority issue; $=Budget Priority***

Access to Mental Health Crisis Services and Alternative Transportation*

VML supports efforts to ensure that adults and children experiencing a mental health crisis are able to obtain timely evaluation and assistance, including emergency custody and temporary detention, as close to their home community as possible. VML supports the statewide implementation of alternative transportation options to help as many individuals in crisis get to evaluation services and treatment with the goal of eliminating the reliance on local law enforcement for extended transportation and custody services.

Addressing Abusive Data Harvesting

Recognizing that local governments are increasingly subject to cyberattacks, VML supports the continued study by the Virginia Freedom of Information Act (FOIA) Council of the threat of attacks on citizens and public employees whose contact and private information is legally obtained as a result of a FOIA request and urges ample local government participation in the development of solutions to prevent abusive data harvesting.

Appealing Property Assessments

Article X of the Virginia Constitution mandates that all real and personal property be assessed at fair market value and that all property not constitutionally exempt be taxed.

Taxpayers have the right to contest property assessments through administrative and legal means. Taxpayers pay no local fees to challenge real property and personal property assessments. If taxpayers are displeased with the determinations made by their local commissioner of the revenue or other local assessing official, additional real property appeals can be submitted to the local Boards of Equalization. Taxpayers can also appeal real and personal property assessments in the Circuit Courts and, if still aggrieved, may appeal to the Virginia Supreme Court.

Reforms enacted in the 2011 Session of the General Assembly lowered the level of proof required by the taxpayer (from "clear preponderance" to "preponderance") to prove property is valued at more than fair market value or that the assessment is not uniform in its application and that it was not developed in accordance with generally accepted appraisal practices and applicable Virginia law relating to property valuation.

In 2017, there were more than 3.1 million taxable parcels and 20,777 appeals of which 10,472 were administratively resolved. Another 2,341 appeals were granted by local Boards of Equalization. Taxpayers filed 18 appeals in circuit courts of which seven were granted.

VML does not believe the assessment appeals process is flawed or in need of major policy changes and opposes statutory changes that would upend a process that protects taxpayers and the public.

Broadband

VML supports programs which provide tools to localities to expand broadband access in their localities, including access to state funding for ownership by localities of broadband networks. Expanded authority, tools, and access to funding are essential for broadband service to improve for all Virginia local governments and citizens.

Cancer Presumption and Workers' Compensation

Compensability for work-related presumptive employee disability benefits for any class of employees should be determined by establishing whether work or non-work related risk factors are more likely the primary cause of the claimant's condition. When adding additional presumptive disability benefits key components of any analysis should include civic responsibility as well as fiscal responsibility.

Commonwealth Attorney Funding

VML urges the General Assembly to fully fund all currently authorized positions for Commonwealth's Attorney offices statewide to allow these offices to fully comply with new discovery rules being promulgated by the Virginia Supreme Court; to keep up with and effectively incorporate new sources of evidence resulting from new technology, including body worn camera video; and to make up for historic under-funding of these offices.

Communications Sales and Use Tax

The Virginia Communications Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communications sales and services. VML supports setting the tax rate at the same level as the state sales tax rate and broadening the coverage of the tax to include audio and video streaming services and prepaid calling cards. VML opposes transfers of these revenues to the state general fund for purposes other than those currently stipulated in the Code of Virginia.

Distracted & Inattentive Driving

VML supports local government authority to enforce full attention and time to driving ordinances. VML supports access to training for impartial enforcement of these ordinances by all law enforcement personnel.

Education Funding*$

A strong public school system is essential to economic development and prosperity. The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities.

Further, VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning.

Any approach to improving low-performing schools must include adequate state financial support. VML supports increased state funding for the Virginia Preschool Initiative, the K-3 reduced class size program and Early Reading Intervention program. VML also supports increased state stipends for highly effective teachers in high-poverty schools, and other innovative programs for teachers and students.

Equal Rights Amendment*

VML supports the passage of the Equal Rights Amendment (ERA) and urges the General Assembly to take the necessary steps to put this matter before the citizens of the Commonwealth of Virginia.

Funding the Real Cost of Education*$

The state funding formula for education operating costs breaks down on a statewide level as 55 percent state/45 percent local funding. However, the Standards of Quality do not recognize the true costs of education, including pupil transportation, school support staff, providing and updating broadband and other technology, and instructional staff salaries. Neither does it recognize most construction and renovation costs.

Local governments match more than is required for basic state education dollars, pay the majority of public school capital costs and struggle to find scarce local tax dollars to keep up with the demands for meeting additional and expanding state requirements and for creating 21st century learning environments for our children to master the challenges of tomorrow's workplace.

VML supports actions for the Commonwealth to recognize and fund the true costs of public education, including new avenues for funding public school construction and renovation costs such as the creation of a pilot program of competitive grants using funds from the Virginia Public Building Authority to offset new construction or renovation costs for publicly-owned and operated K-12 schools in fiscally stressed communities as defined by the Virginia Commission on Local Government.

Housing Solutions

Local governments are the solution for solving the housing crisis in the Commonwealth. Allowing local governments the authority to use flexible tools for achieving housing goals and greater land use authority for creative housing types is needed. VML also encourages modernization by keeping up with demographic trends and needs.

Human Trafficking

VML supports the appointment of a sex trafficking response coordinator at the Department of Criminal Justice Services and the proposed development of much-needed public outreach, education, and treatment services; local government representatives should be part of the development of those components.

Outreach efforts and avenues for reporting trafficking must address language barriers for those reporting suspected trafficking and those seeking rescue from trafficking. Further, since

labor trafficking is a component of human trafficking, all types of trafficking situations should ultimately be addressed in Virginia's outreach, education, and response plan.

Local Option Regulation of Disposable Plastic Bags

VML supports legislation to allow local option authority to develop incentives or regulations to decrease or otherwise regulate the distribution, sale, or offer of disposable plastic bags.

Removing Barriers to Distributed Solar

The Grid Transformation and Security Act approved by the 2018 General Assembly authorizes and encourages many clean power production activities, but Virginia law still restricts the ability of local governments, businesses, and others from installing solar facilities for their own use. VML supports legislation to remove barriers and allow for the creation of stronger markets for distributed solar goals, to include the following components:

- Lifting the one percent cap on the total amount of solar power that can be net metered in a utility territory to five percent; and
- Allowing local government entities to install solar facilities of up to 5 MW on government-owned property and use the electricity for schools or other government-owned buildings located nearby, even if not contiguous.

Restoring Reductions to Community Services Boards

Community services boards are experiencing substantial state general fund reductions in the 2018-20 biennium ($11.0 million in FY19 and $25.0 million in FY20). Health care expansion through Medicaid may eventually make up for these reductions, but the timing of implementation puts the boards at risk of service and staffing disruptions during the biennium. VML supports the revisiting of slated reductions in fiscal year 2020 and beyond, specifically to ensure that the state's goal of providing more services at the community level, including new STEP-VA service requirements, can be achieved without shifting funding burdens to local governments.

State and Local Government Fiscal Relationship

Governance at the local level becomes ever more challenging as the Commonwealth and the Federal government add new programs, or modify existing program guidelines, and promulgate complex regulations and higher standards for local governments to implement. It is not uncommon for the state and federal governments to either underfund their share of the costs or to ignore them altogether.

To that end, the Virginia Municipal League holds as essential these principles on local taxing and budget authority:

- Specific local revenue authority and sources cannot be further restricted without first granting and providing alternative revenue authority with reliable, sustain- able revenue sources. This includes, without limitation, the BPOL and M&T taxes.
- Local governments must be involved in any discussions relating to local taxing authority including legislation that exempts specific industries from local taxes and fees.
- Local general fund revenue and special funds must not be confiscated or redirected to the state treasury.

- Placing additional administrative burdens on local governments without sufficient resources or administrative flexibility jeopardizes the quality of services delivered at the local level. Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a commensurate increase of state financial assistance or new local taxing authority.
- Shifting traditional state funding responsibilities onto local governments for services including public education, law enforcement, and public safety activities and any core services affecting local government, is bad fiscal policy, resulting in stress on local finances without reductions in overall program costs.
- Imposing state fees, taxes or surcharges on local government services impedes transparency at both the state and local level.
- Any efforts at tax reform must begin with a thorough examination of state tax reform and the financing of state services. The State should reform its own tax structure before taking on the topic of local taxes. State and/or local tax changes should not negatively affect local revenues.
- State budget cuts to state mandated and other high priority programs should specify the programs to be affected by the cuts.

The Commonwealth should:

- Enter a dialogue with local governments to examine state requirements and service expansions that can be suspended or modified to alleviate to the degree possible the financial burden on state and local taxpayers.
- Examine models in other states that allow for modernizing state and local taxing authority.
- Develop spending and revenue priorities that support economic development, public safety, education and other public goals. State tax credits, tax deductions and tax relief policies must receive the same scrutiny as spending programs as part of the prioritization process.
- In times of revenue crises, review ways to increase revenues to meet constitutional and statutory obligations to Virginia citizens after all other actions have been taken.
- Include local government representatives on any "blue ribbon" commission or other body established by the state that has as its purpose changes to local revenue authority or governance.

State Assistance to Local Police Departments (HB 599) $

Almost 70 percent of Virginians live in communities served by police departments. The state created a program of financial assistance to local police departments (HB 599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium. VML calls for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation.

State Funding for Planning District Commissions

VML supports increased state funding for the statewide network of planning district commissions/regional councils (PDCs). PDCs carry out efforts supported by state and local policy makers to advance and sustain regional coordination, cooperation, and technical assistance for the benefit of regions across the Commonwealth.

Stormwater Local Assistance $

VML supports continued investment of at least $50 million annually in the Stormwater Local Assistance Fund to assist localities with critical stormwater projects to meet federal and state clean-water requirements.

Taxing, Licensing, and Regulating Internet-based Businesses and Services

In taking state action to regulate private enterprises employing a business model that emphasizes the use of the Internet to either provide retail or facilities or ride-sharing services, local government interests should be acknowledged, and localities should be included in the decision-making.

As general principles, VML believes state and local policies should 1) encourage a level playing field for competing services in the market place; 2) not provide a tax preference or tax policy advantage for one group at the expense of another group in the competitive field; 3) seek to preserve state and local revenue; 4) ensure safety, reliability, and access for consumers, providers, and the public; and 5) protect local government's ability to regulate businesses whether they are traditional, electronic, Internet-based, virtual or otherwise.

VML also believes that the state should not prohibit the sharing of financial information between the Commonwealth and appropriate local authorities that is normally treated as part of the public domain. VML further believes that the state should not prohibit a locality from exercising its authority to enter into voluntary collection agreements provided that such agreements include provisions to protect the public's interest.

Water Quality Funding

For continued successful local water quality improvement projects the Commonwealth must fully capitalize the Water Quality Improvement Fund and provide the necessary appropriations for local government water quality improvement projects to clean up the Chesapeake Bay and its tributaries. In addition, any changes to the state's stringent wastewater mandates imposed on localities must be scientifically land economically defensible, employing implementation strategies that produce any necessary wastewater improvements at the least cost.

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 14, 2019**	**Doug Guynn City Attorney**
Item #	**5 & B**	
Ordinance #		
Department:	**City Attorney**	
Council Vision:	**Responsive, Efficient Government**	
Subject:	**Introduction and Public Hearing of an Ordinance Amending Sections 3.15.010, Definitions; 3.15.020, Authorized; and 3.15.030, General Eligibility Requirements, of Chapter 3.15, Real Estate Exemption for Elderly and Disabled Persons, of Title 3, Revenue and Finance, to Align with Changes to the Code of Virginia as Enacted by the General Assembly and to Make Clarifications**	

Background: The Virginia General Assembly has enacted changes at various times to the Code of Virginia which merit amendments to update some aspects of the Staunton City Code. These updates are part of an ongoing process, as time permits with the input of departmental directors, to amend the City Code to align with changes to the Code of Virginia.

Virginia law authorizes a locality's governing body to provide some exemption or deferral of real estate taxes based on qualifying limitations. Staunton currently does so in Chapter 3.15 of the Staunton City Code. The proposed ordinance before Council updates those provisions.

Exhibit A is a proposed draft ordinance which clarifies the definitions of "dwelling" and "eligible person" in Title 3, Revenue and Finance, for the purposes of the real property tax exemption for property owners who are 65 years of age or older or who are permanently and totally disabled, to include improvements to the exempt land, so long as the improvement is not used for a

business purpose and is used to house certain motor vehicles or household goods.
The ordinance also reorders and clarifies some language in the current version of the City Code provision in regards to the income limitation to determine eligibility for the real estate tax exemption, to provide that disability income received by certain individuals who live in the dwelling is not included in making that determination.

Exhibit B is the public hearing advertisement notice from *The News Leader* indicating the advertisement dates of October 31, 2019, and November 7, 2019.

A public hearing will be held during Council's regular meeting on November 14, 2019, and the ordinance will be scheduled for Council's consideration on December 12, 2019.

City Manager's Recommendation: Introduce the proposed ordinance and then open, conduct and close the public hearing.

Suggested Action: Ask the City Attorney to summarize the ordinance.

Suggested Motion (before conducting the public hearing): I move to introduce the proposed ordinance amending Sections 3.15.010, Definitions; 3.15.020, Authorized; and 3.15.030, General Eligibility Requirements, of Chapter 3.15, Real Estate Exemption for Elderly and Disabled Persons, of Title 3, Revenue and Finance, to align with changes to the Code of Virginia as enacted by the General Assembly and to make clarifications.

City Manager: Steven L. Rosenberg

EXHIBIT A

DRAFT 11.04.19

Ordinance No. 2019 - _____

AN ORDINANCE AMENDING, RESTATING AND REORDAINING SECTIONS 3.15.010, DEFINITIONS; 3.15.020, AUTHORIZED; AND 3.15.030, GENERAL ELIGIBILITY REQUIREMENTS, OF CHAPTER 3.15, REAL ESTATE TAX EXEMPTION FOR ELDERLY AND DISABLED PERSONS, OF TITLE 3, REVENUE AND FINANCE, OF THE STAUNTON CITY CODE TO ALIGN WITH CHANGES TO THE CODE OF VIRGINIA AS ENACTED BY THE GENERAL ASSEMBLY

Recitals

A. The General Assembly has enacted changes at various times to the Code of Virginia which merit amendments to the Staunton City Code relating to real estate tax exemptions for elderly and disabled persons to align the Staunton City Code with the Code of Virginia;

B. Pursuant to Sections 58.1-3210 and 58.1-3212 of the Code of Virginia and provisions of Title 3 of the Staunton City Code, the City Council has the authority to enact and change provisions of the Staunton City Code regarding real estate tax exemptions for elderly and disabled persons;

C. The City Council finds that it is in the interest of the City and its citizens to amend the City Code provisions relating to real estate tax exemptions for elderly and disabled persons;

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

E. These recitals are deemed an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Sections 3.15.010, Definitions; 3.15.020, Authorized; and 3.15.030, General Eligibility Requirements, of Chapter 3.15, Real Estate Exemption for Elderly and Disabled Persons, of the Staunton City Code be and hereby are amended as follows:

3.15.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless another meaning shall clearly appear from the context:

…

"Dwelling" shall ~~–~~ mean real estate which is the sole residence of ~~the~~ an eligible person ~~or persons~~ claiming exemption under this chapter, and shall include ~~any dwelling:~~

~~held by an eligible person in conjunction with one or more other people as tenant or tenants for life or joint lives; held in a revocable inter vivos trust over which an eligible person with one or more other people hold the power of revocation; or held in an irrevocable trust under which an eligible person in conjunction with one or more other people possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support.~~ an improvement to real estate exempt pursuant to this chapter and the land upon which such improvement is situated so long as the improvement is used principally for other than a business purpose and is used to house or cover any motor vehicle classified pursuant to subdivisions A 3 through 10 of Section 58.1-3503 of the Code of Virginia; household goods classified pursuant to subdivision A 14 of Section 58.1-3503 of the Code of Virginia; or household goods exempted from personal property tax pursuant to Section 58.1-3504 of the Code of Virginia.

"Eligible person" shall mean a person who is at least age 65, or permanently and totally disabled, who owns and occupies as their sole dwelling, real estate or real property (i) held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which an eligible person or the eligible person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.

…

3.15.020 Authorized.

It is hereby declared to be the purpose of this chapter to provide real estate tax exemptions for ~~qualified property owners who are not less than 65 years of age, or if under 65 years of age, are permanently and totally disabled, and who are otherwise eligible according to the terms of this chapter~~eligible persons. Pursuant to the authority of Section 58.1-3210 of the Code of Virginia, the city council finds and declares that eligible persons ~~qualifying for exemption~~ hereunder are bearing an extraordinary real estate tax burden in relation to the circumstances of their income and financial worth.

3.15.030 General eligibility requirements.

Exemption pursuant to this chapter shall be granted to eligible persons and as to their dwelling when: ~~and for property complying with the following provisions:~~

~~(1) The title to the property for which exemption is claimed is held or partially held by the person claiming such exemption, as of January 1st of the taxable year for which such exemption is claimed.~~

~~(2) The dwelling for which the exemption is claimed is occupied as the sole dwelling of such claimant.~~

~~(3) The head of household claiming such exemption is 65 years of age or older as of December 31st of the year immediately preceding the taxable year for which the exemption is claimed; or the head of household claiming such exemption is under 65~~

~~years of age and such person is permanently and totally disabled as of December 31st of the year immediately preceding the taxable year for which the exemption is claimed.~~

(~~4~~1) The total combined income received from all sources during the preceding calendar year by (a) owners of the dwelling who use it as their principal residence, (b) owners' relatives who live in the dwelling, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, and (c) nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide caregivers of the owner, whether compensated or not, does not exceed the sum of $30,000; provided, however, that the first $2,500 of income of each relative, other than the spouse of the owner, who is living in such dwelling shall not be included in such total. If an individual described in clause (b) and (c) is permanently and totally disabled, any disability income received by such person shall not be included in such total.

(~~5~~2) The net combined financial worth, including equitable interests, as of December 31st of the immediately preceding calendar year, of the owners and of the spouse of ~~the~~ any owner, excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated, does not exceed $62,500.

…

In all other respects, the provisions of Chapter 3.15, Real Estate Tax Exemption for Elderly and Disabled Persons, of Title 3, Revenue and Finance, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:
Adopted:
Effective Date:

_____
Carolyn W. Dull, Mayor

ATTEST:_____
Suzanne F. Simmons, Clerk of Council

DRAFT

Exhibit B

The News Leader

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: STAUNTON CITY OF

Address: 116 W BEVERLEY ST
STAUNTON VA 24401
USA

Ad No.: 0003872173
Pymt Method Invoice
Net Amt: $752.40

Run Times: 2

No. of Affidavits: 1

Run Dates: 10/31/19, 11/07/19

Text of Ad:

NOTICE OF PUBLIC HEARING S
ON ORDINANCES TO AMEND VARIOUS PROVISIONS OF THE STAUNTON CITY CODE

The Staunton City Council will hold public hearings at its regular meeting at 7:30 p.m. on Thursday, November 14, 2019, in Council Chambers, first floor of City Hall, 116 West Beverley Street, Staunton, Virginia on adopting ordinances to amend provisions of the Staunton City Code in various respects as follows:

SECTIONS 3.15.010, DEFINITIONS; 3.15.020, AUTHORIZED; AND 3.15.030, GENERAL ELIGIBILITY REQUIREMENTS, OF CHAPTER 3.15, REAL ESTATE TAX EXEMPTION FOR ELDERLY AND DISABLED PERSONS, OF TITLE 3, REVENUE AND FINANCE, TO ALIGN WITH CHANGES TO THE CODE OF VIRGINIA AS ENACTED BY THE GENERAL ASSEMBLY AND TO MAKE CLARIFICATIONS;

SECTION 3.17.010, GENERAL ELIGIBILITY REQUIREMENTS, OF CHAPTER 3.17, REAL ESTATE TAX EXEMPTION FOR U.S. MILITARY VETERANS, OF TITLE 3, REVENUE AND FINANCE, TO ALIGN WITH CHANGES TO THE CODE OF VIRGINIA AS ENACTED BY THE GENERAL ASSEMBLY;

SECTION 6.05.010, DEFINITIONS, OF CHAPTER 6.05, IN GENERAL, OF TITLE 6, ANIMALS AND FOWL, TO ALIGN WITH CHANGES TO THE CODE OF VIRGINIA AS ENACTED BY THE GENERAL ASSEMBLY; AND

SECTION 8.30.070, PENALTY FOR VIOLATION OF ARTICLE, OF CHAPTER 8.30, SOLID WASTE, OF TITLE 8, HEALTH AND SAFETY, TO ESTABLISH CIVIL PENALTIES FOR REPEATED VIOLATIONS REGARDING THE FAILURE TO REMOVE OR PROPERLY DISPOSE OF TRASH, GARBAGE, REFUSE, RUBBISH, LITTER, AND OTHER LIKE SUBSTANCES

Copies of the proposed ordinances to review the amendments, in full context, are available for inspection during normal working hours at the office of the Clerk of Council and at the office of the City Manager. The Staunton City Code is available online at: https://www.codepublishing.com/VA/Staunton/
All persons wishing to be heard at the public hearings are invited to attend. Persons with hearing loss or speech impairment desiring to attend the public hearing may contact the Clerk of Council by email at simmonssf@ci.staunton.va.us to request an interpreter.
Suzanne F. Simmons
Clerk of Council

0003872173-01

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 14, 2019**	**Doug Guynn City Attorney**
Item #	**6 & C**	
Ordinance #		
Department:	**City Attorney**	
Council Vision:	**Responsive, Efficient Government**	
Subject:	**Introduction and Public Hearing of an Ordinance Amending Section 3.17.010, General Eligibility Requirements, of Chapter 3.17, Real Estate Tax Exemption for U.S. Military Veterans, of Title 3, Revenue and Finance, to Align with Changes to the Code of Virginia as Enacted by the General Assembly**	

Background: The Virginia General Assembly has enacted changes at various times to the Code of Virginia which merit amendments to update some aspects of the Staunton City Code. These updates are part of an ongoing process, as time permits with the input of departmental directors, to amend the City Code to align with changes to the Code of Virginia.

Virginia law exempts from taxation some of the real property of an eligible disabled U.S. veteran as well as for the surviving spouse of such a veteran and for the surviving spouse of an armed forces member killed in action. Chapter 3.17 of the Staunton City Code reflects the exemptions. Because the Virginia Code now maintains the exemptions even when the surviving spouse moves to a different principal place of residence, the Staunton City Code should be updated to reflect this expanded benefit.

Exhibit A is a proposed draft ordinance that continues the tax exemption for the principal place of residence regardless of whether the surviving spouse moves to a different principal residence, as long as the surviving spouse does not remarry.

Exhibit B is the public hearing advertisement notice from *The News Leader* indicating the advertisement dates of October 31, 2019, and November 7, 2019.

A public hearing will be held during Council's regular meeting on November 14, 2019, and the ordinance will be scheduled for Council's consideration on December 12, 2019.

City Manager's Recommendation: Introduce the proposed ordinance and then open, conduct and close the public hearing.

Suggested Action: Ask the City Attorney to summarize the ordinance.

Suggested Motion (before conducting the public hearing): I move to introduce the proposed ordinance amending Section 3.17.010, General Eligibility Requirements, of Chapter 3.17, Real Estate Tax Exemption for U.S. Military Veterans, of Title 3, Revenue and Finance, to align with changes to the Code of Virginia as enacted by the General Assembly.

City Manager: Steven L. Rosenberg

EXHIBIT A

DRAFT 10.30.19

Ordinance No. 2019 - __

AN ORDINANCE AMENDING, RESTATING AND REORDAINING SECTION 3.17.010, GENERAL ELIGIBILITY REQUIREMENTS, OF CHAPTER 3.17, REAL ESTATE TAX EXEMPTION FOR U.S. MILITARY VETERANS, OF TITLE 3, REVENUE AND FINANCE, OF THE STAUNTON CITY CODE TO ALIGN WITH CHANGES TO THE CODE OF VIRGINIA AS ENACTED BY THE GENERAL ASSEMBLY

Recitals

A. The City of Staunton, consistent with provisions of the Virginia Code, provides real estate tax relief through provisions of Title 3 of the Staunton City Code (SCC);

B. The General Assembly has enacted changes at various times regarding exemptions from taxes on real property for U.S. military veterans, pursuant to subdivision (a) of section 6-A of Article X of the Constitution of Virginia and Virginia Code §§ 58.1-3219.5 and 58.1-3219.9;

C. City Council finds that it is in the interest of the City and its citizens to amend SCC provisions relating to exemptions from taxes on real property to align with changes enacted to the Code of Virginia;

D. The Commissioner of Revenue concurs that the amendments contemplated by this ordinance will enhance the clarity of the eligibility requirements for the City of Staunton's real estate tax relief program;

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 Chapter 3.17, Real Estate Tax Exemption for U.S. Military Veterans, of Title 3, Revenue and Finance, of the Staunton City Code be, and hereby is, amended as follows:

3.17 Real Estate Tax Exemption for U.S. Military Veterans and Spouses or Surviving Spouses

3.17.010 General eligibility requirements.

Exemption pursuant to this chapter shall be granted to persons and for property complying with the following provisions:

(1) For tax years beginning on or after January 1, 2011, any veteran who has been rated by the by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and

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who occupies the real property as the principal place of residence, shall be exempt from taxation of real property, including the joint real property of husband and wife. If the veteran's disability rating occurs after January 1, 2011, and has a qualified primary residence on the date of the rating, then the exemption under this section begins on the date of such rating. However, the City shall not be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by Virginia Code § 58.1-3219.6 and SCC § 3.17.020 or successor provisions. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to Virginia Code § 58.1-3360 or successor provisions. The surviving spouse of a veteran eligible for the exemption set forth in this section shall also qualify for the exemption, so long as the death of the veteran occurred on or after January 1, 2011, and the surviving spouse does not remarry~~, and the surviving spouse continues to occupy the real property as the principal place of residence~~. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

…

(2) For tax years beginning on or after January 1, 2015, the surviving spouse (i) of any member of the armed forces of the United States who was killed in action as determined by the U.S. Department of Defense and (ii) who occupies the real property as the principal place of residence shall be exempt from taxation of real property. For purposes of this section, such determination of "killed in action" includes a determination by the U.S. Department of Defense of "died of wounds received in action." If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action.

…

(b) The surviving spouse of a member of the armed forces killed in action shall qualify for the exemption so long as the surviving spouse does not remarry ~~and continues to occupy the real property as the principal place of residence~~. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

In all other respects, the provisions of Chapter 3.17. Real Estate Tax Exemption for U.S. Military Veterans, of Title 3, Revenue and Finance, of the Staunton City Code remain the same and are hereby restated, confirmed, and reordained.

Introduced:
Adopted:
Effective Date:

_____
Carolyn W. Dull, Mayor

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ATTEST:_____
Suzanne F. Simmons,
Clerk of Council

DRAFT

Exhibit B

The News Leader

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: STAUNTON CITY OF

Address: 116 W BEVERLEY ST
STAUNTON VA 24401
USA

Ad No.: 0003872173
Pymt Method Invoice
Net Amt: $752.40

Run Times: 2

No. of Affidavits: 1

Run Dates: 10/31/19, 11/07/19

Text of Ad:

NOTICE OF PUBLIC HEARING S
ON ORDINANCES TO AMEND VARIOUS PROVISIONS OF THE STAUNTON CITY CODE

The Staunton City Council will hold public hearings at its regular meeting at 7:30 p.m. on Thursday, November 14, 2019, in Council Chambers, first floor of City Hall, 116 West Beverley Street, Staunton, Virginia on adopting ordinances to amend provisions of the Staunton City Code in various respects as follows:

SECTIONS 3.15.010, DEFINITIONS; 3.15.020, AUTHORIZED; AND 3.15.030, GENERAL ELIGIBILITY REQUIREMENTS, OF CHAPTER 3.15, REAL ESTATE TAX EXEMPTION FOR ELDERLY AND DISABLED PERSONS, OF TITLE 3, REVENUE AND FINANCE, TO ALIGN WITH CHANGES TO THE CODE OF VIRGINIA AS ENACTED BY THE GENERAL ASSEMBLY AND TO MAKE CLARIFICATIONS;

SECTION 3.17.010, GENERAL ELIGIBILITY REQUIREMENTS, OF CHAPTER 3.17, REAL ESTATE TAX EXEMPTION FOR U.S. MILITARY VETERANS, OF TITLE 3, REVENUE AND FINANCE, TO ALIGN WITH CHANGES TO THE CODE OF VIRGINIA AS ENACTED BY THE GENERAL ASSEMBLY;

SECTION 6.05.010, DEFINITIONS, OF CHAPTER 6.05, IN GENERAL, OF TITLE 6, ANIMALS AND FOWL, TO ALIGN WITH CHANGES TO THE CODE OF VIRGINIA AS ENACTED BY THE GENERAL ASSEMBLY; AND

SECTION 8.30.070, PENALTY FOR VIOLATION OF ARTICLE, OF CHAPTER 8.30, SOLID WASTE, OF TITLE 8, HEALTH AND SAFETY, TO ESTABLISH CIVIL PENALTIES FOR REPEATED VIOLATIONS REGARDING THE FAILURE TO REMOVE OR PROPERLY DISPOSE OF TRASH, GARBAGE, REFUSE, RUBBISH, LITTER, AND OTHER LIKE SUBSTANCES

Copies of the proposed ordinances to review the amendments, in full context, are available for inspection during normal working hours at the office of the Clerk of Council and at the office of the City Manager. The Staunton City Code is available online at: https://www.codepublishing.com/VA/Staunton/
All persons wishing to be heard at the public hearings are invited to attend. Persons with hearing loss or speech impairment desiring to attend the public hearing may contact the Clerk of Council by email at simmonssf@ci.staunton.va.us to request an interpreter.
Suzanne F. Simmons
Clerk of Council

0003872173-01

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 14, 2019**	**Doug Guynn City Attorney**
Item #	**7 & D**	
Ordinance #		
Department:	**City Attorney**	
Council Vision:	**Responsive, Efficient Government**	
Subject:	**Introduction and Public Hearing of an Ordinance Amending Section 6.05.010, Definitions, of Chapter 6.05, In General, of Title 6, Animals and Fowl, to Align with Changes to the Code of Virginia as Enacted by the General Assembly**	

Background: The Virginia General Assembly has enacted changes at various times to the Code of Virginia which merit amendments to update some aspects of the Staunton City Code. These updates are part of an ongoing process, as time permits with the input of departmental directors, to amend the City Code to align with changes to the Code of Virginia.

Exhibit A is a proposed draft ordinance amending the definitions of "adequate shelter," "adequate space," and "livestock," within the context of animal control, found in the Staunton City Code's Title 6, Animals and Fowl.

"Adequate shelter" is amended to include, during hot weather, the provision of shelter that, during hot weather, is shaded and does not readily conduct heat and, during cold weather, the provision of shelter that has a windbreak at its entrance and provides sufficient bedding material.

"Adequate space" is amended to provide that a tether meets the requirement that an animal be given adequate space if the tether is at least 10 feet in length or three times the length of the

animal, whichever is greater, and does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal, does not weigh more than one-tenth of the animal's body weight, and does not have weights or other heavy objects attached to it. The amendment further provides that walking of an animal on a leash by its owner does not constitute the tethering of the animal for the purpose of the definition and excludes agricultural animals from the definition.

The definition of "livestock" is amended to add animals of the genus Vicugna, which includes alpacas.

Exhibit B is the public hearing advertisement notice from *The News Leader* indicating the advertisement dates of October 31, 2019, and November 7, 2019.

A public hearing will be held during Council's regular meeting on November 14, 2019, and the ordinance will be scheduled for Council's consideration on December 12, 2019.

City Manager's Recommendation: Introduce the proposed ordinance and then open, conduct and close the public hearing.

Suggested Action: Ask the City Attorney to summarize the ordinance.

Suggested Motion (before conducting the public hearing): I move to introduce the proposed ordinance amending Section 6.05.010, Definitions, of Chapter 6.05, In General, of Title 6, Animals and Fowl, to align with changes to the Code of Virginia as enacted by the General Assembly.

City Manager: Steven L. Rosenberg

Ordinance No. 2019 - __

AN ORDINANCE AMENDING, RESTATING AND REORDAINING SECTION 6.05.010, DEFINITIONS, OF CHAPTER 6.05, IN GENERAL, OF TITLE 6, ANIMALS AND FOWL, OF THE STAUNTON CITY CODE TO ALIGN WITH CHANGES TO THE CODE OF VIRGINIA AS ENACTED BY THE GENERAL ASSEMBLY

Recitals

A. The General Assembly has enacted changes at various times to the Code of Virginia which merit amendments to the Staunton City Code (SCC) relating to the definitions of "adequate shelter," "adequate space," and "livestock" to align the SCC with the Code of Virginia related to companion animals;

B. Pursuant to Staunton City Charter Section 11, Thirteenth, and Section 3.2-6543 of the Code of Virginia, the City Council has the authority to amend provisions of Title 6, Animals and Fowl, of the City Code;

C. The City Council finds that it is in the interest of the City and its citizens to amend the SCC provisions relating to the definitions of "adequate shelter," "adequate space," and "livestock," consistent with the changes enacted to Section 3.2-6500 of the Code of Virginia;

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

E. These recitals are deemed an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 6.05.010, Definitions, of the Staunton City Code be and hereby is amended as follows:

6.05.010 Definitions.

The following words and phrases shall, as used in this title, have the following meanings:

…

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is

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sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (1) permit the animals' feet to pass through the openings, (2) sag under the animals' weight, or (3) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to (1) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (2) interact safely with other animals in the enclosure. When the animal is tethered, "adequate space" means ~~a~~that the ~~-~~tether ~~that~~ to which the animal is attached permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness, not of the choker type, that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; ~~and~~ is at least the greater of 10 feet or three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line; does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for the purpose of this definition. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

…

"Livestock" includes all domestic or domesticated bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus L~~l~~ama or Vicugna; ratites; fish or shellfish in aquaculture facilities, as defined in Section 3.2-2600 of the Code of Virginia; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

…

In all other respects, the provisions of Chapter 6.05, In General, of Title 6, Animals and Fowl, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:
Adopted:
Effective Date:

_____
Carolyn W. Dull, Mayor

ATTEST:_____
Suzanne F. Simmons, Clerk of Council

DRAFT

Exhibit B

The News Leader

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: STAUNTON CITY OF

Address: 116 W BEVERLEY ST
STAUNTON VA 24401
USA

Ad No.: 0003872173
Pymt Method Invoice
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No. of Affidavits: 1

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Suzanne F. Simmons
Clerk of Council

0003872173-01

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 14, 2019**	**Staff Member:** **Tom Sliwoski**
Item #	**8 & E**	
Ordinance #		
Department:	**Public Works**	
Council Vision:	**Resilience** **Responsive, Efficient Government**	
Subject:	**Introduction and Public Hearing of an Ordinance Amending Section 8.30.230, Penalty for Violation of Article, of Chapter 8.30, Solid Waste, of Title 8, Health and Safety, to Establish Civil Penalties for Repeated Violations Regarding the Failure to Remove or Properly Dispose of Trash, Garbage, Refuse, Rubbish, Litter, and Other Like Substances**	

Background: In accordance with City Code, the Director of Public Works shall prescribe a solid waste policy relating to the collection, handling and disposal of refuse. This policy is subject to approval by the City Manager. The primary goals of the policy are to ensure health and safety, and to maintain and enhance the appearance of the City. The current policy, revised last month, is attached to this briefing.

While City Code authorizes misdemeanor penalties for depositing refuse in the streets, using public receptacles for depositing refuse, transporting refuse on public streets, and collecting refuse as a business, there are no penalties for violation of the Public Works policy. The only exception is for unscheduled special pickups, which is defined as a special pickup for refuse that is stored or placed curbside in a manner not in accordance with the policy. The minimum fee for an unscheduled special pickup is $95; however, the customer may be charged with the actual cost of the pickup.

Staff recommends that an ordinance, in the form attached to this briefing, be introduced to establish civil penalties for repeat violations of the Public Works solid waste policy relating to the failure to remove or properly dispose of trash, garbage, refuse, rubbish, litter and other like substances.

As provided in the proposed ordinance, a $50 penalty would be imposed for the first violation, or violations arising from the same set of facts. The civil penalty for subsequent violations (not arising from the same set of facts) within 12 months of the first violation would be $200. In no event would a series of specified violations arising from the same set of facts result in civil penalties that exceed a total of $3,000 in a 12-month period. Three civil penalties previously imposed on the same person for the same or similar violation, within a 24-month period, would constitute a Class 3 misdemeanor. Existing authority of the City to refuse to collect refuse from a violating person or entity in the event of repeated violations is maintained.

A public hearing will be held during Council's regular meeting on November 14, 2019, and the ordinance will be scheduled for Council's consideration on December 12, 2019.

City Manager's Recommendation: Introduce the proposed ordinance and then open, conduct and close the public hearing.

Suggested Action: Ask the City Attorney to summarize the ordinance.

Suggested Motion: I move to introduce an ordinance to establish civil penalties for repeated violations regarding the failure to remove or properly dispose of trash, garbage, refuse, rubbish, litter and other like substances.

City Manager: Steven L. Rosenberg

City of Staunton

April 10, 2008

Solid Waste Policy

Revised: October 23, 2019

It is the policy of the City of Staunton to provide for the prompt, orderly removal of refuse and recyclable materials generated by city homes and businesses. The goal of this policy is to promote the health and safety of residents and visitors, to enhance the appearance of the city, and to provide a convenient, straightforward service to residents and businesses – the customers.

This policy specifically addresses our two primary types of customers – residential and commercial. The unique characteristics of the Central Business District are reflected in regulations specific to some of our commercial customers.

This policy also addresses two types of refuse collection – regular collection of refuse put out as described in the following regulations, and special pickups of refuse - scheduled and unscheduled - put out in any other manner.

1. Hazardous and Unacceptable Materials

A. The City will not pick up hazardous wastes including tires, car batteries, pesticides, herbicides, motor oil, anti-freeze, toxic chemicals, or oil-based paints, solvents or large tube type console televisions sets. The city will not pick up liquids, brick or block, pipe, rocks, gravel, lumber, tires, human or animal feces/urine, construction debris or any other material that may pose a danger to refuse crews. For any specific questions on how to dispose of these materials, contact Public Works at 332-3892.

A regional special hazardous waste collection day for household generated hazardous wastes is usually offered in the fall. Watch local newspapers, the internet or TV channel for specific information.

Many local businesses accept used car batteries and motor oil. Please call to find out.

B. The City will pick up dead animals, feminine hygiene products, cat litter, broken glass (but not as recycling) and sharp objects, needles and flat screen television sets, but only if they are packaged in such a way that they pose no danger to health or safety during handling.

2. Regular Collection

A. General Refuse Regulations

1 - Residents and businesses wishing to put out refuse for regular collection must follow the regulations listed here. Refuse set out other than as described will be considered a request for a Special Unscheduled Collection *(see Section 5-C below).*

2 - Refuse may be set out in containers or plastic bags. Containers or bags shall be placed at curbside, or for streets without curbs, no more than three feet from the edge of the pavement. If placement of plastic bags becomes a problem due to animals, the Director of Public Works may require that containers be utilized.

a - **Containers**: Containers may be of metal or plastic and must be covered. Containers may hold no more than 45 gallons, and weigh no more than 60 pounds when full. Containers shall be kept in a clean and sanitary condition and free from odor, so flies or other vermin will not be attracted. Containers having visible holes or open cracks or without covers may be considered part of the refuse and taken.

b - **Bags**: Refuse may be placed in plastic bags at least 1.5 mils thick that are closed and tied securely shut. Bags of refuse may not weigh more than 60 pounds.

c - **Brush** will be picked up if stems/branches are tied into bundles no longer than four feet. Bundles must weigh less than 60 pounds each. Limit 10 bundles per collection day.

d - **Organic and food wastes from restaurants** must be bagged, securely tied and placed in covered containers. Liquid grease and oils will not be collected. Non-hazardous liquid wastes will be collected only if solidified in some acceptable manner such as with cat litter or sawdust.

3. Collection Schedules

A. The scheduled collection times in this policy may be changed on a temporary or permanent basis by the Director of Public Works, subject to City Manager approval. This is typically done following periods of extreme or inclement weather conditions.

B. Areas Outside The Central Business District

1 - Residential and commercial refuse will be collected one day per week according to the schedule published by the Public Works Department. Refuse must be placed at the curb no earlier than dusk the day before pickup and no later than 7 a.m. on the day of pickup. Emptied containers must be removed from the curb no later than 6 p.m. the day of pickup. Containers must be stored at the side or rear of homes or buildings.

2 - When a collection day falls on a City holiday, refuse and recycling will be collected on the Wednesday of that same week.

C. Inside The Central Business District

1 - Refuse is collected in the Central Business District daily except Sundays and Wednesdays. When a City holiday falls on scheduled collection day, residents and businesses should simply hold refuse and/or recycling for pickup on the next scheduled collection day. In the event of multiple holidays in a single week, a pickup schedule will be announced on the City's home page (www.staunton.va.us), the government access cable TV channel, and via local news media.

2 - Refuse customers in the Central Business District are divided into three categories for billing purposes.

a - **Residential refuse (CBD).** Refuse from multi-family buildings is the responsibility of the land-owner/landlord. Billing will be the residential fee (below) for each residential unit.

b - **Light commercial users (CBD)** are those who set out four or less bags/containers of refuse on an average collection day.

c - **Heavy commercial users (CBD)** are those who set out five or more containers/bags of refuse on an average collection day.

(1) **All full-time restaurants are considered Heavy Commercial Users.** Coffee-houses, theaters and other locations where food wastes do not include heavy cooking materials or substantial amounts of cooked foods will normally be considered Light users under this policy, subject to review by the Director of Public Works. Should the amount or nature of refuse from such facilities change, the Director of Public Works may, at his discretion, reclassify the facility as a Heavy user.

d - **Public Works may change the status of an account at any time when the amount or nature of refuse set out justifies such a change.** Customers who believe their category should be changed may contact Public Works and the matter will be reviewed.

3 - All refuse must be placed at the curb no earlier than 10 p.m. the day before collection. It must be put out no later than 9 a.m. the day of collection.

a - If containers are used, emptied containers must be removed from the curb by 11 a.m. the day of collection. No containers may be stored or kept on any public property, sidewalks or streets except for special situations as prescribed by the Director of Public Works.

b - Containers must be stored inside or behind buildings and not in front of buildings or close to sidewalks and streets. Containers or bags must be set out at the curb immediately adjacent to the customer's property.

c - The Director of Public Works may grant special permission for containers to be placed other than as directed in this policy only if, in his judgment, placement under this policy would create an undue hardship for the customer. Such permission will be granted providing specific conditions are maintained including types of containers, area cleanliness, etc. Permission for special placement may be withdrawn at any time.

4. Recycling Regulations

A. Residents and businesses in the City of Staunton are required to separate recyclable materials from all other refuse materials. <u>RECYCLE.</u>

1. A set of three recycling containers may be obtained from Public Works. There is a $25 service fee for the use of these containers. Upon return to the City of the three containers in reasonable condition, other than ordinary wear and tear, this service fee shall be credited or refunded to the customer upon closure of the account.
2. Other marked containers may also be used. Recyclable materials placed in plastic or paper bags will not be picked up. Businesses that produce large quantities of glass or metal containers may contact Public Works for approval of other containers or means of pick-up.
3. **Recycling is picked up on the regular refuse collection day citywide for residential customers. In the Central Business District, regular recycling and cardboard is collected on Mondays and Thursdays of each week**. Recycling containers should be placed out and removed at the same time as regular refuse containers/bags and in the same manner and location.
4. Recycling containers holding trash, refuse, food particles or other non-recyclable materials will not be collected. All recyclable materials placed out for collection become the property of the City of Staunton as soon as they are placed at the curb. It is unlawful for anyone to remove any recyclable materials from any such curbside container or from other public recycling containers on public property in the city.

B. Recyclable materials include:

1 - Metal - Metal containers/cans, including aluminum cans are to be emptied and rinsed, where possible. Aluminum foil and disposable aluminum trays are acceptable and will be collected.

2 - Glass - Glass containers are to be emptied of all contents and tops removed. Plate glass, mirrors, light bulbs, Pyrex, or ceramic materials are not accepted for recycling; these items should be placed with regular refuse.

3 - Mixed paper – Newspapers, magazines, cardboard, old books, phone books, junk mail, and office papers may all be recycled.

4 - Cardboard - May be put out for collection only if boxes are broken down or collapsed and bundled with string or cord, do not exceed four feet in any dimension, and do not weigh less than 60 pounds. Do not place large cardboard boxes out at the curb for recycling; any large boxes not folded flat or containing Styrofoam, other packaging materials, or other debris will be collected with regular refuse.

5 - Plastics – As of April 1, 2019, the City no longer collects plastic of any sort for recycling. All plastic items must be disposed of with regular refuse.

C. Sorting of Recyclable Materials

1. Recyclable materials are sorted by city crews at the curb. Residents are asked to help by separating metals, glass, and paper as much as possible. When it is necessary to save bin space, metal and aluminum, mixed paper and small cardboard containers materials may be commingled in bins; please keep glass items separate.
2. Under no circumstances is refuse, trash, food or other materials to be placed in recycling bins. Bins are only for items to be recycled. If unacceptable items are included, bins will not be picked up.

5. Special Pickups

A. Introduction

Since the health, safety and appearance of the City of Staunton is important to its quality of life, Public Works may perform special pickups of refuse and other materials either on a scheduled basis or in response to conditions outside those described in this policy.

1 - Public Works annually schedules and publicizes special pickups of lawn wastes, leaves, Christmas trees and heavy/bulky trash items. These are done at no charge to residents.

2 - Refuse set out in any manner not in accord with the provisions of this policy (Sections 2, 3 and 4 above) is considered a violation of this policy and will result in special unscheduled pickup. This is not a convenience service but rather a pickup for blatant violations of this policy. The cost of unscheduled pickups is added to the utility bill of the customer involved.

B. Scheduled Special Pickups

1 - Dates for scheduled pickup of lawn waste, leaves, Christmas trees and heavy/bulky trash items will be published on the City's web page (www.staunton.va.us) and on the government access cable TV channel.

2 - Leaves – Residents are asked to rake leaves to the curb each fall so that crews may vacuum them up for composting. The City is divided into sectors and each sector will have two periods for leaf collection. Leaf piles that contain rocks, branches or are inappropriately placed will not be picked up. Leaves may be bagged and placed out with regular refuse however residents are strongly encouraged to place leaves out by the curb so that they may be composted.

3 - Christmas Trees – Trees are normally picked up the first Wednesday following the start of the New Year, provided items such as lights, stands and ornaments are removed. Trees are composted.

4 - Heavy Trash – Bulky items, large quantities of yard waste such as brush and branches, furniture and white goods (appliances) are picked up during one week each spring. This is only done once a year.

5 - Special Scheduled Pickups – The Director of Public works may schedule special pickups when conditions warrant. For example, picking up limbs and branches following severe wind or ice storms.

C. Unscheduled Special Pickups

1 - When refuse is stored or placed curbside in a manner not as described in the provisions of this policy including that placed curbside at times not designated for pickup, a Public Works crew may be dispatched to pick up the refuse or materials and remove them. Containers will be picked up with refuse during unscheduled special pickups and will not be returned. Such pickups will be subject to a special fee charged to the property owner or known tenant. (See Section 7-B item 1 below.)

2 - Crews may be dispatched to remove:

a - Containers or bags placed out for collection more than one hour prior to the designated set-out time specified, or left at the curb more than one hour following the specified time for removal.

b - Containers that are not covered, are overflowing, or bags that are not tied and are damaged.

c - Containers holding organic or food wastes that are not bagged inside the container.

d - Other containers or refuse put out for pickup or stored in any manner not described in this policy, or that may pose a threat to public health, safety or appearance.

e - Containers/bags weighing more than 60 pounds.

f - Heavy or bulky items placed out other than at the scheduled yearly spring collection will be considered in violation of this policy and subject to the imposition special collection fees.

6. Other

A. When refuse has been dumped illegally on public or private property or on other occasions when the refuse violates city code, special pickup rules will not apply.

7. General Refuse Rates

A. Refuse fees are added to city water and sewer bills for property owners or tenants of the property involved. All rates in this policy are monthly. Billing is for a two-month period.

1 - Residential -

a - Outside the Central Business District - **$18.98**

b - Inside the Central Business District **- $18.98**

c - The fee is assessed for each residential unit – in both single-family and multi-family structures. For any multi-family structure, the fee may be higher to cover all costs to the city, as determined by the Director of Public Works. Any such higher amount must be set by the Director of Public Works and approved by the City Manager.

2 - Light commercial users (Four or less bags/containers of refuse on an average collection day.) monthly fees are:

a - Outside the Central Business District - **$43.09**

b - Inside the Central Business District **- $43.09**

3 - Heavy commercial users (Five or more containers/bags of refuse on an average collection day.) monthly fees are:

a - Outside the Central Business District - **$91.16**

b - Inside the Central Business District - **$115.83**

4 - IAW City Code, the fee for any refuse service rendered outside the city shall be at least 200 percent of the fee charged for the same of service inside city

limits. Refuse service of any kind outside the City Limits shall be at the discretion of the Director of Public Works.

5 - The costs of recycling are included in the refuse fees paid by residential and commercial customers. Commercial customers permitted by Public Works to utilize an outside refuse service will be charged **$18.98** a month for pickup of recyclables.

6 - Exemptions: The Director of Public Works may waive all or part of the fees for any multi-family structure or commercial customer if contractual arrangements are made and maintained by that customer for containerized service.

B. Fees For Unscheduled Pickups

1. The fee for an unscheduled special pickup will be set by the Director of Public Works**.** The minimum fee will be $95.00.
2. In the event a special unscheduled pickup involves more than five containers, includes furniture and/or other bulky items, site clean-up or other factors, the Director of Public Works may charge the customer the actual cost of the pickup including all administrative, labor and equipment costs.
3. In all cases the fees will be charged with normal Refuse charges to the bill of the property owner or, in the event the property is leased by a person or business with its own utility account, to the tenant. In the event the property is a multifamily structure, billing will be to the landowner, whether tenants have utility accounts or not.
4. Property owners or tenants with city utility accounts are responsible for refuse placed at the curb for pickup at their residence, on their property, or at their place of business, and for the cost of Special Unscheduled Pickups to remove such refuse or materials when not in accordance with Regular Collection regulations. In the event of multi-family buildings, this responsibility is assumed by the property owner. It is illegal for anyone to place trash, refuse or similar materials whether contained or not on private property without the written permission of the landowner. Should residents or businesses believe someone else is placing refuse or other materials at their location, they should report it to Staunton City Police Department immediately.
5. The Director of Public Works may direct special pickups be made without charge following special designated events or to meet special community needs.

8. Disputes / Appeals

A. Any decision made by the Director of Public Works pursuant to this policy may be appealed to the City Manager.

B. Disputes Involving Fees For Unscheduled Pickups

1 - Customers who believe an Unscheduled Special Pickup was unnecessary or have other concerns over the service or the fee shall file a written complaint with the Director of Public Works within 15 days of the receipt of the utility bill first listing the fee.

2 - The Director may waive the fee if, in his judgment, the pickup may not have been necessary or there are other extenuating circumstances. If the Director is unable to resolve their concerns, the customer may appeal to the City Manager.

Ordinance No. 2019 - __

AN ORDINANCE AMENDING, RESTATING AND REORDAINING SECTION 8.30.070, VIOLATIONS OF ARTICLE, OF CHAPTER 8.30, SOLID WASTE, OF TITLE 8, HEALTH AND SAFETY, OF THE STAUNTON CITY CODE TO ESTABLISH CIVIL PENALTIES FOR REPEATED VIOLATIONS REGARDING THE FAILURE TO REMOVE OR PROPERLY DISPOSE OF TRASH, GARBAGE, REFUSE, RUBBISH, LITTER, OTHER DEBRIS AND LIKE SUBSTANCES

Recitals

A. Pursuant to Section 15.2-901 of the Code of Virginia and Staunton City Charter Section 11, Thirteenth, the City Council has the authority to enact and change provisions of the Staunton City Code (SCC) regarding the removal or disposal of trash, garbage, refuse, rubbish, litter, and other like substances which might endanger the health or safety of residents;

B. City staff has determined that it is necessary to establish civil penalties for repeated violations regarding the failure to remove or properly dispose of trash, garbage, refuse, litter and other debris and like substances;

C. The City Council finds that it is in the interest of the City and its citizens to amend SCC provisions relating to removal and disposal of trash, garbage, refuse, rubbish, litter, and other debris and like substances;

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

E. These recitals are deemed an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 8.30.070, Violation of Article, of the Staunton City Code be and hereby is amended as follows:

Chapter 8.30
SOLID WASTE

…

Article II. Collection of Refuse by City

8.30.070 Violations of article.

(1) The City may, whenever it deems it necessary, after reasonable notice, have trash, garbage, refuse, litter, other debris, and other like substances which might endanger

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the health of other residents of the locality, removed by its own contractors or employees, in which event the cost thereof shall be charged as an additional refuse collection service fee (as further described in the City's Solid Waste Policy, which is incorporated by reference herein as may be amended) billed with other such fees and ultimately collected in any way permitted by law. Failure to timely pay such additional refuse collection service fee may result in the City discontinuing its services.

~~A violation~~Violation of any provision~~s~~ of this article or the ~~c~~City's S~~s~~olid W~~w~~aste P~~p~~olicy, prescribed and approved pursuant to this article shall also be subject to a civil penalty of $50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be $200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of $3,000 in a 12-month period. Three civil penalties previously imposed on the same person for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, shall also constitute a Class 3 misdemeanor. Civil penalties shall be due and payable to the City of Staunton within 10 days from the date of the notice. Repeated violations may result in the C~~c~~ity ~~refusing to collect~~discontinuing its refuse services~~from the violating person or entity~~. Nothing herein, however, shall exempt the person or entity from paying the fees herein prescribed and otherwise due.

(2) Every charge authorized by this article with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

In all other respects, the provisions of Chapter 8.30, Solid Waste, of Title 8, Health and Safety, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:
Adopted:
Effective Date:

_____
Carolyn W. Dull, Mayor

ATTEST:_____
Suzanne F. Simmons, Clerk of Council

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CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 14, 2019**	**Councilman Erik Curren**
Item #	**9**	
Ordinance #		
Department:	**City Council**	
Council Vision:	**Built Environment** **Resilience**	
Subject:	**Solar Panels in Historic Districts**	

Background: At the request of Councilman Erik Curren, this item has been added to Council's work session agenda for November 14, 2019, for discussion.

An appeal of the Historic Preservation Commission's denial of a Certificate of Appropriateness for solar panels and replacement roof was considered at Council's regular meeting on October 24, 2019. Council affirmed the decision of the Commission.

During the meeting, staff noted the Commission's consideration of the placement of solar panels is guided by the *Staunton City Zoning Code, Chapter 18.85, H-1, Historic Preservation District*; the *Staunton, Virginia Historic District Design Guidelines*; and *The Secretary of the Interior's Standards for Rehabilitation*.

Section 18.85.050(7) of the *Staunton City Zoning Code* provides:

> (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) Reconstruction, Alteration, 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 Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, a copy of which is attached hereto as an appendix and hereby incorporated by reference.

Relevant excerpts of the *Staunton, Virginia Historic District Design Guidelines*, adopted by City Council in December 2018 (Attachment 1, *XI. Guidelines for Energy Conservation)* and *The Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings (*Attachment 2, *D. Alternative Energy Systems)* are attached.

Staff will be available at the work session to answer Council members' questions.

Attachments:

Attachment 1—*Staunton, Virginia, Historic District Design Guidelines; XI. Guidelines for Energy Conservation*
Attachment 2—*The Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*, *D. Alternative Energy Systems*

City Manager's Recommendation: Not applicable.

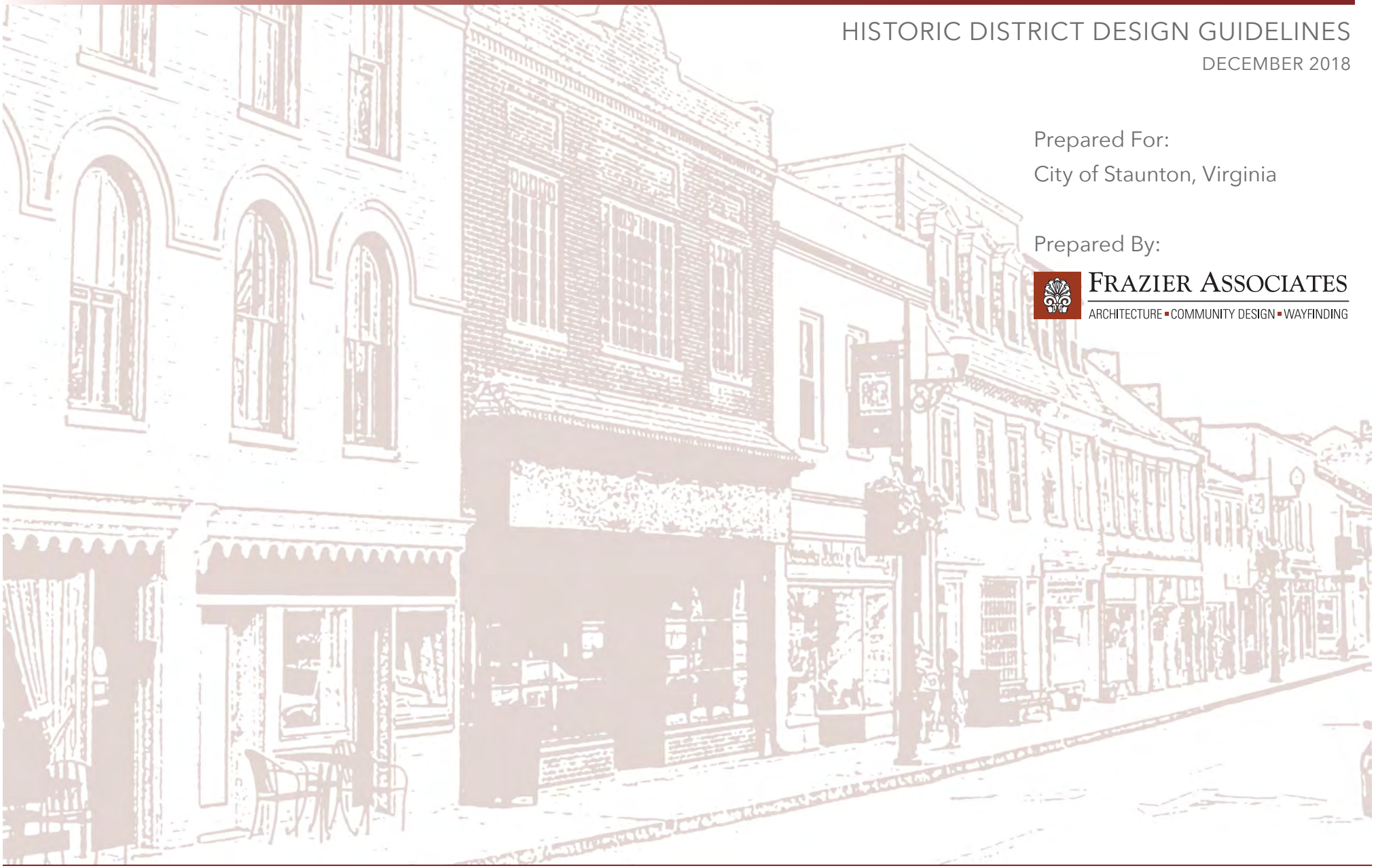
Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

Staunton, Virginia

HISTORIC DISTRICT DESIGN GUIDELINES

DECEMBER 2018



Prepared For:

City of Staunton, Virginia

Prepared By:

FRAZIER ASSOCIATES

ARCHITECTURE ▪ COMMUNITY DESIGN ▪ WAYFINDING

D. Alternative Energy Systems

1. Solar System Types
   a. Photovoltaic (or PV System)

      This system uses solar panels to convert sunlight into energy and usually consists of rows of modules or panels installed in a grid pattern on top of an existing roof.

   b. Solar Shingles (or PV Shingles)

      These solar cells are designed to look like conventional asphalt shingles, and there are various configurations, including a strip design of several shingles or a design that is sized like a conventional shingle.

   c. Freestanding Panels or Panel Arrays

      This system is located on the property's site in a location away from the building and connected with underground wiring. It is ideally screened from prominent viewing and may be moved to optimal sunlight areas depending on the season.

Solar panels, recently installed on this Wharf building, are not very visible and have limited impact on historic fabric.

2. Alternative Energy Guidelines
   a. Solar panels and photovoltaic cells should be placed in locations with limited or no visibility—such as on a flat roof, a shallow-pitched roof, on a secondary roof slope, on a rear addition, behind a parapet wall of the primary building, or a nearby secondary building that may be less visible from a public right-of-way such as a garage, or a new garden shed, pergola or other similar building.
   b. Solar panels and photovoltaic cells should be installed in a manner that limits their impact on historic materials and features of the building. If located on site, limit the impact of the panels on the historic site features and character.
   c. Solar panels' installation should be set back from the edge of the roof to limit visibility.
   d. Solar panels' color should be compatible with the color of the existing roof in order to blend this new roof element with the existing roof as much as possible.
   e. Geothermal heat pumps should be installed in locations that do not negatively affect the historic character or features of the site. These systems offer many advantages of long-term lower operating costs, require less equipment space, provide better zone space conditioning, maintain better humidity levels, and are quieter since they don't require external air compressors.
   f. Wind mills or turbines are not practical in Staunton's historic districts since this region does not have high enough wind speeds, and the equipment's visual impact could be overpowering to the existing historic district character.

TECHNICAL INFORMATION

Preservation Brief #3:
Improving Energy Efficiency in Historic Buildings
https://www.nps.gov/tps/how-to-preserve/briefs/3-improve-energy-efficiency.htm

Preservation Brief #24:
Heating, Ventilating, and Cooling Historic Buildings
https://www.nps.gov/tps/how-to-preserve/briefs/24-heat-vent-cool.htm

The Secretary of the Interior's Standards for Rehabilitation
Illustrated Guidelines on Sustainability for Rehabilitation Historic Buildings
https://www.nps.gov/tps/standards/rehabilitation/guidelines/index.htm

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION &

ILLUSTRATED GUIDELINES ON SUSTAINABILITY FOR REHABILITATING HISTORIC BUILDINGS

Anne E. Grimmer with Jo Ellen Hensley | Liz Petrella | Audrey T. Tepper

U.S. Department of the Interior
National Park Service
Technical Preservation Services
Washington, D.C.

2011

SOLAR TECHNOLOGY

RECOMMENDED	NOT RECOMMENDED
Considering on-site, solar technology only after implementing all appropriate treatments to improve energy efficiency of the building, which often have greater life-cycle cost benefit than on-site renewable energy.	Installing on-site, solar technology without first implementing all appropriate treatments to the building to improve its energy efficiency.
Analyzing whether solar technology can be used successfully and will benefit a historic building without compromising its character or the character of the site or the surrounding historic district.	Installing a solar device without first analyzing its potential benefit or whether it will negatively impact the character of the historic building or site or the surrounding historic district.
Installing a solar device in a compatible location on the site or on a non-historic building or addition where it will have minimal impact on the historic building and its site.	Placing a solar device in a highly-visible location where it will negatively impact the historic building and its site.
Installing a solar device on the historic building only after other locations have been investigated and determined infeasible.	Installing a solar device on the historic building without first considering other locations.

72

73

Recommended: [72-73] Solar panels were installed appropriately on the rear portion of the roof on this historic row house that are not visible from the primary elevation.

74

Recommended: [74] Free-standing solar panels have been installed here that are visible but appropriately located at the rear of the property and compatible with the character of this industrial site.

75

Not Recommended: [75] Solar roof panels have been installed at the rear, but because the house is situated on a corner, they are highly visible and negatively impact the character of the historic property.

SOLAR TECHNOLOGY

RECOMMENDED	NOT RECOMMENDED
Installing a low-profile solar device on the historic building so that it is not visible or only minimally visible from the public right of way: for example, on a flat roof and set back to take advantage of a parapet or other roof feature to screen solar panels from view; or on a secondary slope of a roof, out of view from the public right of way.	Installing a solar device in a prominent location on the building where it will negatively impact its historic character.
Installing a solar device on the historic building in a manner that does not damage historic roofing material or negatively impact the building's historic character and is reversible.	Installing a solar device on the historic building in a manner that damages historic roofing material or replaces it with an incompatible material and is not reversible.
	Removing historic roof features to install solar panels.
	Altering a historic, character-defining roof slope to install solar panels.
	Installing solar devices that are not reversible.
Installing solar roof panels horizontally -- flat or parallel to the roof—to reduce visibility.	Placing solar roof panels vertically where they are highly visible and will negatively impact the historic character of the building.

76

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79

Not Recommended: [79] Although installing solar panels behind a rear parking lot might be a suitable location in many cases, here the panels negatively impact the historic property on which they are located.

Recommended: [76-77] Solar panels, which also serve as awnings, were installed in secondary locations on the side and rear of this historic post office and cannot be seen from the front of the building. [78] Solar panels placed horizontally on the roof of this historic building are not visible from below.

78

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 14, 2019**	**Staff Member:** **Phil Trayer**
Item #	**10 & A**	
Ordinance #		
Department:	**Finance**	
Council Vision:	**Responsive, Efficient Government**	
Subject:	**Resolution Authorizing Refinancing of 2007 and 2008 Bonds**	

Background: In 2007, the City issued publicly traded Tax-Exempt General Obligation Public Improvement Bonds, Series 2007 for the refunding of the Stonewall Jackson Hotel and Conference Center and golf irrigation system at Gypsy Hill Park. The 28-year bonds, totaling $10,600,000, were issued at a variable rate of interest of three and one-half percent to four and one-quarter percent interest. Interest rates for the remaining life of these these bonds range from four percent to four and one-quarter percent. The remaining principal as of this date is $8,190,000.

In 2008, the City issued tax exempt debt through the State Literary Loan programs for McSwain and Ware elementary school renovations. The two loans were issued for 20 years and were in the amount of $7,500,000 each, totaling $15,000,000. Both loans were issued at a fixed rate of three percent. The remaining principal as of this date is $3,375,000 for both the McSwain and Ware loans, totaling $6,750,000.

The City issued a request for proposals (RFP) for refinancing of the 2007 and 2008 outstanding bonds totaling $14,940,000 for non-bank qualified financing and matching maturity dates. Based upon results of the RFP, staff recommends approval of the refinance of the debt

summarized above with STI Institutional & Government, Inc., a subsidiary of SunTrust Bank. As proposed, the refinancing will reduce the City's current interest rates for series 2007 and 2008 from 4.00% and 3.00%, respectively, to 1.88%, saving a net present value of $1,436,844 over the next 14.5 years.

Attached is a resolution providing for the issuance, sale and award of a general obligation refunding bond for Council's consideration. The Resolution limits the principal amount of the bond to $15,282,000 and the interest cost to 1.88%, to allow flexibility in the bond market with the interest rate, and to determine at the time of the sale the savings to be realized with the refinancing within these parameters.

Staff and representatives of Davenport & Company LLC, the City's financial advisor, and Hunton Andrews Kurth, the City's bond counsel, will be available to answer any questions.

Attachment:

Attachment 1—Bond Refunding Resolution

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

Suggested Motion: I move to adopt the proposed resolution authorizing the issuance, sale and award of a General Obligation Refunding Bond, not to exceed $15,282,000, and refund the City's $10,600,000 General Obligation Public Improvement Refunding Bonds, Series 2007, and Literary Fund Note (McSwain Elementary School) and Literary Fund Note (Ware Elementary School), each issued in 2008, for the purpose of decreasing the cost of borrowed funds, in accordance with the resolution.

City Manager: Steven L. Rosenberg

RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF A GENERAL OBLIGATION REFUNDING BOND OF THE CITY OF STAUNTON, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED $15,282,000, PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF AND PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING BONDS

WHEREAS, on January 10, 2007, the City of Staunton, Virginia (the "City"), issued its $10,600,000 General Obligation Public Improvement and Refunding Bonds, Series 2007 (the "2007 Bonds");

WHEREAS, on July 23, 2008, the School Board of the City issued its Literary Fund Note (McSwain Elementary School) and its Literary Fund Note (Ware Elementary School), each in the aggregate principal amount equal to the sum of all amounts disbursed under such note up to a maximum of $7,500,000 per note (together, the "2008 Notes"), for the payment of which the City's full faith and credit were irrevocably pledged in accordance with the provisions of Section 22.1-161 of the Code of Virginia of 1950, as amended;

WHEREAS, Davenport & Company LLC, as the City's financial advisor (the "Financial Advisor"), has advised that the City can effect overall debt service savings by issuing a general obligation refunding bond (the "Bond" as hereinafter described) to (a) currently refund the outstanding principal amount of the 2007 Bonds (the "Refunded 2007 Bonds"), (b) currently refund the outstanding principal amount of the 2008 Notes (the "Refunded 2008 Notes" and together with the Refunded 2007 Bonds, the "Refunded Obligations"), and (c) pay the related issuance and refunding costs;

WHEREAS, the Financial Advisor has recommended to the City Council of the City (the "Council") that the City issue and sell the Bond through a private placement with a commercial banking or other financial institution;

WHEREAS, the Financial Advisor has solicited bids, on behalf of the City, for the purchase of the Bond, and twelve bids have been received;

WHEREAS, the Financial Advisor has analyzed the bids received and advised that the bid of STI Institutional & Government, Inc., a subsidiary of SunTrust Bank (together with its successors and assigns, the "Bank"), offers to purchase the Bond at a low interest cost and upon terms favorable to the City; and

WHEREAS, the Council desires to delegate to the City Manager the authority to determine the final pricing terms of the Bond within certain parameters set forth below;

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

1. Issuance of Bond. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, and without reference to the City Charter, the Council hereby provides for the issuance and sale of the Bond to provide funds, together with other funds as may be available, to (a) currently refund the Refunded Obligations and (b) pay costs

incurred in connection with issuing the Bond and refunding the Refunded Obligations. The Council hereby awards the sale of the Bond to the Bank in accordance with the terms of this Resolution.

2. Bond Details. The Bond shall be issued initially in the form of a single typewritten bond designated "General Obligation Refunding Bond, Series 2019B" (the "Bond"), shall be in registered form, shall be dated the date of its delivery and shall be numbered R-1. The Bond shall be sold to the Bank with final terms that the City Manager, in consultation with the Financial Advisor, determines to be in the best interests of the City; provided, however, that the Bond shall (a) be issued in an aggregate principal amount not to exceed $15,282,000, (b) bear interest at a rate not to exceed 1.88% per year, calculated on the basis of a 360-day year of twelve 30-day months and subject to adjustment upon certain events provided in the Bond, (c) be sold to the Bank at a price equal to 100% of the principal amount; and (d) mature no later than December 31, 2034. Interest on the Bond shall be payable semi-annually on dates determined by the City Manager. Principal on the Bond shall be payable in installments in amounts and on dates determined by the City Manager. Following the determination of the final pricing terms, the City Manager shall execute a certificate setting forth such final pricing terms and shall file such certificate with the records of the Council. The actions of the City Manager in selling the Bond shall be conclusive, and no further action with respect to the sale and issuance of the Bond shall be necessary on the part of the Council.

If the date on which any payment is due with respect to the Bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day with the same force and effect as if made on the nominal date of payment. "Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday, legal holiday or any other day on which banking institutions are authorized or required by law to close in the Commonwealth of Virginia.

Principal and interest shall be payable by the Registrar (as hereinafter defined) by check or draft mailed to the registered owner at the address as it appears on the registration books kept by the Registrar on the last Business Day of the month preceding each interest payment date; provided, however, at the request of the registered owner of the Bond, payment may be made by wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner. Principal and interest shall be payable in lawful money of the United States of America.

3. Redemption Provisions. The Bond may be prepaid by the City upon at least two Business Days' prior written notice to the registered owner of the Bond, in whole or in part at any time, upon payment of the following redemption prices (expressed as a percentage of the principal amount of the Bond to be redeemed) plus interest accrued to the date fixed for redemption:

103%, if redeemed prior to November 26, 2020;
102%, if redeemed November 26, 2020, through November 25, 2021;
101%, if redeemed November 26, 2021, through November 25, 2022;
100%, if redeemed November 26, 2022, or thereafter.

The prepayment notice shall specify the principal amount to be prepaid. Any partial prepayment of $1,000,000 in principal amount or less shall be applied as determined by the registered owner of the Bond at its sole discretion. Any partial prepayment of more than $1,000,000 in principal amount shall be applied as determined by the City at its sole discretion.

4. Execution and Authentication. The Bond shall be signed by the manual signature of the Mayor or Vice Mayor, and the City's seal shall be affixed thereto and attested by the manual signature of the Clerk of the Council or any Deputy Clerk.

5. Bond Form. The Bond shall be issued as a typewritten bond in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bond, whose approval shall be evidenced conclusively by the execution of the Bond and delivery thereof to the Bank.

6. Pledge of Full Faith and Credit. The full faith and credit of the City are irrevocably pledged for the payment of principal of and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and interest on the Bond.

7. Preparation and Delivery of the Bond. The officers of the City and designated members of the City staff are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver the Bond to the Bank upon payment therefor.

8. Registration, Transfer and Owners of Bond. The Bond shall be issued in registered form without coupons, payable to the registered holders or registered assigns. The Director of Finance is hereby appointed paying agent and registrar for the Bond (the "Registrar"). If deemed to be in the best interest of the City, the City Manager may at any time appoint a qualified bank or trust company as successor Registrar. The Registrar shall maintain registration books for the registration and exchange of the Bond. Upon presentation and surrender of the Bond to the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute and the Registrar shall authenticate, if required by Section 4, and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount of the same form and maturity, bearing interest at the same rate and registered in the name(s) as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to the payment of principal of and interest on the Bond and the exercise of all other rights and powers of

the owner, except that interest payments shall be made to the person or entity shown as owner on the registration books on the last Business Day of the month preceding each payment date.

9. Mutilated, Lost or Destroyed Bond. If the Bond has been mutilated, lost or destroyed, the City shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Bond or in lieu of and in substitution for such lost or destroyed Bond; provided, however, that the City shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the City in connection therewith and, in the case of a lost or destroyed Bond, (a) has filed with the City evidence satisfactory to the City that such Bond was lost or destroyed and (b) has furnished to the City satisfactory indemnity.

10. Deposit of Bond Proceeds. The City Manager and the Director of Finance, either of whom may act, are authorized and directed (a) to provide for the irrevocable deposit of a portion of the Bond proceeds (the "2007 Refunding Portion") to the debt service fund for the 2007 Bonds (the "2007 Debt Service Fund") held by U.S. Bank National Association, as paying agent for the 2007 Bonds ("U.S. Bank"), (b) to submit a portion of the proceeds of the Bond to the holder of the Refunded 2008 Notes in order to refund such bonds (the "2008 Refunding Portion"), and (c) to provide for the deposit of a portion of the remaining proceeds of the Bond in a special account of the City to be used to pay the costs of refunding the Refunded Obligations and issuing the Bond. The City Manager and the Director of Finance are further authorized and directed to take all such further action as may be necessary or desirable in connection with the payment and refunding of the Refunded Obligations. A copy of the verification report as to the sufficiency of such funds to retire the Refunded 2007 Bonds shall be provided to the Bank. The 2007 Refunding Portion may be invested pursuant to previous instructions from the City to U.S. Bank for the 2007 Debt Service Fund. Upon the disbursement of all amounts held in the 2007 Debt Service Fund, the City shall notify the Bank that such payment has been made and that the Refunded 2007 Bonds are retired.

11. Redemption of Refunded Obligations. The Refunded Obligations are specifically and irrevocably called for redemption. The City shall direct U.S. Bank to give notices of defeasance and redemption to the registered owners of the Refunded 2007 Bonds in accordance with the resolution providing for the issuance of the Refunded 2007 Bonds. The City Manager and the Director of Finance, either of whom may act, shall notify the holder of the Refunded 2008 Notes of the City's intention to refund such bonds, and shall cause the 2008 Refunding Portion to be transferred to such holder upon return of the original Refunded 2008 Notes marked cancelled.

12. Arbitrage Covenants. The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code or otherwise cause interest on the Bond to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being includable in the gross income of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

13. Non-Arbitrage Certificate and Elections. Such officers of the City as may be requested by bond counsel for the City are authorized and directed to execute and deliver an appropriate certificate setting forth the expected use and investment of the proceeds of the Bond in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with bond counsel for the City, and such elections shall be made after consultation with bond counsel.

14. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Bond or the facilities refinanced therewith to be used in any manner that would result in (a) 5% or more of such proceeds or such facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or such facilities being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bond from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

15. Provision of Financial Information. The Director of Finance of the City is hereby authorized and directed to provide to the registered owner of the Bond, for so long as the Bond remains outstanding, (a) a copy of the City's comprehensive annual financial report within 270 days after the end of the City's fiscal year, (b) a copy of the City's annual budget within 30 days of its adoption, and (c) such other information (financial or otherwise) as the registered owner may reasonably request.

16. Other Actions. All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond are ratified, approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bond.

17. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

18. Effective Date. This Resolution shall take effect immediately.

Resolution No. _____

The undersigned City Clerk of the City of Staunton, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the City Council of the City of Staunton, Virginia, held on the ___ day of November, 2019, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the City of Staunton, Virginia, this ____ day of November, 2019.

(SEAL)

_____
Clerk, City of Staunton, Virginia

Exhibit A

REGISTERED **REGISTERED**

No. R-1 **$_____**

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF STAUNTON

General Obligation Refunding Bond
Series 2019B

The City of Staunton, Virginia (the "City"), for value received, promises to pay, to STI Institutional & Government, Inc., or its successors, registered assigns or legal representative (the "Bank"), the principal sum of _____ **DOLLARS ($_____)**, together with interest from the date of this bond on the unpaid principal, at the Interest Rate (as defined below), calculated on the basis of a 360-day year of twelve 30-day months, subject to prepayment as hereinafter provided. Interest shall be payable semi-annually on each February 1 and August 1, commencing August 1, 2020, and principal shall be payable annually on February 1 in the amounts and years as set forth on Schedule I attached hereto, without presentment. Principal and interest are payable in lawful money of the United States of America by the Director of Finance, who has been appointed paying agent and registrar for this bond, or by such bank or trust company as may be appointed by the City as successor paying agent and registrar (the "Registrar").

If the date on which any payment is due with respect to this bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day with the same force and effect as if made on the nominal date of payment.

This bond is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, and without reference to the City Charter. This bond has been authorized and issued pursuant to a resolution adopted by the City Council on November 14, 2019, to provide funds to (a) refund its General Obligation Public Improvement and Refunding Bonds, Series 2007, (b) refund the Literary Fund Note (McSwain Elementary School) and the Literary Fund Note (Ware Elementary School), issued in 2008 by the School Board of the City and for which the City has pledged its full faith and credit, and (c) pay the costs of refunding such bonds and issuing this bond.

Definitions

The following capitalized terms shall have the following meanings in this bond:

"Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday, legal holiday or any other day on which banking institutions are authorized or required by law to close in the Commonwealth of Virginia.

"Default Rate" shall mean *the lesser of* (a) the Prime Rate plus 5% and (b) the maximum rate allowed by law.

"Determination of Taxability" shall mean the occurrence after the date hereof of a final decree or judgment of any federal court or a final action of the Internal Revenue Service determining that, based solely on the actions or inactions attributable to the City, interest paid or payable on all or a portion of the Bond is or was includable in the gross income of the registered owner of this bond for federal income tax purposes; provided, however, that no such decree, judgment, or action will be considered final for this purpose unless the City has been given written notice and, if it is so desired and is legally allowed, the City has been afforded the opportunity to contest the same, either directly or in the name of the registered owner hereof, and until the conclusion of any appellate review, if sought. Notwithstanding the preceding provisions of this definition to the contrary, a Determination of Taxability shall not include, and is not triggered by, a change in law by the U.S. Congress that causes the interest hereon to be includable in the gross income of the registered owner hereof for federal income tax purposes.

"Event of Default" shall mean the failure of the City to pay principal of or interest on this bond when the same becomes due and payable and the continuation of such failure for [five] Business Days after written notice is received from the registered owner hereof.

"Interest Rate" shall mean a per annum rate equal to (a) 1.88% prior to an Event of Default or a Determination of Taxability, (b) the Default Rate, after an Event of Default, and (c) the Taxable Rate, after a Determination of Taxability.

"Prime Rate" shall mean the per annum rate that the Bank's affiliate SunTrust Bank announces from time to time to be its prime rate, as in effect from time to time. The prime rate is a reference or benchmark rate, is purely discretionary and does not necessarily represent the lowest or best rate charged to borrowing customers. The Bank's affiliate SunTrust Bank may make commercial loans or other loans at rates of interest at, above or below the prime rate. Each change in the prime rate shall be effective from and including the date such change is announced as being effective.

"Taxable Rate" shall mean the fixed rate of interest charged on the Bond upon a Determination of Taxability, which shall be equal to 2.32% per year.

Prepayment

This bond may be prepaid by the City upon at least two Business Days' prior written notice to the registered owner hereof, in whole or in part at any time upon payment of the following redemption prices (expressed as a percentage of the principal amount of the Bond to be redeemed) plus interest accrued to the date fixed for redemption:

103% if redeemed prior to November 26, 2020;
102% if redeemed November 26, 2020, through November 25, 2021;
101% if redeemed November 26, 2021, through November 25, 2022;
100% if redeemed November 26, 2022, or thereafter.

The prepayment notice shall specify the principal amount to be prepaid. Any partial prepayment of $1,000,000 principal amount or less shall be applied as determined by the registered owner hereof at its sole discretion. Any partial prepayment of more than $1,000,000 in principal amount shall be applied as determined by the City at its sole discretion.

General Provisions

The full faith and credit of the City are irrevocably pledged for the payment of principal of and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the City Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all taxable property within the City sufficient to pay when due the principal of and interest on this bond.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to the payment of principal of and interest on this bond and the exercise of all rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the last Business Day of the month preceding each payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and this bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City of Staunton, Virginia, has caused this bond to be to be signed by its Mayor or Vice-Mayor and the City's seal affixed hereto and attested by the Clerk of Council or any Deputy Clerk, and this bond to be dated the date first written above.

(SEAL)

_____
Mayor, City of Staunton, Virginia

_____
Clerk, City of Staunton, Virginia

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto

_____

(Please print or type name and address, including zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFEREE:

_____

: :

: :

:_____:

the within bond and all rights thereunder, hereby irrevocably constituting and appointing _____,

Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

_____

NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution such as a Commercial Bank, Trust Company, Securities Broker/Dealer, Credit Union, or Savings Association who is a member of a medallion program approved by The Securities Transfer Association, Inc.

_____

(Signature of Registered Owner)

NOTICE: The signature above must correspond with the name of the registered owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.

TRANSFER OF BOND

Transfer of this bond may be registered by the registered owner or its duly authorized attorney upon presentation hereof to the Registrar who shall make note of such transfer in books kept by the Registrar for that purpose and in the registration blank below.

Date of Registration	Name of Registered Owner	Signature of Registrar

SCHEDULE I

Schedule of Principal and Interest Payments

[Final maturity schedule to be attached at closing]

CITY OF STAUNTON, VIRGINIA

Proclamation

Small Business Saturday
November 30, 2019

WHEREAS, the City of Staunton, Virginia, celebrates our local small businesses and the contribution they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are currently 30.7 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, and are responsible for 64.9 percent of net new jobs created over the past 20 years, and

WHEREAS, small businesses employ 47.3% of the employees in private sector in the United States; and

WHEREAS, 94% of consumers in the United States value the contributions small businesses make in their community; and

WHEREAS, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday season; and

WHEREAS, the citizens of Staunton support our local businesses and recognize that such local businesses create jobs, boost our local economy and preserve our communities; and

WHEREAS, the City of Staunton, Virginia, supports local businesses by, among other initiatives and activities, establishing and maintaining a downtown service district and partnering with the Staunton Downtown Development Association; and

WHEREAS, the City of Staunton, Virginia joins with other localities in Virginia and across the nation in recognizing the importance of local businesses.

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that November 30, 2019, is hereby designated as

Small Business Saturday

in the City of Staunton and Staunton City Council urges the residents of our Staunton community, our regional community, and communities across the country, to support small business and merchants on Small Business Saturday and throughout the year.

Adopted this 14th day of November, 2019.

_____

CAROLYN W. DULL, MAYOR

ATTEST: _____

CLERK OF COUNCIL

City Council
WORK SESSION
October 24, 2019
5:15 p.m.

Council Members Present: Mayor Dull, Vice Mayor Kier, Council Members Curren, Harrington, Holmes, Oakes, and Mead.

The Mayor called the meeting to order at 5:15 p.m. and the invocation/moment of silence was given by Ms. Oakes.

1. Consideration of Work Session and Regular Meeting Agendas

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

Ms. Mead moved to approve the Work Session agenda and the Regular Meeting agenda as presented

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

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

2. Presentation Concerning Possible Refinancing of 2007 and 2008 Bonds

Phil Trayer, Chief Finance Officer, and Ted Cole, Senior Vice President with Davenport & Company LLC, the City's financial advisor, provided an overview of the proposals and refinancing of long-term debt.

Mr. Cole discussed with Council the potential refinancing of some existing City debt obligations. He stated the proposal was sent to numerous banks to consider providing proposals to refinance a loan from 2007, where the City issued publicly traded Tax-Exempt General Obligation Public Improvement Bonds, Series 2007 for the refunding of the Stonewall Jackson Hotel and Conference Center and golf irrigation system at Gypsy Hill Park. The 28-year bonds, totaling $10,600,000, were issued at a variable rate of interest of three and one-half percent to four and one-quarter percent. Interest rates for the remaining life of these bonds range from four percent to four and one-quarter percent. The remaining principal as of this date is $8,190,000.

In 2008, the City issued tax exempt debt through the State Literary Loan programs for McSwain and Ware elementary school renovations. The two loans were issued for 20 years and were in the amount of $7,500,000 each, totaling $15,000,000. Both loans were issued at a fixed rate of three percent. The remaining principal as of this date is $3,375,000 for both the McSwain and Ware loans, totaling $6,750,000.

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The City issued a request for proposals for refinancing of the 2007 and 2008 outstanding bonds totaling $14,940,000 for tax-exempt bank qualified and non-bank qualified financing. The debt structure will be in complete alignment with the majority dates of the existing debt.

Mr. Cole stated as a result of the proposals and negotiations, staff has identified two banks, SunTrust and Atlantic Union, with which final negotiations are occurring. He noted both proposals will provide a net present value savings for the City over a 15-year period in excess of $1.3 million. Mr. Cole further explained terms and conditions from SunTrust and Atlantic Union.

Mr. Cole answered questions from Council members. He stated he was not requesting a formal resolution at tonight's meeting, but needed some direction from Council regarding which bank to move forward with. Mr. Cole stated it is staff's plan to present a final resolution to Council at the November 14, 2019 meeting.

Mr. Cole asked if there was a consensus among Council members on how to move forward with the proposal. Mayor Dull asked for a breakdown of the fees to be sent to Council.

Mayor Dull stated she would recommend that Council pursue the proposal with SunTrust due to considerable savings to the City, but to also obtain a breakdown of the fees, and to look to Atlantic Union as a second option. Mayor Dull asked for a head nod from Council members. All members were in agreement.

Mr. Cole stated there had been discussion with staff and lending institutions about potential future projects that might require debt and opportunities to lock in interest rates at present for a loan that might occur in the future. Mr. Cole answered questions from Council members.

3. Presentation of Quarterly Financial Report

Mr. Trayer stated the FY2019 audit is being finalized and a report would be presented to Council at the December 12, 2019 meeting. He noted there are no issues with the audit.

Mr. Trayer presented a financial report for the first quarter of fiscal year 2020. The quarterly financial report included the sales, meals and lodging tax history. He noted there was $7.2 million worth of revenue which is 12.1% of the annual appropriation and is in line with historical performance. On the expense side, $8.7 million had been recorded or 16.3% of the annual appropriation. Mr. Trayer stated he was not seeing any major issues at this point.

Mr. Trayer provided information regarding the sales, meals and lodging taxes for the first quarter. He noted the City is looking quite well budget-wise.

Vice Mayor Kier thanked staff and Economic Development for their hard work.

4. Discussion of Resolution of the Council of the City of Staunton, Virginia to Terminate the Appointment of the City Manager, Steven L. Rosenberg, as the Blue Ridge Criminal Justice Board Member and Concurrently Appoint the Assistant City Manager, Leslie M. Beauregard, as the City's Representative Member on the Board

Steve Rosenberg, City Manager, stated this measure is intended to reflect the assignment of responsibilities for various City departments. He noted Blue Ridge Court Services provides

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community correction services for the City and surrounding localities and is advised by the Blue Ridge Criminal Justice Board. Mr. Rosenberg stated the City has the ability to appoint a member to that board and historically the City representative on that board has been the individual who has responsibility on the organizational chart for Blue Ridge Court Services. Mr. Rosenberg stated Leslie Beauregard, Assistant City Manager, would be assigned to Blue Ridge Court Services and that a resolution is proposed for Council's consideration would provide for her appointment to the Blue Ridge Criminal Justice Board as the City's representative.

This will be Item C on the Regular meeting agenda.

5. Discussion of Resolution Supporting the 2020 Census and Creating a Regional Complete Count Committee

Rodney Rhodes, Senior Planner, stated the proposed resolution was previously discussed during the July 11, 2019 Work Session meeting. He noted the Census representative recommended that a Complete Count Committee be established. The committee is to be comprised of representatives from the public, private, and non-profit sectors. The Complete Count Committee will work to help educate citizens on the census count process and to help ensure that all who are eligible to be counted are counted. The cities of Staunton and Waynesboro and Augusta County propose to jointly create a regional complete count committee that will be staffed by the Central Shenandoah Planning District Commission (CSPDC).

Mr. Rhodes stated the Augusta County Board of Supervisors adopted a resolution on October 23, 2019 and the Waynesboro City Council will consider the resolution at their meeting on October 28, 2019.

Dr. Harrington stated that each person properly counted represents approximately $20,000 of services, revenue, and allocations over the 10-year period of a Census. He noted there are many reasons to make sure to get the count correct and thanked the CSPDC for playing a role in the count.

Ms. Mead stated she'd learned that most significant undercounting tends to be amongst the lowest income people in the community.

Mayor Dull stated that a big change to the Census would be on-line registering.

This will be Item D on the Regular meeting agenda.

6. Discussion of Resolution Related to Exchange of Visits between Delegations from Cair Municipality, Skopje, North Macedonia and City of Staunton

Mr. Rosenberg stated the City continues to work on preparations for the visit by the delegation from Çair Municipality, Skopje, North Macedonia to Staunton in early November. Mayor Dull and Robin von Seldeneck, President and CEO of the Woodrow Wilson Presidential Library, will visit the Çair Municipality later during the same month. Consistent with discussions from Council provided during its work session on October 10, 2019, a resolution has been prepared to be presented by Mayor Dull to representatives of Çair Municipality during her visit in November. Mr. Rosenberg stated the resolution is prepared for Council's considering during the Regular meeting.

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This will be Item E on the Regular meeting agenda.

7. Discussion of 2020 Legislative Program

Mr. Rosenberg stated that each year, City Council adopts a legislative program which is transmitted to the Governor, local General Assembly members, the Virginia Municipal League (VML), and Virginia First Cities. He noted information provided to Council members would allow an opportunity to discuss changes they would want to make to the City's 2020 legislative program and to possibly be adopted at the December 12, 2019 meeting.

Ms. Mead stated she recently attended a GO Virginia Region 8 meeting and a discussion was held regarding the amount of funding that the State provides for the up-tiering of development sites. She noted it was in the City's best interest to obtain more funding from the State and would like to see that on the legislative agenda.

Vice Mayor Kier appreciated the comments included regarding pediatric cancer, but noted it still has not been placed on the VML agenda.

Mayor Dull stated she would like for the City to keep the Certificate of Public Need (COPN) as Augusta Health has noted that is a continuing concern for them. She also supports the Chesapeake Bay Water Quality section that is requesting an increase for the stormwater legal assistance fund.

Dr. Harrington stated his devotion to free and fair elections had not diminished by its exclusion from VML's list of important topics.

Mayor Dull stated a majority of what was in last year's program could be brought forward.

Mr. Rosenberg stated that could be reviewed further and take account of items that may have been addressed at last year's session and make appropriate revisions to it as well as additions being discussion at tonight's meeting. He noted a draft version could be presented to Council at the November 14, 2019 for further review and discussion.

Ms. Mead stated last year it had been discussed to include on the legislative agenda a desire for localities be able to restrict the use of single-use plastic bags. Mayor Dull stated the bill submitted might possibly give the authority to tax single-use plastic bags. She noted this item could be added asking for the City to gain the authority to regulate such restrictions. Discussion ensued among Council members.

Mr. Rosenberg stated that as suggestions are sent to him, he would prepare a legislative program or resolution that addresses each item. He noted if the consensus among Council is not to include an item, then it could be removed when presented at the December meeting.

Mr. Holmes questioned transportation funding issues. Mr. Rosenberg stated there is a comprehensive package of improvements for Interstate 81 that has been funded by the General Assembly and adopted at the last session.

Ms. Oakes stated the education component was vital as well as pediatric cancer research.

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Mayor Dull stated she would like to see some type of incentivization for a plastic recycling facility to be located in the Shenandoah Valley.

8. Discussion of Virginia Municipal League Conference

Councilwoman Mead referred Council members to the investment of City Council attending and being members of Virginia Municipal League (VML). She noted the recent VML conference schedule was full and it was difficult to decide which session to attend. Ms. Mead stated Council should look for an opportunity to discuss items on future conference agendas, how Council could best cover those items, and afterwards have a discussion in making sure that the money spent is well invested. She stated perhaps Council could anticipate putting something on the Council meeting agenda immediately before and after next year's VML conference, but would be open to suggestions about how Council could benefit for the City of out attending the conference.

Mayor Dull referred to her previous discussion regarding the plastic recycling facility.

Ms. Mead referenced presentations given regarding first responders and PTSD, the concept of a food hub, as well as a non-profit organization that recycles oyster shells and how local businesses could participate.

Dr. Harrington stated he hoped the City would take steps to make sure the City monitors its first responders regarding PTSD. He noted there was a presentation regarding issues with scooters and boundaries of municipality's authority to pass and enforce ordinances related to their use.

Mr. Rosenberg stated there have been discussions regarding scooters amongst staff and the City Attorney and noted the General Assembly addressed the subject in its session last year. He noted he attended the same session regarding the PTSD issue and has a meeting scheduled with Police Chief Williams and Fire and Rescue Chief Garber.

Vice Mayor Kier stated it is of grave importance that the issue of PTSD be addressed. He noted he attended a meeting to elect his replacement as Vice President of VML. He stated he'd attended the NBC-LEO luncheon.

Dr. Curren stated that localities have done more than they've been asked to do regarding the Chesapeake Bay cleanup. He noted VML has a position against new calculations regarding wastewater credits which is to the detriment of localities. Dr. Curren questioned what impact the opioid crisis has on the city and should do further investigation. Discussion ensued among Council members regarding drug addiction issues in the area.

Dr. Harrington stated he felt Council benefitted from the VML conference in terms of socialization with colleagues.

9. Discussion Concerning Gypsy Hill Golf Course

Mayor Dull stated she requested this item to be on the agenda. She noted when she received the budget schedule, she felt Council would not be able to make an informed decision on the golf course in time to get in the upcoming budget due to a lack of data. She welcomed comments from Council members.

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Dr. Harrington stated discussions have been hampered somewhat by lack of information about how to operate a golf course under optimal circumstances. He stated he would not be interested in any measure or in supporting any decision that repurposed the golf course prior to having gone through a very serious process of trying to examine how to make the best of the golf course. Dr. Harrington stated he would propose asking the City Manager to marshal all of the available City expertise presently available on staff and utilize outside expertise as well if that would add to the process.

Vice Mayor Kier stated he agreed with Dr. Harrington, especially with using internal staff in looking at the viability.

Ms. Mead stated she felt an objective third party could be helpful as well in strategizing the future of the golf course.

Mayor Dull emphasized Staunton citizens need to use the golf course.

Dr. Curren stated he also agreed with Dr. Harrington and that more data is needed.

Mr. Holmes stated he agreed with Dr. Harrington and that the City should try to make it work.

Mayor Dull stated data that can be collected by staff internally, but information that could be obtained by outside sources could be helpful.

Ms. Oakes stated she agreed that a study needed to be done and enough time should be given to be able to properly review the information. She stated she was in support of having an in-house consultant, but felt an outside consultant was not necessary.

Mayor Dull stated she felt having a disinterested third party from outside would be helpful as well as the expertise of having someone who's main function is to look at how municipal golf courses are operating.

Dr. Harrington stated his proposal includes the use of an outside expert if the City Manager deems that important. He stated his proposal would give the City Manager that authority to do so if he sees fit.

Mayor Dull asked Council for a head nod to give direction to the City Manager regarding Dr. Harrington's proposal. Six Council members agreed to the proposal except for Ms. Oakes. She stated she would not agree if that included outside consulting.

The work session adjourned at 7:18 p.m.

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Suzanne F. Simmons
Clerk of Council

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REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, October 24, 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**
Leslie Beauregard, Assistant 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 stated she attended the Blue Ridge Community College community breakfast. She also participated in White Cane Day and noted it was an interesting and educational experience.

Mayor Dull stated she attended a meeting with the Shelburne Lego League involving robotics. She noted she attended a strategic roundtable at Valley Program for Aging Services (VPAS).

Mayor Dull acknowledged the passing of Anna Lee Pullin who was the former Commissioner of Revenue for 28 years.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Oakes stated she and Mayor Dull attended the VPAS brainstorming session. She noted that earlier in the day she had participated on a walk with the White Cane staff and noted it was very enlightening.

Vice Mayor Kier stated the Nominations Committee moved to make the following appointment:

JOINT IDA of the County of Stafford and the City of Staunton, VA – To appoint Debbie Irwin to a four-year term beginning October 24, 2019 and expiring October 23, 2023.

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

Mayor Dull	aye	Vice Mayor Kier	aye
Dr. Harrington	aye	Dr. Curren	aye

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Mr. Holmes	aye	Ms. Oakes	aye
Ms. Mead	aye		

Vice Mayor Kier stated he had the opportunity to speak to students at Mary Baldwin University regarding the power of the vote. He also spoke on the recent passing of a local teenager and the vital importance of funding needed from all government levels towards pediatric cancer.

Dr. Curren stated he recently took a special tour at the Woodrow Wilson Presidential Library regarding slavery in Staunton and recommended it to all residents.

APPROVAL OF MINUTES

Ms. Oakes moved to approve the work session and regular meeting minutes of October 10, 2019.

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

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

REGULAR MEETING

A. Appeal of Historic Preservation Commission Denial of a Certificate of Appropriateness for 208 North Market Street (Stuart Addition Historic District) – New Roof (After-the-Fact) and Solar Panels

Rodney Rhodes, Senior Planner, stated this item is an appeal from a decision of the Staunton Historic Preservation Commission (Commission). The City's Code notes that an appeal may be taken to City Council to challenge a decision of the Commission. City Council has the prerogative to reverse or affirm the Commission's decision in whole or in part, essentially having all the same powers of the Commission. In this instance, Power Home Solar (company that applied for the Certificate of Appropriateness) appeals to City Council the Commission's September 24, 2019 action to deny a COA for the installation of a new roof and solar panels at 208 North Market Street.

Mr. Rhodes stated 208 North Market Street is a single-family structure located in the Stuart Addition Historic District, and constructed in 1891. Mr. Rhodes stated he would provide background on the appeal and then have Frank Strassler, Executive Director of Historic Staunton Foundation (HSF) provide further information on his recommendation to Council.

Mr. Rhodes stated it was his understanding that the owners of 208 North Market Street contacted Mr. Strassler in May, 2019 to discuss the possibility of installing solar panels on their roof. Mr. Strassler provided them with information from the historic guidelines specifically regarding solar panels.

Mr. Rhodes stated that in June of 2019, Power Home Solar, on behalf of the owner, applied for a

COA for the installation of solar panels only. The Historic Preservation Commission considered the request at its July 23, 2019 meeting. During the discussion on the solar panels, the Commission noted that there was insufficient documentation in the application as far as visible the solar panels would be from the street. He noted there was also the question of how it would blend in with the existing roof. Mr. Rhodes explained that the Power Home representative had stated the roof would be replaced and that they would contact the owners to see if they were receptive to installing a black roof that would help the solar panels blend in.

Mr. Rhodes stated it was noted that the new roof would not need a COA if it was a like-for-like replacement and was a historically appropriate traditional standing seam metal roof. The application was therefore tabled until the August meeting. During the scheduled site visit prior to the August meeting, Commissioners and staff noticed that the roof had been replaced with a snap lock metal roof system. At the August 27, 2019 meeting, the applicant was informed that the roof was not a like-for-like replacement and would need to be addressed by the Commission. The application for the solar panels was tabled by the Commission until the September meeting in order for the applicant to address the replacement roof.

Mr. Rhodes stated at its meeting on September 24, 2019, the applicant requested an after-the-fact COA for the new roof along with a COA for the proposed solar panels. The applicant stated that they were "not made aware of the restrictions of a standing seam roof needing to be traditionally folded, and not of the ridge cap style" until after the roof was replaced. Mr. Rhodes noted they stated that the proposed placement of the solar panels is in a manner that has the most limited area of visibility without severely restricting the production of the panels and that they would blend in with the roof color.

Mr. Rhodes stated the Historic Staunton Foundation is contracted by the City to review and submit a briefing for all applications that go to the Commission. He noted Mr. Strassler provides the written briefs and attends the meetings to answer any questions the Commission has.

Mr. Strassler referred Council to all of the reviews that were conducted for each of the Historic Preservation Commission meetings. He stated that finding a fact was completed for each of the reviews concerning the location in the historic district, the historic period of the building, architectural description, and a view of the features from a public street in all applicable Historic District guidelines as adopted by the City and were outlined for each review.

Mr. Strassler stated the appeal cover letter references an email between HSF and the property owner in May, 2019. He emphasized that a PowerPoint presentation done previously regarding solar in historic districts was presented. He stated that presentation does not lead a viewer to believe or conclude that solar panels in full view from a public street and covering a historic roof would be acceptable in any historic district. Mr. Strassler stated in that presentation, emphasized points states solar panels should minimize their visibility from a public thoroughfare, avoid placing solar panels on street facing walls or roofs or those including facing side streets. He stated solar panels should not require alterations to a significant or character-defining feature of a historic resource, such as altering existing roof lines, and should be mounted no higher than a few inches above the existing surface, not be visible above the roof line or primary façade.

Mr. Strassler stated on the July, 2019 review, it was asked that the roof surface be marked with flagging tape so the Commission could understand what would be the view of the solar panels. He noted it was not marked, but on the field trip the Commission members realized the proposed location for the panel array was in full view from Market Street as well as Academy Street.

Mr. Strassler stated on the August, 2019 review, which was brought up again, he noted the initial review was very consistent and thorough; therefore, further detail was not repeated.

Mr. Strassler stated in September, 2019 when the Commission was addressing the roof, a full outline of the historic building and the effect of a roof was noted. He stated he specified the roof does not create the same appearance as a traditional folded seam, flat pan, standing metal roof. He provided in detail the features of the replacement roof and stated the roof does not create the same appearance as a traditional folded, flat pan standing seam metal roof.

Mr. Strassler read from the updated Staunton Residential Historic District guidelines. He noted the guidelines were made apparent since May, 2019 and the contractor was made aware of those guidelines during the meetings, when speaking with City staff, and is noted in their cover letter for the appeal.

Mr. Strassler stated the Commission followed their guidelines and it was very clear from where the decision was going on solar panels as well as the roof. Mr. Strassler asked that Council consider upholding the decision of the Historic Preservation Commission.

Brian Law, representative for Power Home Solar, stated they contracted with the home owner for both the roof as well as a proposal to install solar panels. He noted when the house was built in 1891 it likely did not have an electrical system. He stated in regards to solar, the rules that apply with the panels not being visible is perhaps inappropriate in itself. He explained that their proposal was as close to due south as possible in order to achieve maximum benefit. Mr. Law stated he disagreed with Mr. Strassler's statement regarding knowing all of the guidelines before installation of the roof as well as language in the guidelines. He stated he felt the roof that his company installed was commercial-only and was easily arguable that it did not lessen the appearance of the home.

Francis Crittenden, owner of 208 North Market Street, stated there were definitely some mistakes made. She noted Power Home Solar has indicated that their company would install an appropriate roof according to the guidelines. She asked Council to consider what would be the best thing that could be done.

Mr. Law stated there are some discrepancies that need to be worked out, but with very strict rules disqualifying solar panels in historic districts, he felt this is not a good idea.

Dr. Curren asked Mr. Strassler what criteria did he use to decide what modern things are or are not historically appropriate. Mr. Strassler stated many of those things are outlined in the City's own guidelines about changes are made and considering the use of buildings; however, creating a restoration in historic districts is not being done. He further explained the guidelines for rehabilitation and not restoration. He stated the City is recognizing that the architectural details

that are being placed back on the buildings are appropriate for the architecture. He noted it is not an ancient roof and that numerous contractors in the area that are installing appropriate roofs.

Dr. Curren asked Mr. Strassler how many other houses in the historic districts have solar panels. Mr. Strassler stated he could not think of one. Dr. Curren stated perhaps the City should reconsider its requirements that solar panels be hidden from view. Mr. Strassler stated the City has the power to pass and review its own Zoning code and review those things and apply it to its guidelines. Mr. Strassler stated there are buildings throughout the historic districts that can take advantage of solar without having a significant impact on its architecture.

Mayor Dull asked Mr. Strassler if there was any way to convert the snap lock version to a standing seam. Mr. Strassler stated it was not possible.

Ms. Crittenden stated she'd walked the area and, in her opinion, there is some visibility on Market Street, but less so from Academy Street. She noted solar panels would not be installed on the front of the house.

Mr. Law explained the aesthetics of the solar panels, how they are non-reflective, black panels, and would be the same color as the roof.

Dr. Harrington moved that City Council wholly affirm the decision of the Historic Preservation Commission denying the requested Certificate of Appropriateness, for the reasons on which the Commission based its decision.

The motion was seconded by Mr. Holmes.

Dr. Curren stated he opposed the motion and noted he supported the requirement for an authentic standing seam roof. He stated enforcing reasonable historic requirements is very good for the City and supported that the roof should be changed. Dr. Curren stated he felt the solar panels was a different case and requested the regulation on the visibility of solar panels be reconsidered.

Mr. Holmes asked Dr. Curren if there are other panels that would blend in better than the ones proposed. Dr. Curren explained there are other products on the market, but are very expensive and their function is much lower.

Vice Mayor Kier asked if there was a darker color of roof to help make the solar panels blend in better. Mr. Law explained the panels would blend in so that they are not as obvious. He noted when the roof is replaced, a color would be selected to match the proposed solar panels as closely as possible.

At Mayor Dull's request, Mr. Strassler again read #5 and #10 from the guidelines and explained the guidelines on how they relate to the proposed solar panels.

Ms. Oakes stated she appreciated alternative energy trying to be utilized in this situation; however, there are guidelines in place now and until they are changed, the City has an obligation to follow the guidelines.

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The motion carried as follows:

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

B. Presentation by Mary Baldwin University

Pamela Fox, President of Mary Baldwin University, thanked Council for the opportunity to celebrate their success together.

Dr. Fox highlighted the following:

- Renewed focus on community engagement as one of its 5 strategic imperatives.
- Their mission is to empower leaders to pursue lives of purpose.
- Providing opportunities and career preparation for a diverse population of students.
- Celebrated second year of record-breaking enrollment of students.

Dr. Fox also highlighted how the University and the City work together for a promising future in education, economic development, and in solving the key issues of the citizens in the community.

Dr. Harrington recognized a student from the presentation to whom he was an advisee before he retired.

Mayor Dull stated the City is fortunate to have Mary Baldwin University.

Steve Rosenberg, City Manager, acknowledged the University's new baseball team and their use of the City stadium.

C. Consideration of Resolution of the Council of the City of Staunton, Virginia to Terminate the Appointment of the City Manager, Steven L. Rosenberg, as the Blue Ridge Criminal Just Board Member and Concurrently Appoint the Assistant City Manager, Leslie Beauregard, as the City's Representative Member on the Board

Mr. Rosenberg stated a region agency, Blue Ridge Court Services provides community corrections services to the courts of the Central Shenandoah Valley, including the City of Staunton. He noted there is an advisory board that works with that agency, known as Blue Ridge Criminal Justice Board. As a participating locality in Blue Ridge Court Services, the City is entitled to the appointment of a representative to the Blue Ridge Criminal Justice Board. Mr. Rosenberg stated it makes sense for the individual in the City Manager's office who works with that agency to take the seat on the advisory board. He noted with Leslie Beauregard's arrival as Assistant City Manager, she will now have day to day responsibility for Blue Ridge Court Services and is appropriate to change the City's representative to the advisory board to Ms. Beauregard. He noted the proposed resolution provides for a change in the City's representative to Ms. Beauregard.

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Ms. Oakes moved to adopt the proposed resolution terminating the appointment of Steven L. Rosenberg to the Blue Ridge Criminal Justice Board and appointing Leslie M. Beauregard the City representative on the board.

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

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

RESOLUTION
OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO TERMINATE THE APPOINTMENT OF THE CITY MANAGER, STEVEN L. ROSENBERG, AS THE BLUE RIDGE CRIMINAL JUSTICE BOARD MEMBER AND CONCURRENTLY APPOINT THE ASSISTANT CITY MANAGER, LESLIE M. BEAUREGARD, AS THE CITY'S REPRESENTATIVE MEMBER ON THE BOARD

Recitals

A. The Blue Ridge Criminal Justice Board (BRCJB) was duly formed under the provisions of Virginia Code Section 9.1-178 et seq. to provide and support a broad range of community-oriented justice options in an effort to reduce jail overcrowding, enhance public safety, and offer remedial and rehabilitative opportunities to pretrial defendants and post conviction offenders;

B. The City of Staunton, Virginia, is a participating locality of BRCJB;

C. Under the November 19, 2013 Bylaws of BRCJB (the Bylaws), BRCJB shall include "a person appointed by each governing body to represent the governing body;"

D. City Manager, Steven L. Rosenberg currently serves as the City of Staunton's government representative to BRCJB;

E. It is appropriate for Staunton City Council to terminate Steven L. Rosenberg's appointment to BRCJB and appoint Leslie Beauregard, Assistant City Manager, as the City's BRCJB representative; 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:

1. To the extent necessary, the appointment of Steven L. Rosenberg to the Blue Ridge Criminal Justice Board is terminated and Leslie M. Beauregard, Assistant City Manager, is appointed as the City's government representative, effective immediately upon adoption of this resolution; and

2. It directs the Clerk of Council to transmit immediately an attested copy of this Resolution to the BRCJB.

Adopted: October 24, 2019

/s/ Carolyn W. Dull
Carolyn W. Dull, Mayor

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

D. Consideration of Resolution Supporting the 2020 Census and Creating a Regional Complete Count Committee

Mr. Rhodes stated in July, 2019 a representative of the U.S. Census Bureau recommended that the City create a Complete Count Committee that is comprised of representatives from the public, private, and non-profit sectors. The complete count committee will work to help educate citizens on the census count process and to help ensure that all who are eligible to be counted are counted. He noted Mr. Rosenberg reached out to the Central Shenandoah Planning District Commission and the city of Waynesboro and Augusta County proposing to jointly create a regional complete count committee. A resolution was adopted on October 23, 2019 by the Augusta County Board of Supervisors and the Waynesboro City Council will consider a similar resolution on October 28, 2019.

Mr. Holmes moved that Council adopt a resolution supporting the 2020 United States Census and establishing, together with Augusta County and the City of Waynesboro, a regional complete count committee.

The motion was seconded by Dr. Curren.

Ms. Mead stated the Census count is critical to our community in terms of the amount of dollars that are available from the Federal government. She encouraged the citizens of Staunton to participate.

The motion carried as follows:

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

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RESOLUTION
OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
SUPPORTING THE 2020 CENSUS
AND
AUTHORIZING THE CREATION OF A
REGIONAL JOINT COMPLETE-COUNT COMMITTEE
WITH
THE COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA AND
THE BOARD OF SUPERVISORS OF THE COUNTY OF AUGUSTA, VIRGINIA

Recitals

A. The United States Census Bureau is required by the U.S. Constitution to conduct a count of the population and the census provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

B. The Council of the City of Staunton, Virginia, Council of the City of Waynesboro, Virginia, and Board of Supervisors of the County of Augusta, Virginia are committed to ensuring that every resident is counted;

C. Federal and state funding is allocated to communities, and decisions are made on matters of local importance based, in part, on census data;

D. Information from the 2020 Census is vital for economic development planning and increased employment;

E. A united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens;

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;

1. The City of Staunton supports the goals of the 2020 Census and will disseminate 2020 Census information;

2. The City of Staunton will encourage all of its residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;

3. A regional 2020 Census Complete Count Committee (Committee), to be staffed by the Central Shenandoah Planning District Commission, is hereby established for the purpose of mobilizing and leveraging personnel and resources, both internal and external, to local government administration, to assure an accurate census count resulting in an equitable share of financial

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assistance and representation for the citizens of the City of Staunton, the City of Waynesboro, and the County of Augusta;

4. The City Manager of the City of Staunton, City Manager of the City of Waynesboro, and Administrator of the County of Augusta will appoint members of the Committee to represent elected officials, faith-based organizations, neighborhoods and civic leagues, business enterprises, non-profit organizations and employees from relevant local government departments;

5. This resolution shall be effective immediately upon the last of the member localities to adopt substantially this form of resolution through the end of the 2020 Census period.

Adopted: October 24, 2019

/s/ Carolyn W. Dull
Carolyn W. Dull, Mayor
City of Staunton

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

E. Consideration of Resolution Related to Exchange of Visits between Delegations from Cair Municipality, Skopje, North Macedonia and City of Staunton

Mr. Rosenberg stated at Council's direction, arrangements are continuing to be made for an exchange of visits for an exchange of representatives from Çair Municipality, Skopje, North Macedonia and the City of Staunton. He noted the group from the City of Staunton will include Mayor Dull and Robin von Seldeneck, Executive Director of the Woodrow Wilson Presidential Library. Mr. Rosenberg stated the proposed resolution is what is referred to as a resolution of partnership and support to be presented by Mayor Dull on the occasion of her visit toward the latter part of November, presently scheduled for a week beginning November 18, 2019. He noted the delegation from North Macedonia is anticipated to visit in early November, 2019.

Ms. Mead moved that Council adopt a resolution of partnership and support, recognizing the relationship between the Municipality of Çair, Skopje, North Macedonia and the City of Staunton, Virginia.

The motion was seconded by Dr. Harrington.

Ms. Oakes stated she would not be supporting the resolution due to historical discrimination.

Mayor Dull stated this was a resolution of partnership and support with people from a country that has done nothing to any United States citizen. She stated she would like to think the City could support a resolution that is extending the hand of friendship to citizens from another country.

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The motion carried as follows:

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

WHEREAS, residents of the Municipality of Çair, Skopje, North Macedonia have previously visited the City of Staunton, Virginia; and

WHEREAS, during such visit it became apparent that our communities, cultures and people can gain much from continuing exchanges of ideas and people between our communities; and

WHEREAS, Mayor Visar Ganiu of the Municipality of Çair, Skopje, North Macedonia, in a letter dated August 20, 2019, requested that the Municipality of Çair and the City of Staunton establish a commitment to continuing partnership and an enduring relationship to benefit each city and our respective citizens; and

WHEREAS, an exchange of visits by delegations from the Municipality of Çair and the City of Staunton is currently being planned that are hoped to produce new connections between our communities; and

WHEREAS, the Staunton City Council deeply appreciates the hospitality and friendship that has been extended to Staunton by representatives of the Municipality of Çair and believes that international friendship and cooperation are keys to economic prosperity and peace in our global community.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Staunton, Virginia that the City of Staunton is committed to promoting prosperity, peace and understanding in a world filled with tensions and conflicts; that the City of Staunton and our citizens desire to improve and enhance international relationships among all nations and peoples; and the City of Staunton recognizes that enduring peace and friendships arise from person-to-person contacts and exchanges, and the City of Staunton pledges to support opportunities for such exchanges.

AND BE IT FURTHER RESOLVED that the City of Staunton recognizes the importance of the special relationship that has developed and continues to develop between the people of the Municipality of Çair, Skopje, North Macedonia and the City of Staunton, Virginia; and the Staunton City Council pledges our friendship and commitment to the people of the Municipality of Çair for the purpose of promoting cultural, social, economic and political ties between our communities and people through ongoing exchanges of our citizens, young people and representatives; and the exchange of information between our communities and partner organizations.

Adopted: October 24, 2019

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/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 extended a public welcome to the new Assistant City Manager, Leslie Beauregard and thanked Council for warmly welcoming her.

Ms. Beauregard thanked the community for welcoming her.

MATTERS FROM THE PUBLIC

Baldwin Jennings, 332 Sharon Lane, stated he supported keeping the Gypsy Hill Park golf course open and opposed hiring an outside consultant.

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:04 p.m.

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Suzanne F. Simmons
Clerk of Council

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