

**Work Session Agenda
Staunton City Council
Electronic Communications Meeting
June 25, 2020
5:15 p.m.**

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|------------------|-------------------|--|
| 5:15 p.m. | 1. | Annual Visit to Betsy Bell |
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| 6:00 p.m. | | Mayor's Introductory Remarks |
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| 6:05 p.m. | | Invocation/Moment of Silence—Curren |
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| 6:10 p.m. | 2. | Consideration of Work Session and Regular Meeting Agendas |
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| 6:15 p.m. | 3. & D | Discussion of Renewal of Agricultural-Forestal Districts |
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| 6:25 p.m. | 4. & E | Discussion of Resolutions of Support for Three SMART SCALE Applications Submitted by the Central Shenandoah Planning District Commission and the Staunton-Augusta-Waynesboro Metropolitan Planning Organization on behalf of the City of Staunton |
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| 6:35 p.m. | 5. & F | Discussion of Purchase and Sale Agreement by and between American Shakespeare Center and City of Staunton, Virginia/240 North Lewis Street |
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| 6:45 p.m. | 6. & G | Discussion of Resolution of the Council of the City of Staunton, Virginia Giving Notice and Establishing Time and Place of Council's July 1, 2020, Organizational Meeting as 12:00 Noon at A.R. Ware Elementary School |
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| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Electronic Communications Meeting
June 25, 2020
7:30 p.m.**

Call to Order

Mayor's Introductory Remarks

Pledge of Allegiance

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of June 11, 2020

REGULAR MEETING

- A. Public Hearing and Consideration of a Request by Craig Peterson to Rezone 9 North Jefferson Street and 701 and 703 West Beverley Street From B-1, Local Business District, to R-4, High Density Residential District***
- B. Consideration of an Ordinance to Amend the FY2020 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Three**
- C. Consideration of Amendments to Fire Prevention Code**
- D. Consideration of Renewal of Agricultural-Forestal Districts**
- E. Consideration of Resolutions of Support for Three SMART SCALE Applications Submitted by the Central Shenandoah Planning District Commission and the Staunton-Augusta-Waynesboro Metropolitan Planning Organization on behalf of the City of Staunton**
- F. Consideration of Purchase and Sale Agreement by and between American Shakespeare Center and City of Staunton, Virginia/240**

North Lewis Street

- G. Consideration of Resolution of the Council of the City of Staunton, Virginia, Giving Notice and Establishing Time and Place of Council's July 1, 2020, Organizational Meeting as 12:00 Noon at A.R. Ware Elementary School**

Matters from the City Manager

Matters from the Public

Adjournment

***To participate in the Public Hearing and Matters from the Public portions of the City Council meeting:**

- Dial toll free number: **(844) 854-2222**
- When prompted, enter the access code for the meeting: **619358#**
- You will hear the automated word "Muted"
- At that point, you will have been added to the queue to share your comments with Council
- While you are in the queue, you will hear the audio feed of the meeting
- When you hear the automated word "Unmuted," share your comments with Council
- Participants are reminded that the Public Hearing and Matters from the Public portions of the meeting are a time for Council simply to listen to your comments
- **While you are in the queue, mute the television, computer or other device on which you are listening to the meeting**

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 25, 2020	Staff Member: Chris Tuttle
Item #	1	
Ordinance #		
Department:	Parks and Recreation	
Council Vision:	Culture Built Environment	
Subject:	Visit to Betsy Bell	

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

To facilitate social distancing, Council members will travel to the site in their personal vehicles. After the visit, Council members will return to their residences to participate in the remainder of the work session and the regular meeting on Zoom.

City Manager’s Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 25, 2020	City Council
Item #	2	
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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- D. Consideration of Renewal of Agricultural-Forestal Districts**
- E. Consideration of Resolutions of Support for Three SMART SCALE Applications Submitted by the Staunton-Augusta-Waynesboro Metropolitan Planning Organization on Behalf of the City**
- F. Consideration of Purchase and Sale Agreement by and between American Shakespeare Center and City of Staunton, Virginia/240 North Lewis Street**

G. Consideration of Resolution of the Council of the City of Staunton, Virginia, Establishing Place of Council's July 1, 2020 Organizational Meeting as A.R. Ware Elementary School

Matters from the City Manager

Matters from the Public

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Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 25, 2020	Staff Members: Rodney Rhodes Tim Hartless
Item #	3 & D	
Ordinance #		
Department:	Community Development — Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Renewal of the A-1, Agricultural-Forestal Districts	

Background: The City recognized and created the “A-1, Agricultural-Forestal District” zoning overlay classification (see Staunton City Code, Chapter 18.95, **Attachment 1**) in 1997, following what was originally to have been only a transitional measure occasioned by special consideration of the 1987 annexation by the City of certain land area from Augusta County. In the historical annexation documents, there is reference to the annexation court possibly ordering or the City voluntarily adopting an ordinance providing for use value assessment for purposes of real estate taxation. Regardless, notwithstanding what is believed to have been the intended transitional nature of any land use taxation and ensuing Agricultural-Forestal District overlay, it appears the overlay had its roots in the annexation proceedings and outcome and represents decisions over the years to provide this tax treatment for what is largely open space.

This special real estate tax treatment concept both in annexation transition and since in the Agricultural-Forestal overlay concept has been extended now for over approximately 30 years. This classification permits landowners with qualifying acreage and usage to apply for this special classification. If the land is granted the “A-1” classification, then the parcels involved are automatically given certain reduced tax treatment (similar to what may be known as “land-use” taxation). The City has reviewed and approved a number of applications for such districts and extensions since inception, with the most recent renewal approved in 2015 (**Attachment 2**). Today, there are four such districts that total over approximately 2,550 acres and that, annually as to real estate taxes, represent what might be considered as foregone revenue to the City of approximately \$171,606, according to the City Assessor. The City’s A-1, Agricultural-Forestal Districts are set to expire on December 31, 2020.

Listed below are the current Agricultural and Forestal Districts (Districts) in the City and approximate acreage for each:

- **Bell's Lane District:** includes the Moore family property along Bells Lane, consisting of approximately 1,688 acres.
- **Merrifield District:** consists of three parcels including the Merrifield (Hereford) farm located on Route 11 bordered by Route 262; the Bonfoey property; and the Cobble Hill Farm owned by Harriet Hanger, and consisting of approximately 561.773 acres.
- **M.O. Carr District:** initially consisted of three parcels including the Carr property, the John Hardy land, and the Johnson land, consisting of approximately 76 acres total. With the removal of the Carr property in 2004, all of the Carr land was excluded from the District, and there remain in the District the 40.67 acres in the Hardy tract, the 35.167 acres in the Johnson tract, and 10.54 acres in two tracts known as the "Thompson" property, for a current total of approximately 86.377 acres.
- **Middlebrook District:** includes lands along Middlebrook Road, consisting of approximately 221.266 acres.

These Districts are depicted in **Attachments 3, 4 and 5**.

Planning Commission's preliminary informal review of the Districts included some review of the underlying zoning as well as the recommendations from the Comprehensive Plan. The City Assessor provided input to the Commissioners on the real estate assessment process, and the City Attorney provided some historical perspective on the Districts and briefed the Commission on the technical review process under the controlling Virginia statute.

Comprehensive Plan:

The "Generalized Land Use and Development Guide, Future Land Use Map" *Staunton, Virginia, Comprehensive Plan 2018 – 2040*, designates the majority of these areas as Planned Farm Development. The Comprehensive Plan notes the following for such designated areas:

Planned Farm Development - These areas of the City include farms and working farmland. Planned Farm Development is intended to support the growth of active farm, forestal, nursery, and related enterprise. These provisions are designed to achieve the following objectives: encourage farm and farm related enterprise; allow for the integration of development and farming activities; promote efficient use of land and infrastructure through design; encourage the preservation of steep slopes, floodways, and floodplains; and provide for recreational opportunities and open space integration.

○ Policies

- Recognize farms are valuable to the community economically:
 - Farms are a growing focus for tourism;
 - Growing interest community wide in locally sourced business:
- Recognize our farms are predominately comprised of land with steep slopes, stream buffers, and prime agricultural soils and that these are conditions that make it difficult, inappropriate, or in some cases in conflict with the Staunton City Code to develop; therefore farming is the best and highest use of this land.
- Recognize our farm land contributes to our City in many ways that are difficult to quantify and that they are integral to a balanced urban system of green

infrastructure.

- Recognize farming as an important land use within the City limits:
- Develop a zoning district with provisions supporting agricultural enterprise.
- Increase the potential for the success of farm related enterprise.
- Encourage the preservation of farm land by supporting the viability of farm enterprise.
- Promote the establishment of an integrated local food system.
- Promote the preservation of open spaces within the City, supporting development as an in-fill activity focused in areas where infrastructure already exists.
- Allow for the expansion of farm related enterprises including direct market sales of farm products, hosting farm related events and tours, and accessory enterprise supporting agri-tourism, among others.
- Allow for preservation development models that encourage the continuation of farm related enterprise while providing the potential for increased revenue for land owners;
- Allow for development of a scale and configuration intended to conserve prime, active farm land

During this recent update of the Comprehensive Plan the four Agricultural and Forestal Districts were removed from the designated Future Growth Area of the “City of Staunton Phased Growth Plan” and placed under a new Agricultural and Forestal District designation (see **Attachment 6**). The *Staunton, Virginia, Comprehensive Plan 2018-2040* notes the following priority:

Priority 5 - Agricultural and Forestal Districts: The intent of this priority area is to protect designated agricultural and forestal districts, which currently includes the Bell’s Lane Agricultural District, the Merrifield Agricultural District, the M.O. Carr Agricultural District and the Middlebrook Agricultural and Forestal District.

Attachment 7 is a summary sheet prepared by the City Assessor showing the tax revenues not collected by the City, as a result of inclusion of property in the Districts since 1987 (\$3,651,046). Again, the City did not recognize and create the formal Agricultural-Forestal District concept as such until 1997; however, after annexation, in 1987, the City did honor land use taxation on parcels which qualified under the Virginia Code. The summary sheet focuses on the current review period from 2015 to 2020, showing tax foregone during that period of \$1,044,319.

In the City’s initial departmental review of City services provided to properties in the Districts, the Department of Public Works notes the following:

1. Moore Property (Bells Lane)—Public Works performs street maintenance (primarily right of-way maintenance, pavement repairs, snow removal); there is one 1" meter for water service to one house, no provision of sewer service or leaf collection. Public Works does collect refuse/recycling.
2. Hereford Property—property borders Routes 262 and 11. State handles street maintenance along Route 262. Public Works maintains Route 11. Properties have water and sewer service, and Public Works collects refuse/recycling but not leaves.
3. Cobble Hill Farm (Woodlee Rd.)/Hardy Property/Johnson Property—Public Works performs street maintenance along Woodlee Rd. Properties have water service but not sewer service. Public Works does not collect leaves, but it does collect refuse/recycling.

Provisions of the Virginia Code allow Council simply to determine that a review of Agricultural-Forestal Districts or any one or more of them is not necessary at the present time. If Council

determines to renew the Districts without review, then Council must also establish the length of time before the next renewal/review, as it did in 2015 as to those particular Districts. § 15.2-4311 of the Code of Virginia stipulates a renewal period of no less than four years nor greater than 10 years (**Attachment 8**).

If Council determines that a review is necessary as to all or one or more Districts, it must begin the review process at least 90 days before the expiration date of the period established when the four Districts were last continued. Accordingly, such a review must be commenced by October 2, 2020. The review process involves a substantial procedure that requires significant City resources and citizen volunteer time on the special advisory committee and the Planning Commission. The City has 180 days to complete the process.

Planning Commission Recommendation: At its meeting of May 21, 2020, the Planning Commission continued to welcome public input and actually conducted a public hearing to invite and receive further input on the matter. Approximately 300 notices were mailed to adjoining property owners of the four Districts to inform and welcome any comments. Staff did not receive any concerns from the public on the potential renewal of the Districts. During the public hearing three people spoke in favor of renewing the four Districts for the maximum period permitted of 10 years. On a 4-1 vote, the Commission voted to recommend approval of a renewal of the existing A-1 districts for a period of 10 years, as recommended by staff. While the Planning Commission's recommendation may be considered informal because it anticipated Council's required threshold decision whether a review was even necessary, it nonetheless was reached after some study, public input, discussion, and vote by knowledgeable Planning Commission members.

Attachments:

Attachment 1—Staunton City Code, Chapter 18.95

Attachment 2—Ordinances and Council Minutes on Creating and Renewing the Districts

Attachment 3—Map, Bell's Lane and Part of Merrifield Districts

Attachment 4—Map, M.O. Carr and Part of Merrifield Districts

Attachment 5—Map, Middlebrook District

Attachment 6—Phased Growth Map from the Comprehensive Plan

Attachment 7—Tax Summary

Attachment 8—VA Code Section 15.2-4311

Attachment 9—Proposed Ordinance Determining Review Unnecessary

Suggested Motion: I move that Council adopt the proposed ordinance determining that review of the four agricultural and forestal districts is unnecessary and setting 2030 as the year in which any next review may occur, as presented.

City Manager: Steven L. Rosenberg

Ordinance No. 2020 - 01

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING
CHAPTER 18.95, A-1 AGRICULTURAL-FORESTAL DISTRICT, OF TITLE 18,
ZONING, OF THE STAUNTON CITY CODE TO ESTABLISH EXTENSION
PERIODS AND LATE FILING FEES FOR THE ANNUAL SUBMITTAL OF THE
LAND USE AFFIDAVIT**

Recitals

A. Pursuant to Section 58.1-3229 et seq. of the Code of Virginia and Staunton City Charter Section 11, Twenty-fourth, the City Council has the authority to enact and change provisions of the Staunton City Code (SCC) regarding special assessments for land preservation;

B. Pursuant to SCC Section 18.95.030, by July 1st of each year, property owners in A-1, Agricultural-Forestal Districts are required to file an affidavit with the City Assessor verifying that their “land shall be used solely for agricultural products, agricultural productions, forestal products, and forestal production, except as otherwise specifically limited or permitted, and shall continuously be so used to manifest active, bona fide agricultural and forestal production of a significant nature and degree;”

C. SCC Section 18.95.030 further states, “[a]bsent timely filing of a properly completed affidavit, land included in a district shall be regarded as suspended from inclusion in the district for the following calendar year for purposes of qualification for an agricultural or forestal use-value assessment pursuant to Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia;

D. Virginia Code Section 58.1-3234(3) provides that the governing body, by ordinance, may permit applications to be filed within no more than 60 days after the filing deadline, upon the payment of a late filing fee to be established by the governing body.

E. The Staunton Planning Commission, after study and review, recommended approval of the proposed amendment to SCC § 18.95.030, to establish extensions and late filing fees for any affidavit filed after July 1;

F. The City Council finds that it is in the interest of the City and its citizens to amend the City Code provisions relating to A-1 Agricultural-Forestal Districts, to grant filing extensions for agricultural-forestal use affidavits upon the payment of a late filing fee;

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

H. 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 Chapter 18.95, A-1 Agricultural-Forestal District, of Title 18, Zoning, of the Staunton City Code be and hereby is amended as follows:

Chapter 18.95

A-1 AGRICULTURAL-FORESTAL DISTRICT

Sections:

- 18.95.005 Definitions.**
- 18.95.010 Districts continued.**
- 18.95.020 Districts designated and described – Additions to districts.**
- 18.95.030 Required and permitted uses.**
- 18.95.040 Overlay.**
- 18.95.050 Private roads.**
- 18.95.060 Other conditions.**
- 18.95.070 Term review.**
- 18.95.080 Severability.**

18.95.005 Definitions.

...

18.95.020 Districts designated and described – Additions to districts.

(1) Districts. The agricultural, or sometimes referred to as agricultural and forestal or agricultural-forestal, districts designated and the land included within the districts are the following:

(a) The Bell's Lane Agricultural District shall consist of the following land, to wit:

- (i) 1,662.34 acres of land, more or less, situated in the city of Staunton, Virginia, bounded generally on the west by Commerce Road, on the north by State Route 262 (formerly State Route 275), on the east by Interstate 81, and on the south by Route 254, which includes the land identified by the city of Staunton assessor as parcel numbers 10140, 10143, 10146, 10149, 10152, 10169, 10176, 10182, 10187, 10369, 10375, 10410, 10413, 10418, 10420, 10423, 10430, 10438, 10442 and 11121, and as further shown on the map entitled "Ag-Forestal Districts" made by the engineering department of the city of Staunton, dated October 25, 2004, a copy of which map shall be on file with the department of planning and inspection and the city assessor's office.
- (ii) 26.19 acres of land, more or less, situated in the city of Staunton, Virginia, bounded generally on the east by Interstate 81 and on the south, west and north by the land of Lewis W. Moore, lying along the southeastern margin of Lewis Creek and encompassing the land identified by the city of Staunton as parcel number 10484.

(b) The Merrifield Agricultural District shall consist of the following land, to wit:

(i) 218.441 acres of land, more or less, situated in the city of Staunton, Virginia, at the northwest quadrant of the intersection of U.S. Route 11 and State Route 262 (formerly State Route 275), and identified by the city of Staunton assessor as parcel number 10329 and shown on the aforementioned map as "Hereford," and more particularly shown and described as Parcel A-2 on the "Survey Plat of Property of E. Monroe Bonfoey and Sarah D. Witz Bonfoey," a copy of which plat is recorded in the clerk's office of the circuit court of the city of Staunton, Virginia, in Deed Book 305, Page 858.

(ii) 147.202 acres of land, more or less, situated in the city of Staunton, Virginia, adjoining the land described in subsection (1)(b)(i) of this section and shown on the map aforementioned as "Bonfoey," and more particularly shown and described on the plat, aforesaid, as Parcel A-1 (excluding 2.999 acres shown on said plat as Parcel B) and identified by the city of Staunton assessor as parcel number 10881.

(iii) 196.13 acres of land, more or less, situated in the city of Staunton, Virginia, known as "Cobble Hill," identified by the city of Staunton assessor as parcel numbers 10007, 10008 and 10010 and shown on the map aforementioned as "Craske."

(c) The M.O. Carr Agricultural District shall consist of the following land, to wit:

(i) 40.67 acres of land, more or less, and shown on the map aforementioned as "Hardy" and identified by the city of Staunton assessor as parcel number 10012.

(ii) 35.167 acres of land, more or less, and shown on the map aforementioned as "Johnson" and identified by the city of Staunton assessor as parcel number 10472.

(iii) 10.54 acres of land, more or less, known as the "Thompson" property and consisting of two parcels identified and shown by the city as parcel number 9996, containing approximately 0.950 acres, and parcel number 10824, containing approximately 9.404 acres.

(d) The Middlebrook Agricultural and Forestal District shall consist of the following land, to wit:

221.266 acres of land, more or less, situated in the city of Staunton, Virginia, fronting approximately 6,500 feet along the southwestern city limits at the northwest corner of the intersection of Middlebrook Avenue and State Route 262 (formerly State Route 275), adjoining Montgomery Hall Park on the northeast, Augusta County on the southwest, CSX Railroad on the northwest and Middlebrook Avenue on the southeast, which includes the lands identified by the city of Staunton assessor as parcel numbers 10098, 10126, 10311, 10099, 10103, 10510 and 10097, and as further shown on the map entitled

“Exhibit D.1. – Boundary Map,” a copy of which map shall be on file with the department of planning and inspection and the city assessor’s office.

(2) Additions to Districts. No additional district shall be established and no land shall be added to a district unless the land as a parcel for which application is made totals at least 20 acres and the district already has a core of not less than 200 acres in one parcel or in contiguous parcels. The assessor for the city of Staunton shall specify an application form and, as necessary, other forms related to any proposed additional district and for proposed land to be added to a district consistent with the provisions of this chapter.

18.95.030 Required and permitted uses.

(1) Required Uses. Land included within the districts under this chapter shall be used solely for agricultural products, agricultural productions, forestal products, and forestal production, except as otherwise specifically limited or permitted, and shall continuously be so used to manifest active, bona fide agricultural and forestal production of a significant nature and degree. Not later than July 1st of each year, each owner of land in a district shall file with the assessor for the city of Staunton a fully complete affidavit as to each such parcel of land as identified separately within the district in SCC § 18.95.020, in a form specified by the assessor, that verifies the use of the land within the district satisfies these conditions. Owners shall be permitted a thirty (30)day period extension to file the affidavit as to each such parcel as identified separately within the district in SCC § 18.95.020 upon satisfactory proof of payment within such 30-day extension period to the Staunton City Treasurer of a late filing fee of one-hundred dollars (\$100) or ten percent (10%) of the tax savings, whichever is greater, as to each separately identified parcel within the district. Owners shall be permitted an immediately successive thirty (30)-day period filing extension as to each such separately identified parcel within the district upon satisfactory proof of payment within such 30-day extension period to the Staunton City Treasurer of a late filing fee of an additional one-hundred dollars (\$100) or ten percent (10%) of the tax savings, whichever is greater, as to each. In no event, however, shall the total extension exceed two immediately successive 30-day periods, totaling 60 days. Absent timely filing of a properly completed affidavit and timely payment of late filing fee(s), if applicable, land included in a district shall be regarded as suspended from inclusion in the district for the following calendar year for purposes of qualification for an agricultural or forestal use-value assessment pursuant to Article 4 (Section 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Virginia Code.

18.95.040 Overlay.

These districts are overlay districts and upon termination of any of the districts or withdrawal of any parcel from a district, when permitted, the underlying zoning with its rules and regulations shall continue to be in effect.

18.95.050 Private roads.

If, in the creation of a lot pursuant to SCC [18.95.030](#)(2)(a), a private road is created, no city services such as, but not limited to, snow and ice removal and trash collection will be provided to such lot. In addition, emergency services such as fire and rescue may be limited.

18.95.060 Other conditions.

(1) Land included in a district shall be regarded as suspended from inclusion in the district for the following calendar year for purposes of qualification for agricultural or forestal use-value assessment pursuant to Article 4 (Section 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Virginia Code if, as of June 30th or December 31st, any owner of land is delinquent as to any amounts, including but not limited to taxes, fees, and charges, or any other sum for which the person has been determined to be liable to the city of Staunton even though the matter may be in contest. The city director of finance, treasurer, and commissioner of revenue shall certify to the assessor the name of any such person and shall, together with the city assessor, regard the land as suspended from inclusion in the corresponding district for the following calendar year for this purpose, to the fullest extent permitted by law.

(2) No land within a district shall be removed from the district except with the approval of the council of the city of Staunton, upon a showing of good and reasonable cause.

(3) During the term of the districts, no parcel of land within the districts shall, without the prior approval of the council of the city of Staunton, be developed to any more intensive use than existed at the date of the creation of these districts, other than uses resulting in more intensive agricultural or forestal production, and no parcel of common or related ownership within the districts may have thereon, at any particular time, more than 10 turkeys, 10 hogs, and 20 chickens.

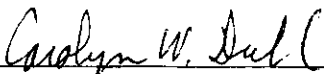
(4) By having land in an existing or in an added district, any owner of land in a district accordingly deems and stipulates that the value of such land shall, for all purposes related to the acquisition of any easement interest in the land for a public use for water and/or sewer utility facilities or ingress and egress right-of-way to such facilities by the city of Staunton or its authorities as authorized by law, be the same value used for assessment pursuant to Article 4 (Section 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Virginia Code, to the fullest extent permitted by law.

(5) No intensive agriculture facility shall be closer than 500 feet from a nonagricultural district and 100 feet from any property line or street right-of-way line.

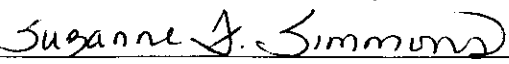
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In all other respects, the provisions of Chapter 18.95, A-1 Agricultural-Forestal District, of Title 18, Zoning, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: January 9, 2020
Adopted: January 9, 2020
Effective Date: January 9, 2020



Carolyn W. Dull, Mayor

ATTEST: 

Suzanne F. Simmons, Clerk of Council

Mr. Bell advised that he had heard from a lot of his constituents who think ten years of land use taxation is enough, and that these areas should now be paying their fair share of taxes.

Mr. Manning opined that the motion made by Mr. Wine to limit the designation to four years serves as a check and balance to give Council time to see if they've made the right decision. He stated that the City is not going to suffer that much in four years; it will, however, give staff and Council time to examine this.

Mr. Stephenson stated that he served on the Advisory Committee and that he is happy with the four year review, despite not having the two proposed exclusions as he proposed.

Mr. Robinson agreed that the four year time period will give the City time to evaluate the situation. Mrs. Wilson concurred.

Mr. Stephenson pointed out that after the 4 year period, Council will have much more control than it had with land use tax. Certain portions can be excluded at that time if Council so desires.

Mr. Bell re-stated that there are still other viable alternatives open to these property owners that won't cost the City money in lost revenues. He asked if open space preservation and land preservation is the real issue (and the real issue is not money), why don't we pursue these on a permanent basis.

Councilman Wine called for the question.

The motion carried 6-1 by roll call vote with Mr. Bell voting in opposition.

**AN ORDINANCE TO CREATE THE
BELL'S LANE AGRICULTURAL DISTRICT
IN THE CITY OF STAUNTON, VIRGINIA**

Whereas application has been made pursuant to Section 15.1-1511 of the Code of Virginia for the creation of an agricultural district within the City of Staunton, Virginia, to be known as the Bell's Lane Agricultural District, and

Whereas said application has been reviewed by the Agricultural and Forestal Advisory Committee of the City and the Planning Commission of the City, after public notice and hearing as required by law, and

Whereas recommendations have been made by said advisory committee and Planning Commission, and after notice and public hearing as required by law,

Now, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the zoning code of the City of Staunton be amended by adding the following Section 16 to Article IV thereof, as follows:

SECTION 16

A-1 BELL'S LANE AGRICULTURAL DISTRICT

A. DISTRICT CREATED.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, there is hereby created the Bell's Lane Agricultural District subject to the terms, conditions, and restrictions set forth in this section and as otherwise provided by Sections 15.1-1506 through and including 15.1-1513 of the Code of Virginia, as amended, the provisions, of which, except as specifically modified herein, are adopted and incorporated herein by reference.

B. DISTRICT DESCRIBED.

The Bell's Lane Agricultural District shall consist of the following land, to wit:

1674.34 acres of land, more or less, situate in the City of Staunton, Virginia, bounded generally on the west by Commerce Road, on the north by Route 275, on the east by Interstate 81, and on the south by Route 254, which includes the parcels of land identified by the City of Staunton Assessor's tax numbers 10140, 10143, 10146, 10149, 10152, 10169, 10173, 10175, 10176, 10182, 10187, 10369, 10371, 10375, 10410, 10413, 10418, 10420, 10423, 10430, 10438, 10442, 10444, and 10446, and as further shown on the map entitled "Bells Lane Agricultural District" made by the Engineering Department of the City of Staunton, dated December 20, 1996, a copy of which map shall be on file with the Department of Planning and Inspection and the City Assessor's Office.

C. PERMITTED USES.

Agricultural products, agricultural productions, forestal products, and forestal productions, except as specifically limited herein.

1. During the term of the district, no parcel of land within the district shall, without the prior approval of the Council for the City of Staunton, be developed to any more intensive use than exists at the date of the creation of this district, other than uses resulting in more intensive agricultural or forestal production.
2. The terms, "Agricultural Products," "Agricultural Production," "Forestal Products," and "Forestal Production" used herein shall have the meaning set forth in Section 15.1-1508 of the Code of Virginia, as amended, subject, however, to the following limitations:
 - a. No parcel of common ownership within the district may have thereon, at any particular time, more than

ten (10) turkeys, ten (10) hogs, and twenty (20) chickens.

3. Construction and placement of dwellings for persons who earn a substantial part of their livelihood from farm or forestry operations on the same property, or for members of the immediate family of the owner, and divisions of parcels for dwellings of such immediate family members shall be permitted subject to the following limitations and regulations:

- a. Any new dwelling permitted hereunder must be located on a platted lot approved in accordance with the provisions of Section 27-24, "Minor Subdivision Plats" of the Code for the City of Staunton.
- b. Minimum lot area: 1 acre.
- c. Maximum lot coverage: 10 percent.
- d. Lots must abut at least thirty (30) feet on a public or private street.
- e. All buildings on a lot must be set back at least 100 feet from the front lot line,
50 feet from the rear lot line, and
50 feet from the side lot lines.
- f. Dwellings shall not exceed thirty-five (35) feet or two and one-half stories, whichever is greater. All other buildings or structures, unless exempted by Article V, Section 3, of this Code, shall not exceed one (1) story or fifteen (15) feet, whichever is greater.

D. OVERLAY.

This district is an overlay district and upon termination of the district or withdrawal of a parcel from the district, when permitted, the underlying zoning with its rules and regulations shall be in effect.

E. PRIVATE ROADS.

If, in the creation of a lot pursuant to paragraph C (3)(a) hereof, a private road is created, no City services such as, but not limited to, snow and ice removal and trash collection will be provided to such lot. In addition, emergency services such as fire and rescue may be limited.

F. INTENSIVE AGRICULTURE FACILITIES.

Intensive agriculture facilities shall meet the following requirements:

- 1. No intensive agriculture facility shall be closer than:

- a. Five hundred (500) feet from a non- agricultural district, and
 - b. One hundred (100) feet from any property line or street right-of-way line.
2. For purposes of this section, an "intensive agriculture facility" is defined as (i) any building or structure housing more than ten (10) animals, or (ii) any dead animal disposal facility.

G. TERM REVIEW.

A review of this district, including any additions to the district, may be made by the Council for the City of Staunton on the date four (4) years measured from the effective date of the creation of this district as provided by, and in accordance with, Section 15.1-1511 (D), (E), and (F) of the Code of Virginia, as amended, the provisions of which are hereby adopted by references.

INTRODUCED: January 14, 1997

ADOPTED: January 23, 1997

EFFECTIVE DATE: January 1, 1997

/s/ G. John Avoli
Mayor

ATTEST: /s/ Deborah L. Sutton, CMC/AAE
Clerk of Council

VI. Consideration of the Cobble Hill Farm Agricultural District referral to the Planning Commission.

Mr. Robinson moved to refer the application for the Cobble Hill Agricultural District to the Planning Commission for its review pursuant to Section 15.1-1506, et seq. of the Code of Virginia. Seconded by Mr. Wine, the motion carried unanimously by roll call vote.

VII. Further discussion of an ordinance amending Chapter 6 of the Staunton City Code regarding Animals and Fowl.

Mr. Manning asked to discuss the issue of cat licensing. He moved that the animal ordinance be approved as written, which expands the definition section; cats will not be required to be licensed, but if they do roam at large, they be required to wear a collar with a rabies vaccination tag attached; a new division concerning dangerous and vicious dogs be added; a new article added which prohibits the keeping of wild and exotic animals.

ATTEST: /s/ Frances S. Wray
Acting Clerk

VI. Approval of the Merrifield Agricultural District.

Upon the recommendation of the Planning Commission, Mr. Robinson moved that the Hereford property consisting of 218.441 acres, as described in their application requesting an Agricultural-Forestal zoning, and the Bonfoey Family Limited Partnership property, consisting of 147.202 acres, adjoining Hereford, be placed in the existing Agricultural-Forestal District established in the City of Staunton Zoning Code. He further moved that the two properties together be designated as the "Merrifield Agricultural District" and be subject to the same permitted uses and dictates set forth therein for the previously created "Bells Lane Agricultural District", with an effective date of creation being January 1, 1997.

Mr. Manning made a substitute motion to combine this district with the Bells Lane District, rather than having two districts. The City Attorney advised that you need to describe what land is in the district, and its easier to describe as the Merrifield District which includes Bonfoey and Hereford, because they are contiguous. The Bells Lane District is contiguous. Mr. Wray stated that it is easier to designate them because of the description. Mr. Manning withdrew his substitute motion.

Seconded by Vice Mayor Stephenson, the motion carried 6-1 with Mr. Bell voting in opposition.

Via. Staunton/Augusta/Waynesboro Negotiating Committee

Mr. Manning advised that the negotiating committee for the three localities had met on Wednesday, May 14, 1997 to discuss governance for the 21st century. Based on that in keeping with the Augusta County, Staunton, Waynesboro mission statement and agenda, he moved that a request for qualification be developed soliciting the assistance of a facilitator to coordinate a series of visioning sessions. The public will be asked to generate ideas and thoughts regarding the strengths, weaknesses, opportunities, and perceived threats to the three communities within the region over the next 25 years. This phase of the agenda is in keeping with our commitment to encourage broad, public participation. Additionally, the input of citizens will serve as the foundation for future regional discussions. In addition, that the City Manager and/or his staff begin discussions with Augusta County and Waynesboro staff to restructure the existing landfill contract.

Seconded by Mr. Robinson, the motion carried unanimously by roll call vote.

VII. Matters from the City Manager.

There were no matters from the City Manager.

an issue with him, and that it is important to maintain agricultural space within the City.

Mr. Bell asked Mr. Hardy how much livestock he has. Mr. Hardy responded that he currently has two cows and two calves, but plans to add more in the spring.

Mr. Manning asked about the walnut trees on his property. Mr. Hardy responded that he has talked with Mark Holberg of the Forestry Service to get information on managing a forestry plan.

Mr. Robert Johnson, Springhill Road, asked if there were any questions of Council. Mr. Stephenson asked how many cows he had on his property. Mr. Johnson responded that there were 20 or 22.

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

Councilman Wine moved to approve the establishment of the M. O. Carr Agricultural District, including the Johnson and Hardy properties, for a four year review period. The motion was seconded by Mr. Robinson.

Councilman Bell noted that with the approval of this district, it would bring the total acreage of land in Ag/Forestal District to 2,532 acres. He noted that he could not support this request, as it resulted in a loss of City revenues in the amount of \$146,568 over the four year review period. Mr. Bell stated that he has no objections to the way the land is used, but he feels it is wrong for the rest of the citizens to have to subsidize their farming operations.

The Mayor rebutted that he does not see this as a subsidy, because each one of these property owners are paying the equivalent of what anyone else is paying on the acre their home is situated on.

Mr. Bell opined that 2 calves and 2 cows do not constitute a full time farming operation.

The motion carried 6-1 on a roll call vote with Mr. Bell voting in opposition.

SECTION 16

A-1 AGRICULTURAL-FORESTAL DISTRICT

A. DISTRICTS CREATED.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, there is hereby created an Agricultural-Forestal District subject to the terms, conditions, and restrictions set forth in this section and as otherwise provided by Sections 15.1-1506 through and including 15.1-1513 of

the Code of Virginia, as amended, the provisions, of which, except as specifically modified herein, are adopted and incorporated herein by reference.

B. DISTRICTS DESCRIBED.

1. The Bell's Lane Agricultural District shall consist of the following land, to wit:

1674.34 acres of land, more or less, situate in the City of Staunton, Virginia, bounded generally on the west by Commerce Road, on the north by Route 275, on the east by Interstate 81, and on the south by Route 254, which includes the parcels of land identified by the City of Staunton Assessor's tax numbers 10140, 10143, 10146, 10149, 10152, 10169, 10173, 10175, 10176, 10182, 10187, 10369, 10371, 10375, 10410, 10413, 10418, 10420, 10423, 10430, 10438, 10442, 10444, and 10446, and as further shown on the map entitled "Bells Lane Agricultural District" made by the Engineering Department of the City of Staunton, dated December 20, 1996, a copy of which map shall be on file with the Department of Planning and Inspection and the City Assessor's Office.

2. The Merrifield Agricultural District shall consist of the following land, to wit:

- a. 218.441 acres of land, more or less, situate in the City of Staunton, Virginia, at the northwest quadrant of the intersection of U.S. Route 11 and State Route 275 and identified by the City of Staunton Assessor's tax number as No. 10329, and more particularly shown and described as Parcel A-2 on the "Survey Plat of Property of E. Monroe Bonfoey & Sarah D. Witz Bonfoey," a copy of which plat is recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 305, Page 858; and

- b. 147.202 acres of land, more or less, situate in the City of Staunton, Virginia, adjoining the land described in a. above and more particularly shown and described on the plat, aforesaid, as Parcel A-1 and identified by the City of Staunton Assessor's tax number as a part of tax number 10881 (excluding 2.999 acres shown on said plat as Parcel B).

- c. 196.13 acres of land, more or less, situate in the City of Staunton, Virginia, known as "Cobble Hill" and shown on the Tax Map of the City of Staunton, Virginia, as parcels numbers 045-107, 045-113, and 045-114.

3. The M. O. Carr Agricultural District shall consist of the following land, to wit:

=====

- a. 217.119 acres of land shown as "Mitchell O. Carr, Trustee, Mitchell O. Carr Investment Assoc." on the map dated October 10, 1997, entitled "M. O. Carr Agricultural District" adjoining the Merrifield Agricultural District on the west side thereof, a copy of which map shall be on file with the Department of Planning and Inspection and the City Assessor's Office.
- b. 40.67 acres of land shown on the map set forth above in 3a. as "Henry J. Hardy II and Nancy Dudley."
- c. 35.167 acres of land shown on the map set forth above in 3a. as "Robert K. Johnson."

C. PERMITTED USES.

Agricultural products, agricultural productions, forestal products, and forestal productions, except as specifically limited herein.

1. During the term of the districts, no parcel of land within the districts shall, without the prior approval of the Council for the City of Staunton, be developed to any more intensive use than exists at the date of the creation of these districts, other than uses resulting in more intensive agricultural or forestal production.
2. The terms, "Agricultural Products," "Agricultural Production," "Forestal Products," and "Forestal Production" used herein shall have the meaning set forth in Section 15.1-1508 of the Code of Virginia, as amended, subject, however, to the following limitations:
 - a. No parcel of common ownership within the districts may have thereon, at any particular time, more than ten (10) turkeys, ten (10) hogs, and twenty (20) chickens.
3. Construction and placement of dwellings for persons who earn a substantial part of their livelihood from farm or forestry operations on the same property, or for members of the immediate family of the owner, and divisions of parcels for dwellings of such immediate family members shall be permitted subject to the following limitations and regulations:
 - a. Any new dwelling permitted hereunder must be located on a platted lot approved in accordance with the provisions of Section 27-24, "Minor Subdivision Plats" of the Code for the City of Staunton.
 - b. Minimum lot area: 1 acre.
 - c. Maximum lot coverage: 10 percent.

A review of these districts, including any additions to the district, may be made by the Council for the City of Staunton on the date four (4) years measured from the effective date of the creation of this district as provided by, and in accordance with, Section 15.1-1511 (D), (E), and

=====

(F) of the Code of Virginia, as amended, the provisions of which are hereby adopted by references. Each district created hereunder shall be so reviewed on an individual basis, and the continuation of one or its termination shall not automatically continue or terminate any other.

/s/ G. John Avoli
Mayor

INTRODUCED: September 11, 1997

ADOPTED: October 9, 1997

EFFECTIVE DATE: October 9, 1997

ATTEST: /s/ Deborah L. Sutton, CMC/AAE
Clerk of Council

II. Public hearing and introduction of resolutions authorizing the issuance of not to exceed \$5 MIL and \$2 MIL of General Obligation School Bonds of the City of Staunton, Virginia, Series 1997 A & B, for the construction of the Shelburne Middle School Project.

The City Manager provided an overview of this matter. The Virginia Public School Authority has approved and qualified the City of Staunton for \$7 MIL worth of General Obligation Bonds for the purpose of the renovation and addition to Shelburne School. The interest rate is expected to be in the vicinity of 4.6%; the issues come in two sections, Series B and a Series A.

The public hearing was declared open.

Speaking to this matter was Mr. Aldon Bradford of 341 N. Madison Street, who asked how the people of Staunton will pay for this.

The City Manager responded that there would be no impact on the current tax rate. He reported that the debt service for the past two years has reduced by a sufficient amount in principal and interest payments to cover this new issue.

There being no one else to speak to this issue, the public hearing was closed.

Mr. Stephenson moved for introduction of a resolution authorizing the issuance of not to exceed \$5 MIL General Obligation School Bonds of the City of Staunton, Virginia, Series 1997 B, to be sold to the Virginia Public School Authority and providing for the form and details thereof; and further moved for introduction of a resolution authorizing the issuance of not to exceed \$2 MIL General Obligation School Bonds of the City of Staunton, Virginia, Series 1997 A, to be sold to the Virginia Public School Authority and providing for the form and details thereof; and further moved to authorize the Mayor and/or the City Manager to execute a bond sale agreement to be dated October 15, 1997; to execute a continuing disclosure agreement; a

Mrs. Wilson moved to adopt a resolution exempting Staunton-Augusta-Waynesboro Habitat for Humanity from real estate and personal property taxes. Seconded by Dr. Donovan, the motion carried as follows: Mr. Avoli, aye; Mr. Bell, aye; Dr. Donovan, aye; Mr. Metz, aye; Mr. Robinson, aye; Mrs. Wilson, aye.

IV. Consideration of the extension of the Ag/Forestal Districts.

The Acting City Manager advised that State law provides that Council may review the current Ag-Forestal Districts, and as provided in the City's zoning ordinance, the period for such a review is due. He advised Council that there are two options available: should Council determine a review is not necessary, it shall so state and determine the date for the next review; should Council determine a review is necessary, the matter is referred to the local advisory committee and Planning Commission for comments and recommendations.

Mr. Metz moved not to review the Ag/Forestal District ordinance, and to extend it an additional four years, seconded by Dr. Donovan.

Mr. Bell stated that he was disappointed that Council has chosen not to reconsider the Ag/Forestal Districts. He commented that in the face of shrinking revenues, it is going to be difficult to explain to the have-nots of the City to those that do have. Mr. Bell opined that if open space were the issue, the same could be accomplished through proper zoning, etc.

Mr. Avoli passed the gavel to Mrs. Wilson. Mr. Avoli stated that a city or county should recognize the right of its people to farm their land. He opined that raw land does not need any of the City's services, and should not be subject to the same tax. He added that the owners do pay full taxation on one acre plus the improvements on that acre.

Hearing no further discussion, Mrs. Wilson returned the gavel to the Mayor.

The motion carried as follows: Mr. Avoli, aye; Mr. Bell, nay; Dr. Donovan, aye; Mr. Metz, aye; Mr. Robinson, aye; Mrs. Wilson, aye.

V. Authorization for the sale of surplus City property.

The Mayor noted that on a periodic basis, the City conducts an auction sale of surplus City property and other lost property for which owners have not made claim. The City would like to hold an auction this year at the Public Works facility in mid-October. City Council must first declare this property as surplus, and authorize and approval the sale of all items.

Mr. Robinson moved to declare the property as listed by the Finance Department as surplus and to authorize the sale of this property. Seconded by Dr. Donovan, the motion carried as follows: Mr. Avoli, aye; Mr. Bell, aye; Dr. Donovan, aye; Mr. Metz, aye; Mr. Robinson, aye; Mrs. Wilson, aye.

VI. Matters from the Acting City Manager

Ordinance No. 2004-38

**AN ORDINANCE TO CONTINUE
AGRICULTURAL AND FORESTAL DISTRICTS
FOR A SIX (6) YEAR REVIEW TERM
AND TO STIPULATE ANY OTHER DIFFERENT CONDITION
BY AMENDING §§ 18.95.010 THROUGH 18.95.070
AND REORDAINING CHAPTER 18.95 OF TITLE 18
OF THE STAUNTON CITY CODE**

BE IT ORDAINED by the Council of the City of Staunton, Virginia, that §§ 18.95.010 through 18.95.070 of the Staunton City Code be, and the same are hereby, amended and the provisions of Chapter 18.95 reordained to read as follows:

18.95.010 Districts continued.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, there are hereby continued agricultural-forestal districts subject to the terms, conditions, and restrictions set forth in this chapter and as otherwise provided by Sections 15.2-4300 through and including 15.2-4314 of the Code of Virginia, as amended, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

18.95.020 Districts described.

(1) The Bell's Lane Agricultural District shall consist of the following land, to wit:
1,662.34 acres of land, more or less, situated in the City of Staunton, Virginia, bounded generally on the west by Commerce Road, on the north by Route 275, on the east by Interstate 81, and on the south by Route 254, which includes the land identified by the City of Staunton Assessor as parcel numbers 10140, 10143, 10146, 10149, 10152, 10169, 10176, 10182, 10187, 10369, 10375, 10410, 10413, 10418, 10420, 10423, 10430, 10438, 10442 and 11121, and as further shown on the map entitled "Agricultural and Forestal Districts" made by the Engineering Department of the City of Staunton, dated October 25, 2004, a copy of which map shall be on file with the Department of Planning and Inspection and the City Assessor's office.

(2) The Merrifield Agricultural District shall consist of the following land, to wit:

(a) 218.441 acres of land, more or less, situated in the City of Staunton, Virginia, at the northwest quadrant of the intersection of U.S. Route 11 and State Route 275 and identified by the City of Staunton Assessor as parcel Number 10329 and shown on the aforementioned map as "Hereford", and more particularly shown and described as parcel A-2 on the "Survey Plat of Property of E. Monroe Bonfoey and Sarah D. Witz Bonfoey," a copy of which plat is recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 305, Page 858;

(b) 147.202 acres of land, more or less, situated in the City of Staunton, Virginia, adjoining the land described in subsection (2)(a) of this section and shown on the map aforementioned as "Bonfoey" and more particularly shown and described on the plat,

aforesaid, as parcel A-1 (excluding 2.999 acres shown on said plat as parcel B); and identified by the City of Staunton Assessor as parcel number 10881;

(c) 196.13 acres of land, more or less, situated in the City of Staunton, Virginia, known as "Cobble Hill," identified by the City of Staunton Assessor as parcel numbers 10007, 10008, and 10010 and shown on the map aforementioned as "Craske."

(3) The M. O. Carr Agricultural District shall consist of the following land, to wit:

(a) 40.67 acres of land, more or less, and shown on the map aforementioned as "Hardy" and identified by the City of Staunton Assessor as parcel number 10012.

(b) 35.167 acres of land, more or less, and shown on the map aforementioned as "Johnson" and identified by the City of Staunton Assessor as parcel number 10472.

18.95.030 Permitted uses.

Agricultural products, agricultural productions, forestal products, and forestal productions, except as specifically limited herein.

(1) During the term of the districts, no parcel of land within the districts shall, without the prior approval of the Council of the City of Staunton, be developed to any more intensive use than existed at the date of the creation of these districts, other than uses resulting in more intensive agricultural or forestal production.

(2) The terms, "agricultural products," "agricultural production," "forestal products," and "forestal production" used herein shall have the meaning set forth in Section 15.2-4302 of the Code of Virginia, as amended, subject, however, to the following limitations:

No parcel of common ownership within the districts may have thereon, at any particular time, more than 10 turkeys, 10 hogs, and 20 chickens.

(3) Construction and placement of dwellings for persons who earn a substantial part of their livelihood from farm or forestry operations on the same property, or for members of the immediate family of the owner, and divisions of parcels for dwellings of such immediate family members shall be permitted subject to the following limitations and regulations:

(a) Any new dwelling permitted hereunder must be located on a platted lot approved in accordance with the provisions of SCC 17.10.070, minor subdivision plats.

(b) Minimum lot area: one acre.

(c) Maximum lot coverage: 10 percent.

(d) Lots must abut at least 30 feet on a public or private street.

(e) All buildings on a lot must be set back at least 100 feet from the front lot line, 50 feet from the rear lot line, and 50 feet from the side lot lines.

(f) Dwellings shall not exceed 35 feet or two and one-half stories, whichever is greater. All other buildings or structures, unless exempted by SCC Chapter 18.115, shall not exceed one story or 15 feet, whichever is greater.

18.95.040 Overlay.

These districts are overlay districts and upon termination of any of the districts or withdrawal of any parcel from a district, when permitted, the underlying zoning with its rules and regulations shall be in effect.

18.95.050 Private roads.

If, in the creation of a lot pursuant to SCC 18.95.030 (3)(a), a private road is created, no city services such as, but not limited to, snow and ice removal and trash collection will be provided to such lot. In addition, emergency services such as fire and rescue may be limited.

18.95.060 Intensive agriculture facilities.

Intensive agriculture facilities shall meet the following requirements:

(1) No intensive agriculture facility shall be closer than:

(a) Five hundred feet from a nonagricultural district; and

(b) One hundred feet from any property line or street right-of-way line.

(2) For purposes of this chapter, an "intensive agriculture facility" is defined as (a) any building or structure housing more than 10 animals, or (b) any dead animal disposal facility.

18.95.070 Term review.

A review of these districts, including any additions to any district, may be made by the Council of the City of Staunton on the date six (6) years measured from the effective date of the continuation of these districts as provided by, and in accordance with, Section 15.2-4311 of the Code of Virginia, as amended, the provisions of which are hereby adopted by reference. Each district created hereunder shall be so reviewed on an individual basis, and the continuation of one or its termination shall not automatically continue or terminate any other.

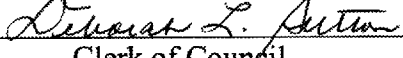
In all other respects, the provisions of Chapter 18.95 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained, effective January 1, 2005.

INTRODUCED: December 29, 2004

ADOPTED: December 29, 2004

EFFECTIVE DATE: January 1, 2005


Lacy B. King, Jr., Vice Mayor

ATTEST: 
Clerk of Council

Ordinance No. 2009 - 05

**AN ORDINANCE TO CREATE
THE MIDDLEBROOK AGRICULTURAL AND FORESTAL DISTRICT
FOR A FOUR YEAR REVIEW TERM AND TO
STIPULATE CONDITIONS BY AMENDING
SECTION 18.95.020, DISTRICT DESCRIBED, AND
SECTION 18.95.070, TERM REVIEW,
OF CHAPTER 18.95, A-1 AGRICULTURAL-FORESTAL DISTRICT,
OF THE STAUNTON CITY CODE**

WHEREAS, an application for the creation of the Middlebrook Agricultural and Forestal District was received by the City on September 17, 2008;

WHEREAS, the proposed district could contain approximately 221.266 acres which meets the requirement of no less than 200 acres in one parcel or in contiguous parcels as required by Virginia Code § 15.2-4305;

WHEREAS, the Council of the City of Staunton referred the application to the Planning Commission on October 20, 2008

WHEREAS, the Planning Commission referred the application to the Advisory Committee and that committee met and made their recommendation on December 19, 2008;

WHEREAS, the Planning Commission received the recommendation from the Advisory Committee and held a public hearing on February 19, 2009 and unanimously recommended approval of the district for a minimum period of four years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that sections 18.95.020 and 18.95.070 of the Staunton City Code, be, and the same are hereby, amended as follows:

18.95.020 District described.

....

(4) The Middlebrook Agricultural and Forestal District shall consist of the following land, to wit:

221.266 acres of land, more or less, situated in the city of Staunton, Virginia, fronting approximately 6,500 feet along the southwestern city limits at the northwest corner of the intersection of Middlebrook Avenue and the Route 262 Bypass, adjoining Montgomery Hall Park on the northeast, Augusta County on the southwest, CSX Railroad on the northwest and Middlebrook Avenue on the southwest, which includes the lands identified by the city of Staunton assessor as parcel numbers 10098, 10126, 10311, 10099, 10103, 10510 and 10097, and as further shown on the map entitled “Exhibit D.1. – Boundary Map”, a copy of which map shall be on file with the department of planning and inspection and the city assessor’s office.

18.95.070 Term review.

(1) A review of the Bell’s Lane Agricultural District, the Merrified Agricultural District and the M. O. Carr Agricultural District as identified in Section 18.95.020, including any additions to any district, may be made by the council of the city of Staunton on the date six years measured from the effective date of the continuation of those districts as provided by, and in accordance with, Section 15.2-4311 of the Code of Virginia, as amended, the provisions of which are hereby adopted by reference.

(2) A review of the Middlebrook Agricultural and Forestal District, including any additions, may be made by the council of the city of Staunton on the date four years measured from the effective date of the creation of the district as provided by and in accordance with Section 15.2-4311 of the Code of Virginia, as amended, the provisions of which are hereby adopted by reference.

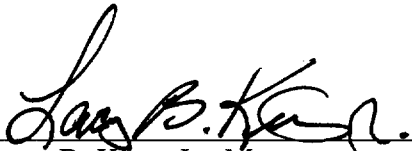
(3) Each district created hereunder shall be so reviewed on an individual basis, and the continuation of one or its termination shall not automatically continue or terminate any other.

In all other respects, the provisions of Chapter 18.95 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

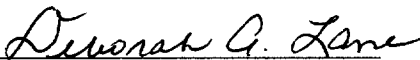
Introduced: March 12, 2009

Adopted: March 12, 2009

Effective Date: March 12, 2009



Lacy B. King, Jr., Mayor

ATTEST: 

Deborah A. Lane, MMC
Clerk of Council

agriculture and forest. While it is important to have green space, it is also important to keep taxes reasonable for EVERY citizen in Staunton and to provide decent paying jobs. There is a very reasonable and realistic place for development.

Mr. Elder stated that everyone owes a great thanks to the City Attorney as he's worked through this process.

The motion carried as follows:

Kier	yes
Harrington	yes
Elder	yes
Oakes	yes
Metz	yes
King	yes

Ordinance No. 2010 - 29

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING
SECTION 18.95.010, DISTRICTS CONTINUED, SECTION 18.95.020,
DISTRICTS DESCRIBED, SECTION 18.95.030, PERMITTED USES, SECTION
18.95.040, OVERLAY, SECTION 18.95.050, PRIVATE ROADS, SECTION
18.95.060, INTENSIVE AGRICULTURE FACILITIES, SECTION 18.95.070,
TERM REVIEW AND ADDING AND ORDAINING SECTION 18.95.005,
DEFINITIONS, AND 18.95.080, SEVERABILITY, OF
CHAPTER 18.95, A-1 AGRICULTURAL-FORESTAL DISTRICT,
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE,
TO CONTINUE AGRICULTURAL AND FORESTAL DISTRICTS
FOR A FIVE-YEAR RENEWAL TERM**

WHEREAS, the city of Staunton, consistent with the provisions of the Agricultural and Forestal Districts Act, Virginia Code §§ 15.2-4300 et seq., has enacted ordinances to recognize agricultural and forestal districts, codified in Chapter 18.95 of Title 18 of the Staunton City Code;

WHEREAS, the council of the city of Staunton has undertaken and recently completed a process for review of the Bell's Lane, Merrifield, and M. O. Carr agricultural-forestal districts to determine whether one or more of such districts should be continued or terminated;

WHEREAS, the Staunton community values the aesthetic, environmental, and recreational benefits afforded by the continuation of the agricultural-forestal districts;

WHEREAS, the council of the city of Staunton, notwithstanding that such districts originally were intended only to be transitional following the 1987 annexation by the city of territory previously in the County of Augusta, has recognized such districts for more than 20 years;

WHEREAS, notwithstanding the intended transitional nature of the districts and the underlying zoning, reflecting the city's comprehensive plan for development, there remains a reasonable basis to continue these districts as long as additional conditions are imposed;

WHEREAS, the additional conditions imposed seek to assure the active, bona fide ongoing use of land within the district for agricultural and forestal production purposes and to assure the equitable administration of the benefits of the districts; and

WHEREAS, this matter has been properly advertised, heard, noticed, and considered.

NOW, THEREFORE, BE IT ORDAINED by the Council of the city of Staunton, Virginia, that Section 18.95.010, Section 18.95.020, Section 18.95.030, Section 18.95.040, Section 18.95.050, Section 18.95.060, and Section 18.95.070 of the Staunton City Code be and hereby are amended and that Section 18.95.050 and Section 18.95.080 be added and ordained as follows:

Chapter 18.95
A-1 AGRICULTURAL-FORESTAL DISTRICTS

Sections:

- | | |
|------------------|--|
| 18.95.005 | Definitions. |
| <u>18.95.010</u> | Districts continued. |
| <u>18.95.020</u> | Districts designated and described additions to districts. |
| <u>18.95.030</u> | Required and permitted uses. |

- 18.95.040 Overlay.
- 18.95.050 Private roads.
- 18.95.060 Other Conditions.
- 18.95.070 Term review.
- 18.95.080 Severability.

18.95.005 Definitions. For purposes of this chapter, the following definitions apply unless otherwise provided herein:

"Agricultural products" means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

"Agricultural production" means the production for commercial purposes of crops, livestock and livestock products, and other agricultural products, including the processing or retail sales by the producer of such products which are produced on the parcel or in the district.

"Application" means the set of items an owner of land or owners of land, landowner or landowners must submit to the local governing body when applying for the creation of a district or an addition to an existing district.

"District" means an agricultural-forestal area comprised of one or more parcels as designated for inclusion in a district as specified herein.

"Forestal production" means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district.

"Forestal products" means, but is not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

"Intensive agriculture facility" means any building or structure housing more than 10 animals or any dead animal disposal facility.

“Owner or owners of land” means any person who holds a direct or indirect fee simple interest in property or a direct or indirect controlling or other interest in an entity that holds a direct or indirect fee simple interest in land and other property but does not include the holder of an easement.

“Person” means any individual, corporation, limited liability company partnership, association, cooperative, trust, business trust, joint venture, or any other entity and any successor, representative, agent, agency, or instrumentality thereof.

18.95.010 Districts continued.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, there are hereby continued agricultural-forestal districts, subject to the terms, conditions, and restrictions set forth in this chapter and as otherwise provided by Sections [15.2-4300](#) through and including [15.2-4314](#) of the Code of Virginia, as amended, the provisions of which, except as specifically modified herein, to the extent permitted by law, are adopted and incorporated herein by reference.

18.95.020 Districts designated and described; additions to districts.

(1) Districts. The districts designated and the land included within the districts are the following:

(a) The Bell’s Lane Agricultural District shall consist of the following land, to wit:

1,662.34 acres of land, more or less, situated in the city of Staunton, Virginia, bounded generally on the west by Commerce Road, on the north by State Route 262 (formerly State Route 275), on the east by Interstate 81, and on the south by Route 254, which includes the land identified by the city of Staunton assessor as parcel numbers 10140, 10143, 10146, 10149, 10152, 10169, 10176, 10182, 10187, 10369, 10375, 10410, 10413, 10418, 10420, 10423, 10430, 10438, 10442 and 11121, and as further shown on the map entitled “Ag-Forestal Districts” made by the engineering department of the city of Staunton, dated October 25, 2004, a copy of which map shall be on file with the department of planning and inspection and the city assessor’s office.

(b) The Merrifield Agricultural District shall consist of the following land, to wit:

(i) 218.441 acres of land, more or less, situated in the city of Staunton, Virginia, at the northwest quadrant of the intersection of U.S. Route 11 and State Route 262 (formerly State Route 275), and identified by the city of Staunton assessor as parcel number 10329 and shown on the aforementioned map as "Hereford," and more particularly shown and described as Parcel A-2 on the "Survey Plat of Property of E. Monroe Bonfoey and Sarah D. Witz Bonfoey," a copy of which plat is recorded in the clerk's office of the circuit court of the city of Staunton, Virginia, in Deed Book 305, Page 858;

(ii) 147.202 acres of land, more or less, situated in the city of Staunton, Virginia, adjoining the land described in subsection (2)(a) of this section and shown on the map aforementioned as "Bonfoey," and more particularly shown and described on the plat, aforesaid, as Parcel A-1 (excluding 2.999 acres shown on said plat as Parcel B) and identified by the city of Staunton assessor as parcel number 10881;

(iii) 196.13 acres of land, more or less, situated in the city of Staunton, Virginia, known as "Cobble Hill," identified by the city of Staunton assessor as parcel numbers 10007, 10008 and 10010 and shown on the map aforementioned as "Craske."

(c) The M.O. Carr Agricultural District shall consist of the following land, to wit:

(i) 40.67 acres of land, more or less, and shown on the map aforementioned as "Hardy" and identified by the city of Staunton assessor as parcel number 10012.

(ii) 35.167 acres of land, more or less, and shown on the map aforementioned as "Johnson" and identified by the city of Staunton assessor as parcel number 10472.

(iii) 10.54 acres of land, more or less, known as the "Thompson" property and consisting of two parcels identified and shown by the city as parcel number

9996, containing approximately 0.950, and parcel number 10824, containing approximately 9.404 acres.

(d) The Middlebrook Agricultural and Forestal District shall consist of the following land, to wit:

221.266 acres of land, more or less, situated in the city of Staunton, Virginia, fronting approximately 6,500 feet along the southwestern city limits at the northwest corner of the intersection of Middlebrook Avenue and State Route 262 (formerly State Route 275), adjoining Montgomery Hall Park on the northeast, Augusta County on the southwest, CSX Railroad on the northwest and Middlebrook Avenue on the southeast, which includes the lands identified by the city of Staunton assessor as parcel numbers 10098, 10126, 10311, 10099, 10103, 10510 and 10097, and as further shown on the map entitled "Exhibit D.1. – Boundary Map," a copy of which map shall be on file with the department of planning and inspection and the city assessor's office.

(2) Additions to districts. No additional district shall be established and no land shall be added to a district unless the land as a parcel for which application is made totals at least 20 acres and the district already has a core of not less than 200 acres in one parcel or in contiguous parcels. The assessor for the city of Staunton shall specify an application form and, as necessary, other forms related to any proposed additional district and for proposed land to be added to a district consistent with the provisions of this Chapter 18.95.

18.95.030 Required and permitted uses.

(1) Required Uses. Land included within the districts under this chapter shall be used solely for agricultural products, agricultural productions, forestal products, and forestal production, except as otherwise specifically limited, and shall continuously be so used to manifest active, bona fide agricultural and forestal production of a significant nature and degree. By July 1 of each year, each owner of land in a district shall file with the assessor for the city of Staunton an affidavit, in a form specified by the assessor, that

verifies the use of the land within the district satisfies these conditions. Absent timely filing of a properly completed affidavit, land included in a district shall be regarded as suspended from inclusion in the district for the following calendar year for purposes of qualification for an agricultural or forestal use-value assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Virginia Code.

(2) Other Permitted Uses. Construction and placement of dwellings for persons who earn a substantial part of their livelihood from farm or forestry operations on the same property, or for members of the immediate family of the owner, and divisions of parcels for dwellings of such immediate family members shall be permitted subject to the following limitations and regulations:

(a) Any new dwelling permitted hereunder must be located on a platted lot approved in accordance with the provisions of SCC [17.10.070](#), Minor subdivision plats.

(b) Minimum lot area: one acre.

(c) Maximum lot coverage: 10 percent.

(d) Lots must abut at least 30 feet on a public or private street.

(e) All buildings on a lot must be set back at least 100 feet from the front lot line, 50 feet from the rear lot line, and 50 feet from the side lot lines.

(f) Dwellings shall not exceed 35 feet or two and one-half stories, whichever is greater. All other buildings or structures, unless exempted by Chapter [18.115](#) SCC, shall not exceed one story or 15 feet, whichever is greater.

18.95.040 Overlay.

These districts are overlay districts and upon termination of any of the districts or withdrawal of any parcel from a district, when permitted, the underlying zoning with its rules and regulations shall continue to be in effect.

18.95.050 Private roads.

If, in the creation of a lot pursuant to SCC [18.95.030](#)(3)(a), a private road is created, no city services such as, but not limited to, snow and ice removal and trash collection will be provided to such lot. In addition, emergency services such as fire and rescue may be limited.

18.95.060 Other conditions.

(1) Land included in a district shall be regarded as suspended from inclusion in the district for the following calendar year for purposes of qualification for agricultural or forestal use-value assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Virginia Code if, as of June 30 or December 31, any owner of land is delinquent as to any amounts, including but not limited to taxes, fees, and charges, or any other sum for which the person has been determined to be liable to the city of Staunton even though the matter may be in contest. The city director of finance, treasurer, and commissioner of revenue shall certify to the assessor the name of any such person and shall, together with the city assessor, regard the land as suspended from inclusion in the corresponding district for the following calendar year for this purpose, to the fullest extent permitted by law.

(2) No land within a district shall be removed from the district except with the approval of the council of the city of Staunton, upon a showing of good and reasonable cause.

(3) During the term of the districts, no parcel of land within the districts shall, without the prior approval of the council of the city of Staunton, be developed to any more intensive use than existed at the date of the creation of these districts, other than uses resulting in more intensive agricultural or forestal production, and no parcel of common or related ownership within the districts may have thereon, at any particular time, more than 10 turkeys, 10 hogs, and 20 chickens.

(4) By having land in an existing or in an added district, any owner of land in a district accordingly deems and stipulates that the value of such land shall, for all purposes related to the acquisition of any easement interest in the land for a public use for water and/or sewer utility facilities or ingress and egress right-of-way to such facilities by the city of

Staunton or its authorities as authorized by law, be the same value used for assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Virginia Code, to the fullest extent permitted by law.

(5) No intensive agriculture facility shall be closer than 500 hundred feet from a nonagricultural district and 100 hundred feet from any property line or street right-of-way line.

18.95.070 Term review.

(1) A review of the Bell's Lane Agricultural and Forestal District, the Merrifield Agricultural and Forestal District and the M. O. Carr Agricultural and Forestal District as identified in SCC [18.95.020](#), including any additions to any district, may be made by the council of the city of Staunton on the date 5 years measured from the effective date of the continuation of those districts as provided by, and in accordance with, Section [15.2-4311](#) of the Code of Virginia, as amended.

(2) A review of the Middlebrook Agricultural and Forestal District, including any additions, may be made by the council of the city of Staunton on the date 4 years measured from the effective date of the creation of the district as provided by and in accordance with Section [15.2-4311](#) of the Code of Virginia, as amended.

(3) Each district created hereunder shall be so reviewed on an individual basis, and the continuation of one or its termination shall not automatically continue or terminate any other district.

18.95.080 Severability.

If any of the provisions of any subsection, paragraph, subdivision or clause of this section shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision or clause of the section.

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

Introduced: December 29, 2010

Adopted: December 29, 2010

Effective Date: January 1, 2011

Lacy B. King, Jr.

Mayor

ATTEST: Deborah A. Lane, MMC

Clerk of Council

2. **Closed session pursuant to Section 2.2-3711(A)3, discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically regarding ongoing negotiations with regard to the Staunton Gateway Site (current Western State Hospital property).**

Vice Mayor Metz moved to go into the above listed closed session. Seconded by Mr. Elder, the motion carried as follows: Mr. Elder, aye; Mrs. Oakes, aye; Vice Mayor Metz, aye; Dr. Harrington, aye; Mr. Kier, aye; Mayor King, aye.

Also attending this session were the following members of the Economic Development Authority: Mr. Wilson F. Vellines, Jr.; Ms. Alice L. DeWitt; Mr. Don Wilson, Chair, Mr. Joe Leigh; and Ms. Cheri Moran. Also in attendance was Mr. Doug Noland, counsel for the EDA.

Mr. Vellines of the Economic Development Authority (EDA) moved to go into the above listed closed session. Seconded by Ms. Moran, the motion carried as follows: Mr. Vellines, aye; Ms. DeWitt, aye; Mr. Wilson, aye; Mr. Leigh, aye; Ms. Moran, aye.

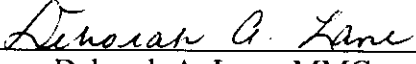
A closed meeting then was conducted by Council and the Economic Development Authority.

Ms. DeWitt moved that the EDA reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as listed were heard, discussed or considered in the meeting. Seconded by Ms. Moran, the motion carried unanimously by roll call vote.

Vice Mayor Metz moved that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as listed were heard, discussed or considered in the meeting. Seconded by Mr. Elder, the motion carried unanimously by roll call vote.

Adjournment

Upon a motion properly made and seconded, the meeting adjourned at 8:40 p.m.



Deborah A. Lane, MMC
Clerk of Council

Ordinance No. 2015-03

**AN ORDINANCE
AMENDING, RESTATING AND REORDAINING
SECTION 18.95.070, TERM REVIEW
OF CHAPTER 18.95, A-1 AGRICULTURAL-FORESTAL DISTRICT
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE
AND
DETERMINING THAT REVIEW OF CERTAIN AGRICULTURAL AND FORESTAL
DISTRICTS IS UNNECESSARY AND SETTING THE YEAR IN WHICH ANY NEXT
REVIEW MAY OCCUR**

WHEREAS, although intended as only a temporary transition from annexation, since 1987 the City of Staunton has recognized agricultural and forestal districts which require less public services and are treated favorably with reduced assessments that collectively now provide such property owners approximately \$175,000 per year in avoided taxes that otherwise would be paid to the City of Staunton; and

WHEREAS, there exist four agricultural and forestal districts established by the Council of the City of Staunton, Virginia, as codified in Chapter 18.95 of the Staunton City Code; and

WHEREAS, three of the districts, specifically Bells Lane, Merrifield and M.O. Carr, are subject to possible review this year and the other district, Middlebrook, is subject to possible review in 2016; and

WHEREAS, pursuant to Virginia Code § 15.2-4311, the Council of the City of Staunton, Virginia, the governing body, may determine that a review of a district is unnecessary and may set the year in which the next review may occur; and

WHEREAS, it appears to the Council of the City of Staunton, Virginia, that it is unlikely there has been any substantial changes in usage of the property in the districts of Bells Lane, Merrifield and M.O. Carr since the prior review period; and

WHEREAS, the Council of the City of Staunton, Virginia, has determined, as to the districts of Bells Lane, Merrifield, and M.O. Carr, that a review is unnecessary and a new five-year period (2016-2021) should be set, so that the next review, if any, for these three districts would begin in the year 2020; and that by placing these three districts on such a timetable, and then in the year 2016 doing the same with a new four-year review period for the Middlebrook district, all four districts eventually would have concurrent review periods for ease of administration and any further review; and

WHEREAS, in taking this approach, during the next five years, well before any concurrent review year for all four districts, it is anticipated that the Planning Commission would undertake an underlying zoning-related study and review of the districts, resulting in a recommendation to

the Council of the City of Staunton, Virginia, whether some or all of the property within these four districts should have modified underlying zoning treatment that advances the intentions reflected in the City's latest *Comprehensive Plan* as to such included property; and

WHEREAS, the Council of the City of Staunton, Virginia, wishes to exercise its discretion to determine that an agricultural and forestal district review is unnecessary, saving time and expense for the Planning Commission and advisory committee and staff that is involved in such a full review under Virginia Code § 15.2-4311 and the Staunton City Code.

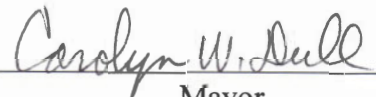
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 18.95.070(1) of the Staunton City Code be, and the same is hereby amended, restated and reordained to read as follows:

18.95.070 Term review.

(1) A review of the Bell's Lane Agricultural and Forestal District, the Merrifield Agricultural and Forestal District and the M. O. Carr Agricultural and Forestal District as identified in SCC [18.95.020](#), including any additions to any district, may be made by the council of the city of Staunton on the date five years measured from the effective date of the continuation of those districts as provided by, and in accordance with, Section [15.2-4311](#) of the Code of Virginia, as amended; *except, however, a review shall be unnecessary prior to a new five(5)-year period which shall commence January 1, 2016 and expire December 31, 2020, with the next review, therefore, to occur in the year 2020 consistent with Section 15.2-4311 of the Code of Virginia.*

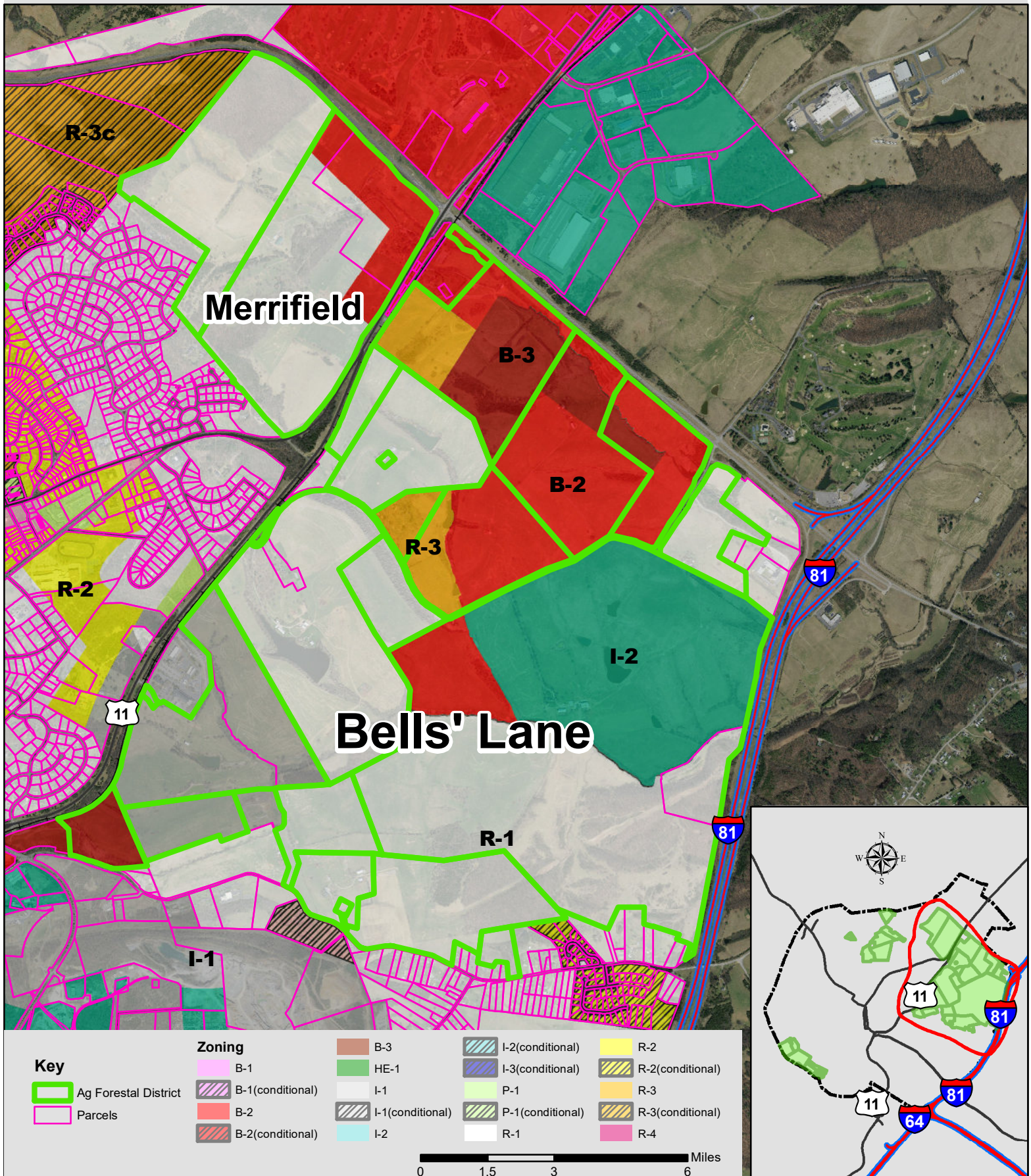
In all other respects, the provisions of Section 18.95.070, of Chapter 18.95, of Title 18 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: March 26, 2015
Adopted: March 26, 2015
Effective: March 26, 2015

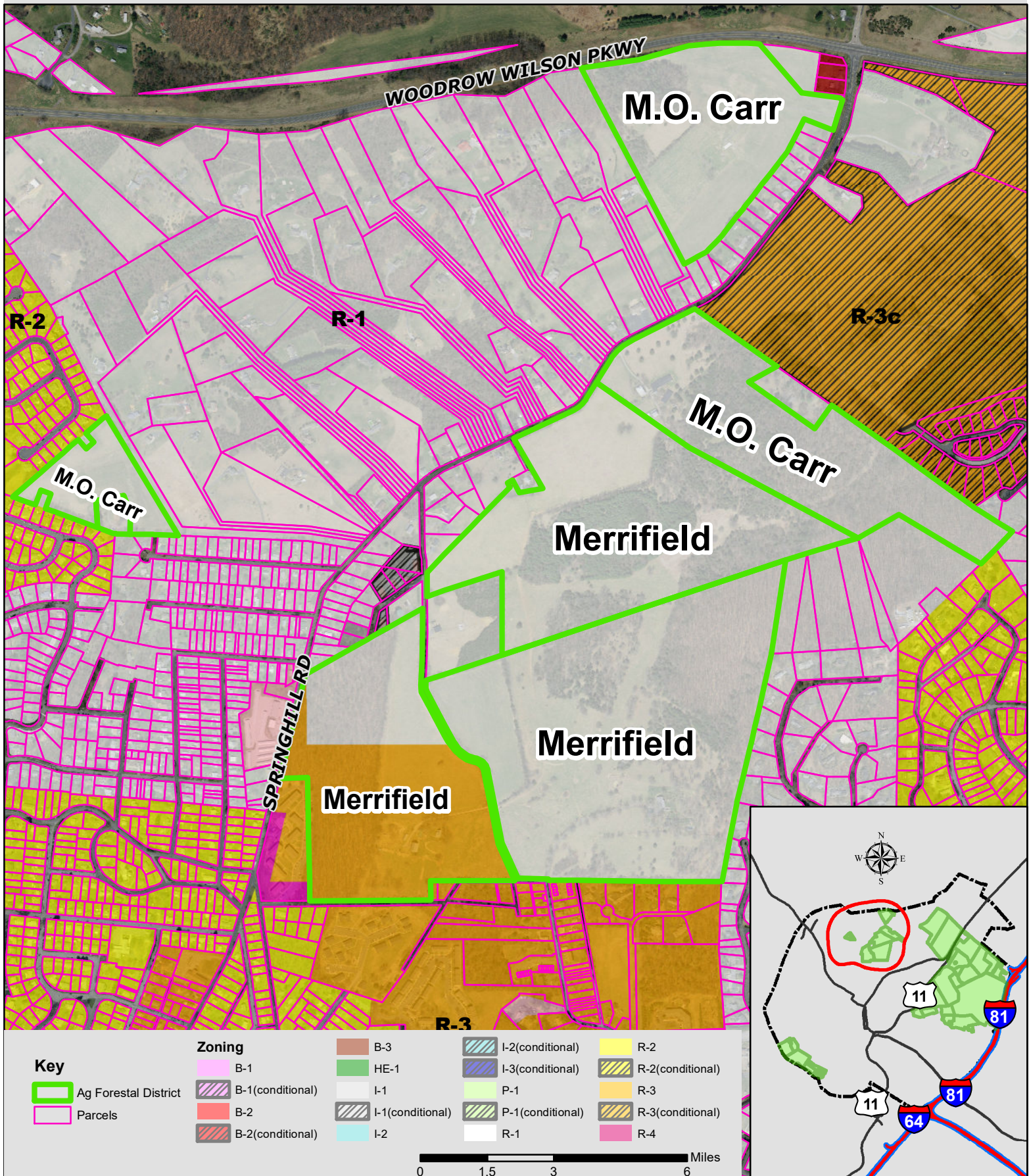

Mayor

ATTEST: 
Clerk of Council

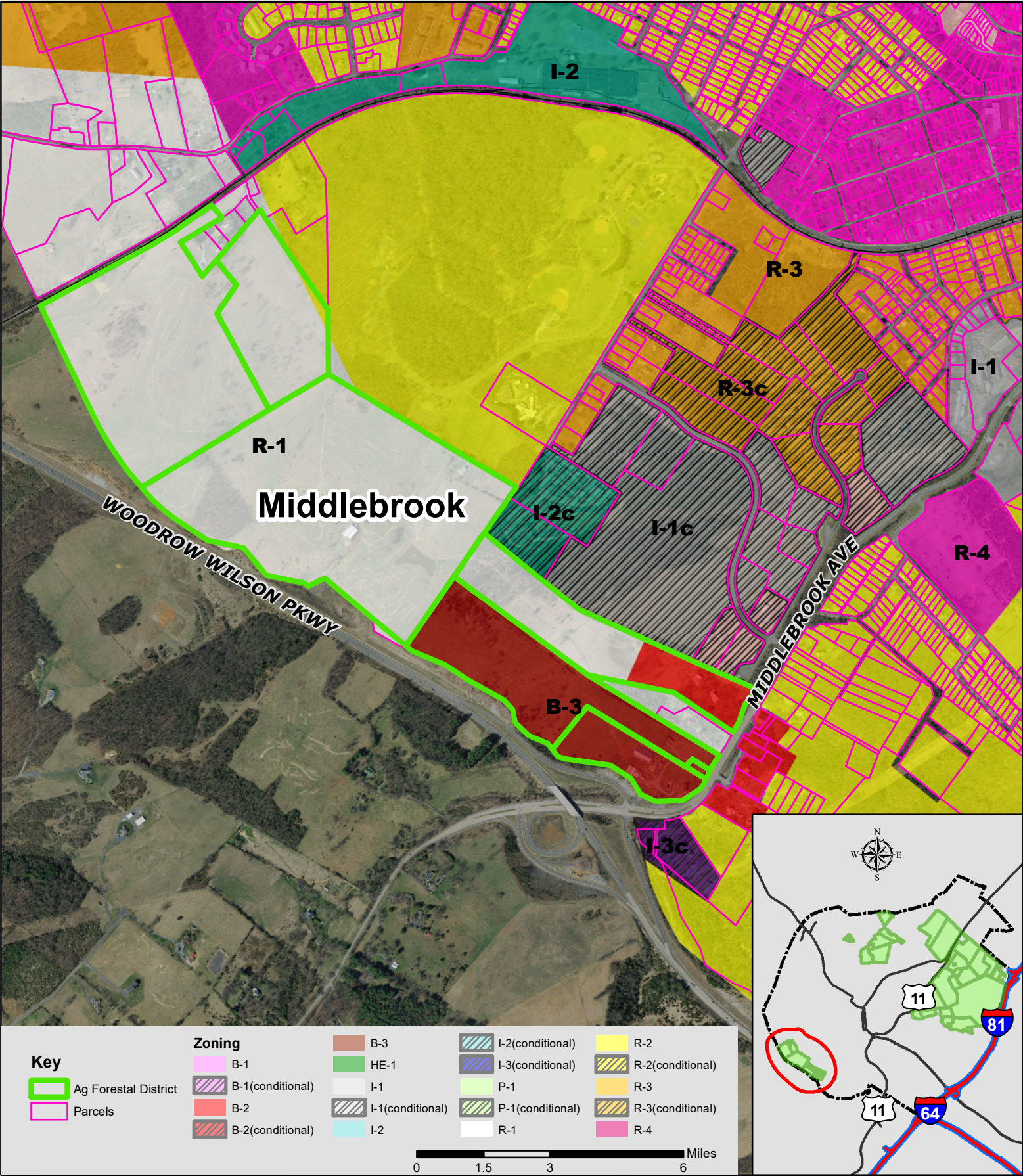
Bell's Lane and Part of Merrifield District



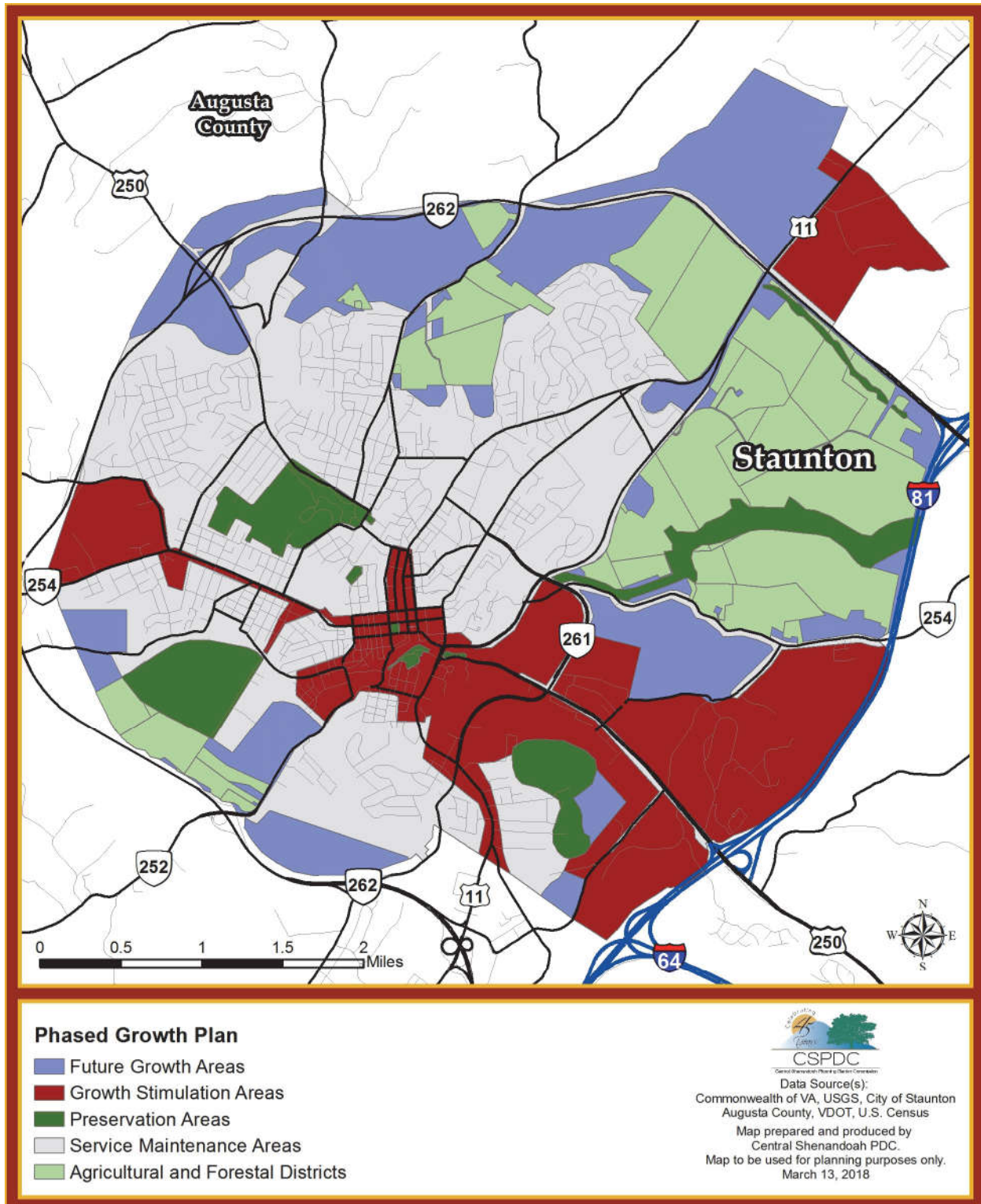
M.O. Carr and Part of Merrifield District



Middlebrook District



Map 2-6- Phased Growth Plan



AG/FOR TAX LOSS 2015-2020

BREAKOUT 1987-2020						\$3,651,046
ANNUAL TOTALS: 2015-2020						
<u>YEAR</u>	<u>PARTICIPANTS</u>	<u>ACREAGE</u>	<u>FMV-LAND</u>	<u>LU LAND</u>	<u>% OF FMV</u>	<u>TAX LOSS</u>
2015	39	2550	\$19,816,895	\$1,442,542	7.30%	\$174,556
2016	39	2550	\$19,816,895	\$1,442,542	7.28%	\$174,556
2017	39	2550	\$19,838,895	\$1,694,810	8.54%	\$175,998
2018	39	2550	\$19,838,895	\$1,694,810	8.54%	\$175,998
2019	39	2550	\$20,062,194	\$1,998,500	9.96%	\$171,605
2020	39	2550	\$20,024,010	\$1,960,190	9.79%	<u>\$171,606</u>
						\$1,044,319

No Rollbacks from 2011 to 2020

§ 15.2-4311. Review of districts

The local governing body may complete a review of any district created under this section, together with additions to such district, no less than four years but no more than ten years after the date of its creation and every four to ten years thereafter. If the local governing body determines that a review is necessary, it shall begin such review at least ninety days before the expiration date of the period established when the district was created. In conducting such review, the local governing body shall ask for the recommendations of the local advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When each district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district. The local planning commission or the advisory committee shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. The notice shall state the time and place for the meeting; that the district is being reviewed by the local governing body; that the local governing body may continue, modify, or terminate the district; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district. The local governing body shall hold a public hearing as provided by law. The governing body may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the local governing body, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created.

If the local governing body determines that a review is unnecessary, it shall set the year in which the next review shall occur.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587.

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

Ordinance No. 2020-

**AN ORDINANCE
AMENDING, RESTATING AND REORDAINING
SECTION 18.95.070, TERM REVIEW,
OF CHAPTER 18.95, A-1 AGRICULTURAL-FORESTAL DISTRICT
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE,
MAKING CERTAIN NON-SUBSTANTIVE EDITORIAL CHANGES,
AND
DETERMINING THAT REVIEW OF CERTAIN AGRICULTURAL AND FORESTAL
DISTRICTS IS UNNECESSARY AND SETTING THE YEAR IN WHICH ANY NEXT
REVIEW MAY OCCUR**

Recitals

A. Since 1997, although it also appears that land use valuation previously was utilized for annexed properties following the last annexation, the City of Staunton formally recognized agricultural and forestal districts which require less public services and are treated favorably with reduced assessments that collectively now represent approximately \$171,606 per year in foregone real estate tax revenues that otherwise would be paid to the City of Staunton as to properties located in such districts;

B. There exist four agricultural and forestal districts established by the Council of the City of Staunton, Virginia, as codified in Chapter 18.95 of the Staunton City Code: the Bell's Lane Agricultural and Forestal District (Bell's Lane); the Merrifield Agricultural and Forestal District (Merrifield), the M.O. Carr Agricultural and Forestal District (M.O. Carr) and the Middlebrook Agricultural and Forestal District (Middlebrook);

C. On March 26, 2015, Staunton City Council adopted Ordinance 2015-03, determining that review of the Bell's Lane, Merrifield, and M.O Carr districts was unnecessary and set a new five-year period (2016-2021) so that the next review, if any, for these three districts would begin in 2020;

D. The Middlebrook district was established by Council March 12, 2009, by adoption of Ordinance 2009-05, with a term review of four years from the effective date of the creation of the district;

E. Under the provisions of Virginia Code § 15.2-4311, Council need not review any such district and may determine that a review is unnecessary, setting the year in which the next review shall occur;

F. Council has not taken affirmative action to review or renew the Middlebrook district since its establishment and, consistent with Virginia Code § 15.2-4311, because the district has not been modified or terminated by the local governing body, the district has continued as

originally constituted, with the same conditions and period before the next review as that established when the district was created, making any next review to begin in 2020;

G. All four districts, therefore, are subject to review this year;

H. During the recent update to the *Staunton, Virginia, Comprehensive Plan 2018-2040*, all four agricultural and forestal districts were removed from the designated *Future Growth Area* of the *City of Staunton Phased Growth Plan* with the intent to protect these areas from development;

I. Prior to City Council determining as a threshold matter whether a review of the districts was necessary under the provisions of Virginia Code § 15.2-4311, the Planning Commission of the City of Staunton, after City staff issued notification to the owners of over 250 properties adjacent to the properties in the districts, undertook informal but extensive discussions about the districts and conducted a public hearing to invite and receive further input on review of the districts at its regularly scheduled meeting May 21, 2020. The Planning Commission, according to its meeting minutes, voted 4-1 that “on the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, to recommend renewal of the current A-1, Agricultural-Forestal Districts, for a period of 10 years;”

J. It appears to the Council of the City of Staunton, Virginia, that it is unlikely there has been any substantial changes in usage of the property in the districts of Bell’s Lane, Merrifield, M.O. Carr, and Middlebrook since the prior review period;

K. In light of the notification and public input process at the Planning Commission’s May 21, 2020 meeting and its informal recommendation, and the recent update to the *Staunton, Virginia, Comprehensive Plan 2018-2040*, the Council now determines, as to the districts of Bell’s Lane, Merrifield, M.O. Carr and Middlebrook that a review is unnecessary and a new ten-year period (2021-2031) should be set, so that the next review, if any, for these four districts would begin in the year 2030;

L. In taking this approach, during the next ten years, several years before any concurrent review year for all four districts in the year 2030, it is requested and expected that the Planning Commission would undertake an underlying zoning-related study and review of the districts, resulting in a recommendation to the Council whether some or all of the property within these four districts should have modified underlying zoning treatment that may advance the intentions reflected in the City’s latest *Comprehensive Plan* as of that time as to such included property; and

M. The Council desires to exercise its discretion to determine that an agricultural and forestal district review is unnecessary as to any of the four districts, also saving time and expense for the Planning Commission and advisory committee and volunteer members and City staff that would involved in such a full review under Virginia Code § 15.2-4311 and the Staunton City Code.

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 18.95.070(1) of the Staunton City Code be, and the same is hereby amended, restated and reordained to read as follows:

Chapter 18.95

A-1 AGRICULTURAL-FORESTAL DISTRICT

...

18.95.020 Districts designated and described – Additions to districts.

(1) Districts. The agricultural, or sometimes referred to as agricultural and forestal or agricultural-forestal, districts designated and the land included within the districts are the following:

(a) The Bell's Lane Agricultural and Forestal District shall consist of the following land, to wit:

...

(b) The Merrifield Agricultural and Forestal District shall consist of the following land, to wit:

...

(c) The M.O. Carr Agricultural and Forestal District shall consist of the following land, to wit:

...

18.95.070 Term review.

(1) A review of the Bell's Lane Agricultural and Forestal District, the Merrifield Agricultural and Forestal District, ~~and~~ the M. O. Carr Agricultural and Forestal District, and the Middlebrook Agricultural and Forestal District as identified in SCC 18.95.020, including any additions to any district, may be made by the council of the city of Staunton on the date ~~five-ten~~ years measured from the effective date of the continuation of those districts as provided by, and in accordance with, Section 15.2-4311 of the Code of Virginia, as amended; except, however, a review is and shall be unnecessary prior to a new five ~~ten(10)~~-year period which shall commence January 1, ~~2016-2021~~ and expire December 31, ~~2020~~2030, with the next review, therefore, to occur in the year ~~2030~~2020 consistent with Section 15.2-4311 of the Code of Virginia.

~~(2) A review of the Middlebrook Agricultural and Forestal District, including any additions, may be made by the council of the city of Staunton on the date four years measured from the effective date of the creation of the district as provided by and in accordance with Section 15.2-4311 of the Code of Virginia, as amended.~~

In all other respects, the provisions of Section 18.95.070, of Chapter 18.95, of Title 18 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: June 25, 2020
Adopted: June 25, 2020
Effective: June 25, 2020

Mayor

ATTEST: _____
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 25, 2020	Staff Member: Rodney Rhodes
Item #	4 & E	
Ordinance #		
Department:	Community Development—Planning	
Council Vision:	Responsive, Efficient Government Built Environment	
Subject:	SMART SCALE Grants for Bicycle and Pedestrian Improvement Projects	

Background: City staff are working with the Staunton-Augusta-Waynesboro Metropolitan Planning Organization (SAWMPO) and the Virginia Department of Transportation (VDOT) on submittal of three VDOT SMART SCALE grant funding applications for pedestrian improvements. Regional entities are submitting the three applications on behalf of the City; two of the applications are being submitted by the Central Shenandoah Planning District Commission (CSPDC), and one application is being submitted by the SAWMPO. The applications are due on August 3, 2020.

These projects address pedestrian access and safety enhancements at key segments and intersections. Preliminary cost estimates have been prepared for each project based on preliminary engineering, rights-of-way, and construction costs, and are subject to adjustment based upon VDOT cost estimates to be submitted with the final applications. The preliminary estimated project cost for the three projects is \$5,529,928.

The proposed projects include:

- **Richmond Road and Crossing Way Shared Use Path.** This project includes construction of a shared use path along the south side of Richmond Road from Frontier Drive to Crossing Way and along Crossing Way to the existing roundabout, installing a concrete barrier and fencing on the right shoulder of the eastbound bridge, and pedestrian crossing improvements. The preliminary estimated cost is \$1,719,000.

- Commerce Road and Lewis Creek Greenway. This project converts one travel lane to a buffered shared use path on Commerce Road between Greenville Avenue and Statler Boulevard. The preliminary estimated cost is \$2,332,428.
- Greenville Avenue Road Diet. This project replaces the existing five-lane section with a three-lane section, intermittent median closures, and bike lanes on both sides of the road between Richie Boulevard and Richmond Road. The preliminary estimated cost is \$1,478,500.

Zach Beard of SAWMPO and Adam Campbell of the Virginia Department of Transportation will also attend Council's work session.

Attachments:

The following documents are attached to this briefing:

- sketches illustrating the layout and design of each project;
- resolutions adopted by the SAWMPO at its meeting on June 3, 2020, supporting the three applications for SMART SCALE funding to be submitted by the CSPDC and SAWMPO on behalf of the City; and
- proposed resolutions for Council's consideration concerning the projects and the application for funding.

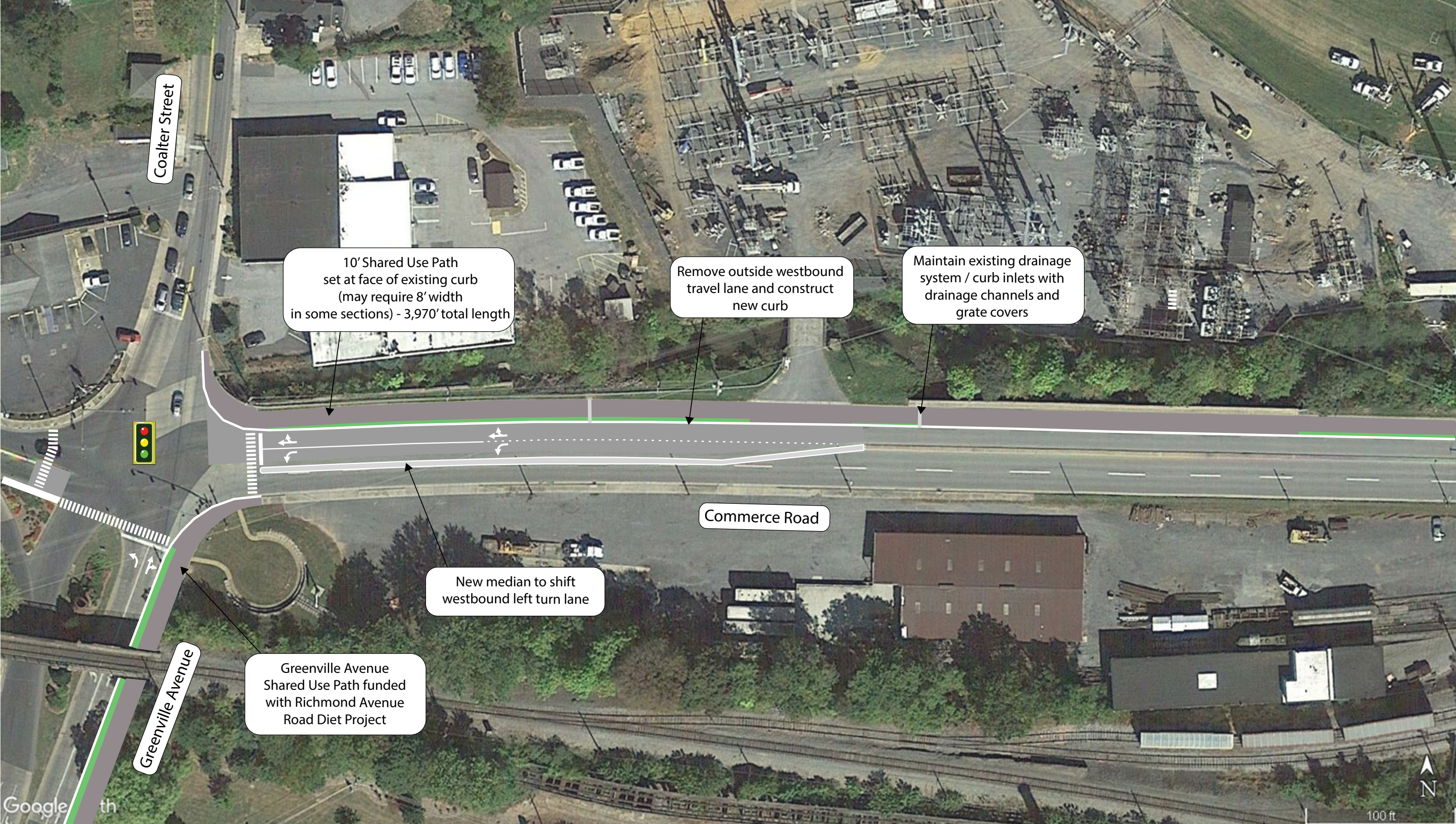
City Manager's Recommendation: Recommend that City Council adopt the proposed resolutions, as presented.

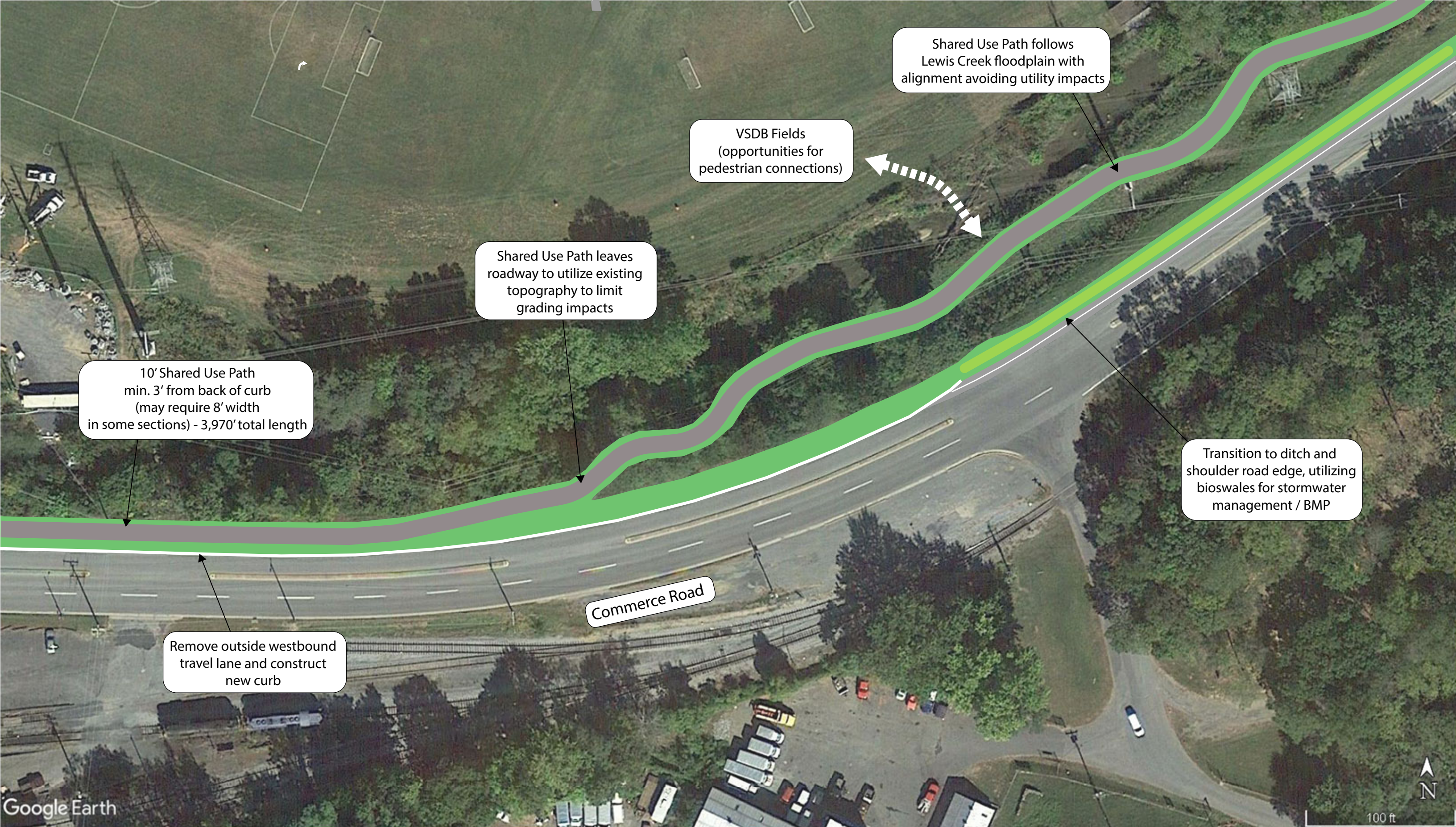
Suggested Motions:

I move that Council adopt the following resolutions:

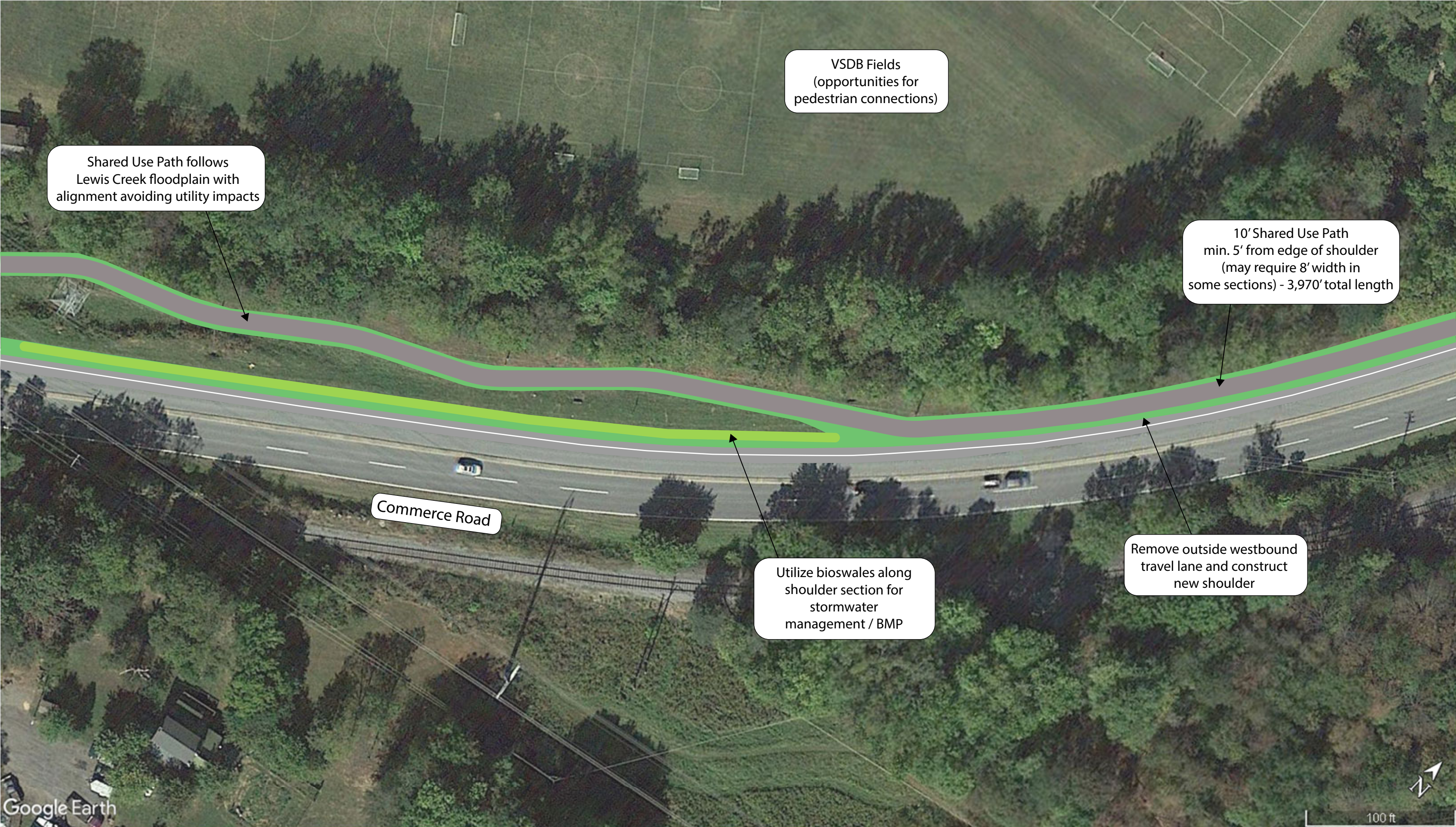
1. A resolution supporting the Staunton-Augusta-Waynesboro Metropolitan Planning Organization's application to the Virginia Department of Transportation for a grant from the SMART SCALE Grant Program for funding for a shared use path on Richmond Road and Crossing Way, and surrounding areas, as proposed.
2. A resolution supporting the Central Shenandoah Planning District Commission's application to the Virginia Department of Transportation for a grant from the SMART SCALE Grant Program for funding for a buffered shared use path along Commerce Road and Lewis Creek, as proposed.
3. A resolution supporting the Central Shenandoah Planning District Commission's application to the Virginia Department of Transportation for a grant from the SMART SCALE Grant Program for funding for bike lanes on Greenville Avenue, as proposed.

City Manager: Steven L. Rosenberg





LEWIS CREEK GREENWAY CONCEPTUAL RENDERING (SHEET 2)



Shared Use Path follows
Lewis Creek floodplain with
alignment avoiding utility impacts

VSDB Fields
(opportunities for
pedestrian connections)

10' Shared Use Path
min. 5' from edge of shoulder
(may require 8' width in
some sections) - 3,970' total length

Commerce Road

Utilize bioswales along
shoulder section for
stormwater
management / BMP

Remove outside westbound
travel lane and construct
new shoulder

VSDB Fields
(opportunities for
pedestrian connections)

10' Shared Use Path
min. 5' from edge of shoulder
(may require 8' width
in some sections)

Utilize existing bridge deck
for Shared Use Path (buffer
with pavement markings or
add section of new curb?)

Extend Shared Use Path
an additional 550' to existing
commercial entrance (south of
Statler Blvd) - 3,970' total length

Remove outside westbound
travel lane and construct
new shoulder

Commerce Road

Route 254

Google Earth

100 ft



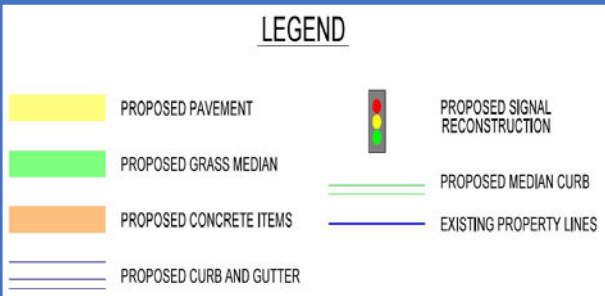
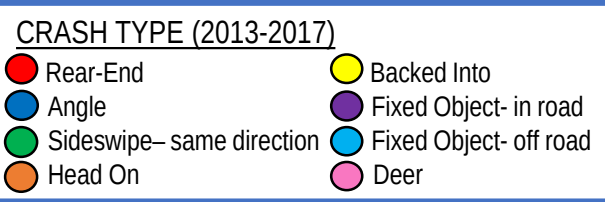
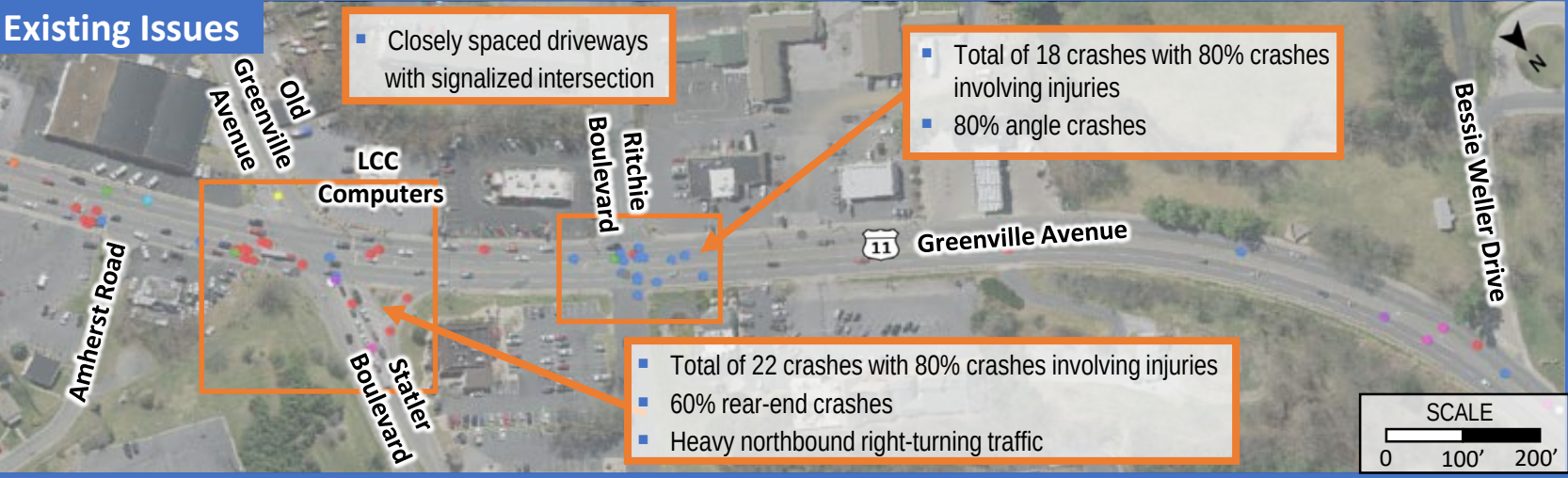
LEWIS CREEK GREENWAY
CONCEPTUAL RENDERING (SHEET 4)



US 11 FROM STATLER BOULEVARD TO RICHMOND AVENUE: LONG-TERM CONCEPT 2 (SHEET 1)

Preliminary Improvements from Statler Boulevard to Bessie Weller Drive

Existing Issues



Safety Improvements

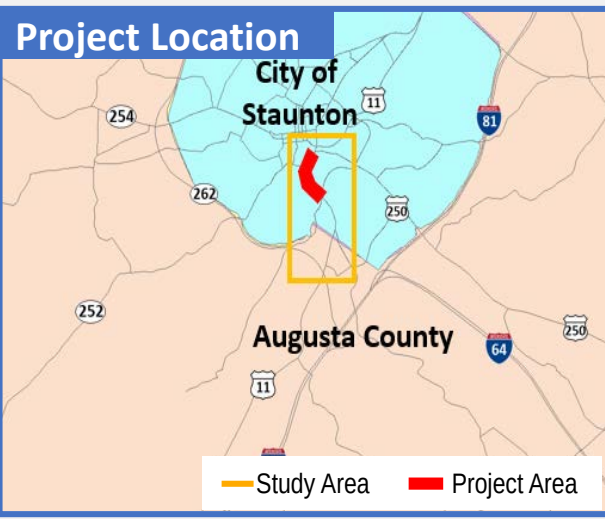
The following long-term recommendations are proposed to improve safety along US 11. All short-term improvements are included as part of long-term improvements. Signal timing adjustments were made at the US 11 at Statler Boulevard intersection.

- #### Corridor-wide Improvements From Statler Boulevard to Richmond Avenue
- Install road diet throughout the corridor between Ritchie Boulevard and Richmond Avenue which includes the following:
 - Reduce five-lane section to three-lane section
 - Install bike lanes and shoulders on both sides of US 11
 - The road diet is proposed to remain within the existing roadway footprint
 - Intermittent median closures
 - Improves safety throughout the corridor and reduces potential of angle crashes
 - Improves pedestrian safety throughout the corridor
 - Improves access management

- #### Statler Boulevard (Signalized Intersection)
- Expand existing island and signalize westbound right turn
 - Replace span wire with mast arms
 - Install crosswalks with pedestrian phasing
 - Install a sidewalk on the east side of US 11 between Amherst Road and Statler Boulevard
 - Install a raised median and extend to Ritchie Boulevard
 - Improves traffic operation for westbound right turns
 - Improves pedestrian facilities and safety
 - Reduces angle and rear-end crashes involving vehicles existing driveways and vehicles at the signalized intersection

- #### Ritchie Boulevard
- Install median to restrict left turns out of Ritchie Boulevard on US 11
 - Improves access management and reduces potential of angle crashes

Conceptual Design



Safety Results

Crash modification factors (CMFs) were applied to project the reduction in fatal and injury (FI) crashes reported in equivalent property damage only (EPDO) crashes using the equation below:

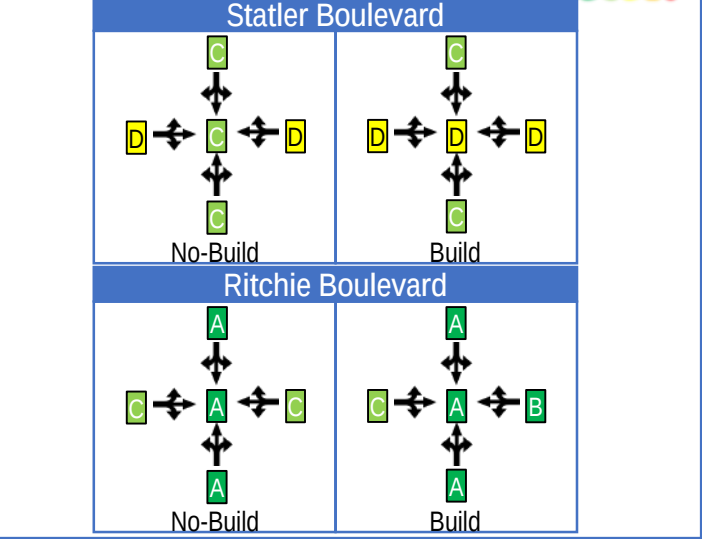
EPDO (FI) Reduction = (1-CMF) * EPDO

The EPDO crashes were calculated based on the following scale:

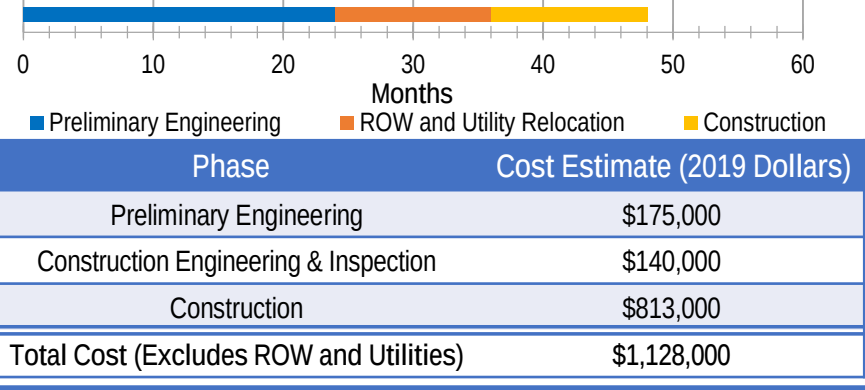
- K (Fatality) = 85*
- A (Disabling Injury) = 85*
- B (Evident Injury) = 10*
- C (Possible Injury) = 5*

Intersection/Segment	2013-2017 EPDO (FI)	CMF	EPDO (FI) Reduction
From Statler Boulevard to Richmond Avenue (Long-Term)	215	Road diet (0.71) Directional median opening (0.79) (Intermittently along the segment)	94
Statler Boulevard	330	Replace span wire with mast arms (0.55) Improve at-grade crossing (0.85) Add sidewalk (0.90) Install a raised median (0.61)	245
Ritchie Boulevard	155	Directional median opening (0.79)	33

Traffic Operations Results



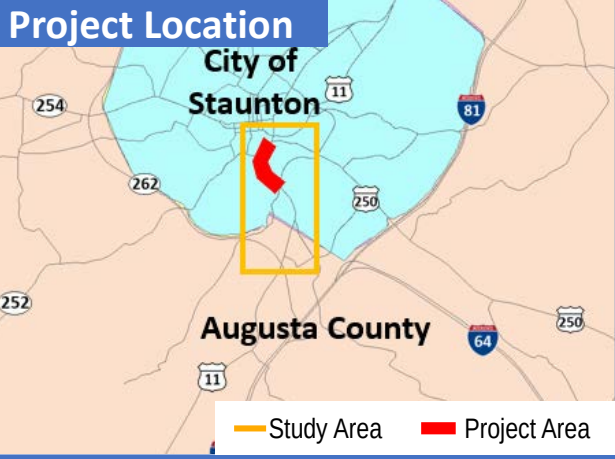
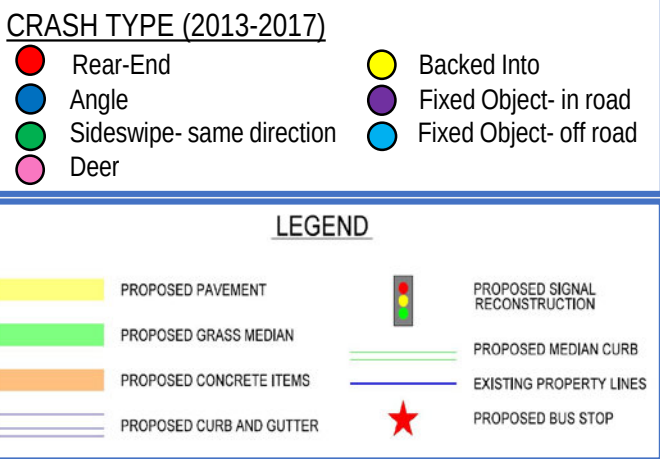
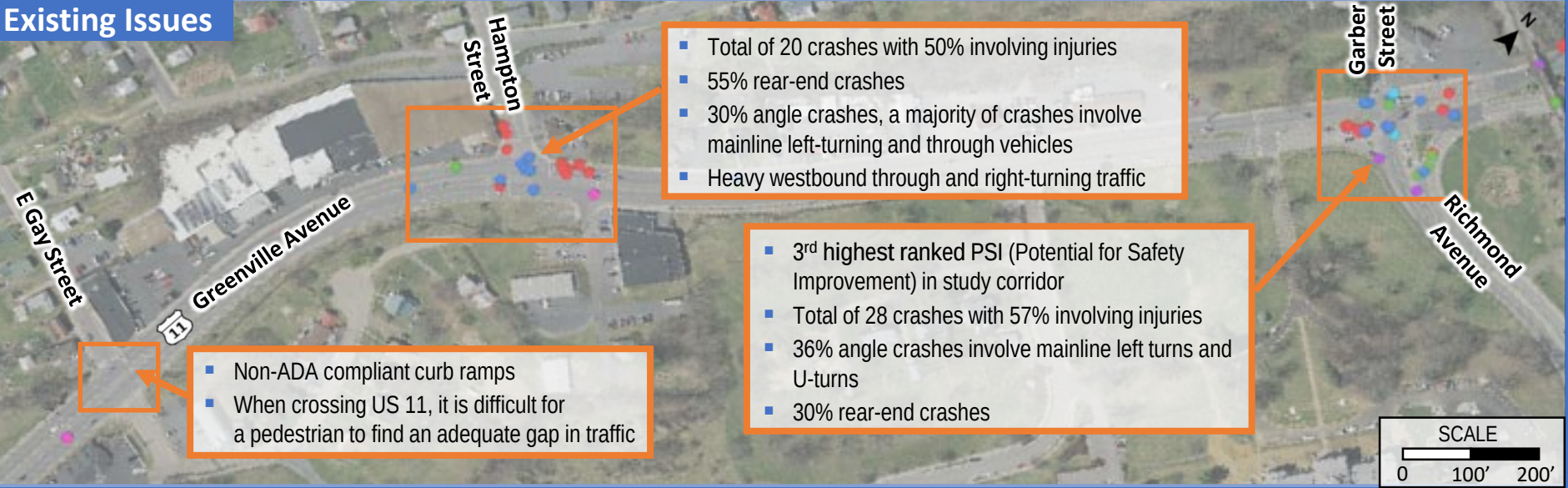
Project Schedule & Preliminary Cost



US 11 FROM STATLER BOULEVARD TO RICHMOND AVENUE: LONG-TERM CONCEPT 2 (SHEET 2)

Preliminary Improvements from E. Gay Street to Richmond Avenue

Existing Issues



Conceptual Design



Safety Improvements

The following long-term recommendations are proposed to improve safety along US 11. Signal timing adjustments were made at the US 11 at Hampton Street intersection.

Corridor-wide Improvements From Statler Boulevard to Richmond Avenue

- Install road diet throughout the corridor between Ritchie Boulevard and Richmond Avenue which includes the following:
 - Reduce five-lane section to three-lane section
 - Install bike lanes and shoulders on both sides of US 11
- The road diet is proposed to remain within the existing roadway footprint
- Intermittent median closures
 - Improves safety throughout the corridor and reduces potential of angle crashes
 - Improves pedestrian safety throughout the corridor
 - Improves access management

E. Gay Street

- Install pedestrian refuge in the median
 - No significant difference in traffic operations from no-build

Safety Results

Crash modification factors (CMFs) were applied to project the reduction in fatal and injury (FI) crashes reported in equivalent property damage only (EPDO) crashes using the equation below:

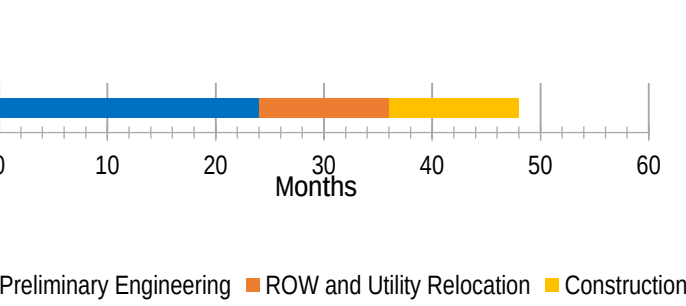
EPDO (FI) Reduction = (1-CMF) * EPDO

Intersection/Segment	2013-2017 EPDO (FI)	CMF	EPDO (FI) Reduction
From Statler Boulevard to Richmond Avenue	215	Road diet (0.71) Directional median opening (0.79) (Intermittently along the segment)	94
Gay Street	0	Improve at-grade crossing (0.85)	0

The EPDO crashes were calculated based on the following scale:

- K (Fatality) = 85*
- A (Disabling Injury) = 85*
- B (Evident Injury) = 10*
- C (Possible Injury) = 5*

Project Schedule & Preliminary Cost



Phase	Cost Estimate (2019 Dollars)
Preliminary Engineering	\$153,000
Construction Engineering & Inspection	\$123,000
Construction	\$813,000
Total Cost (Excludes ROW and Utilities)	\$1,089,000

Project 1: Richmond Road and Crossing Way Shared Use Path

Project Description

This project improves pedestrian and bicycle connectivity along Richmond Road and Crossing Way. The following improvements are to be made:

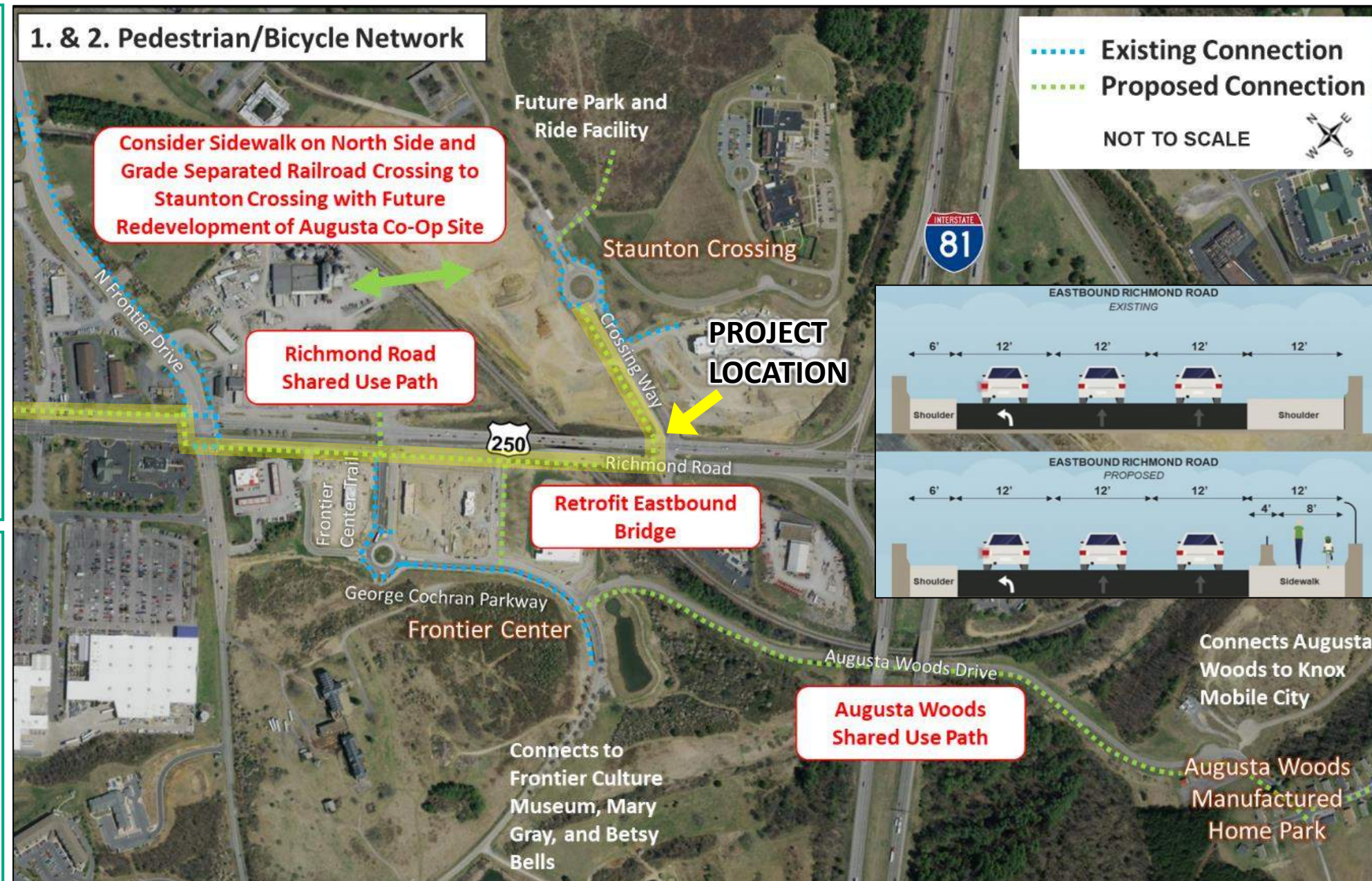
- Construct a 10-foot wide shared use path along the south side of Richmond Road from Frontier Drive to Crossing Way and along Crossing Way to the existing roundabout.
- Retrofit eastbound bridge by installing concrete barrier and fencing on the right shoulder to separate pedestrians and cyclists from the traffic lanes.
- Extend the existing sidewalk along the north side of Richmond Road from Community Way to Frontier Drive.
- Crosswalks are included in separate intersection improvement projects. Two-stage crossings are proposed across Richmond Road. All crosswalks are proposed to be high visibility with accessible pedestrian signals, push buttons, and pedestrian countdown signal heads.

Project Benefits

- Increased safety and connectivity for pedestrians and cyclists
- Improved transit access by walking and biking

Considerations

- The south side of Richmond Road was selected due to available right-of-way, proximity to Frontier Center businesses, and wider eastbound bridge deck
- The bridge will need a structural analysis to determine if it can support the additional loads required for the concrete barrier and fencing
- A design exception would be needed for narrower eastbound shoulders over the bridge



Safety Improvements

Crash Modification Factors (CMF)		Existing Crash Frequency	Estimated Crash Reduction
Add sidewalk	0.90	One pedestrian crash reported near the Crossing Way intersection	0.2 crashes per year
Improve pedestrian at-grade crossing	0.85		
Add separate 10' mixed-use trail	0.80		

Crash frequency is 5-year average for 2014 to 2018

Schedule (Entering Project Development)

Medium-Term (4-6 years)

Planning-Level Cost Estimate

Note: Cost estimates are reported in 2019 dollars and include 30% contingency on each phase

Phase	Cost
Preliminary Engineering	\$269,000
ROW and Utilities	\$376,000
Construction	\$1,074,000
Total Cost	\$1,719,000



**Staunton Augusta
Waynesboro**
Metropolitan Planning
Organization

112 MacTanly Place
Staunton, VA 24401

Phone (540) 885-5174
Fax (540) 885-2687

RESOLUTION IN SUPPORT OF THE CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION'S SMART SCALE ROUND 4 APPLICATION FOR COMMERCE ROAD AND LEWIS CREEK GREENWAY PROJECT

WHEREAS, the Staunton-Augusta-Waynesboro Metropolitan Planning Organization (SAWMPO) is the designated regional transportation planning organization, and has the responsibility for developing and carrying out a continuing, cooperative, and comprehensive transportation planning process for the Metropolitan Planning Area; and

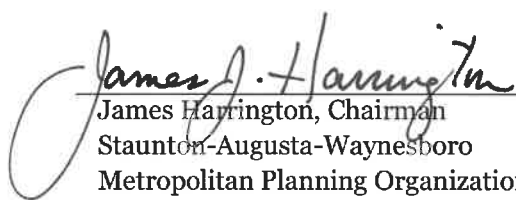
WHEREAS, the Central Shenandoah Planning District Commission (CSPDC) intends to submit a SMART SCALE Round 4 application to convert one travel lane to a buffered shared use path on Commerce Road between Greenville Avenue and Statler Boulevard in the City of Staunton, which will improve non-motorized connectivity, pedestrian safety, and mobility choices by expanding the City of Staunton's pedestrian network; and

WHEREAS, this project is not included in the SAWMPO Constrained Long Range Plan and this resolution meets the SMART SCALE Policy Guide requirements for public review of project applications;

NOW, THEREFORE, BE IT RESOLVED that the SAWMPO Policy Board does hereby endorse the CSPDC's application for the Commerce Road and Lewis Creek Greenway Project to compete for state and federal funding under the SMART SCALE Program Round 4 Application Cycle.

Signed this 3rd day of June 2020.

SIGNED:


James Harrington, Chairman
Staunton-Augusta-Waynesboro
Metropolitan Planning Organization
Policy Board

ATTEST:


Bonnie S. Riedesel, Secretary/Treasurer
Staunton-Augusta-Waynesboro
Metropolitan Planning Organization
Policy Board



RESOLUTION IN SUPPORT OF THE CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION'S SMART SCALE ROUND 4 APPLICATION FOR GREENVILLE AVENUE (US 11) ROAD DIET PROJECT

WHEREAS, the Staunton-Augusta-Waynesboro Metropolitan Planning Organization (SAWMPO) is the designated regional transportation planning organization, and has the responsibility for developing and carrying out a continuing, cooperative, and comprehensive transportation planning process for the Metropolitan Planning Area; and

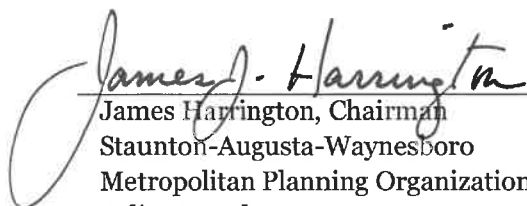
WHEREAS, the Central Shenandoah Planning District Commission (CSPDC) intends to submit a SMART SCALE Round 4 application to improve Greenville Avenue (US 11) in the City of Staunton by replacing the existing five-lane section with a three-lane section, incorporating intermittent median closures, and adding bike lanes on both sides of the road between Richie Boulevard and Richmond Avenue, which will improve non-motorized connectivity, pedestrian safety, and mobility choices by expanding the City of Staunton's pedestrian network; and

WHEREAS, this project is not included in the SAWMPO Constrained Long Range Plan and this resolution meets the SMART SCALE Policy Guide requirements for public review of project applications;

NOW, THEREFORE, BE IT RESOLVED that the SAWMPO Policy Board does hereby endorse the CSPDC's application for the Greenville Avenue (US11) Road Diet Project to compete for state and federal funding under the SMART SCALE Program Round 4 Application Cycle.

Signed this 3rd day of June 2020.

SIGNED:


James Harrington, Chairman
Staunton-Augusta-Waynesboro
Metropolitan Planning Organization
Policy Board

ATTEST:


Bonnie S. Riedesel, Secretary/Treasurer
Staunton-Augusta-Waynesboro
Metropolitan Planning Organization
Policy Board



RESOLUTION IN SUPPORT OF THE STAUNTON AUGUSTA WAYNESBORO METROPOLITAN PLANNING ORGANIZATION (SAWMPO) SMART SCALE ROUND 4 APPLICATION FOR RICHMOND ROAD (US 250) AND CROSSING WAY SHARED USE PATH PROJECT

WHEREAS, the Staunton-Augusta-Waynesboro Metropolitan Planning Organization (SAWMPO) is the designated regional transportation planning organization, and has the responsibility for developing and carrying out a continuing, cooperative, and comprehensive transportation planning process for the Metropolitan Planning Area; and

WHEREAS, the SAWMPO intends to submit a SMART SCALE Round 4 application to construct a shared use path along the south side of Richmond Road from Frontier Drive to Crossing Way and along Crossing Way to the existing roundabout, which will improve non-motorized connectivity, pedestrian safety, and mobility choices by expanding the City of Staunton's pedestrian network; and

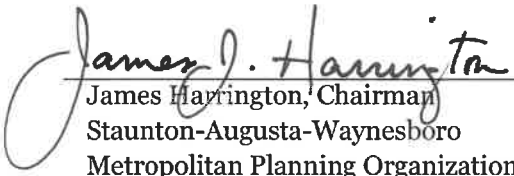
WHEREAS, this project is not included in the SAWMPO Constrained Long Range Plan and this resolution meets the SMART SCALE Policy Guide requirements for public review of project applications;

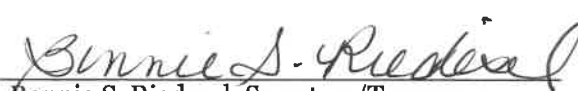
NOW, THEREFORE, BE IT RESOLVED that the SAWMPO Policy Board does hereby endorse the application for the Richmond Road (US 250) and Crossing Way Shared Use Path Project to compete for state and federal funding under the SMART SCALE Program Round 4 Application Cycle.

Signed this 3rd day of June 2020.

SIGNED:

ATTEST:


James Harrington, Chairman
Staunton-Augusta-Waynesboro
Metropolitan Planning Organization
Policy Board


Bonnie S. Riedesel, Secretary/Treasurer
Staunton-Augusta-Waynesboro
Metropolitan Planning Organization
Policy Board

SMART SCALE 2020 GRANT PROGRAM RESOLUTION

WHEREAS, the City desires to support an application as submitted by the Central Shenandoah Planning District Commission (CSPDC) for a grant of funds from the Virginia Department of Transportation (the “Department”) SMART SCALE Grant Program to fund the cost of the City’s Commerce Road and Lewis Creek Greenway Improvement Project as presented to City Council on June 25, 2020.

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

1. The City requests the Commonwealth Transportation Board to establish a project for the Commerce Road and Lewis Creek Greenway Improvement Project as presented to City Council on June 25, 2020.

2. The City will be responsible for maintenance and operating costs of any improvement/facility constructed with SMART SCALE funds unless other arrangements have been made with the Department.

3. If the City subsequently elects to cancel this project, the City agrees to reimburse the Department for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this June 25, 2020.

Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons, Clerk of Council

SMART SCALE 2020 GRANT PROGRAM RESOLUTION

WHEREAS, the City desires to support an application as submitted by the Central Shenandoah Planning District Commission (CSPDC) for a grant of funds from the Virginia Department of Transportation (the “Department”) SMART SCALE Grant Program to fund the cost of the City’s Greenville Avenue Road Diet Improvement Project as presented to City Council on June 25, 2020.

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

1. The City requests the Commonwealth Transportation Board to establish a project for the Greenville Avenue Road Diet Improvement Project as presented to City Council on June 25, 2020.
2. The City will be responsible for maintenance and operating costs of any improvement/facility constructed with SMART SCALE funds unless other arrangements have been made with the Department.
3. If the City subsequently elects to cancel this project, the City agrees to reimburse the Department for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this June 25, 2020.

Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons, Clerk of Council

SMART SCALE 2020 GRANT PROGRAM RESOLUTION

WHEREAS, the City desires to support an application as submitted by the Staunton Augusta Waynesboro Metropolitan Planning Organization (SAWMPO) for a grant of funds from the Virginia Department of Transportation (the “Department”) SMART SCALE Grant Program to fund the cost of the City’s Richmond Road and Crossing Way Shared Use Path Improvement Project as presented to City Council on June 25, 2020.

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

1. The City requests the Commonwealth Transportation Board to establish a project for the Richmond Road and Crossing Way Shared Use Path Improvement Project as presented to City Council on June 25, 2020.
2. The City will be responsible for maintenance and operating costs of any improvement/facility constructed with SMART SCALE funds unless other arrangements have been made with the Department.
3. If the City subsequently elects to cancel this project, the City agrees to reimburse the Department for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this June 25, 2020.

Carolyn W. Dull, Mayor

ATTEST:

Suzanne F. Simmons, Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 25, 2020	Steve Rosenberg City Manager
Item #	5 & F	
Ordinance #		
Department:	City Manager	
Council Vision:	Responsive, Efficient Government Built Environment Resilience	
Subject:	Purchase and Sale Agreement by and between American Shakespeare Center and City of Staunton, Virginia/240 North Lewis Street	

Background: Attached for Council's consideration is a proposed purchase and sale agreement, providing for the city's acquisition of an approximately 2.24-acre parcel of land located at 240 North Lewis Street. The property is presently owned by American Shakespeare Center (ASC) and leased by ASC to the city at rent of \$5,500 annually. The city uses the property for the operation of a public parking lot, one of two in the city at which unlimited free parking is offered. It also permits the use of the lot as a transit hub by Central Shenandoah Planning District Commission (CSPDC), which operates the regional BRITE transit service. In the City, BRITE service using the hub includes the 250 Connector, the North and West Loops, the Downtown Trolley and the Blue Ridge Community College Shuttle. Transit vehicles on these routes arrive and depart the hub on a well-choreographed schedule, allowing riders to transfer between routes at the hub, much like making connections between flights at an airport.

In considering whether to pursue acquisition of the property, the city engaged staff of the CSPDC to assess alternative locations for the transit hub. Attached for Council's information are analyses prepared by CSPDC staff, entitled *Lewis Street Transit Hub/Parking Lot* and *Identification and Evaluation of Potential Future Locations for the Staunton Transit Hub*. In the first document, CSPDC concludes that the most viable options concerning the transit hub are to move the hub to another location or for the city to purchase the property and to lease a portion of it to CSPDC for its continued use as a transit hub. In the second document, CSPDC

analyzes several alternate locations for a hub and states, in conclusion:

The current Lewis Street Hub is in an optimal location and is well configured for transit use. The buses enter and leave the lot safely; the lot is easily accessible from the downtown area; and there do not appear to be negative impacts on the availability of parking or conflicts with neighboring uses. Should ownership of the Lewis Street property change, we would recommend pursuing options for the hub to remain at this location, including partnering financially in repairs to the bus lane, contingent on entering into a long-term lease agreement for the transit portion of the space.

In part to maintain the facility as the site of unlimited, free parking available to residents and visitors, and in part to maintain its use as a transit hub, and consistent with prior direction of Council, the city proceeded with efforts to acquire the property. The city and ASC have now successfully negotiated the terms of a purchase and sale agreement, in the draft form attached. It provides for the city's acquisition of the property on the following bases:

- purchase price of \$185,000 (below the current tax assessed value of \$195,140);
- settlement on July 2, 2021, deferring the city's obligation to the next fiscal year, taking into account fiscal constraints resulting from the pandemic and the recession;
- an increase in the city's rent under the current lease from \$5,500 annually to \$15,000 annually, in lieu of a deposit from the city securing its obligations under the agreement, with the \$9,500 difference in rent to be credited to the purchase price at settlement;
- an investigations period of 120 days, during which the city may perform due diligence concerning the property;
- a parking license to ASC, which permits ASC and its employees to park certain vehicles on the property, at no cost and during certain periods of each year, for a minimum of three years after settlement; and
- other customary terms of a real estate purchase and sale transaction.

In anticipation of the city's acquisition of the property, the city and CSPDC have reached agreement, in concept, on the terms of a license agreement which will permit CSPDC's continued use of the lot by the BRITE transit service as a transit hub. Those terms, including a monthly license fee of \$1,500 (subject to escalation every five years based on increases in the consumer price index), are set forth in the attached email dated November 4, 2019, from Steve Rosenberg to Bonnie Riedesel, executive director of CSPDC. Once the agreement with ASC has been approved by Council and signed on behalf of the city and ASC, the license agreement with CSPDC will be finalized during the 120-day investigation period.

Of final note:

- As noted in the CSPDC analyses, the parking lot is in need of repairs, estimated by the city to cost between \$60,000 and \$120,000. The current state of disrepair is due, in part, to its heavy use over the years by transit vehicles, though the lot was not constructed originally for that purpose. The license fee to be paid by CSPDC will provide an ongoing source of revenue to support repairs to the parking lot.
- The property is presently exempt from real property taxation, such that its acquisition by the city will not result in a change of the property's tax status.

- Council, if it so desires, may defer action on the agreement, leaving it for consideration by the newly organized Council subsequent to July 1, 2020.

Attachments:

Attachment No. 1— Draft Purchase and Sale Agreement

Attachment No. 2— *Lewis Street Transit Hub/Parking Lot* and. Draft Deed of Gift of Easement

Attachment No. 3— *Identification and Evaluation of Potential Future Locations for the Staunton Transit Hub*

Attachment No. 4— Email dated November 4, 2019, from Steve Rosenberg to Bonnie Riedesel, executive director of CSPDC

City Manager's Recommendation: Approve the proposed purchase and sale agreement, and authorize the City Manager to execute and deliver such agreement and such other documents as may be required in connection with the City's acquisition of the property located at 240 North Lewis Street, including a license agreement with CSPDC, all upon final review and approval of the City Attorney.

Suggested Motion: I move that (i) the proposed purchase and sale agreement be approved, and (ii) the City Manager be authorized to execute such agreement, and such other documents as may be required in connection with the City's acquisition of the property located at 240 North Lewis Street, including a license agreement with Central Shenandoah Planning District Commission for its use of a portion of the property as a transit hub, with such modifications and in final form as approved by the City Manager and the City Attorney.

City Manager: Steven L. Rosenberg

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (Agreement), dated June __, 2020 for identification, is made by and between **American Shakespeare Center** (Seller), a Virginia non-stock corporation (SCC # 0363077-9) in good standing and IRC Section 501(c)(3) tax exempt organization (IRS EIN # 54-1487955) and successor in interest of Shenandoah Shakespeare, Ltd., and the **City of Staunton, Virginia**, a Virginia municipal corporation (Purchaser). In consideration of the mutual covenants and promises set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties to this Agreement, the parties agree to the following terms and conditions:

1. **PURCHASE AND SALE.** Subject to the terms of this Agreement, Seller agrees to sell to Purchaser and Purchaser agrees to purchase from Seller the following property (collectively, Property):

1.1 That lot or parcel located in the City of Staunton, Virginia, having a parcel identification number of 4730 and a street address of 240 North Lewis Street, Staunton, VA 24401, including any improvements thereon and therein, as more particularly described in Exhibit A, attached hereto and incorporated herein by reference (Realty);

1.2 All fixtures, equipment, machinery, supplies, furnishings and other items of property whatsoever used or useful in the ownership, operation, repair and maintenance of the Realty, situated on the Realty, and owned by Seller (Personalty);

1.3 All licenses, permits, rights under any declaration of condominium, and contract rights pertaining to ownership and/or operation of the Realty or Personalty; and

1.4 All privileges, rights-of-way, and other tenements, hereditaments and appurtenances, if any, pertaining or accruing to the benefit of the Realty.

2. **EFFECTIVE DATE.** The effective date of this Agreement shall be the date when the last one of Seller or Purchaser has signed this Agreement, as stated on the signature page, and the date when Council of the City of Staunton has taken affirmative action to authorize this Agreement (Effective Date).

3. **CLOSING DATE.** Subject to other provisions of this Agreement for extension or termination, closing on the transaction described in this Agreement (Closing) shall be held through the offices of Purchaser, Seller, or other mutually agreed office, on July 2, 2021, or such other places, date, and time as Purchaser and Seller may mutually agree upon in writing (Closing Date).

4. **PARKING LICENSE.** From and after the Closing Date, Seller shall have a license, terminable without cause by the Seller or Purchaser upon not less than ten (10) days prior written notice, to have the following vehicles parked at any one time on the Realty at locations designated by and in the sole discretion of Purchaser: (i) not more than four passenger vehicles of employees of Seller, in the months of February, March, September and October, (ii) a 16-foot box truck owned or leased by Seller, in the months of November through January, both inclusive, and (iii) two

minivans owned or leased by Seller, in the months of November through January, both inclusive, and April through August, both inclusive. Notwithstanding the foregoing, for a period of three (3) years after the Closing Date, Purchaser shall not terminate the license established under this Section 4 for so long as the parking lot on the Realty remains open to the public for parking; provided use of the parking lot by Seller or persons authorized by Seller, in the sole discretion of Purchaser, does not unreasonably interfere with maintenance and operation of the parking lot as a public parking facility. Seller and Purchaser acknowledge and agree that subsequent to the Closing Date, Purchaser may, but shall not be obligated to, undertake reconstruction of the parking lot, and during the period of reconstruction, Seller and persons authorized by Seller may be required to make alternative arrangements to park the vehicles described in this Section 4.

5. PURCHASE PRICE. The total purchase price (Purchase Price) to be paid by Purchaser to Seller for the Property is \$185,000.00, which shall be paid in cash at Closing subject to proration and adjustments as provided in this Agreement.

6. NO OTHER MARKETING, PURCHASE AND SALE AGREEMENTS. As long as this Agreement is in full force and effect, Seller shall not actively market the Property or enter into any other purchase and sale agreement affecting any portion of the Property.

7. TITLE EVIDENCE. On or prior to the last day of the Investigation Period (Expiration Date), Purchaser may, at Purchaser's expense, obtain an ALTA marketability title insurance commitment (Commitment), with fee owner's title policy premium to be paid by Purchaser at Closing, issued by the Purchaser's title insurance company (Title Insurer). The Commitment shall show Seller to be vested with good and marketable and insurable fee simple title to the Realty, insurable in an amount equal to the Purchase Price at standard rates, free and clear of all liens, encumbrances, leases, tenancies, covenants, conditions, restrictions, rights-of-way, easements and other matters affecting title, except the following (Permitted Exceptions):

7.1 Any ad valorem real estate taxes for 2020 and subsequent years;

7.2 All applicable zoning and building law ordinances and regulations;

7.3 [Reserved]

7.4 Public utility service easements and rights-of-way in customary form and easements as shown on the recorded plats of the Property; and,

7.5 Any matters reflected in Purchaser's Commitment that are not objected to by Purchaser as provided in Section 9, and any matters that Purchaser has objected to as "title defects" pursuant to Section 9, but which Seller has not agreed to cure.

8. SURVEY.

8.1 Within the time period for providing the Commitment, Purchaser may also obtain, at Purchaser's expense, an ALTA survey (Survey) of the Realty.

8.2 If the Survey reflects any encroachments, overlaps, unrecorded easements or similar rights in third parties, or any other adverse matters not specifically provided for in this Agreement, then the same shall be deemed "title defects" as set forth in Section 9.

9. TITLE DEFECTS.

9.1 Purchaser shall have until the Expiration Date within which to examine matters of title affecting the Property and any matters shown by the Survey. Purchaser may, no later than the Expiration Date, notify Seller in writing specifying any title defect(s). If Purchaser fails to give Seller written notice of any title defect(s) on or before the Expiration Date, the defects shown in the Commitment and Survey shall be deemed to be waived as title objections to closing this transaction.

9.2 If Purchaser has given Seller timely written notice of defects or if any new defects appear from the date of the Commitment through the Closing Date, Seller may shall use commercially reasonable efforts to cause such defects to be cured by the Closing Date.

9.3 If Seller does not eliminate such defects as of the Closing Date to Purchaser's reasonable satisfaction or if any new "title defects" appear from the date of the Commitment through the Closing Date, which Seller does not eliminate as of the Closing Date, Purchaser shall have the option to:

9.3.1 Close and accept the title "as is," without reduction in the Purchase Price and without claim against Seller for such title defects; or

9.3.2 Cancel this Agreement and both parties shall be released from all further obligations under this Agreement except as otherwise provided herein.

9.4 Notwithstanding the foregoing or anything in this Agreement to the contrary, Purchaser shall not be obligated to object to any title encumbrances that can be removed solely by the payment of money, such as mortgages, financings or statutory liens, and Seller shall convey title to the Property free and clear of any such encumbrances at Closing.

10. LEASES. As of the date hereof, there are no occupancies or tenancies affecting the Property, except for that certain Lease dated April 1, 2001, by and between Shenandoah Shakespeare, predecessor in interest to Seller, and Purchaser, as amended by Addendum to Lease dated November 26, 2002, and as further amended by Addendum to Lease dated July 10, 2012 (collectively, Lease). Seller and Purchaser agree that for the period commencing July 1, 2020, and ending June 30, 2021, rent under the Lease shall be increased from \$5,500 annually to \$15,000 annually, payable by Purchaser to Seller in equal installments in advance on the first day of each month; provided, a portion of such rent in the amount of \$9,500 shall be credited to the Purchase

Price at Closing under this Agreement. Seller and Purchaser further agree that upon Closing, the Lease shall be deemed terminated without further action of the parties.

11. INVESTIGATION PERIOD.

11.1 From the Effective Date until the day which is one hundred twenty (120) days after the Effective Date (Investigation Period), Purchaser shall have the right to conduct, at Purchaser's expense, whatever reasonable investigations, analyses and studies of the Property that Purchaser may deem appropriate with regard to:

11.1.1 The physical condition of the Property;

11.1.2 The permitted uses of and improvements to the Property under applicable building and zoning ordinances and the present compliance or non-compliance with the same;

11.1.3 Evidence of any hazardous waste or similar materials, and of radon, in, on, under or about the Property;

11.1.4 All existing contracts, agreements, leases and tenancies affecting the Property, if any; and

11.1.5 Any other matters Purchaser deems relevant to the Property.

11.2 Within five (5) days after the Effective Date, Seller shall deliver to Purchaser a copy of all non-privileged documents relating to the Property in Seller's possession or readily available to Seller at no additional material cost, including, without limitation, owner's policy and title insurance, Phase I or II Environmental Site Assessments, all service contracts for the Realty, architectural and engineering drawings, permits, certificates of occupancy, and other relevant site plans and studies and work invoices and all instruments and other records memorializing definitively that the Seller is the successor in interest of Shenandoah Shakespeare, Ltd.

11.3 If Purchaser does not close on the purchase of the Property under this Agreement, Purchaser shall repair any damage to the Property resulting from any investigations undertaken by Purchaser, its agents, employees and assigns pursuant to this Agreement.

11.4 Purchaser, its agents, and employees shall have the right to enter upon the Property for the purpose of making inspections at Purchaser's sole risk, cost and expense. The inspections under this Section 11 may include a Phase I and a Phase II Environmental Site Assessment(s) of the Property.

11.5 If Purchaser, in its sole discretion, is not satisfied with the results of its inspection and studies, Purchaser may terminate the Agreement by written notice to Seller on or before the Expiration Date.

11.6 At any time during the Investigation Period, Purchaser may elect to deliver to Seller a Notice to Proceed (Notice to Proceed), and in such event, the Agreement shall remain in full force and effect and subject to any other conditions of this Agreement, Purchaser shall be obligated to perform Purchaser's obligations under this Agreement and proceed to Closing. Notwithstanding the above, Seller and Purchaser acknowledge and agree that if the Purchaser does not deliver the Notice to Proceed on or prior to the Expiration Date, then this Agreement shall automatically terminate without any further action on the part of Purchaser.

12. REPRESENTATIONS, WARRANTIES AND COVENANTS.

12.1 Seller represents and warrants to Purchaser and covenants and agrees with Purchaser as follows:

12.1.1 Seller's execution and delivery of this Agreement and consummation of the transaction contemplated by this Agreement are within Seller's authority and capacity and all requisite action has been or is expected to be taken to make this Agreement a valid and binding obligation of Seller in accordance with its terms.

12.1.2 Seller's execution of this Agreement and consummation of the transaction contemplated hereby does not and will not result in a breach of or default under any indenture, agreement, instrument or obligation to which Seller is a party and which affects all or any portion of the Property, or violate any applicable law.

12.1.3 There are no actions, suits, proceedings, or investigations pending or threatened against the Property, or any pending or threatened condemnation, federal forfeiture action or similar proceeding affecting the Property, nor is Seller aware of any event which could give rise to a federal or state forfeiture action concerning the Property.

12.1.4 Seller is the holder of good and indefeasible fee simple and record title to the Property, free and clear of all liens, claims, encumbrances and restrictions except those which are filed of record against the Property. To Seller's actual knowledge, no circumstance or event exists that may allow any governmental authority to seize the Property under any civil or criminal law authorizing seizure or forfeiture.

12.1.5 Seller has not received any notice and Seller has no actual knowledge that any portion of the Property has ever been used by Seller or a previous owner and/or operator to generate, manufacture, refine, transport, treat, store, handle or dispose of hazardous material, whether used in construction or stored on the Property, and Seller has not received a summons, citation, directive, letter or other communication, written or oral, from any governmental authority concerning any intentional or unintentional action or omission which resulted in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous material on the Property. The term "hazardous material" as used in this Agreement means any flammable or explosive materials, petroleum or petroleum products, natural gas or synthetic gas usable for fuel, radioactive materials, hazardous wastes or substances or toxic wastes or substances, including without limitation, any substances now or hereafter defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," "toxic

materials” or “toxic substances” or similar term under any applicable governmental law or regulations.

12.1.6 Possession of the Property shall be given to the Purchaser at Closing free and clear of any and all tenancy and possessory rights whatsoever.

12.1.7 To Seller’s actual knowledge, there is no condition of the Property that violates any applicable law or governmental requirements, nor does there exist any uncured notices which have been served by any governmental authority of violations of laws, rules or regulations which would affect the Property or its proposed improvement.

12.1.8 To Seller’s actual knowledge, there is no condition of the Property that violates any applicable declaration of condominium, nor does there exist any uncured notices which have been served by any association, board, or other authority of such violations which would affect the Property.

12.1.9 To Seller’s actual knowledge no commitments have been made to any governmental authority, utility company, school board, church or other religious body, homeowners’ association, or any other organization, group, person or individual relating to the Property which would impose an obligation upon Purchaser or its successors or assigns to make any contributions or dedications of money or land or to construct, install or maintain any improvements of a public or private nature on or off the Property.

12.1.10 Seller is not bankrupt or insolvent under any applicable federal or state standard, has not filed for protection or relief under any applicable bankruptcy or creditor protection statute, and has not been threatened by creditors with an involuntary application of any applicable bankruptcy, receivership or creditor protection statute.

12.1.11 No third party has an option to purchase, right of first refusal, right of first offer or other similar right with respect to all or a portion of the Property and Seller has not entered into any other contracts, oral or written, for the sale of all or any portion of the Property with any third party.

12.1.12 Seller is not acting, directly or indirectly for, or on behalf of, any person, group, entity or nation named by any Executive Order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism) or the United States Treasury Department as a terrorist, “Specially Designated National and Blocked Person,” or other banned or blocked person, entity, or nation pursuant to any law that is enforced or administered by the Office of Foreign Assets Control and Seller is not engaging in this transaction, directly or indirectly, on behalf of, or instigating or facilitating this transaction, directly or indirectly, on behalf of, any such person, group, entity or nation. Seller is not engaging in this transaction, directly or indirectly, in violation of any Laws relating to drug trafficking, money laundering or predicate crimes to money laundering. None of the funds of Seller have been or will be derived from any unlawful activity with the result that the investment of direct or indirect equity owners in Seller is prohibited by Law or that the transaction or this Agreement is or will be in violation of Law. Seller has and will continue to implement procedures, and has consistently and will continue to consistently apply

those procedures, to ensure the foregoing representations and warranties remain true and correct at all times prior to Closing.

12.1.13 At all times during the term of this Agreement and as of Closing, all of Seller's representations, warranties and covenants in this Agreement shall be true and correct. Subject to the limitations set forth in any express provisions of this Agreement, Seller shall indemnify, save, insure, pay, defend and hold harmless Purchaser and Purchaser's officers, directors, principals, managers, and advisors from and against any damages, liabilities, claims or losses resulting from any breach of any representation or warranty of Seller in this Agreement, any breach by Seller of any of its covenants or obligations under this Agreement; and any of Seller's obligations or liabilities relating to the Property for the period preceding Closing. The representations and warranties, including this subsection 12.1.13, contained in this Section 12 shall expressly survive Closing.

12.2 Purchaser represents and warrants to Seller and covenants and agrees with Seller as follows:

12.2.1 Purchaser's execution and delivery of this Agreement and consummation of the transaction contemplated by this Agreement are within Purchaser's authority and capacity and all requisite action has been or is expected to be taken to make this Agreement a valid and binding obligation of Purchaser in accordance with its terms.

12.2.2 Purchaser's execution of this Agreement and consummation of the transaction contemplated hereby does not and will not result in a breach of or default under any indenture, agreement, instrument or obligation to which Purchaser is a party, or violate any applicable law.

12.2.3 Neither Purchaser, nor any person, group, entity or nation that Purchaser is acting, directly or indirectly for, or on behalf of, is named by any Executive Order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism) or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person," or is otherwise a banned or blocked person, group, entity, or nation pursuant to any Law that is enforced or administered by the Office of Foreign Assets Control, and Purchaser is not engaging in this transaction, directly or indirectly, on behalf of, or instigating or facilitating this transaction, directly or indirectly, on behalf of, any such person, group, entity or nation. Purchaser is not engaging in this transaction, directly or indirectly, in violation of any Laws relating to drug trafficking, money laundering or predicate crimes to money laundering. None of the funds of Purchaser have been or will be derived from any unlawful activity with the result that the investment of direct or indirect equity owners in Purchaser is prohibited by Law or that the transaction or this Contract is or will be in violation of Law. Purchaser has and will continue to implement procedures, and has consistently and will continue to consistently apply those procedures, to ensure the foregoing representations and warranties remain true and correct at all times prior to Closing.

13. DEFAULT BY SELLER. If Seller fails to perform any of the terms and conditions of this Agreement, is otherwise in default under this Agreement, or refuses to close this transaction, then Purchaser, at Purchaser's sole option and as its sole remedies, may elect to:

13.1 Waive the default or failure and close "as is"; or

13.2 Cancel this Agreement by written notice to Seller given on or before the Closing Date and Seller shall reimburse Purchaser for Purchaser's reasonable and actual third party out-of-pocket due diligence expenses; and thereafter, both parties shall be released from all further obligations under this Agreement except as otherwise provided herein; or

13.3 Seek specific performance of Seller's obligations under this Agreement.

14. DEFAULT BY PURCHASER. In the event of the failure or refusal of Purchaser to close this transaction if otherwise obligated to do so under this Agreement, Seller shall have the right to receive liquidated damages of \$50,000 for said breach, whereupon the parties shall be relieved of all further obligations under this Agreement except as otherwise provided in this Agreement. The parties have agreed that Seller's actual damages, in the event of a failure to consummate this sale due to Purchaser's default, would be extremely difficult or impracticable to determine. After negotiation, the parties have agreed that, considering all the circumstances existing on the date of this Agreement, the amount of the liquidated damages is a reasonable estimate of the damages that Seller would incur in such event, not a penalty.

15. PRORATIONS AND COSTS.

15.1 Seller's Costs. Seller shall pay for the following items at Closing:

- Title curative instruments and lien releases;
- Recording fees for curative instruments and releases;
- Pro rata share of taxes and assessments;
- Delinquent taxes, interest and penalties levied against the Property;
- Preparation of the Deed;
- Grantor's tax on the transfer of the Deed;
- Attorney fees of Seller; and,
- Customary expenses incurred by Seller.

15.2 Purchaser's Costs. Purchaser shall pay for the following items at Closing:

- Title Commitment;
- Owner's Policy of Title Insurance;
- Survey;
- Recording of the Deed;
- Settlement fees, including settlement agent's fee;
- Grantee's tax on the transfer of the Deed;
- Attorney fees of Purchaser; and,
- Customary expenses incurred by Purchaser.

15.3 At or before Closing, Seller shall pay all real estate taxes and assessments levied against the Property for years prior to the year of Closing. General real estate taxes and assessments for the year of Closing shall be prorated as of the date of Closing based on the tax statements issued for such year; provided, however, if tax statements have not yet been issued for the year of Closing, such taxes and assessments shall be prorated based on the application of the preceding year's rates to the latest assessed valuation. If, however, real estate taxes for the year covered by the apportionment are later determined to be higher or lower than those that are apportioned, a post-Closing adjustment shall be made between Seller and Purchaser.

15.4 The provisions of this Section 15 shall survive Closing.

16. IMPROVEMENT LIENS. Certified, confirmed or ratified liens for governmental improvements or special assessments as of the Closing Date, if any, shall be paid in full by Seller, and pending liens for governmental improvements or special assessments as of the Closing Date shall be assumed by Purchaser.

17. [RESERVED].

18. CLOSING.

18.1 Seller shall deliver the following items to Purchaser at the Closing:

18.1.1 A General Warranty Deed with English Covenants (Deed), which shall be duly executed and acknowledged by the Seller so as to convey to Purchaser good and fee simple title to the Realty, free and clear of all liens, encumbrances and other conditions except the Permitted Exceptions;

18.1.2 An affidavit from a trustee or authorized representative of Seller attesting that, except to the extent caused by Purchaser, no individual, entity or governmental authority has any claim against the Property being purchased under the applicable construction lien law, no individual, entity or governmental authority is either in possession of the Property or has a possessory interest or claim in the Property being purchased, and no improvements have been made to the Property for which payment has not been made. Seller shall indemnify, defend and hold harmless the Purchaser and the title company against any claims asserted by contractors or suppliers for any improvements and the affidavit shall be in a form approved by the settlement agent and title company.

18.1.3 An affidavit in a form as may be required by the Title Insurer that, to Seller's knowledge, there are no unrecorded easements and that Seller has exclusive possession of the Property;

18.1.4 An appropriate bill of sale for the Personalty, if any;

18.1.5 A non-foreign certificate as may be appropriate and satisfactory to Purchaser to meet the non-withholding requirements under FIRPTA and any other federal statute or regulations;

18.1.6 A Form 1099-S in the same form attached hereto as Exhibit B;

18.1.7 Instruments necessary to clear title, if any, including those required to remove standard exceptions from the title policy; and

18.1.8 Such other affidavits as Purchaser or Title Company may reasonably require.

18.2 Purchaser shall deliver to Seller at Closing funds sufficient to pay the Purchase Price.

18.3 Seller and Purchaser shall each execute such other documents as are reasonably necessary to consummate this transaction.

19. BROKERS. The parties each represent and warrant to the other that there are no brokers involved in this transaction.

20. ASSIGNABILITY. This Agreement is not assignable by Purchaser except with the prior written consent of Seller, which consent will not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, Purchaser may assign this Agreement (without the consent of Seller) to any entity affiliated with or entity whose members are appointed by or controlled by, or controlling, the Purchaser.

21. [RESERVED].

22. NOTICES. Any notices required or permitted to be given under this Agreement shall be delivered by hand, by PDF file via electronic mail, or by a nationally recognized overnight delivery service, and addressed as described below or as described subsequently by written notice to the other party; notices shall be deemed effective only upon receipt or refusal of delivery or, if by PDF file via electronic mail sent after 5:00 p.m., Eastern time, on the next business day after transmission.

Notices to Purchaser: The City of Staunton
Attn: City Manager and Chief Finance Officer
116 W. Beverley St. (24401)
P.O. Box 58
Staunton, VA 24402-0058
Email: rosenbergsl@ci.staunton.va.us
Email: trayerpm@ci.staunton.va.us

With a copy to: City Attorney
116 W. Beverley St. (24401)
P.O. Box 58
Staunton, VA 24402-0058
Email: guynndl@ci.staunton.va.us
Email: wallacers@ci.staunton.va.us

Notices to Seller: American Shakespeare Center
Attn: Managing Director
20 S. New St., Fourth Floor
Staunton, VA 24401
Email: amywratchford@americanshakespearecenter.com

With a copy to: Candice Hark
2417 Huntington Road
Charlottesville, VA 22901
Email: chark@maxient.com

23. RISK OF LOSS.

23.1 The Property shall be conveyed to Purchaser in the same condition as on the date of this Agreement, ordinary wear and tear excepted, free of all tenancies or occupancies except that relating to the existing lease with the Purchaser, and Seller shall operate and manage the Property in a manner consistent with Seller's practices in effect prior to the Effective Date. Seller agrees to keep its customary property insurance covering the Property in effect during the term of this Agreement. Seller shall not remove any Personalty from the Property during the term of this Agreement except as required for necessary repair or replacement, and replacement shall be of approximately equal quality and quantity as the removed item of Personalty.

23.2 Upon receipt of an offer or any notice or communication from any governmental or quasi-governmental body seeking to take under its power of eminent domain all or any portion of the Property, Seller shall promptly notify Purchaser of the receipt of same and shall send such communication, or a copy of it, to Purchaser. Upon receipt of such notice, Purchaser shall have the right to rescind this Agreement by delivery of written notice to Seller within five (5) days of Purchaser's receipt of the communication from Seller. In the event Purchaser elects to rescind, both parties shall be relieved of all further obligations under this Agreement except as otherwise provided herein. In the event Purchaser elects not to rescind, then Purchaser shall be entitled to all condemnation awards and settlements.

23.3 In the event that the Property is damaged or destroyed by fire or other casualty prior to Closing, Seller may repair and restore the Property to the same condition as before the fire or casualty, and the Closing shall be deferred for up to one hundred twenty (120) days to permit such repair and restoration. If Seller is unable to repair and restore within such one hundred twenty (120) day-period, then Purchaser may elect to either terminate this Agreement, in which case both parties shall be released from all further obligations under this Agreement except as otherwise provided herein, or proceed with the Closing, in which case Purchaser shall be entitled to all insurance proceeds (subject to the rights of the holder(s) of any existing mortgage).

24. MEMORANDUM OF CONTRACT. Upon request by either party, the parties hereto shall execute a memorandum of contract in recordable form setting forth such provisions hereof (other than the Purchase Price and other sums due) as either party may wish to incorporate. Such memorandum of contract shall contain a statement that it automatically terminates and the

Property is released from any effect thereby as of a specific date to be stated in the memorandum (which specific date shall be no later than the Closing Date). The cost of recording such memorandum of contract shall be borne by the party requesting execution of same.

25. PURCHASER'S CONDITION PRECEDENT. The obligation of Purchaser to consummate the transactions contemplated by this Agreement shall be subject to the performance and observance, in all material respects, by Seller of all covenants, warranties and agreements of this Agreement to be performed or observed by Seller prior to or on the Closing Date and the fulfillment on or before the Closing Date of all other conditions precedent to Closing benefiting Purchaser specifically enumerated in this Agreement, any or all of which may be waived by Purchaser in its sole discretion by an express written waiver. Upon the occurrence of the failure of a condition precedent to the obligation of Purchaser to close, Purchaser shall have the right to terminate this Agreement and neither party hereto shall have any further obligation or liability to the other except for any obligations hereunder which are stated to expressly survive Closing.

26. MISCELLANEOUS.

26.1 This Agreement has been negotiated and executed in Virginia. It shall be construed and governed in accordance with the laws of the Commonwealth of Virginia, without application of conflicts of laws principles.

26.2 In the event any term or provision of this Agreement is determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or be construed as deleted as such authority determines, and the remainder of this Agreement shall be construed to be in full force and effect.

26.3 The obligations of Purchaser are subject to and contingent upon sufficient annual appropriations of funds by the Council of the City of Staunton for the specific purpose of this Agreement.

26.4 Each party has participated fully in the negotiation and preparation of this Agreement with benefit of counsel. Accordingly, this Agreement shall not be more strictly construed against either party.

26.5 Whenever used in this Agreement, the singular shall include the plural, the plural shall include the singular, any gender shall include every other and all genders, and captions and paragraph headings shall be disregarded.

26.6 The captions in this Agreement are for the convenience of reference only and shall not be deemed to alter any provision of this Agreement.

26.7 Any time period provided for in this Agreement which shall end on a Saturday, Sunday or legal holiday shall extend to 5:00 p.m., Eastern time, of the next full business day of the Purchaser.

26.8 This Agreement constitutes the entire agreement between the parties and may not be changed, altered or modified except by an instrument in writing signed by the party against whom enforcement of such change would be sought.

26.9 All references in this Agreement to exhibits, schedules, paragraphs, subparagraphs and sections refer to the respective subdivisions of this Agreement, unless the reference expressly identifies another document.

26.10 All of the terms of this Agreement, including but not limited to the representations, warranties and covenants of Seller, shall be binding upon and shall inure to the benefit of the parties to this Agreement and their respective successors and assigns.

(The remainder of this page is intentionally left blank. Next pages are signature pages.)

IN WITNESS WHEREOF, Seller has executed this Agreement as of the date set forth hereinbelow.

SELLER:

AMERICAN SHAKESPEARE CENTER

By: _____

Its: _____

Date: _____

IN WITNESS WHEREOF, Purchaser has executed this Agreement as of the date set forth hereinbelow.

PURCHASER:

CITY OF STAUNTON

By: _____
Steven L. Rosenberg

Its: _____
City Manager

Date: _____

EXHIBIT A

Property Description

That property lying between Lewis Street and Filmore Street adjoining property now or formerly owned by Clem, White, Hamrick and others and is bounded as follows:

Beginning at a ½ inch hole drilled in the top of the retaining wall at the southeast corner of the property now or formerly owned by Clem , a corner to Clem in the western line of Lewis Street; thence with the western line of Lewis Street S 2° 25' E 297 feet to an iron pin corner to property now or formerly owned by White; thence with White S 87° 35' W 132 feet to an iron pin; thence S 2° 25' W 44 feet to an iron pin corner to White in the line of property now or formerly owned by Dull; thence S 87° 35' W 7 feet to an iron pin corner to Dull; thence S 2° 25' W 36.45 feet to an iron pin corner to property now or formerly owned by Hamrick; thence with Hamrick S 88° 03' W 122.3 feet to an iron pin in the eastern line of Filmore Street; thence with the eastern line of Filmore Street N 2° 25' W 417.8 feet to an iron pin corner to Clem; thence with Clem S 83° 25' E 264.6 feet to the beginning, such parcel shown as containing 2.129 acres on a plat by E.B. Higgs, C.L.S., dated May 20, 1985, recorded in said the Clerk's Office of the Circuit Court of the City of Staunton, Virginia in Deed Book 257, page 369.

This property is the same property acquired from Joseph W. Wright, Jr. by Shenandoah Shakespeare, LTD., by deed dated January 3, 2000 and recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia in Deed Book 437 Page 174.

EXHIBIT B

Form 1099-S

7575

☐ VOID

☐ CORRECTED

FILER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone number		1 Date of closing	OMB No. 1545-0997 2020 Form 1099-S	Proceeds From Real Estate Transactions
		2 Gross proceeds		
		\$		
FILER'S TIN	TRANSFEROR'S TIN	3 Address (including city, state, and ZIP code) or legal description		Copy A For Internal Revenue Service Center File with Form 1096. For Privacy Act and Paperwork Reduction Act Notice, see the 2020 General Instructions for Certain Information Returns.
TRANSFEROR'S name				
Street address (including apt. no.)		4 Check here if the transferor received or will receive property or services as part of the consideration ▶ ☐		
City or town, state or province, country, and ZIP or foreign postal code		5 Check here if the transferor is a foreign person (nonresident alien, foreign partnership, foreign estate, or foreign trust) ▶ ☐		
Account number (see instructions)		6 Buyer's part of real estate tax \$		

Form **1099-S**

Cat. No. 64292E

www.irs.gov/Form1099S

Department of the Treasury - Internal Revenue Service

Do Not Cut or Separate Forms on This Page — Do Not Cut or Separate Forms on This Page

Lewis Street Transit Hub / Parking Lot

Background:

In Fiscal Year 2014, the CSPDC assumed responsibility for the Staunton-Augusta County-Waynesboro public transportation system, as the designated recipient of Federal Transit Administration and Virginia Department of Rail and Public Transportation public transit funds. The transit system was subsequently branded with the name BRITE, and subsequently in FY 2018, the CSPDC assumed responsibility for the BRITE rural routes and funding.

Prior to the CSPDC oversight of the transit service, Virginia Regional Transit, through verbal agreement with the City of Staunton, used the City of Staunton surface parking lot on Lewis Street as a hub for certain fixed route buses and paratransit service. This use continued after the CSPDC became responsible for the transit service. Two bus shelters are present on the lot for the safety and security of the transit patrons, and buses enter, stop and allow riders to alight or board the bus, and then exit the lot. In 2017, the CSPDC added BRITE stop signage to the lot.

Currently, the Downtown Trolley and the North / West Loop buses use the lot every half hour Monday through Saturday. The Blue Ridge Community College South Shuttle accesses the lot every hour Monday through Friday, and the 250 Connector accesses the lot every hour Monday through Saturday. There is no public transit use of the lot on Sundays.

The City of Staunton Lewis Street lot is an approximately two-acre site that includes the transit amenities and 33 free public parking spaces. The property is owned by the American Shakespeare Center, and is leased to the City of Staunton. In addition to the free parking and public transit uses, it appears that school buses and tour buses wait on the lot after dropping students and visitors at the Blackfriars for performances.

Condition of the Site:

The parking lot was not constructed with consideration of the public transit use. The asphalt in the travel lane used by the buses has deteriorated due to age and the weight and lingering of the heavy buses and the Downtown Trolley. The City of Staunton has patched the asphalt and maintains the lights and provides trash collection on the lot. One of the bus shelters was damaged in 2015, and the repairs were made by the CSPDC. The City of Staunton estimates that repairs to the lot would cost approximately \$100,000.

Potential Sale of Lot:

On December 13, 2018, Stephen Owen and Steve Rosenberg from the City of Staunton met with Bonnie Riedesel and Nancy Gourley of the CSPDC to discuss the potential sale of the Lewis Street lot by the Board of the American Shakespeare Center (ASC). Staunton was approached by the Board of ACS to offer Staunton first right of refusal to purchase the property. The suggested purchase price was \$200,000, and if Staunton is not interested in the purchase, the ASC Board may list the property for sale after January 1, 2019.

The purpose of the meeting was an inquiry as to whether the CSPDC would have interest in or could acquire either Federal or State funding to purchase the property, with the understanding that Staunton would continue to lease some portion of the lot for parking. And, could the CSPDC participate in the cost of the repairs to the lot? The CSPDC agreed to research what options may be available.

DRPT Discussions:

Exploratory discussions relative to State funding of the purchase of this site were conducted with Neal Sherman of DRPT. Mr. Sherman stated that the first step required by DRPT would be completion of a feasibility study, which would include evaluation of current “hub” operations in Staunton and identification of alternative hub sites. Under the new “performance based” capital grant funding formula whereby all applications submitted by transit agencies throughout the Commonwealth are scored and prioritized, Mr. Sherman could not guarantee that this project would score well enough to receive funding. The timeline of a feasibility study precludes this project from consideration for Fiscal Year 2020 funds, as those applications are due February 1, 2019.

FTA Discussions:

No discussions have been conducted with FTA staff regarding potential Federal funding due to –

- CSPDC assigned FTA Project Manager was on leave during the month of December
- FTA staff is furloughed due to federal government shutdown

However, FTA requires that any project seeking funding must be included in the State Transportation Improvement Program (STIP) for transit, which has the same requirements outlined above.

Options:

1. **CSPDC purchases property with Federal / State grant funds and leases portion of the lot used for parking to City of Staunton.**
 - a. DRPT has indicated that they would not be supportive of an application absent the completion of a consultant-led feasibility study.
 - b. A Federal application could not be submitted until the project was included in the STIP. FTA would also require that a NEPA study be completed on the property before they would consider an application.
 - c. A justification would need to be prepared and approved by FTA for the incidental (parking use) on the property. The size of the lot exceeds the transit needs.
 - d. Federal and State grants require local match funds. This local match would need to come from the localities / transit partners. The transit partners may not participate.
 - e. A property purchase would require the approval of the Commission.
 - f. The timeline to pursue this option would be 18 to 24 months.
2. **CSPDC prepares and makes application for SmartScale grant to purchase the property and make necessary repairs.**
 - a. Next round of SmartScale applications is in 2020, and funds, if awarded, would not be available until 2026 or later.
 - b. There is not guarantee that this application would score at a level to receive funding.

3. Move the Staunton transit hub to another location.

- a. Work with Staunton City staff to identify alternative locations in downtown Staunton or in the Richmond Road corridor that could function as a transit hub.
- b. Alternative hub locations should consider current riders, maintaining the same access and walkability as the Lewis Street location.
- c. The location of the hub could potentially impact the schedule, which could create the need for a public hearing to allow the riders to weigh in on the impact of changes.
- d. Relocating the hub from the downtown area of Staunton could negatively impact the visibility and appeal of the Downtown Trolley for visitors to Staunton.

4. Staunton purchases the property and leases a portion of the lot to BRITE for use as a transit hub.

- a. The CSPDC would be able to include the cost of the lease in operating costs, which are eligible for both Federal and state funding. The local match to this cost would be insignificant and would not require an additional assessment to the transit partners.
- b. BRITE could include a portion of the cost of repairs to the transit waiting area and bus travel lane in operating costs. This would assist the City of Staunton with making the necessary repairs to the lot.

Based on our research, the CSPDC believes that the most viable options are numbers 3 and 4, and we are available to discuss these further at your convenience.



Identification and Evaluation of Potential Future Locations for the Staunton Transit Hub

CSPDC and VRT staff have explored options for suitable locations for relocating the Staunton Transit Hub. In evaluating alternate hub locations, the following criteria were considered:

- Minimal disruption to current routing and schedules to ensure riders' needs continue to be met, that transfers remain seamless
- Proximity to downtown area of Staunton
- Contiguous space of 170 linear feet to accommodate up to five buses that would hub every hour on the half hour
- Space for ADA compliant installation of at least two bus shelters
- Lighting in the area for safety and security of waiting passengers and buses
- Ownership of site (public or private)
- Impacts on current use of space
- Minimum of two points of ingress / egress to the space to avoid unsafe bus movements and conflicts with pedestrians
- Durability of pavement related to weight and wear and tear of repeated bus traffic
- Effort / cost to ready space for transit hub activity

Based on these criteria, the following potential sites were evaluated:

1. Howard Johnson Hotel Parking Lot - 268 N. Central Avenue:

This parking lot is directly across from the Lewis Street Hub, which would not require any revisions to the existing routing and schedules.

As relates to location, it is easily accessible to all downtown sites.

There is adequate space to queue five buses.

There is space for installation of bus shelters, which would require concrete pads.

There is adequate lighting throughout the parking lot.

This lot is privately owned – terms of an agreement regarding responsibilities and costs are unknown.

The lot was observed at multiple times on various days, and at the times observed there was a considerable portion of the parking lot that was unoccupied, which seems to indicate that the supply exceeds demand, and that the impacts on the current use of space would be minimal.

There are multiple points of ingress and egress on the east and west side of the lot, which would allow the trolley and buses to travel safely through the parking lot.

Pavement is likely not designed for heavy bus loads.

2. Firehouse Parking Lot – Intersection of N. Lewis and Baldwin Streets:

This location would create minimal disruption to existing routes and have no impact on the schedules or transfers.

It is easily accessible via sidewalks.

Less than adequate contiguous space.

Would require the installation of concrete bus shelter pads.

Installation of bus shelters, bus queueing space, and bus turning radius would sacrifice about ½ the parking spaces.

Lighting is present on lot.

This lot is publicly owned, and appears to be about 75% occupied during the day, which is confirmed by the Staunton Parking and Operations Plan.

Adequate ingress and egress.

Pavement is likely not designed for heavy bus loads.

3. Curbside in diagonal parking area on North Augusta – North of W. Frederick:

Minimal rerouting of buses with no impacts on schedule or transfers.

Adequate space for shelter installation on grassy area behind sidewalk; would require concrete pads.

Easily accessible via sidewalks.

Plenty of contiguous space adjacent to sidewalk.

Streetlights in the area.

Spaces are public, and the Staunton Parking and Operations Plan indicates occupancy of these spaces at 50 to 69%.

There is adequate access to the area.

Pavement is likely more stable than in a parking lot, and thus can handle the weight of the trolley/buses.

4. Staunton Mall:

Major re-routing of buses would be required and impact on schedules and transfers n entire transit service would be significant.

There is adequate space for shelters.

The Mall is not proximate to downtown.

Area is well lit.

Space is privately owned and terms of an agreement regarding responsibilities and costs are unknown.

Most of the pavement on this site appears to be in a deteriorated state.

There are multiple accesses to the lot.

5. Market Street Parking Lot – intersection of Market and W. Beverly:

Minimal re-routing of buses would be required with no impact on schedules or transfers.

Approximately 30% of parking spaces on the lot would be lost to bus shelters, bus queueing space, and bus turning movements. This is a metered lot.

The lot is proximate to downtown.

The lot is well lit.

Space is publicly owned.

The Staunton Parking and Operations Plan indicates that this lot operates at 50% occupancy.

Pavement is likely not designed for heavy bus loads.

6. Curbside on N. Central Avenue (by Police Station) – between W. Beverly and Johnson:

Minimal re-routing of buses would be required with no impact on schedule or transfers.

There is adequate curb space for bus queueing and bus access is not an issue.

Designated, signed police car parking may need to be eliminated in the bus queueing area and could result in the loss of several of these marked spaces.

The area is well lit.

There is protection in place and would require no bus shelters. Several benches and trash cans could be added, along with bike racks and rider information.

The lot is proximate to downtown and ADA accessible.

The space is publicly owned.

Pavement is likely more stable than in a parking lot, and thus can handle the weight of the trolley/buses.

Summary:

The current Lewis Street Hub is in an optimal location and is well configured for transit use. The buses enter and leave the lot safely; the lot is easily accessible from the downtown area; and there do not appear to be negative impacts on the availability of parking or conflicts with neighboring uses. Should ownership of the Lewis Street property change, we would recommend pursuing options for the hub to remain at this location, including partnering financially in repairs to the bus lane, contingent on entering into a long-term lease agreement for the transit portion of the space.

If at some point in the future, the current Lewis Street Hub location is not an option, it is the recommendation of staff that we first look at the two curbside on-street (Options three and six) possibilities. These would be the most cost-effective options, with minimal impacts to transit riders and neighboring uses. And, based on the 2017 Staunton Parking Study, use of either of these locations for a transit hub would not negatively impact the availability of parking in the downtown area. Either of these two locations would be a viable solution.

Steve Rosenberg

From: Bonnie Riedesel <bonnie@cspdc.org>
Sent: Monday, November 4, 2019 3:24 PM
To: Steve Rosenberg
Cc: Nancy Gourley; Phil M. Trayer
Subject: RE: Lewis Street Parking Lot

Steve,

Thank you for working with Nancy on developing these terms for the use of the Lewis Street parking lot for the BRITE Transit hub. We are in agreement with the terms you have spelled out below and will ask our attorney to draw up an agreement when you notify us to do so.

Many thanks,
Bonnie

From: Steve Rosenberg <rosenbergsl@ci.staunton.va.us>
Sent: Monday, November 04, 2019 10:59 AM
To: Bonnie Riedesel <bonnie@cspdc.org>
Cc: Nancy Gourley <Nancy@cspdc.org>; Phil M. Trayer <trayerpm@ci.staunton.va.us>
Subject: Lewis Street Parking Lot

Bonnie:

Subsequent to my email dated September 29, 2019, Nancy Gourley and I, on more than one occasion, discussed the proposed terms of a license agreement between the city and Central Shenandoah Planning District Commission (CSPDC) for use of the parking lot for transit purposes. I understand comments Nancy conveyed to me reflect input from both CSPDC staff and the commission's counsel. Based on our discussions, I propose the following revised terms:

- *Licensed Area.* Portions of the parking lot to be mutually identified by the parties as necessary to the permitted use.
- *Permitted Use.* Operation of a transit hub for CSPDC's BRITE transit system.
- *Term.* 10-year initial term, subject to renewal upon mutual agreement of the parties.
- *License Fee.* \$1,500 per month, to be escalated every five years during the initial term and any renewal term to reflect cumulative increases in the CPI. In the event City's contribution to transit funding for the Staunton-Augusta-Waynesboro urbanized area (the SAWMPO Area) decreases by 10% or more from 2019 levels, City and CSPDC agree to mutually consider, in good faith, a decrease in the license fee charged by City to CSPDC.
- *Termination by CSPDC.* CSPDC may terminate the license agreement in the event (i) CSPDC is no longer the administrator of transit funding for the SAWMPO Area, or (2) federal, state, or local governmental funding for transit in the SAWMPO Area is materially reduced (as evidenced by a decrease in funding that reasonably requires CSPDC to reduce transit service levels within the SAWMPO Area by 10% or more from 2019 levels).
- *Termination by City.* City may terminate the license agreement in the event it ceases to participate in the BRITE transit system.
- *Maintenance and Repair.* City responsible for maintenance and repair, except for specific transit-related facilities (e.g., bus shelters), for which CSPDC responsible. City expects to undertake major repairs to the parking lot, necessary to accommodate continued operation of a transit hub, during FY 2021.

- *Insurance.* Liability insurance to be obtained and maintained by CSPDC, with city named as additional insured.

As communicated previously, these are the most significant terms. I have not attempted to exhaustively address all terms that would be included in an agreement to be drafted by counsel to CSPDC. I would appreciate it if you would acknowledge agreement to these terms by return email.

Regards,

Steve

Steve Rosenberg
City Manager
City of Staunton, VA

Office: 540.332.3812
Web: www.staunton.va.us
Facebook: [City of Staunton](https://www.facebook.com/CityofStaunton)
Twitter: [@StauntonCityVA](https://twitter.com/StauntonCityVA)

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 25, 2020	City Council _____ City Attorney
Item #	6 & G	
Ordinance #		
Department:	City Council / City Attorney	
Council Vision:	Responsive, Efficient Government	
Subject:	Resolution of the Council of the City of Staunton, Virginia Giving Notice and Establishing Time and Place of Council’s July 1, 2020, Organizational Meeting as 12:00 Noon at A.R. Ware Elementary School	

Background: In anticipation of Council's July 1, 2020 Organizational Meeting, the City Attorney recommends that City Council take formal action to give formal notice and establish the time and place of the meeting, consistent with the City Charter, City Code, and Code of Virginia. Under the circumstances, A.R. Ware Elementary School has been identified by City management as a convenient, practical location, with ample parking and easy pedestrian access, that consistent with the Governor's Executive Orders would flexibly accommodate safe physical distancing and have the technical infrastructure needed to livestream and broadcast the meeting to the public.

The City Attorney recommends consideration and adoption of the resolution.

Suggested Motion: I move that City Council adopt the proposed resolution giving formal notice and establishing the time and place of Council's July 1, 2020, Organizational Meeting as 12:00 Noon at A.R. Ware Elementary School.

A. Section 4.1 of the City of Staunton's Charter contemplates that Council shall consist of seven members elected at large to four-year terms from the first day of July until their successors shall have been duly elected and qualified.

C. Section 5 of the City of Staunton's Charter provides:

D. Section 2.10.10 of the Staunton City Code provides:

The council shall, at its first meeting in September, 1950, and biennially thereafter on July 1st, elect one of its members as president, who shall be, ex officio, mayor of the city who shall be the presiding officer of the council and official head of the city, and who shall perform such duties as shall be prescribed by the laws of the state or may be imposed by the council not inconsistent

therewith. The council shall, at the same time, elect a vice-president, who shall perform the duties of the president or mayor in his absence or incapacity.

E. Section 6 of the City of Staunton’s Charter provides:

The council shall meet at such times as may be prescribed by ordinance or resolution, provided, however, that it shall hold at least one regular meeting each month. No business shall be transacted at a special meeting except that for which it shall have been called, unless all members of the council attend such special meeting or give their written consent thereto. For lack of quorum, any regular meeting may be postponed to such time as the council may determine.

F. Section 2.10.070 of the Staunton City Code provides:

The council shall hold regular meetings on the second and fourth Thursdays of each month, at such hour, as it may designate, and shall meet at any other time to which it may be regularly adjourned or postponed. If a quorum fails to attend, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the clerk shall enter such adjournment in the journal of the council and shall notify absent members thereof, in the same manner as is required for special meetings.

G. Virginia Section 15.2-1416 provides that “[t]he governing body shall assemble at a public place as the governing body may prescribe . . . in July for cities Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.” It also specifies that:

The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the organizational meeting; however, if the governing body subsequently prescribes any place other than the initial established public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of the resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having a general circulation in the . . . municipality at least seven days prior to the first such meeting at such other day, place or time. . . .

...

93 Notwithstanding the provisions of this section, any city . . . that holds an organizational
94 meeting in compliance with its charter or code shall be deemed to be in compliance.
95

96 **H.** Council's Ordinance 2020-04, which, in part, implemented emergency procedures to
97 conduct electronic meetings to ensure continuity of government, remains in full force and effect
98 until it expires.
99

100 **I.** These recitals are an integral part of this resolution.
101

102 **NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Staunton,
103 Virginia, that the organizational meeting of Council shall be held at A.R. Ware Elementary School,
104 330 Grubert Avenue, Staunton, Virginia at 12:00 noon on July 1, 2020, or at such other location
105 as may be determined and noticed by the City Manager, based upon logistical-related
106 considerations, to be live streamed and broadcast, with attendance and participation of Council
107 members permitted under provisions of Council Ordinance 2020-04 and with attendance by the
108 general public at this time expected to be limited to 50 persons consistent with provisions of the
109 Governor's Executive Orders regarding public safety and health at this time and in accordance
110 with other applicable law; and the Clerk of Council is directed to post and have published an
111 abbreviated form of notice of Council's organizational meeting in a newspaper of general
112 circulation and have such notice also posted at the door of the Cochran Judicial Center, posted on
113 the City's website, and transmitted to all incumbent and to all Council Members-Elect and to the
114 media.
115

116
117
118 _____
Carolyn W. Dull, Mayor
119

120 Attest: _____
121 Suzanne F. Simmons, Clerk of Council

City Council
WORK SESSION
Electronic Communications Meeting
June 11, 2020
5:30 p.m.

Clerk indicates that she believes all available members of Council have announced their audio presence.

Mayor Dull called the meeting to order: As Mayor, I call this electronic communications meeting of the Staunton City Council to order. I note that this meeting is being convened with City Council members using the Zoom platform, broadcast over the City's cable channel, and streamed live on the City's website so that members of the public may hear our meeting. The meeting is also being recorded.

Mayor Dull asked the Clerk of Council to call the roll for confirmation of those Council members present for today's meeting.

Clerk of Council Call the Roll of Council Members Present:

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

City Manager Identifies City Officials Present:

Mayor Dull asked Steve Rosenberg, City Manager, to identify his location and those City officials or colleagues, if any, present with him at that location and the participation of anyone else during today's meeting by Zoom or telephone.

Mr. Rosenberg stated he was participating in the meeting on the Zoom platform from his residence in Staunton. He noted there was no one else present with him at that location. Other City employees participating in the Work Session and Regular meeting on the Zoom platform were:

Suzanne F. Simmons, Clerk of Council
Leslie Beauregard, Assistant City Manager
Douglas L. Guynn, City Attorney
Phil Trayer, Chief Finance Officer
Billy Vaughn, Community Development / Economic Development
Director
Sheryl Wagner, Tourism Director
Rodney Rhodes, Senior Planner
Tim Hartless, City Planner
Charley Haney, City Assessor
Jim Williams, Police Chief
Scott Garber, Fire Chief
Perry Weller, Deputy Fire Chief
Rick Johnson, City Treasurer

Mr. Rosenberg stated he also anticipated participation by Greg Beam, Executive Director of Staunton Downtown Development Association

Also joining on the Zoom platform as attendees three Council members-elect whose terms will begin on July 1, 2020:

Steve Claffey

Amy Darby

Mark Robertson

Background Statement:

Mayor Dull stated “Please let me mention that notice, reasonable under the circumstances, of the electronic communications nature of this meeting has been given to the public contemporaneously with the notice provided to members of City Council. This meeting has also been publicized over the course of the past week on the City’s website and Facebook page. Access to this meeting has been provided to the public by audio feed on the City’s cable channel and the City’s website. During this work session, as in the past, there will be no opportunity for public comment. Public comment will be received during Council’s regular meeting, which will begin at 7:30 p.m. Instructions for public comment can be found on the agenda for the regular meeting and on Council’s website at: www.ci.staunton.va.us/government/city-council .

Also, let me highlight and have reflected in the meeting minutes that this meeting is being conducted by Zoom, given the catastrophic nature of the declared emergency and disaster related to the Covid-19 outbreak, which as part of the total circumstances, makes it impracticable or unsafe to assemble a quorum in a single location. The meeting is being held consistent with City Council Ordinance 2020-04 regarding continuity of government, a copy of which can be found online at : www.staunton.va.us/cogord2020-04.”

Nature of the Electronic Meeting:

Mayor Dull stated “Given that we are conducting this meeting by Zoom – with the meeting being live streamed on the City’s website and broadcast over the cable system as it occurs – I believe it merits reminder of a few special requests as we undertake this meeting in this unique format. First, I emphasize the request that each speaker speak loudly and slowly and self-identify each and every time when speaking, so that it will be clear who is speaking before your remarks are made. Second, please pause after each speaker to allow a brief interval between that speaker and another speaker. Third, if for any reason a participant cannot clearly hear the speaker or must leave the meeting before it is adjourned, please let us know. Fourth, all votes will be taken by roll call and recorded in the minutes. Fifth, I ask that if any member of City Council has to leave the meeting for any period of time, to please interject and make an announcement so that the Clerk may take note of attendance in the minutes; I ask that you also announce your return so it also may be reflected in the meeting minutes. Finally, I ask everyone’s patience, because without being in the same room, it is likely that a speaker may not realize that another speaker is continuing. Again, we may unintentionally step on each other’s words, so it’s fine if we need to have the speaker repeat or clarify. We’ll take whatever time is necessary so that everyone is clear about what is being said and by whom. I will now take questions from Council members and participants if you have any questions about the process.

Council members or participants did not have any questions.

Mr. Holmes joined the Zoom platform at 5:35 p.m.

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 to add one item, Item I, to the Regular Meeting agenda – Discussion and Approval of a Joint Statement by Members of City Council.

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

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

2. Discussion of Organizational Meeting of City Council

Mr. Rosenberg stated it had been the practice to include this item on the work session agenda for a meeting preceding the organizational meeting on July 1, every two years. He noted the real purpose is to put before incoming members of Council the rules of procedure and the schedule that would be ready for the new Council's consideration at the organizational meeting on July 1, 2020. He stated the schedule, as it had been in the past, provided for meetings on the 2nd and 4th Thursday of every month with the exception of the months of November and December where Council would meet on only one occasion.

Mr. Rosenberg stated the procedural memoranda were also in the agenda materials and extended an invitation to continuing members of Council to review those items and communicate to him any comments or revisions believed to be appropriate in order for the new Council to consider at the July 1, 2020 meeting. He then reviewed proposed plans for that meeting.

Mayor Dull asked Council members if they had any questions.

Mayor Dull asked Mr. Rosenberg if he had received any questions or comments regarding changes to the procedural memoranda.

Mr. Rosenberg stated he had received several comments. One subject addressed involved the City payment of dues for civic organizations. He noted another subject involved the procedure for approval of grants. The current procedure requires Council approval of only those grants which require a local match. He noted there had been a request made where Council approval would be required not only for grants requiring a local match, but for all grants.

Mayor Dull asked Mr. Rosenberg how many grants were received throughout the City.

Mr. Rosenberg referred that question to Phil Trayer, Chief Finance Officer.

Mr. Trayer stated when factoring in the School Board, there was a tremendous amount, but would obtain further details for Council members.

Mr. Rosenberg noted school grants would not require City Council approval in any case.

Ms. Mead asked Mr. Rosenberg what was his expected attendance at the organizational meeting.

Mr. Rosenberg stated that the organizational meeting was typically not a heavily attended meeting based on prior experience, but noted this year could be different. He noted that was one reason for planning to hold the meeting at A.R. Ware Elementary School rather than in Council chambers as well as the circuit courtroom in the Cochran Judicial Center. He explained the school's cafeteria would considerably provide more space and flexibility in terms of allowing social distancing.

Ms. Mead questioned if the city was still operating under the Governor's restriction of public gatherings to 50 people or less.

Mr. Rosenberg stated he did not know if that restriction would change by the organizational meeting and explained reasons for such.

Council members did not have any further questions.

3. Discussion of an Ordinance to Amend the FY2020 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Three

Mr. Trayer stated this item involved the introduction of budget amendment number three for FY 2020. He noted the City portion of the budget amendment equaled \$2,320,846 with the School portion equaling \$42,736. Details had been summarized in the agenda packet and included the following General Fund appropriations:

City Budget Amendment—\$ 2,320,846

The General Fund amendment included \$1,400,000 in transfers from the CIP to cover projected revenue shortfalls in FY2020 General Fund revenues associated with the Covid-19 virus shutdown. This was consistent with the plan that was presented to Council on April 9, 2020. This also includes \$2,175,221 for appropriations associated with the receipt of CARES Act funding on June 1, 2020. Those funds were currently being coded to a Covid-19 contingency account and would be used to reimburse the City for allowable costs.

Unspent funds at the end of FY 2020 would roll into the City's Fund Balance and would require additional appropriation from Council in FY 2021 in order to be spent. Mr. Trayer stated there was \$145,000 in additional requests for task force funding, insurance recoveries, and multiple grant awards. The Grants Fund appropriates \$82,917 for grants awarded to the Fire and Rescue Department for Heart Monitor replacement and an ATV response and to the Sheriff's Office for security equipment. In addition, the Parks and Recreation Department has received \$3,250 for tree planting along Richmond Avenue and Central Avenue. Total grants funding equals \$86,167.

The CIP Fund is being reduced by (\$1,400,000) via transfers to the General Fund to cover projected revenue shortfalls in FY2020's General Fund revenues due to the current pandemic.

School Budget Amendment—\$42,736

The Education Fund amendment totaling \$42,736, appropriates \$7,850 for the Early Childhood Quality federal instructional programs. Local general revenue appropriations total \$34,886 and include funds for the Equity Funds and local grant awards for safety supplies and alternative education.

Mr. Trayer stated the City Manager had reviewed the budget amendment and recommended the introduction of the amendment as presented. Consideration of the ordinance is scheduled for June 25, 2020.

Mayor Dull asked Council members if they had any questions.

Ms. Mead asked Mr. Trayer if those grants listed as part of the proposed ordinance were examples of grants that would require specific approval by City Council. Mr. Trayer stated they would.

Mayor Dull stated this item would be introduced and a public hearing conducted, but was scheduled for approval at the June 25, 2020 meeting.

There were no other questions from Council members.

This will be Item C on the Regular meeting agenda.

4. Discussion of Amendments to Fire Prevention Code

Perry Weller, Deputy Fire Marshall, stated the Code of Virginia specifically provides the authority for the City to adopt the Virginia Statewide Fire Prevention Code. The fire code identifies certain procedures the City shall follow in providing services. Staff recommends the proposed changes to set fees comparable with other localities and the State Fire Marshal's Office's fee schedule.

Mr. Weller stated he had been charged with enforcing the fire code and levying fees for many years. He noted the demand for services from the Fire Marshal had steadily increased since 2015, when permit fees were last increased. Therefore, the Fire Chief and the Deputy Fire Marshal propose an increase in certain fees set forth in the City's permit fee schedule. Most of the fee increases are proposed to account for the increased amount of time required to review permit applications and conduct site inspections, and to attend events (such as fairs, special events, fireworks displays and tank removals) in a standby capacity. If the proposed increases are approved, the City's fees will remain below the statewide average.

Mr. Weller reviewed with Council the proposed fee increases that were included in the agenda briefing.

The City collected the following fees in FY2019 and FY2020 (to date):

FY2019 Total Fees: \$2,975

FY2020 Total Fees (to date): \$3,425

The adopted FY2021 budget includes the increased fees, which are estimated to generate an additional \$2,500 in revenue.

The proposed changes primarily concern Chapter 15.25 of the City Code, which includes the City's fire prevention permit fee schedule.

Mayor Dull asked Council members if they had any questions.

Council members did not have any questions.

This will be Item D on the Regular meeting agenda.

5. **Discussion of Ordinance Concerning Powers and Duties of Chief Finance Officer and Purchases, and Adoption of Federal Grants Policy**

Mr. Trayer reviewed recommended updates to the City's procurement policy which incorporated required federal language as conditions for acceptance of federal grant awards. He noted this was more of a formality as everything incorporated into the policy was already a part of the City's daily operations. At its February 25, 2005 meeting, through Ordinance Number 2005-03, City Council adopted amendments to clarify further the duties of the City's Director of Finance as the Chief Finance Officer. The existing provisions within Chapter 2.45 of the City Code require compliance with all state statutes and local ordinances but do not make specific reference to applicable federal statutes. While the City of Staunton has consistently complied with applicable federal statutes, adoption of the proposed ordinance will formalize that requirement.

Specifically, the following updates to the City Code are proposed:

2.45.020 General powers and duties of Chief Finance Officer—adds applicable federal statutes to the required state statutes, city ordinances and City Manager directives to be followed by the City's Chief Finance Officer.

2.45.120 Purchasing agent and purchases generally—increases the minimum amount from \$1,000 to \$10,000 for which the records of successful quoted bids or quotations must be maintained, to be consistent with state and federal policies.

2.45.130 Purchases to be in compliance with state law—adds applicable federal laws, state laws, and City ordinances, policies and appropriations to be followed by the City in contracting for labor, materials, supplies and equipment.

In addition, staff requested Council to formally incorporate the Federal Grant Policy into Policy 2.45.130. Mr. Trayer stated that policy had been reviewed and recommended by the auditors to ensure federal grant compliance. He reviewed the policy with Council members with an effective date of July 1, 2020.

Mayor Dull asked Council members if they had any questions.

Council members did not have any questions.

This will be Item F on the Regular meeting agenda.

295 **6. Update on the Process for Renewal-Review of the A-1, Agricultural-Forestal Districts**

296
297 Rodney Rhodes, Senior Planner, stated the City recognized and created the “A-1, Agricultural-
298 Forestal District” zoning overlay classification in 1997, following what was originally to have
299 been only a transitional measure occasioned by special consideration of the 1987 annexation by
300 the City of certain land area from Augusta County.

301
302 Mr. Rhodes stated the City had reviewed and approved a number of applications for such districts
303 and extensions since its inception, with the most recent renewal approved in 2015. Currently, there
304 are four such districts that total over approximately 2,550 acres and that, annually as to real estate
305 taxes, represent what might be considered as foregone revenue to the City of approximately
306 \$171,606, according to the City Assessor. The City’s A-1, Agricultural-Forestal Districts are set
307 to expire on December 31, 2020.

308
309 Listed below are the current Agricultural and Forestal Districts (Districts) in the City and
310 approximate acreage for each:

- 311
- 312 • **Bell’s Lane District:** includes the Moore family property along Bells Lane, consisting of
313 approximately 1,688 acres.
 - 314
 - 315 • **Merrifield District:** consists of three parcels including the Merrifield (Hereford) farm
316 located on Route 11 bordered by Route 262; the Bonfoey property; and the Cobble Hill
317 Farm owned by Harriet Hanger, and consisting of approximately 561.773 acres.
 - 318
 - 319 • **M.O. Carr District:** initially consisted of three parcels including the Carr property, the John
320 Hardy land, and the Johnson land, consisting of approximately 76 acres total. With the
321 removal of the Carr property in 2004, all of the Carr land was excluded from the District,
322 and there remain in the District the 40.67 acres in the Hardy tract, the 35.167 acres in the
323 Johnson tract, and 10.54 acres in two tracts known as the “Thompson” property, for a current
324 total of approximately 86.377 acres.
 - 325
 - 326 • **Middlebrook District:** includes lands along Middlebrook Road, consisting of
327 approximately 221.266 acres.
 - 328

329 Mr. Rhodes stated Planning Commission’s preliminary informal review of the Districts included
330 some review of the underlying zoning as well as the recommendations from the Comprehensive
331 Plan. The City Assessor provided input to the Commissioners on the real estate assessment
332 process, and the City Attorney provided some historical perspective on the Districts and briefed
333 the Commission on the technical review process under the controlling Virginia statute.

334
335 The “Generalized Land Use and Development Guide, Future Land Use Map” *Staunton, Virginia,*
336 *Comprehensive Plan 2018 – 2040*, designates the majority of these areas as Planned Farm
337 Development. The Comprehensive Plan notes the following for such designated areas:

338
339 **Planned Farm Development** - These areas of the City include farms and working
340 farmland. Planned Farm Development is intended to support the growth of active farm,
341 forestal, nursery, and related enterprise. These provisions are designed to achieve the
342 following objectives: encourage farm and farm related enterprise; allow for the
343 integration of development and farming activities; promote efficient use of land and

infrastructure through design; encourage the preservation of steep slopes, floodways, and floodplains; and provide for recreational opportunities and open space integration.

○ Policies

- Recognize farms are valuable to the community economically:
 - Farms are a growing focus for tourism;
 - Growing interest community wide in locally sourced business:
- Recognize our farms are predominately comprised of land with steep slopes, stream buffers, and prime agricultural soils and that these are conditions that make it difficult, inappropriate, or in some cases in conflict with the Staunton City Code to develop; therefore; farming is the best and highest use of this land.
- Recognize our farm land contributes to our City in many ways that are difficult to quantify and that they are integral to a balanced urban system of green infrastructure.
- Recognize farming as an important land use within the City limits:
- Develop a zoning district with provisions supporting agricultural enterprise.
- Increase the potential for the success of farm related enterprise.
- Encourage the preservation of farm land by supporting the viability of farm enterprise.
- Promote the establishment of an integrated local food system.
- Promote the preservation of open spaces within the City, supporting development as an in-fill activity focused in areas where infrastructure already exists.
- Allow for the expansion of farm related enterprises including direct market sales of farm products, hosting farm related events and tours, and accessory enterprise supporting agri-tourism, among others.
- Allow for preservation development models that encourage the continuation of farm related enterprise while providing the potential for increased revenue for land owners;
- Allow for development of a scale and configuration intended to conserve prime, active farm land

During the recent update of the Comprehensive Plan, the four Agricultural and Forestal Districts were removed from the designated Future Growth Area of the “City of Staunton Phased Growth Plan” and placed under a new Agricultural and Forestal District designation. The *Staunton, Virginia, Comprehensive Plan 2018-2040* notes the following priority:

Priority 5 - Agricultural and Forestal Districts: The intent of this priority area is to protect designated agricultural and forestal districts, which currently includes the Bell’s Lane Agricultural District, the Merrifield Agricultural District, the M.O. Carr Agricultural District and the Middlebrook Agricultural and Forestal District.

Mr. Rhodes stated the Comprehensive Plan went through the public review process and hearings before Planning Commission and City Council before being adopted.

Mr. Rhodes stated provisions of the Virginia Code allow Council simply to determine that a review of Agricultural- Forestal Districts or any one or more of them is not necessary at the present time. If Council determines to renew the Districts without review, then Council must also establish the length of time before the next renewal/review, as it did in 2015 as to those particular Districts. §

15.2-4311 of the Code of Virginia stipulates a renewal period of no less than four years nor greater than 10 years.

At its meeting of May 21, 2020, the Planning Commission continued to welcome public input and actually conducted a public hearing to invite and receive further input on the matter. Approximately 300 notices were mailed to adjoining property owners of the four Districts to inform and welcome any comments. Staff did not receive any concerns from the public on the potential renewal of the Districts. Mr. Rhodes stated 15 out of 18 property owners contacted him expressing support of a renewal of the districts for the maximum period of 10 years. After conducting the public hearing, the Planning Commission on a 4-1 vote recommended approval of a renewal of the existing A-1 districts for a period of 10 years, as recommended by staff. He stated the vote was not unanimous with one member expressing concerns with the 10-year period, but were in favor of renewing the districts.

Mr. Rhodes stated Tim Hartless, City Planner, and Charley Haney, City Assessor, were also present to answer questions from Council members.

Mayor Dull asked Council members if they had any questions.

Ms. Oakes stated the briefing noted a review process involved a substantial procedure that required significant City resources. She asked what City resources were required in order to conduct the review process.

Mr. Rhodes stated that process would require the Agricultural-Forestry Advisory Committee to review the districts and would conduct various meetings with either the Commissioner of Revenue or the City Assessor as well as conduct a public hearing. He noted it would then go to Planning Commission where a similar process would be conducted as well as having a public hearing. He noted each would then make a recommendation to City Council.

Mr. Hartless stated this involved a very lengthy process as the Committee would prepare a detailed report for each property in the district and Planning Commission would conduct a public hearing. He noted each public hearing required advertisement in the newspaper costing approximately \$2,000, costs of mailing letters, and was a time-consuming process for involved staff.

Mr. Holmes noted 10 years seemed like a long time and asked if a 4-5-year period could be done instead. He asked if the City incurred costs each time it was reviewed.

Mr. Rhodes noted it involved staff's time and City resources to do submit advertisements and notifications, time from Planning Commission and City Council to go through the process. He stated more so hearing from the property owners in those districts was that was their business and was difficult to plan for the future. He explained large payments on investments and equipment would take decades to pay back in some cases thus the reason owners were requesting the maximum renewal of 10 years.

Discussion ensued regarding livestock.

Ms. Mead noted a lot of the acreage was zoned residential, but there was not a great need for residential housing in the price range of \$150,000-\$200,000 within the city. She stated the development of housing on that land would be a considerable cost to the City in terms of education,

maintaining sewer and water. Ms. Mead stated if the City could focus development efforts on land that was not within those districts would make more sense. She agreed that those property owners did need significant amounts of time to amortize costs of the property and noted the City did not pay a lot for services on those properties. Ms. Mead stated she did not feel there was enough demand for housing to justify pulling back on the time frame for those districts and noted she would support a renewal of the ordinance without review for a period of 10 years.

Mayor Dull asked if there was any discussion during Planning Commission's review on how one of the districts was in an Opportunity Zone. She questioned if the owners were aware of that and would they be interested in having an opportunity to have investors develop real estate on their land.

Mr. Rhodes deferred that question to Mr. Hartless. Mr. Hartless stated there wasn't any discussion about the Opportunity Zones, but in his discussions with the property owners, he noted no owners expressed any interest in developing their land and only had interest in continuing to farm. Mr. Hartless stated he was not sure if the owners were aware of that or not.

Mayor Dull referred Council members to the briefing and reviewed the options available. These included this being on the agenda at a future meeting for Council's consideration of renewing the existing districts or initiating full review of the districts or a full review of less than all of the districts. Also, Council need not direct staff to schedule and advertise a public hearing although none was required at that juncture on the matter to receive additional input before making a determination on whether to renew or initiate any review of the districts and a public hearing could be held at the next meeting.

Mayor Dull asked Council members for comments on how to proceed.

Vice Mayor Kier stated he was in favor of renewing for a 10-year period for the entire district.

Dr. Harrington stated he was in favor of renewing for the 10-year period.

Dr. Curren stated he was in favor of renewing for the 10-year period.

Mr. Holmes stated he was in favor of renewing for the 10-year period.

Ms. Mead stated she was in favor of renewing all four districts without review.

Ms. Oakes stated she would like for a public hearing to be conducted at the June 25, 2020 meeting.

Mr. Rosenberg asked Mr. Rhodes if a notice could adequately be issued for a public hearing for the June 25, 2020 meeting.

Mr. Rhodes stated, according to the City Attorney, since this was not a required public hearing on a land use matter, only one week's notice in the newspaper would be required.

Doug Gynn, City Attorney, stated there was no legal requirement for a public hearing at that point if Council desired to do so. He noted the only competing considerations would be the cost the advertisement, but was within Council's prerogative.

Mayor Dull polled Council members on whether they wanted to renew the process for 10 years, which would be held at the next meeting, or conduct a public hearing and then make a decision.

Vice Mayor Kier stated he was in favor of renewing for 10 years.

Dr. Harrington stated he was in favor of renewing for 10 years.

Dr. Curren stated he was in favor of renewing for 10 years.

Mr. Holmes stated he was in favor of renewing for 10 years.

Ms. Mead stated she was in favor of renewing without review and without a public hearing.

Mr. Rosenberg clarified with Ms. Mead on whether she was making a motion to renew or making a motion to place it on the agenda for consideration of renewal.

Ms. Mead stated she was proposing to make a motion that Council approve renewal of the districts without review and without a public hearing and do so at tonight's meeting.

Mr. Guynn stated staff would need the opportunity to prepare an ordinance or a resolution to reflect that Council would want to do a renewal and establish the new period for review.

Mayor Dull stated it appeared that the majority of Council members wanted to proceed with having it on the next meeting's agenda with the opportunity to vote for renewing at a 10-year term and felt that was how Council should proceed. She asked Mr. Rosenberg if a motion was needed.

Mr. Rosenberg stated a motion was not needed and that direction could be taken from the consensus of Council.

7. Discussion of Substantial Amendment to the FY2019 Annual Action Plan to Allocate Additional U.S. Department of Housing and Urban Development CDBG-CV Funds Awarded to the City of Staunton under the CARES Act

Billy Vaughn, Director of Economic Development, stated this item was the next step in the process of the City receiving Covid-19 funding. He noted the CARES Act provides funding through its the Community Development Block Grant (CDBG) program. He noted the City is currently an entitlement community; therefore, qualifying for the new funding.

Mr. Vaughn stated the new funding must be used to address low- and moderate-income (LMI) residents in the City of Staunton. It allows the City to amend its Annual Action Plan for FY 2019 which was previously approved by Council.

In doing so, staff sought input from local agencies concerning their potential utilization of CDBG-CV funds while achieving CARES Act goals. Staff provided funding request forms to the following agencies:

- Blue Ridge Legal Services
- Central Shenandoah Health District
- Community Action Partnership of Staunton-Augusta-Waynesboro

- Community Foundation of Central Blue Ridge
- Community Housing Partners
- Greater Augusta Wellness Partnership
- Renewing Homes of Greater Augusta
- Salvation Army
- Staunton Augusta Waynesboro Habitat for Humanity
- United Way of Greater Augusta
- Valley Community Services Board - Permanent Supportive Housing
- Valley Mission
- Valley Program for Aging Services
- Valley Supportive Housing

Of the agencies listed above, eight responded with requests for funding. Subsequently, staff engaged Mullin & Lonergan Associates, Inc., the consultant under contract with the City to provide program administration and technical support services, to vet the proposals to ensure compliance with HUD CDBG COVID-19 guidelines. Upon review, it was determined that five agencies clearly met the guidelines. Those submissions focused on the following objectives of the CARES Act while addressing issues created by the pandemic:

- Providing emergency payments for rental, mortgage, and utility assistance to low-to-moderate income households (LMI).
- Providing funding for additional emergency shelter staffing due to the increased shelter space needs resulting from social distancing.
- Providing food assistance to low-to-moderate income households.
- Increasing outreach and education to underserved populations to provide prevention messaging in socially vulnerable areas.

Mr. Vaughn stated the plan proposes allocating:

- \$40,000 to the Salvation Army for homeless prevention and funds would be used to address rental and utility assistance to low- and moderate-income households for up to 3 months. It is projected that up to 200 people would benefit from those funds.
- \$9,482 to the Salvation Army for grocery distribution to LMI households and would serve approximately 800 residents.
- \$26,590 to the Community Foundation for homeless prevention and provide short term rental assistance and utility assistance to LMI households for no more than 3 months and should benefit up to 20 residents.
- Community Foundation will partner with Blue Ridge Legal Services to provide legal aid services to LMI residents facing eviction and are at risk of homelessness. This part would be for \$25,000 and would serve approximately 20 residents.
- Assist Valley Mission with staff support of the emergency shelter. Funds would provide 10 weeks of gross salary for shelter staff for \$30,000 and would benefit 46 residents.
- \$35,000 to the Central Shenandoah Health District to hire a worker to provide education and resources for the underserved areas of the city and to purchase PPE items.
- \$41,000 to Administration for oversight which is the maximum of 20% under HUD guidelines.

As required by HUD guidelines, the Substantial Amendment was properly advertised and made available to the public on June 1, 2020, for a period of 10 days, and a virtual public hearing was conducted on June 9, 2020 at 2:00 p.m. If City Council approves the proposed amendment to the FY2019 Annual Action Plan, authorization must be given to the City Manager to execute sub-recipient agreements with agencies recommended to receive HUD CDBG-CV funds.

Mayor Dull asked Council members if they had any questions.

Mr. Holmes asked if all of the organizations were based in the city. He questioned why Blue Ridge Area Food Bank (BRAFB) was not included.

Mr. Vaughn stated BRAFB had received the request, but stated they were receiving funds from another CARES Act funding program and did not need additional funding from the city.

Mayor Dull stated she would be abstaining from voting on that proposal even though she had no personal interest in the transaction. She noted this was to avoid any appearance of conflict because of Blue Ridge Legal Services.

Mr. Vaughn noted there were several certification forms that required the Mayor's signature.

This will be Item G on the Regular meeting agenda.

8. Review of Public Safety Personnel Training, and Procedures and Protocols, for Respectful, Fair and Impartial Treatment of All Individuals

Mr. Rosenberg stated at the request of Mayor Dull and Vice Mayor Kier, Police Chief Jim Williams and Fire and Rescue Chief Scott Garber attended the meeting to review with City Council their respective departments' personnel training, and procedures and protocols, for respectful, fair and impartial treatment of all individuals. The review was offered in recognition of the heightened public awareness and interest in light of recent events nationally.

Mr. Rosenberg stated an invitation to participate, as also requested by Mayor Dull and Vice Mayor Kier, was extended to Sheriff Matt Robertson. Due to a prior engagement, Sheriff Robertson respectfully declined and asked that the statement included in the agenda materials be shared with Council and the public.

Chief Garber stated his Department was well trained and diverse for handling such situations. He noted his Department had and would continue to have training in topics of sexual harassment and cultural diversity. He stated personnel safety and the safety of the citizens was of the upmost importance to himself as well as everyone within the Fire and Rescue Department. He noted he would not tolerate anything less from his personnel other than to be professional at all times regardless of one's race, religion or orientation. Chief Garber stated he expected each citizen to be treated fairly and courteously. He noted he expected the upmost professionalism, sound decision making, and highest level of integrity to be exercised by the Fire and Rescue personnel at all times.

Mayor Dull asked Council members if they had any questions.

Vice Mayor Kier thanked Chief Garber for his statement and felt it was sincere. He noted he'd worked with Chief Garber for many years and held him in the highest of esteem. Vice Mayor Kier asked how Chief Garber how potential employees were screened and how hired staff were screened regarding physical and mental capabilities of performing their jobs and what resources were available.

Chief Garber stated his Department had an "open door" policy for any employee that had any type of issues as well as what he may notice. He noted his Department had taken a few steps further than the normal Human Resources offered Employee Assistance Program. Chief Garber noted his Department had brought in extra counseling that specifically dealt with first responders and the stress levels that they operate under. He noted a peer counseling team was being put together with the Fire and Rescue and Police Departments that used their own personnel to be able to counsel employees.

Chief Williams stated the Staunton Police Department did a very good job, but was always open to improving in any and all aspects. He noted his department strived really hard at creating a culture that the citizens and visitors deserved. He stated the Staunton Police Department had been accredited since 1985 and was the longest standing accredited agency in the world. Chief Williams stated he was one of the first chiefs in Virginia to bring fair and impartial policing into his department which deals with implicit bias training. He stated his department trains in the use of force, situational decision making, bias awareness, de-escalation, and crisis intervention training which deals with mental illness.

Chief Williams stated in 2015 the Police Department started wearing body cameras which are used for all citizen encounters and are reviewed regularly. He noted every "use of force" was reviewed on at least three levels. He stated data is also collected on traffic stops, including demographics.

Chief Williams stated the killing of George Floyd was completely unacceptable. He explained the Police Department had a personnel early warning system in place. He noted vigorous background investigations were performed along with psychological screening of new employees.

Vice Mayor Kier stated he greatly appreciated Chief Williams and the job that he had to do. He commented on how Chief Williams would meet weekly, before the Covid-19 crisis, with several African American men to talk about the community. Vice Mayor Kier stated he would like to see police officers decertified whenever they committed any crime and felt it was a must. He noted he still receives comments from the local African American community that whenever they are in the presence of a police officer that they have a fear. Vice Mayor Kier stated he was glad that the Police Department was giving programs regarding bias and hopefully that type of treatment would not continue in our communities. He stated he was sorry that Sheriff Robertson was unable to attend the meeting because he would have like to hear his personal comments.

Ms. Oakes thanked Chief Garber and Chief Williams for their service to the City of Staunton.

Mr. Holmes asked Chief Williams how training was affected by being down a few officers in his Department. Chief Williams stated it had not reached the critical point and had been a lot lower previously. He noted it was optimal to have everyone hired.

Mr. Holmes stated he felt Chief Williams and Chief Garber did a great job and really appreciated them.

Mr. Rosenberg stated Sheriff Matt Robertson asked that his statement be shared orally with Council.

Mayor Dull thanked Chief Williams and Chief Garber for sharing their training and all of the information that they provided. She stated some of the advances that they had instituted in training were helpful and anticipated more changes coming nationally. She noted the community and all departments needed to work together.

Mayor Dull then read the following statement from Sheriff Matt Robertson:

“Dear City Council members and Staunton citizens,

I want to thank you for reaching out to me regarding the topic of safety training, procedures and protocols for the respectful fair and impartial treatment of all individuals.

You, along with a number of citizens, have reached out to me with your concerns surrounding the recent events that took place in Minneapolis on May 25, 2020 and what steps I was going to take to prevent this from happening in the city of Staunton.

I know this incident, understandably, raises concern and doubt for many citizens. We should expect the utmost professionalism, sound decision-making, and the highest level of integrity be exercised by our law enforcement at all times. Our Department has had and will continue to have training on these topics. We utilize online classes as well in-person training at the academy on bias based sexual harassment and cultural diversity training. We also train on the use of force continuum regularly as a Department and I require everyone in my Department to strictly adhere to it. Since I was elected Sheriff, our Department has increased training in many different areas. Officer safety and the safety of our citizens is of the upmost importance to me.

Please know, this is the expectation of my Department and I will not tolerate anything less from my deputies. Regardless of one's race, religion or orientation, I expect each citizen to be treated fairly and courteously. I, and the members of the Staunton Sheriff's office are committed to providing the best services to ALL the citizens of our City.

Please know, I am always available to speak with any citizen regarding their concerns or suggestions on this or any matter. My door is always open. Thank you again and I hope you have a great evening.

Sincerely,

Matt Robertson
Staunton Sheriff”

Mayor Dull asked Council members if there were any final comments on that particular agenda item.

Council members did not have any further comments.

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The work session adjourned at 6:56 p.m.

Suzanne F. Simmons
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, June 11, 2020
7:30 p.m.
Electronic Communications Meeting

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 Guynn, City Attorney
 Suzanne F. Simmons, Clerk of Council

Clerk indicates that she believes all available members of Council have announced their audio/video presence.

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

Mayor Dull called the meeting to order: As Mayor, I call this electronic communications meeting of the Staunton City Council to order. I note that this meeting is being convened with City Council members using the Zoom platform, broadcast over the City's cable channel, and streamed live on the City's website so that members of the public may hear our meeting. The meeting is also being recorded.

Mayor Dull asked the Clerk of Council to call the roll for confirmation of those Council members present for today's meeting.

Clerk of Council Call the Roll of Council Members Present:

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

Mayor Dull asked that City Manager Steve Rosenberg now identify his location and those City officials or colleagues, if any, present with him at that location and the participation of anyone else during today's meeting by Zoom or telephone.

Mr. Rosenberg stated he was participating from his residence in Staunton. He noted there was no one else present with him at that location. Other City employees and officials participating on the Zoom platform in the meeting were:

Faith Simmons, Clerk of Council
Leslie Beauregard, Assistant City Manager
Doug Guynn, City Attorney
Phil Trayer, Chief Finance Officer
Billy Vaughn, Community Development & Economic Development
Director
Sheryl Wagner, Tourism Director
Rodney Rhodes, Senior Planner
Charley Haney, City Assessor
Perry Weller, Deputy Fire Chief
Rick Johnson, City Treasurer

Mr. Rosenberg stated he anticipated that Greg Beam, Executive Director of Staunton Downtown Development Association, may join the meeting as well as Fire Chief Scott Garber who was with Deputy Fire Chief Perry Weller.

Mr. Rosenberg stated he also shared with Council members and the public that on the Zoom platform as attendees were three Council members-elect including Steve Claffey, Amy Darby, and Mark Robertson whose terms would begin on July 1, 2020.

Background Statement:

Mayor Dull stated "Please let me mention that notice, reasonable under the circumstances, of the electronic communications nature this meeting has been given to the public contemporaneously with the notice provided to members of City Council. This meeting has also been publicized over the course of the past week on the City's website and Facebook page. Access to this meeting has been provided to the public by audio feed on the City's cable channel and the City's website. During the 3 public hearings, toward the beginning of the meeting, and Matters from the Public on Council's agenda, toward the end of the meeting, public comments will be taken. Members of the public who wish to participate in such matters, at the appropriate time, may call (844) 854-2222 and when prompted enter the access code 619358 with the # sign. Callers will be recognized in order. The public is reminded that public hearings and Matters from the Public are times for Council simply to listen to your comments. Each speaker will be limited to five minutes. Detailed instructions for public participation have been publicized over the course of the past week on the City's website and Facebook page and can be found now on the agenda for this meeting and on Council's website at www.ci.staunton.va.us/government/city-council.

Also, let me highlight and have reflected in the meeting minutes that this meeting is being conducted by Zoom, given the catastrophic nature of the declared emergency and disaster related to the Covid-19 outbreak, which as part of the total circumstances makes it impracticable or unsafe to assemble a quorum in a single location. The meeting is being held consistent with City Council Ordinance 2020-04 regarding continuity of government, a copy of which can be found online at: www.staunton.va.us/cogord2020-04.

95
96 **Nature of the Electronic Meeting:**
97

98 Mayor Dull stated “Given that we are conducting this meeting by Zoom - with the meeting being live
99 streamed on the City’s website and broadcast over the cable system as it occurs – I believe it merits
100 reminder of a few special requests as we undertake this meeting in this unique format. First, I
101 emphasize the request that each speaker speak loudly and slowly and self-identify each and every
102 time when speaking, so that it will be clear who is speaking before your remarks are made. Second,
103 please pause after each speaker to allow a brief interval between that speaker and another speaker.
104 Third, if for any reason a participant cannot clearly hear the speaker or must leave the meeting before
105 it is adjourned, please let us know. Fourth, all votes will be taken by roll call and recorded in the
106 minutes. Fifth, I ask that if any member of City Council has to leave the meeting for any period of
107 time, to please interject and make an announcement so that the Clerk may take note of attendance in
108 the minutes; I ask that you also announce your return so that it also may be reflected in the meeting
109 minutes. Finally, I ask everyone’s patience, because without being in the same room, it is likely that
110 a speaker may not realize that another speaker is continuing. Again, we may unintentionally step on
111 each other’s words, so it’s fine if we need to have the speaker repeat or clarify. We’ll take whatever
112 time is necessary so that everyone is clear about what is being said and by whom. I will now take
113 questions from Council members and participants if you have any questions about the process.
114

115 Council members did not have any questions.
116

117 The Pledge of Allegiance was then conducted.
118

119 **MAYOR’S REPORT**
120

121 Mayor Dull stated she was happy that the city was doing as well as it was with the COVID-19
122 crisis. She noted citizens still needed to be cautious and model best practices based on the best
123 science available. She noted she’d recently celebrated her birthday.
124

125 **ADDITIONAL ITEMS BY MEMBERS OF COUNCIL**
126

127 Dr. Harrington stated he had a report from the Nominations Committee. He noted the Nominations
128 Committee had been able to do some work over the last few weeks trying to fill spaces on Boards
129 and Commissions. Dr. Harrington moved to make the following appointments:
130

131 **Bicycle and Pedestrian Advisory Committee** – To appoint Aaron Trovato to a two-year term
132 beginning July 1, 2020 and expiring June 30, 2022.
133

134 **CAPSAW** – To appoint Judy Burtner to a two-year term beginning June 1, 2020 and expiring May
135 31, 2022.
136

137 **Valley Community Services Board** – To appoint Nitch Narduzzi to a three-year term beginning
138 July 1, 2020 and expiring June 30, 2023.
139

140 **Economic Development Authority** – To appoint Ophie Kier to fill the unexpired term of Cheri
141 Moran beginning July 1, 2020 and expiring January 31, 2022.

The motion was seconded by Mr. Holmes.

Vice Mayor Kier stated he would abstain from the vote.

The motion carried as follows:

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

Council members stated they did not have any additional items to add.

APPROVAL OF MINUTES

Ms. Oakes moved to approve the minutes of the work session and regular meeting minutes of May 28, 2020.

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

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

REGULAR MEETING

Mayor Dull stated Council would go through Items A, B, C, and D with motions on C and D and then would open for all of the public hearings. Callers on hold would be able to speak on any one of those four items.

A. Public Hearing and Consideration of a Request by William Wayt Gibbs for a Special Use Permit to Utilize a Portion of 40 Woodlee Road for Horticultural Use

Steve Rosenberg, City Manager, repeated the instructions for residents to call in and be placed in the queue.

Rodney Rhodes, Senior Planner, stated William Wayt Gibbs, owner of 40 Woodlee Road, had requested a Special Use Permit to use a portion of his property for the production of either hemp. The property is zoned R-3, Medium Density Residential District. He noted the property was unique in that it contained 13.73 acres. He noted the application had been in the process for approximately 6 months and had significantly changed in scale and scope since the initial application.

Mr. Rhodes stated the Planning Commission conducted a public hearing at its meeting of January 19, 2020. Six individuals that lived in that area expressed concerns about the use of fertilizers, herbicides,

pesticides, erosion and storm water runoff, odor, and potential vandalism. Upon the conclusion of the public hearing, Planning Commission tabled action on the request in order for Mr. Gibbs research some of those issues that were brought up and try to address those.

Mr. Gibbs responded to the concerns raised at the January meeting with an email dated March 6, 2020:

- 1) No more than 2 acres would be in cultivation at any time, though I want 5 acres stipulated from which to choose two.
- 2) The first year only 200 plants would be planted, (2 X 100 plots), one high up on the acreage and one over behind the cemetery) to see if this is a worthy endeavor. The smell factor would be evaluated from that experiment. My talks with Joe McCue and Mark Armstrong indicate the smell is not a problem unless you have huge acreages.
- 3) No pesticides would be used. [Later also stipulated no herbicides would be used.]
- 4) I would NOT grow industrial hemp, as there is insufficient acreage. I would grow hemp for CBD or CBG oil, from seed certified with less than .03 THC.
- 5) Erosion is not a factor. Hemp is deep rooted and will suck up all the moisture in the area. I'll have drip lines to supply additional moisture as needed.

Mr. Rhodes stated initially Mr. Gibbs was requesting to use 5 acres and was not if he would grow hemp or grapes. Mr. Gibbs is now committed to growing hemp and now only wants to use 2 acres in cultivation, but wanted the flexibility to move that 2 acres within a 5-acre area of his property.

Mr. Rhodes stated at its meeting on May 21, 2020, the Planning Commission considered the request. At that time, the applicant amended his request in an effort to address the neighbors' concerns by proposing to plant no more than 100 plants per season. Planning Commission asked Mr. Gibbs if he would consider an additional condition that would limit the Special Use Permit to a three-year period. After three years, Mr. Gibbs would need to reapply for a new Special Use Permit in order to continue the operation. Mr. Gibbs stated that he was agreeable to adding the condition. On a 5-0 vote, the Commission unanimously voted to recommend approval of the Special Use Permit with the following conditions:

1. No accessory structures, or buildings, shall be used or associated with the special use.
2. No more than five acres of land shall be approved for horticultural use as part of the special use permit, and no more than two acres of land shall be under cultivation at any given time.
3. No pesticides or herbicides shall be used.
4. All vehicular traffic in and out of the site must use the existing driveway and no traffic shall access the property from Alden Street.
5. A minimum 50-foot vegetative buffer shall be provided between any crop and all property lines.
6. Failure to comply with the conditions of the special use permit will result in immediate revocation.

236 7. The number of crops planted with this permit shall be limited to 100.

237 8. The special use permit will expire on December 31, 2023.

238
239 Mr. Rhodes stated there was another condition that staff was recommending. He noted Council had
240 received an email from the City Manager stating the proposed condition which states:

241
242 “The applicant shall not use and shall not permit the use of explosives in the preparation for or in the
243 management and operation of any agricultural or horticultural use on the property”.

244
245 Mr. Rhodes stated he had forwarded that email to Mr. Gibbs. He noted Mr. Gibbs was receptive to
246 the first 8 conditions and believed that he would be calling in to speak about his application as well
247 as his views on the new proposed staff condition.

248
249 Mr. Rhodes stated staff had received an email that afternoon from one of the adjoining property
250 owners expressing concerns. He noted that email had been forwarded to Council members as well
251 as to Mr. Gibbs. Mr. Rhodes stated he called the resident who sent the email and noted he was
252 reasonably satisfied with Mr. Rhodes’ explanation to him.

253
254 Dr. Harrington clarified the date with Mr. Rhodes on when the special use permit would expire. Mr.
255 Rhodes stated it would expire on December 31, 2023. Dr. Harrington clarified that the permission
256 for the permit would simply expire on December 31, 2023 unless some specific action was taken
257 similar to what Council was doing at tonight’s meeting and would be renewed for another period of
258 time. Mr. Rhodes stated that was correct. Dr. Harrington asked if the request was made that Council
259 renew the permit and extend it, then would a similar process take place of gathering information,
260 comments from neighbors, etc. Mr. Rhodes stated that was correct and that it would go through the
261 same public review process with a public hearing before the Planning Commission and then one
262 before City Council.

263
264 Mayor Dull asked Council members if they had any questions.

265
266 Council members did not have any questions.

267
268 Mayor Dull stated Council would then move on to Item B at that time.

269
270 Mr. Holmes moved that Council approve the Special Use Permit for 40 Woodlee Road with the
271 conditions as recommended by the Planning Commission.

272
273 Mr. Rosenberg reminded Council that Mr. Rhodes shared the additional condition proposed by staff
274 and invited Mr. Holmes to restate his motion to make reference to that additional condition.

275
276 Mr. Holmes moved that Council approve the Special Use Permit for 40 Woodlee Road with the
277 conditions as recommended by the Planning Commission and, in addition, no use of any explosive.

278
279 The motion was seconded by Ms.Mead and carried as follows:

280
281 Ms. Mead aye Mayor Dull aye
282 Mr. Holmes aye Dr. Curren aye

283 Dr. Harrington aye Vice Mayor Kier aye
284 Ms. Oakes aye
285

286 **B. Public Hearing and Consideration of an Emergency Ordinance Authorizing the**
287 **City Manager to Temporarily Close Public Streets, On-Street Parking, Sidewalks,**
288 **Other Public Ways and Public Spaces to Public Use**
289

290 Mr. Rosenberg stated this was a follow-up to an item that was presented to Council at the May 28,
291 2020 meeting. He noted Council was briefed on plans to undertake an outdoor dining initiative on
292 Beverley Street now branded as “Dining Out in Downtown”. Council indicated at that time their
293 concurrence with the concept and that staff would return at the June 11, 2020 meeting with an
294 ordinance for Council’s consideration that would authorize retroactively the measures that staff had
295 taken to implement that initiative. Mr. Rosenberg noted the first weekend was a large success and
296 that Sheryl Wagner, Tourism Director, would provide an update to Council. Mr. Rosenberg stated
297 Council did have the proposed ordinance as part of their materials.
298

299 Ms. Wagner stated the first weekend was a huge success. She noted the Business Recovery and
300 Outreach Team met with restaurants and retailers and provided Council with photos and feedback
301 that had been received. She noted 9 restaurants participated that first weekend. Ms. Wagner also
302 shared feedback received from several retailers that were open.
303

304 Mayor Dull asked Council members if they had any questions or comments.
305

306 Mr. Holmes commented that the weather was bad, but to have that kind of turnout was good.
307

308 Ms. Wagner stated citizens were respectful of social distancing.
309

310 Dr. Curren stated he went downtown and was impressed with the social distancing be observed. He
311 noted the excitement from citizens was palpable and commended staff and restaurants who
312 participated on a creative solution.
313

314 Dr. Harrington asked Ms. Wagner if thought was being given to continue “Dining Out in Downtown”
315 throughout the summer. Ms. Wagner noted it had been requested almost yearly, but did not think it
316 was permanent. She noted it was really helping businesses during the pandemic crisis.
317

318 Mr. Rosenberg stated phase 2 of Virginia’s reopening plan began a week ago. He noted when the
319 Governor initially announced the reopening plan several weeks ago, he’d estimated that the current
320 phase would last 2-4 weeks. During that entire phase, restaurants are limited in the use of their indoor
321 seating to 50% of capacity. Mr. Rosenberg stated he did not think the City would cease the initiative
322 until the state progressed to phase 3. At that time, he noted it was anticipated that restaurants would
323 be permitted to use 100% of their capacity. He stated an evaluation would be made at that point
324 whether it made sense to continue to provide additional capacity on the outside or to bring the
325 initiative to a conclusion. Mr. Rosenberg stated he felt comfortable committing at that point that it
326 would continue at least through the expiration of the state’s phase 2 of the reopening plan. He noted
327 Ms. Wagner and her team held an after-event meeting with both restaurants and retailers earlier in
328 the week. With the feedback that was received, further adjustments would be made for the coming
329 weekend.

Dr. Harrington asked if any other restaurants or retailers in any other part of the city elected to try to present a locally appropriate version of the initiative themselves.

Ms. Wagner noted Mr. Holmes reached out to her for suggestions and other restaurants that had the capacity were doing so. She explained the next step would be on how to help other businesses in the city.

Mr. Holmes asked Ms. Wagner if she had received any complaints from any businesses in the downtown area. Ms. Wagner stated one restaurant not on Beverley Street did complain about what would be done next and that was what her team was trying to figure out.

Mr. Holmes asked Mr. Rosenberg what costs were being incurred to the City with closing Beverley Street. He noted he felt it was worth it for the business.

Mr. Rosenberg stated he did not have that information readily available, but would try to quantify it and get that to Council.

City Council members did not have any further questions.

Ms. Mead moved that Council adopt the proposed ordinance authorizing the city manager to temporarily close public streets, on-street parking, sidewalks, other public ways, and public spaces to public use, as part of yet additional efforts of the City of Staunton in the recovery process and, even beyond the current circumstances, to promote added flexibility and responsiveness both as to business and others in the future in the management of the City, as presented.

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

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

Ordinance No. 2020 - 10

**AN EMERGENCY ORDINANCE
AMENDING, RESTATING AND REORDAINING
CHAPTER 12.05, IN GENERAL, OF TITLE 12, STREETS, SIDEWALKS, AND PUBLIC
PLACES
OF THE STAUNTON CITY CODE
TO ADD A NEW SECTION, 12.05.170, TEMPORARY STREET CLOSINGS,
AUTHORIZING THE CITY MANAGER TO TEMPORARILY CLOSE PUBLIC
STREETS, ON-STREET PARKING, SIDEWALKS, OTHER PUBLIC WAYS, AND
PUBLIC SPACES TO PUBLIC USE**

Recitals

376
377 **A.** The economic and commercial effects of the COVID-19 pandemic and the closings
378 and restrictions ordered by the Governor of Virginia to protect public health and safety have visited
379 upon businesses serious adverse effects. Those effects have significantly impacted restaurants, with
380 resulting adverse impacts on other commercial and retail businesses and individuals;
381

382 **B.** The Governor of Virginia, in Executive Order Number Sixty-Five, now has relaxed
383 previous closing requirements and specifically provided as follows verbatim:
384

385 Restaurants, dining establishments, food courts, breweries,
386 microbreweries, distilleries, wineries, and tasting rooms may operate
387 delivery, take-out, and indoor and outdoor dining and beverage
388 services, provided such businesses comply with the Guidelines for All
389 Business Sectors, and sector-specific guidance for restaurant and
390 beverage services incorporated by reference herein. Such guidance
391 includes, but is not limited to, the following requirements:
392

- 393 a. Occupancy may not exceed the 50% of the lowest
394 occupancy load on the certificate of occupancy, if
395 applicable.
396
397 b. All parties, whether seated together or across multiple
398 tables, must be limited to 50 patrons or less.
399
400 c. Tables at which dining parties are seated must be positioned
401 six feet apart from other tables. If tables are not movable,
402 parties must be seated at least six feet apart.
403
404 d. No self-service of food (except beverages), including
405 condiments. Condiments should be removed from tables
406 and dispensed by employees upon the request of a
407 customer. Buffets must be staffed by servers. For self-
408 service beverage areas, use beverage equipment designed
409 to dispense by a contamination-free method.
410
411 e. Bar seats and congregating areas of restaurants must be
412 closed to patrons except for through-traffic. Non-bar
413 seating in an outdoor bar area may be used for customer
414 seating as long as a minimum of six feet is provided
415 between parties at tables.
416
417 f. Employees working in customer-facing areas must wear
418 face coverings over their nose and mouth at all times.
419
420 g. A thorough cleaning and disinfection of frequently
421 contacted surfaces must be conducted every 60 minutes

during operation. Tabletops, chairs, and credit card/bill folders must be cleaned in between patrons.

- h. If any such business cannot adhere to these requirements, it must close.

C. Under the circumstances, after briefing City Council at its meeting on May 28, 2020, the City Manager of the City of Staunton, with input from downtown Staunton businesses, including but not limited to restaurants, recommends that the City Manager be given the express authority to close downtown business district streets and other public ways as part of yet additional efforts of the City of Staunton in the recovery process and, even beyond the current circumstances, to promote added flexibility and responsiveness both as to business and others in the future in the management of the City;

D. Under the City Charter, Section 11, Paragraph Ninth, and Section 15 and Virginia Code Section 15.2-2001 the authority exists to alter or close public ways, including but not limited to highways, streets, alleys, sidewalks, boulevards, and parkways;

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

F. 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 Chapter 12.05, In General, of Title 12, Streets, Sidewalks and Public Places, of the Staunton City Code be, and hereby is amended as follows:

...

12.05.170 Temporary Street Closings.

- (1) The City Manager (or designee) may permit the temporary use of any city right-of-way (including any street, on-street parking space(s), or sidewalk) and other public way for other than public purposes, and may close the rights-of-way, public ways, and public spaces to public use and travel during such temporary use, for a specified period of time, when the City Manager determines that such temporary closing will not be unduly injurious to the safety and convenience of the general public, that such closing is necessary because the proposed temporary use will impede traffic and/or pedestrian travel, and that adequate provision can be made to detour through traffic. Such temporary use shall be authorized by a written permit, which may be a single permit for multiple users, conditioned upon the temporary user's or users' compliance with the following conditions:

- (a) No matter advertising anything or business shall be displayed in or on the public rights-of-way or public way in connection with such temporary use, except that limited signage may be displayed to identify the business and any directions and conditions.

(b) The person so permitted to have the temporary use shall furnish a public liability and property damage insurance contract insuring the liability of such person, firm, association, organization or corporation for personal injury or death, and for damages to property, resulting from such temporary use, in such amounts as shall be determined by the City Manager, which the City Manager may waive. Unless waived by the City Manager, the city shall be named as an additional insured in the insurance contract, with reasonable prior notification to the city in the event of cancellation or termination.

(c) The person so permitted to have the temporary use shall be liable for damages to persons or property arising out of or on account of such use.

(d) The specific location and the use approved for the temporarily closed right-of-way shall be described in the permit issued pursuant to this section.

(e) Temporary use of public rights-of-way, public ways, and public spaces for other than public purposes shall be limited to a period of no more than one-hundred twenty (120) days; however, when an application seeks such temporary use in connection with construction activities on property adjacent to the right-of-way, the City Manager may authorize the temporary use under this section for a longer period of time.

(f) Any other applicable permit requirements imposed by the Commonwealth of Virginia or the City of Staunton.

(g) Such other reasonable conditions as are deemed necessary by the City Manager to protect the public welfare, safety or convenience, as set forth in writing within an approved permit.

(2) Should a permittee fail, at any time, to comply with any conditions set forth within this section, or any applicable city rules, regulations, or conditions as the City Manager may promulgate, then the City Manager may revoke the permit. A single permit for multiple users may be revoked as to a single user.

(3) Application for a permit required pursuant to this section shall be made in writing to the City Manager, unless the temporary use is initiated by the City or the application is waived by the City Manager. A fee for the temporary occupancy of an on-street parking space, public sidewalk or City right-of-way or public way may be charged as provided in an uncodified ordinance adopted by the City Council.

(4) The City Manager is authorized to promulgate rules and regulations, including but not limited to reasonable time, place and manner restrictions, for and in

connection with the temporary use of public rights-of-way and public ways as authorized by this section.

- (5) The issuance of a permit pursuant to this section authorizing the use for a period longer than ten (10) days may be appealed to the City Manager by a City resident or owner of a business located within the City in writing within five (5) calendar days after issuance of the permit. The City Manager shall render a final decision on such appeal within five (5) days of receiving it, and the City Manager's decision shall be final and not be subject to any further administrative appeal(s) under this section or appeal to the City Council.

This ordinance shall be effective to and including June 5, 2020.

In all other respects, the provisions of Title 12 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: June 11, 2020

Adopted: June 11, 2020

Effective: Retroactive to and including June 5, 2020.

/s/ Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: /s/ Suzanne F. Simmons

Suzanne F. Simmons,
Clerk of Council

C. Introduction and Public Hearing of an Ordinance to Amend the FY2020 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Three

Phil Trayer, Chief Finance Officer, stated the third budget amendment for fiscal year 2020 has been prepared for Council's review and discussion. The total budget amendment equals \$2,363,582. The introduction and public hearing of this ordinance was scheduled for tonight's meeting, and consideration of the ordinance was scheduled for June 25, 2020.

Mr. Trayer stated the City's portion of the amendment equaled \$2,320,846 and the School's portion of the amendment equaled \$42,736. He noted details had been summarized during the work session meeting earlier.

The General Fund amendment detailed included \$1,400,000 in transfers from the CIP to cover projected revenue shortfalls in FY2020 General Fund revenues due to the current pandemic. \$2.1 million in CARES Act funding received by the City on June 1, 2020 was also included. Those funds

were currently being coded to a COVID-19 contingency account and would be used to reimburse the City for allowable costs. Unspent funds at the end of FY 2020 would roll over to the City's Fund Balance and would require additional appropriation from Council in FY 2021 in order to be spent.

Mr. Trayer stated there was \$145,000 in additional requests for Task Force funding, insurance recoveries, and multiple grant awards.

The CIP Fund is being reduced by (\$1,400,000) via transfers to the General Fund to cover projected revenue shortfalls in FY2020's General Fund revenues due to the current pandemic.

The Education Fund amendment totaling \$42,736, appropriates \$7,850 for the Early Childhood Quality federal instructional programs. Local general revenue appropriations total \$34,886 and include funds for the Equity Funds and local grant awards for safety supplies and alternative education.

Mr. Trayer stated the City Manager had recommended the introduction of the budget amendment.

Mayor Dull asked Council members if they had any questions.

City Council members did not have any questions.

Mayor Dull stated she would entertain a motion at that time to introduce the ordinance prior to the public hearing.

Vice Mayor Kier moved to introduce an ordinance amending the fiscal year 2020 budget by adding Budget Amendment Number Three, totaling \$2,363,582, and that Council conduct a public hearing of the ordinance.

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

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

D. Introduction and Public Hearing of Amendments to Fire Prevention Code

Perry Weller, Deputy Fire Marshall, stated staff recommends the proposed changes to set fees comparable with other localities and the State Fire Marshal's Office's fee schedule. By adopting the fire prevention code, staff is allowed to set fees for certain operational permits. Most of the fee increases are proposed to account for the demand for services from the City's Fire Marshall's office that had steadily increased since 2015 when the last fee increases were instituted. Mr. Weller stated most of the fee increases were proposed to account for the increased amount of time required to review permit applications, conduct site inspections, and to attend events (such as fairs, special events, fireworks displays and tank removals) in a standby capacity.

Mayor Dull asked Council members if they had any questions.

City Council members did not have any questions.

Dr. Harrington moved that City Council introduce the ordinance, as presented, and that Council conduct a public hearing of the ordinance.

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

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

Public Hearings:

Mayor Dull stated public hearings would then be opened for Items A, B, C, and D and gave instructions for callers.

The public hearing was opened.

Mayor Dull stated public hearings would then be opened for Items A, B, C, and D and gave instructions for callers.

1) Alison Profeta, 402 Farrier Court, thanked the City for being creative and helping support small business.

2) Baldwin Jennings, 332 Sharon Lane, stated he supported all four items. He noted he wanted to especially give support to Mr. Gibbs on his project.

3) William Wayt Gibbs, 40 Woodlee Road, stated he was the property owner and applicant for the Special Use Permit. He noted he understood his neighbor's concerns and felt they had been addressed specifically by reducing the amount down to 100 plants. He stated this was more of an experiment in order to provide CBD oil for his family and thanked Council.

4) Mary Satterfield, 311 N. Coalter Street, questioned whether "Dining Out in Downtown" could be continued after phase 2 was over.

5) Lia Wallace, 16 Fayette Street, asked whether the City was considering renaming any of the public monuments named after Confederate war heroes, particularly the Stonewall Brigade Bandstand.

6) Nitch Narduzzi, no address given, thanked City Council for appointing her to the Valley Community Services Board.

There being no one else wishing to speak, the all 4 public hearings were closed.

**E. Consideration of Resolution Supporting Approval of COPN Request
No. Va-8511 – Sentara RMH to Virginia State Health Commissioner**

Leslie Beauregard, Assistant City Manager stated Sentara RMH Medical Center had applied to the Virginia Department of Health for a certificate of public need for new imaging facilities to be included as a part of a new outpatient pavilion in the City of Staunton at Community Way (former

site of Ryan's Steakhouse). As currently understood, the application proposes one MRI scanner and one CT scanner, to enhance the level of service to Sentara RMH Medical Center's service area.

Sentara RMH Medical Center had requested that City Council adopt a resolution expressing its support for the application.

Ms. Beauregard stated City Council heard a formal presentation by Sentara RMH Medical Center at the May 28, 2020 work session. During the regular meeting that same evening, Council made a motion to consider Sentara RMH Medical Center's request at the June 11, 2020 meeting. Additional information has been requested by City Council on the following.

Real Estate Taxes – Per the Assessor, based on the information submitted and local trends in commercial real estate, he would estimate that the project would have an assessed value between \$2.7 million to \$3.0 million. That would translate in between \$25,650 and \$28,500 in real estate tax revenue per year. Currently, the site is assessed at \$664,500, generating annual revenue of \$6,313.

Personal Property Taxes – Per the Commissioner of Revenue, the assessed tax amount of personal property could be anywhere between \$70,000 to \$90,000 annually, depending on the classification of property. The depreciation schedules used differ on asset life cycle and that would be an initial assessment on installed cost. The amount would decline as the years progress, but assuming Sentara will add new equipment as time proceeds, it will probably remain around \$50,000.

1. Will Sentara be looking to hire people from Staunton to work at the clinic?

SRMH intends to recruit the necessary positions to staff the center from the city of Staunton and the surrounding communities. Given the high living wage offered by these positions (over \$77,000 annually on average) it will further enhance the economic impact of the proposed new center to have as many employees as possible live within the City of Staunton. To accomplish this, job opportunities will be posted online across numerous job boards, listed in the Staunton News Leader and other local publications, and advertised on local television outlets where appropriate. SRMH also enjoys highly collaborative relationships with James Madison University, Eastern Mennonite University, and Blue Ridge Community College (each of which has significant enrollment from the City of Staunton and surrounding areas) and works with each of these organizations as a training site for students and actively recruits from each of these communities.

Below are current employment numbers for the City of Staunton and surrounding communities:

Staunton City:	116
Waynesboro City:	107
<u>Augusta County:</u>	<u>254</u>
Total:	477

Ms. Beauregard stated Council had the attached resolution before them and noted there were several options available:

- Council may decide to entertain a motion to consider formally the attached resolution and take a vote
- Decline to approve the request and take no action

Mayor Dull asked Council members if they had any additional questions or comments. She reviewed options given by Ms. Beauregard and asked if Council members had a preference.

Ms. Mead stated she felt Council should decline to approve the request. She acknowledged that the tax revenue was tempting in the short run. She noted Augusta Health was a community led and community run hospital, provided needed services to low-income residents, supported the BRITE transportation system, and made considerable financial contributions to the community. She felt Council should not risk damaging the business that Augusta Health does in the community by adding another competitor.

Mayor Dull polled Council members for their thoughts on that.

Ms. Oakes stated she agreed with Ms. Mead and that Council should decline the request. She voiced concern that Augusta Health employees who lived in the city could be affected. She stated she was in agreement to decline the request and take no action.

Mr. Holmes stated he agreed with Ms. Mead and Ms. Oakes.

Dr. Curren stated the tax revenue was far outweighed by the many benefits that Augusta Health had provided to the community.

Dr. Harrington stated he felt this would undermine the long-term health of Augusta Health and that Council should be concerned with contributing to their overall well being and agreed with other Council members.

Vice Mayor Kier stated he would also agree to decline the request.

Mayor Dull stated she would not want to support this in opposition to the Augusta Health plan for the imaging center. She noted she believed strongly in a community hospital.

Mayor Dull stated Council was declining to take action on that proposed request.

F. Consideration of Ordinance Concerning Powers and Duties of Chief Finance Officer and Purchases, and Adoption of Federal Grants Policy

Mr. Trayer stated he was requesting Council to approve minor updates to three City Codes which would specifically direct staff to follow federal statutes as they apply as well as state and local statutes.

Mr. Trayer stated the following updates to the City Code are proposed:

2.45.020 General powers and duties of Chief Finance Officer—adds applicable federal statutes to the required state statutes, city ordinances and City Manager directives to be followed by the City’s Chief Finance Officer.

2.45.120 Purchasing agent and purchases generally—increases the minimum amount from \$1,000.00 to \$10,000 for which the records of successful quoted bids or quotations must be maintained, to be consistent with state and federal policies.

2.45.130 Purchases to be in compliance with state law—adds applicable federal laws, state laws, and City ordinances, policies and appropriations to be followed by the City in contracting for labor, materials, supplies and equipment.

Mr. Trayer stated the policy had been reviewed and recommended by the City’s auditors to ensure federal grant compliance. He noted Council had been briefed on the document during the work session.

Mayor Dull asked Council members if they had any questions.

There were no questions from Council members.

Ms. Mead moved that Council adopt an ordinance amending, restating, and reordaining sections 2.45.020, 2.45.120, and 2.45.130, as presented.

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

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

Ordinance No. 2020-11

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING
SECTION 2.45.020, POSITION CREATED – APPOINTMENT – GENERAL POWERS
AND DUTIES,
SECTION 2.45.120, PURCHASING AGENT AND PURCHASES GENERALLY,
AND
SECTION 2.45.130, PURCHASES TO BE IN COMPLIANCE WITH STATE LAW
OF CHAPTER 2.45, CHIEF FINANCE OFFICER,
OF TITLE 2, ADMINISTRATION, OF THE STAUNTON CITY CODE
AND ADOPTING A FEDERAL GRANT POLICY**

Recitals

A. At its February 25, 2005 meeting, through Ordinance Number 2005-03, City Council

adopted amendments to Chapter 2.45 of the Staunton City Code (SCC) to clarify further the duties of the Director of Finance as the Chief Finance Officer;

B. The provisions of Chapter 2.45 of the SCC currently reiterate compliance with all state laws and local ordinances but does not make specific reference to applicable federal laws;

C. While the City of Staunton has consistently complied with applicable federal laws in all of its procurements, the Director of Finance as Chief Finance Officer recommends amending provisions of SCC Chapter 2.45 to include specific reference to compliance with federal laws;

D. The Director of Finance as Chief Finance Officer further recommends an amendment to SCC Section 2.45.120, to increase the minimum amount from \$1,000.00 to \$10,000 for which the records of successful quoted bids or quotations must be maintained, to be consistent with state and federal policies;

E. The Director of Finance as Chief Finance Officer also recommends the adoption of a complementary Federal Grants Policy, to be effective July 1, 2020.

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

G. 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 2.45.020, Section 2.45.120 and Section 2.45.130 of Chapter 2.45, Chief Finance Officer, of Title 2, Administration, of the Staunton City Code be, and the same are hereby amended, restated and ordained or reordained, as applicable to read as follows:

Chapter 2.45

CHIEF FINANCE OFFICER

...

2.45.020 Position created – Appointment – General powers and duties.

(1) There is hereby created the position of chief finance officer of the city, to be known as the director of finance. The appointment to the position is the responsibility of the city manager. The powers, duties and responsibilities of the position shall be those established by this chapter, other ordinances of the city, appropriate **federal and** state statutes and directives of the city manager.

(2) Subject to limitations imposed by the state constitution and statutes of the city, the chief finance officer shall provide general supervision over the development and maintenance of financial and accounting systems, procedures and reporting, data, records, selection and oversight of public depositories, financial institutions, firms and adviser(s), investment management, cash management, bond and other debt transactions, and management, auditing, control of stores' inventories and procurement and acquisition of materials, supplies and equipment, and shall also serve as budget officer, subject to supervision by the city manager. The decisions of the chief finance officer as to all such matters shall be final, subject to the authority of the city manager and council.

...

838 **2.45.120 Purchasing agent and purchases generally.**

839 (1) There is hereby created, in the office of the chief finance officer, the position of purchasing
840 agent for the city, who shall be designated by the chief finance officer. It shall be the duty of the
841 purchasing agent, subject to the policies of the city council and the general administrative supervision
842 of the city manager and chief finance officer, to establish specifications for materials, supplies and
843 equipment, to solicit competitive quotations on items to be purchased, to maintain control over stores'
844 inventories of the city and to procure items used by the city in the most economical manner available.
845 Specifications shall be prepared so that the greatest competition can be generated among vendors,
846 consistent with the quality needed by the city and most economical cost over the anticipated life of
847 the items acquired.

848
849 (2) A record shall be maintained, for not less than five years, of all bids or quotations on items
850 which have successful quoted prices of more than \$10,000.

851
852 (3) Where there is only one known source of supply for an item, competitive quotations will
853 not be required; provided, however, that written approval for this exception to the bidding
854 requirements shall be obtained from the city manager.

855
856 **2.45.130 Purchases to be in compliance with federal and state law.**

857 All contracts for labor, materials, supplies and equipment shall be made in compliance with
858 appropriate federal and state laws, city ordinances, current city policies and appropriations. The chief
859 finance officer shall determine that the conditions herein stated are followed.

860
861 ...

862
863 In all other respects, the provisions of Chapter 2.45, Chief Finance Officer, of Title 2,
864 Administration, of the Staunton City Code remain the same and are hereby restated, confirmed and
865 reordained.

866
867 **BE IT FURTHER ORDAINED** by the Council of the City of Staunton, Virginia, that it
868 hereby adopts a Federal Grant Policy as presented, to be effective July 1, 2020, and authorizes the
869 Director of Finance, as the Chief Finance Officer, or designee, to administer the policy.

870
871 Introduced: June 11, 2020

872 Adopted: June 11, 2020

873 Effective: June 11, 2020

874

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

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

G. Consideration of Substantial Amendment to the FY2019 Annual Action Plan to Allocate Additional U.S. Department of Housing and Urban Development CDBG-CV Funds Awarded to the City of Staunton under the CARES Act

Billy Vaughn, Director of Economic Development, stated, as he had presented to Council during the work session, the City had received notification of receiving \$207, 590 in CARES Act funding. In order to receive the funding, Mr. Vaughn stated the next step would be for the approval of a Substantial Amendment to its current FY2019 Annual Action Plan.

As a condition of the proposed amendment, the City is required to develop a strategy that prioritizes the needs of low- and moderate-income (LMI) persons in the city. Staff reached out to fourteen local agencies and received funding requests from eight of those agencies. Upon review, it was determined that five agencies clearly met the CARES Act guidelines for funding as they addressed:

- Providing emergency payments for rental, mortgage, and utility assistance to low-to-moderate income households (LMI).
- Providing funding for additional emergency shelter staffing due to the increased shelter space needs resulting from social distancing.
- Providing food assistance to low-to-moderate income households.
- Increasing outreach and education to underserved populations to provide prevention messaging in socially vulnerable areas.

Mr. Vaughn stated the plan proposes allocating:

- \$40,000 to the Salvation Army for homeless prevention and funds would be used to address rental and utility assistance to low- and moderate-income households for up to 3 months. It is projected that up to 200 people would benefit from those funds.
- \$9,482 to the Salvation Army for grocery distribution to LMI households and would serve approximately 800 residents.
- \$26,590 to the Community Foundation for homeless prevention and provide short term rental assistance and utility assistance to LMI households for no more than 3 months and should benefit up to 20 residents.
- Community Foundation will partner with Blue Ridge Legal Services to provide legal aid services to LMI residents facing eviction and are at risk of homelessness. This part would be for \$25,000 and would serve approximately 20 residents.
- Assist Valley Mission with staff support of the emergency shelter. Funds would provide 10 weeks of gross salary for shelter staff for \$30,000 and would benefit 46 residents.

- \$35,000 to the Central Shenandoah Health District to hire a worker to provide education and resources for the underserved areas of the city and to purchase PPE items.
- \$41,518 to Administration for oversight which is the maximum of 20% under HUD guidelines.

Mr. Vaughn stated staff is requesting approval of the Substantial Amendment to the FY 2019 Annual Action Plan and also to authorize the City Manager to execute sub-recipient agreements with agencies recommended to receive HUD CDBG-CV funds.

Mayor Dull asked Council members if they had any questions.

Mayor Dull stated she would abstain from voting to allay any appearance of conflict of interest because of Blue Legal Services being listed as one of the grantees.

There were no other questions from Council members.

Ms. Mead moved that City Council approve the Substantial Amendment to the FY2019 Annual Action Plan for CARES Act CDBG in response to the COVID-19 emergency, and authorize the City Manager to execute the sub-recipient agreements with agencies recommended to receive HUD CDBG funds.

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

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

H. Discussion and Consideration of Uncodified Ordinance to Enlarge the Time for Payment of Taxes Due under the Provisions of Section 3.10.040 of Staunton City Code, from June 20, 2020, to July 13, 2020

Mr. Rosenberg stated the ordinance for Council's consideration is a proposed ordinance, which, if adopted, would allow property owners additional time to pay real estate taxes due on June 20, 2020, without the imposition of a penalty. He noted the City Treasurer complied with the technical requirement of the state code to provide at least 14 days between the date the notices are mailed and the due date, but summarized below, the 17-day period that exists in 2020 was shorter than that period had been in years past. Mr. Rosenberg stated staff was bringing forth the proposed ordinance that would provide for a comparable period of time, as in prior years.

The following facts are relevant to Council's consideration of the ordinance:

- In prior years, real estate bills were mailed to property owners on or about May 20.
- This year, for various reasons—including data issues, printing issues and the delayed adoption of the budget ordinance—bills were mailed significantly later, on June 3.
- The bills provide for a due date of June 20 (though since June 20 is a Saturday, property owners have until June 22 to make payment). The 17 days between the mailing date and the due date fulfills the legal requirement of the state code that bills be mailed at least 14 days prior to the due date.

- In prior years, the interval between the mailing date and the due date approximated a full calendar month.

Mr. Rosenberg stated if Council adopted the proposed ordinance tax payers would have until July 13, 2020 in order to pay the taxes without penalty. He noted if the ordinance was approved, staff would appropriately publicize that information so that tax payers were aware that they had additional time in which to make the payment without penalty. Payments made July 14, 2020 or subsequently would be subject to the 10% late payment penalty.

Mr. Rosenberg stated Rick Johnson, City Treasurer, was also present on the Zoom platform and was available to answer questions.

Mayor Dull asked Council members if they had any questions.

There were no questions from Council members.

Ms. Oakes moved that Council adopt an uncodified ordinance to enlarge the time for payment of taxes due under the provisions of section 3.10.040 of Staunton City Code, from June 20, 2020, to July 13, 2020, as presented.

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

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

Ordinance No. 2020-12

**AN UNCODIFIED EMERGENCY ORDINANCE
TO ENLARGE THE TIME FOR PAYMENT OF TAXES DUE UNDER THE
PROVISIONS OF SECTION 3.10.040, WHEN TREASURER TO RECEIVE TAXES –
PUBLICATION OF NOTICE – PENALTY AND INTEREST ON DELINQUENCIES –
ETC., OF CHAPTER 3.10, TAXATION GENERALLY, OF TITLE 3, REVENUE AND
FINANCE,
OF THE STAUNTON CITY CODE,
FROM JUNE 20, 2020 TO JULY 13, 2020**

Recitals

A. Consistent with the provisions of Staunton City Code (SCC) Section 3.10.040, the Treasurer of the City of Staunton issued tax bills which specified that payment for taxes was due June 20, 2020;

B. Under the extraordinary circumstances of the current crisis and emergency, in addition to the other forms of relief that City Council has already extended, City Council finds that the time for payment of taxes under SCC should be enlarged to and including July 13, 2020 solely in this instance;

C. Such enlargement should afford taxpayers adequate opportunity to pay taxes and avoid any adverse consequences for late payment that might otherwise be incurred under the current June 20, 2020 due date;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the current payment due date of June 20, 2020 is enlarged to and including July 13, 2020 under the provisions of SCC Section 3.10.040 solely in this instance, and otherwise the provisions of SCC Section 3.10.040 shall remain in full force and effect and as such are affirmed, restated and reordained.

Introduced: June 11, 2020

Adopted: June 11, 2020

Effective Date: June 11, 2020

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

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

I. Proposed Statement from City Council

Mayor Dull read the following statement:

As a Council, we condemn in the strongest possible words the horrifying examples of racially motivated violence and injustice, often by those who are sworn to protect, that continue to take place in communities across our country. The murder of George Floyd by a Minneapolis police officer who knelt on his neck while he lay helpless on the ground is the most recent atrocity against a black American that has left us appalled, angered and heartbroken.

Structural racism that has played out against generations of black individuals and families must be confronted and dismantled to achieve the equal protection, freedom, access and representation deserved by all individuals. We appreciate the passionate dialogue that is happening right now on the streets and in the homes of Staunton and other communities, and support peaceful expressions of anger, pain and grieving as necessary and justifiable calls for action and pushes for continued change and improvement.

In his recent statement, Staunton Police Chief Jim Williams expressed his extreme emotion at the murder of George Floyd in saying that "This disturbing image is one that I personally will never forget. I truly cannot imagine the pain and anguish that must be felt by Mr. Floyd's family and friends." We commend those police officers who share Chief Williams' view that the basic principles of law enforcement would never condone police officers committing such an atrocity, or any racially motivated injustice, and who reflect that in their everyday interactions. We also

1069 appreciate Chief Williams' acknowledgement that the Staunton Police Department is not perfect
1070 and support his determination to "continue to strive to be a police department our community can
1071 trust to carry out our vital mission."

1072 As a Council we express our absolute expectation that law enforcement officers and indeed all
1073 city employees will be held immediately accountable for any instances of misconduct that reflect
1074 racially motivated bias.

1075 City Council's adopted 2030 vision expresses our collective hope that Staunton is a vibrant,
1076 exciting and welcoming community that is built on a diverse population. We cannot be the city
1077 we aspire to be when our friends, neighbors, coworkers and our own families are victims of
1078 unequal treatment due to their race. Our city must examine in an honest way how goals in our
1079 vision like inclusivity and diversity can be achieved in the face of discriminatory actions that
1080 have a sad and enduring history across our country and, indeed, closer to home.

1081 As a Council we understand that this will require courage, compassion, constant attention and
1082 vigilance, and we pledge to do this hard work in dialogue with all persons who seek resolutions
1083 through open communications, shared accountability and peaceful actions. While we do not
1084 have all the answers right at this moment, we will immediately consider specific initiatives that
1085 will help the city ensure fair and equitable treatment of all Staunton residents and visitors,
1086 including in interactions with law enforcement.

1087 We stand in solidarity with those who insist on immediate meaningful action to address the
1088 longstanding and deeply entrenched institutional racism in our country and dedicate ourselves to
1089 the critical work of supporting equity, diversity and inclusion in the City of Staunton.

1090
1091 Mayor Dull noted with that statement she would entertain a motion.

1092
1093 Vice Mayor Kier moved that Council accept the statement presented on behalf of City Council as
1094 their statement to fight and end racism in the community.

1095
1096 The motion was seconded by Dr. Harrington.

1097
1098 Dr. Harrington thanked those who conspired to craft that statement. He stated he felt it was a very
1099 powerful statement and was proud to be a part of it.

1100
1101 Mr. Holmes noted Vice Mayor Kier recently held a Building Bridges for the Greater Good event
1102 and commented on the large number of attendees.

1103
1104 The motion carried as follows:

1105				
1106	Mr. Holmes	aye	Dr. Curren	aye
1107	Dr. Harrington	aye	Vice Mayor Kier	aye
1108	Ms. Oakes	aye	Ms. Mead	aye
1109	Mayor Dull	aye		

1110
1111 Mayor Dull noted that statement would be posted on the City's website, on its social media
1112 accounts, and would be published on as many places where it could be placed so that everyone
1113 knew where City Council stood.

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg stated he had nothing more to share with City Council.

MATTERS FROM THE PUBLIC

Alison Profeta, 402 Farrier Court, thanked Council for their statement that was approved. She noted she was interested in seeing a community oversight board being developed with the Police, Fire, and Sheriff departments. She stated she would like information from Chief Williams and Chief Garber regarding ongoing training for staff.

Megan Kramer, 104 Hebron Road, Staunton, thanked Council for their statement. She stated she was part of a coalition to make the community safer, stronger, and more unified. She noted she wanted to advocate for instituting a Markus Alert system in the area.

John Hutchinson, 118 Madison Place, Executive Director of Valley Conservation Council, stated he hoped Council would renew the Agricultural-Forestal Districts for the full ten-year term.

Joamarie Garcia, 411 Austin Avenue, stated she would also like to see a community oversight board being developed.

Karen Kennedy, 826 N. Augusta Street, asked that the City join “My Brother’s Keeper” alliance and thanked Council for their statement.

Casey Tucker, 1809 North Drive, thanked Council for adopting their statement condemning racism and police violence. He thanked Councilwoman Mead for contacting him concerning recent events. He stated he wanted to extend his support for a citizen’s review board.

Alison Shumaker, 507 W. Beverley Street, stated she wanted to extend her support for the community review board as well as looking into the Markus Alert system and My Brother’s Keeper. She questioned how employees would be held accountable in regards to discrimination and how funds were allocated within the Police Department.

Baldwin Jennings, 332 Sharon Lane, thanked City Council for their statement.

(inaudible) spoke on the COPN request from Sentara RMH and thanked Council for their statement.

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:17 p.m.

Suzanne F. Simmons
Clerk of Council

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1165
1166
1167

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 25, 2020	Staff Members: Rodney Rhodes Tim Hartless
Item #	A	
Ordinance #		
Department:	Community Development — Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Public Hearing and Consideration of a Request by Craig Peterson to Rezone 9 North Jefferson Street and 701 and 703 West Beverley Street From B-1, Local Business District, to R-4, High Density Residential District	

Background: Craig Peterson is requesting a rezoning of two properties, a single-family dwelling located at 9 North Jefferson Street and a two-family dwelling located at 701 and 703 West Beverley Street, from B-1, Local Business District, to R-4, High Density Residential District.

9 North Jefferson Street consists of a single-family dwelling located on the east side of North Jefferson Street in the block between West Beverley and West Frederick streets. It is in the Newtown Historic District and appears to have been built as a single-family dwelling but has been zoned B-1, Local Business District, since the City's comprehensive rezoning of the late 1960s. The structure was the subject of a notice of violation first issued in 2005 due to structural issues, and it has been vacant since that time. As a result of the extended vacancy, it has lost its legal nonconforming status. Under the provisions of the B-1, Local Business District, the ground and basement levels can no longer be used for residential purposes and must now conform with the "uses permitted" in the B-1 Districts. Mr. Peterson purchased the property in 2017, and desires to rehabilitate the structure and reestablish its use as a single-family dwelling, prompting this rezoning request.

701 and 703 West Beverley Street consists of a two-family dwelling located on the north side of West Beverley Street near its intersection with North Jefferson Street. It is in the Newtown Historic District and appears to have originally been built as a two-family dwelling but has been zoned B-1, Local Business District, since the City's comprehensive rezoning of the late 1960s. Mr. Peterson purchased the property in 2001, and established it as his residence. Under the provisions of the B-1, Local Business District, residential use is not permitted on the ground or basement levels, and the use of the property is legally nonconforming to that provision. The two-family dwelling sits on a lot that is approximately 12,000 square feet. The R-4, High Density Residential District regulations require a lot size of at least 9,000 square feet for a two-family dwelling. Rezoning the property to R-4, High Density Residential, would result in the property conforming to the density requirements and would resolve its current nonconformity. Staff recommended that Mr. Peterson include this property in his rezoning request to provide continuity in zoning.

A current zoning map, proposed rezoning map, and recommended land use map of the requested area are attached.

Review: City staff conducted a review of the proposed rezonings, during which it did not identify any issues.

Both properties are located in an area of the City that staff and the Planning Commission have identified for potential rezoning from business to residential. This is part of the City's ongoing effort to identify existing nonconforming residences in areas zoned for business use. Previously, City Council has approved comprehensive rezonings on West Beverley Street, Churchville Avenue, Englewood Drive, Springhill Road, North Augusta Street and North Coalter Street, and has plans to address Uniontown and the historic districts surrounding downtown. These two properties would have been included in the study area for 2021.

Zoning to the north and west is R-4, High Density Residential District, and to the south and east is B-1, Local Business District.

The "Generalized Land Use and Development Guide, Future Land Use Map" *Staunton, Virginia, Comprehensive Plan 2018 – 2040*, designates this area as Neighborhood Residential. Neighborhood Residential is characterized as older neighborhoods with large housing units on small lots. The proposed rezonings are consistent with this designation.

Planning Commission Recommendation: At the Planning Commission meeting and public hearing on May 21, 2020, the Planning Commission considered the request. During the public hearing, no one spoke in opposition to the request. On a 5-0 vote, the Commission voted unanimously to recommend approval of the rezoning, concurring with staff's recommendation

Attachments:

Attachment 1—Application for Rezoning

Attachment 2—Vicinity Map - N Jefferson and 701 and 703 W Beverley Streets

Attachment 3—Current Zoning - 9 N Jefferson St and 701 and 703 W Beverley Street

Attachment 4—Proposed Zoning - 9 N Jefferson St and 701 and 703 W Beverley Street

Attachment 5—Future Land Use – 9 N Jefferson St and 701 and 703 W Beverley Street

Attachment 6—Draft Ordinance of Rezoning

Suggested Motion (to be made after the public hearing is conducted): I move that Council approve the rezoning and adopt the ordinance, as presented, rezoning 9 North Jefferson Street and 701 and 703 West Beverley Street from B-1, Local Business District, to R-4, High Density Residential District, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg



COMMUNITY DEVELOPMENT
Planning & Zoning Division

Applicant: CRAIG PETERSON Date: 2-15-20
 Address: 703 WEST BEVERLEY ST. STAUNTON 24401
 Telephone #s: Primary: 886-9279 Secondary: _____
 Email address: CRAIGMP703@VERIZON.NET

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

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

Name: _____
 Address: _____
 Phone #: _____
 Email address: _____

Location of property: 9 NORTH JEFFERSON ST. & 701-703
W. BEVERLEY

Legal description of property: LOT 28 BLOCK M

Purpose of request: REZONE TO RESIDENTIAL

Map Provided: YES ☒ NO ☐

Present zoning classification of property: BUSINESS-1

Requested zoning classification: R-4

List permits pending approval of this rezoning: NONE

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

Applicant must provide 19 copies of complete application

Signature of applicant: _____
 (Owner / Agent)

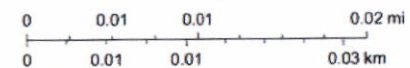
9 N Jefferson and 701 W Beverley Streets



2/20/2020 8:53:59 AM

 Lot_Lines  Parcels Road Centerline
 Lot_Numbers  Address Points
 City Limits Point_of_Interest

1:444



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

For Information Purposes Only. Data owned by the City of Staunton and ESRI.

Vicinity Map – 9 N Jefferson St and 701 and 703 W Beverley Street



Current Zoning – 9 N Jefferson St and 701 and 703 W Beverley Street



0 75 150 300 ft

Zoning

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

- B-3
- HE-1
- I-1
- I-1(conditional)
- I-2

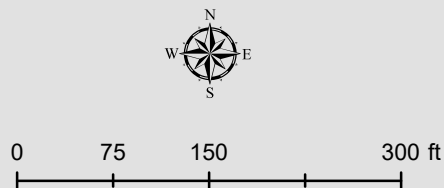
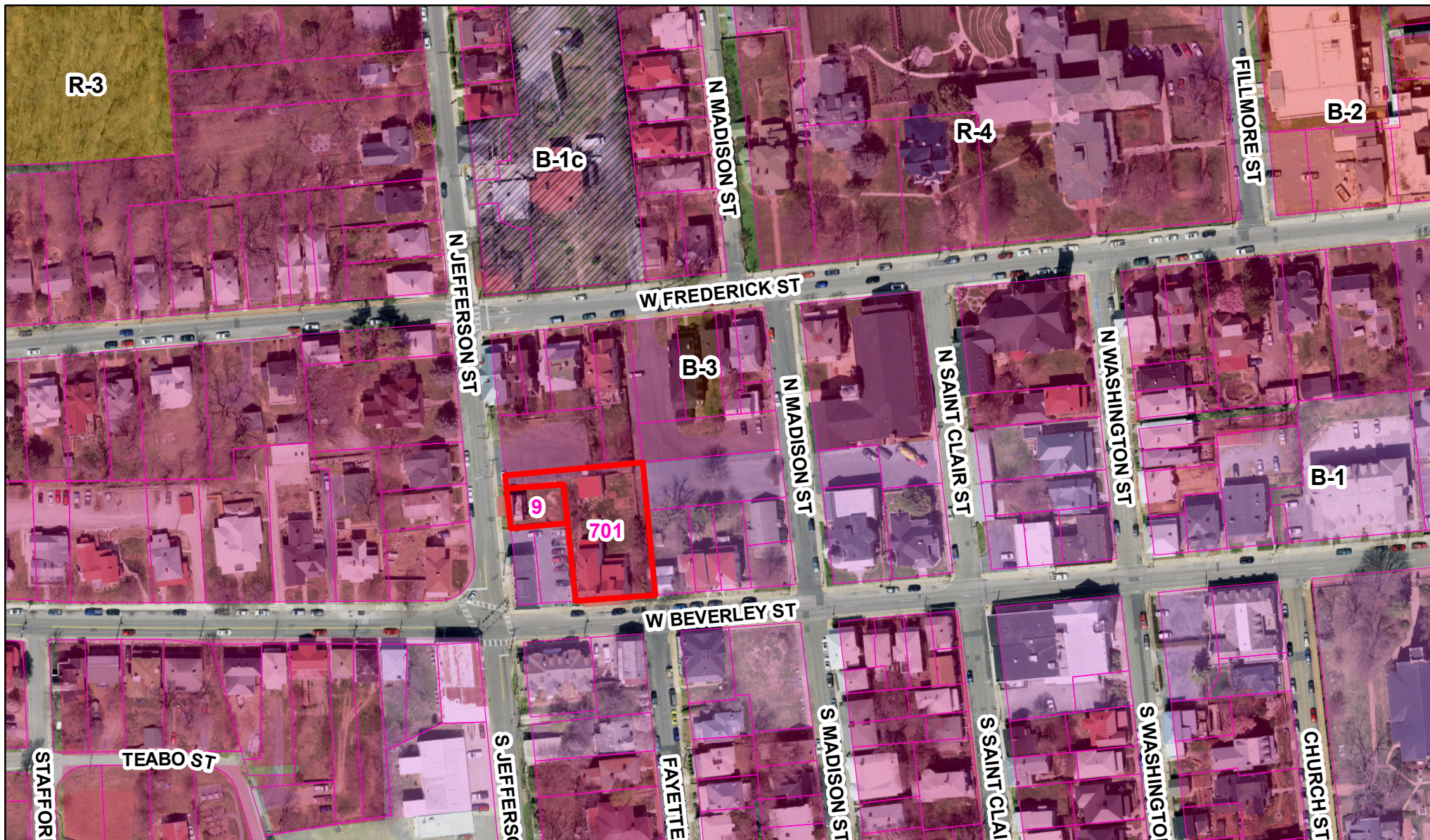
- I-2(conditional)
- I-3(conditional)
- P-1
- P-1(conditional)
- R-1

- R-2
- R-2(conditional)
- R-3
- R-3(conditional)
- R-4

Additional Layers

- Selected Properties
- Parcels
- Lots

Proposed Zoning - 9 N Jefferson St and 701 and 703 W Beverley Street



Zoning

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

- B-3
- HE-1
- I-1
- I-1(conditional)
- I-2

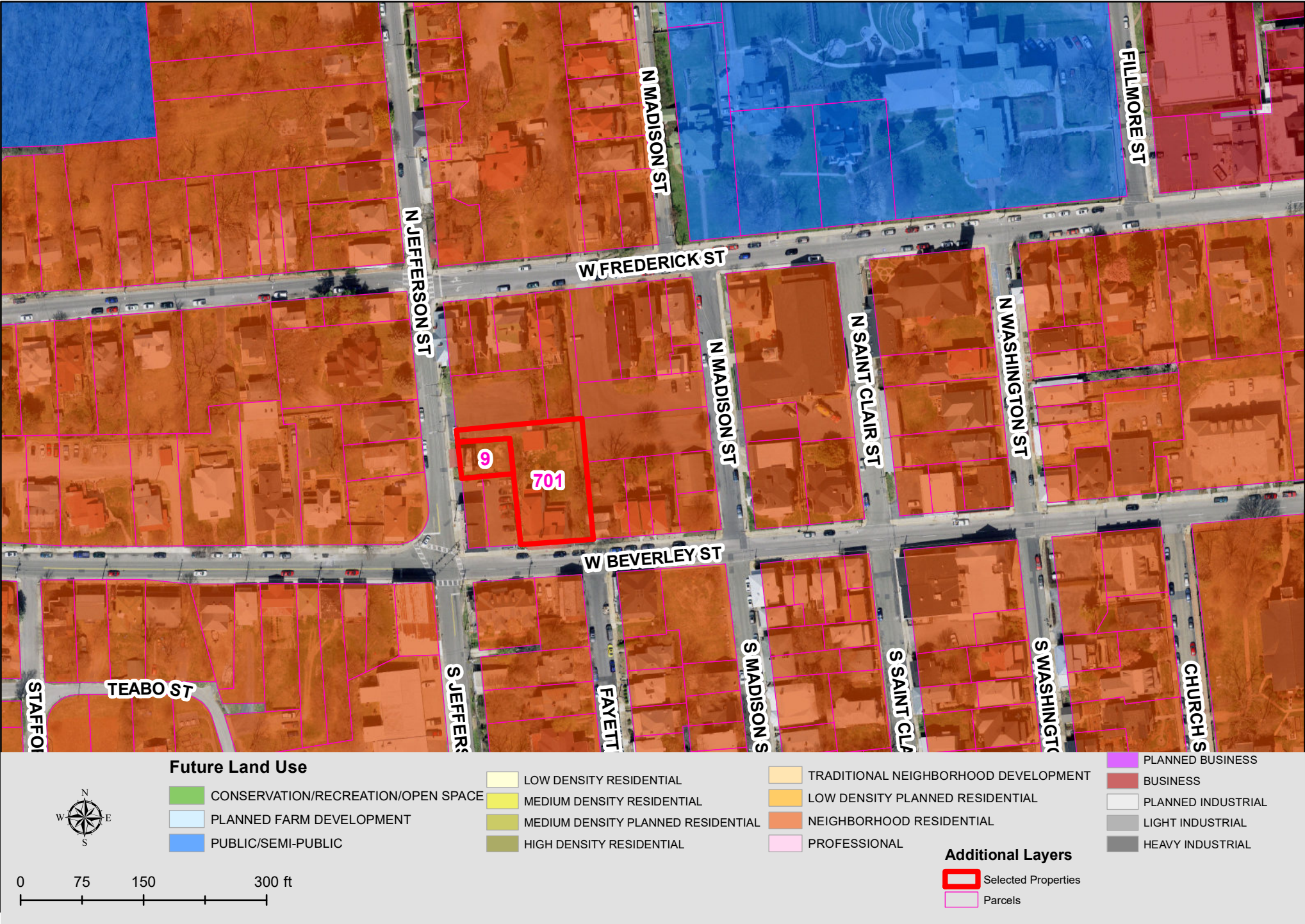
- I-2(conditional)
- I-3(conditional)
- P-1
- P-1(conditional)
- R-1

- R-2
- R-2(conditional)
- R-3
- R-3(conditional)
- R-4

Additional Layers

- Selected Properties
- Parcels

Future Land Use - 9 N Jefferson St and 701 and 703 W Beverley Street



Ordinance No. 2020-____

**AN ORDINANCE REZONING
FROM B-1, LOCAL BUSINESS, TO R-4, HIGH DENSITY RESIDENTIAL,
THOSE CERTAIN TRACTS OR PARCELS OF LAND
LOCATED AT 9 N. JEFFERSON STREET (PID 772) AND
701 AND 703 W BEVERLEY STREET (PID 8160), STAUNTON, VIRGINIA**

Recitals

A. It appears by deed dated May 23, 2017, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 170001484, that Craig M. Peterson and Shirley H. Peterson acquired 9 N. Jefferson Street (PID 772), and by deed dated June 10, 2001, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 010000155, that Craig M. Peterson and Shirley H. Peterson acquired 701 and 703 W Beverley Street (PID 8160), with further description provided in the deeds, copies of which are annexed and incorporated by reference (**Exhibit A and Exhibit B**);

B. Craig Peterson has applied for a zoning classification change for both properties from B-1, Local Business to R-4, High Density Residential;

C. The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, "Generalized Land Use and Development Guide," designates this area as Neighborhood Residential and the proposed rezoning is consistent with this designation;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval of the proposed rezoning on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the properties known as 9 N. Jefferson Street (PID 772) and 701 and 703 W Beverley Street (PID 8160), in the City of Staunton, Virginia, are **HEREBY REZONED** from B-1, Local Business to R-4, High Density Residential that on the basis that the rezonings would serve the interests of public necessity, convenience, general welfare, and good zoning practice.

Introduced:

Adopted:

Effective Date:

Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 25, 2020	Staff Member: Phil Trayer
Item #	B	
Ordinance #		
Department:	Finance	
Council Vision:	Responsive, Efficient Government	
Subject:	Ordinance to Amend the FY2020 Budget for the City of Staunton by Adding Budget Amendment Number Three	

Background: The third budget amendment for fiscal year 2020 has been prepared for your review and discussion. The total budget amendment equals \$2,363,582. At Council's regular meeting on June 11, 2020, Council introduced the ordinance and conducted a public hearing. Consideration of the ordinance is scheduled for June 25, 2020.

City Budget Amendment—\$ 2,320,846

The General Fund amendment includes \$2,175,221 for appropriations associated with the receipt of CARES Act funding and \$1,400,000 in transfers from the CIP to cover projected revenue shortfalls in FY2020 General Fund revenues due to the current pandemic. The amendment also includes appropriations of \$59,458 for other grant funds, donations and recovered costs for various departments. The total General Fund amendment is \$3,634,679.

The Grants Fund appropriates \$82,917 for grants awarded to the Fire and Rescue Department for Heart Monitor replacement and an ATV response and to the Sheriff's Office for security equipment. In addition, the Parks and Recreation Department has received \$3,250 for tree planting along Richmond Avenue and Central Avenue. Total grants funding equals \$86,167.

The CIP Fund is being reduced by (\$1,400,000) via transfers to the General Fund to cover projected revenue shortfalls in FY2020's General Fund revenues due to the current pandemic.

School Budget Amendment—\$42,736

The Education Fund amendment totaling \$42,736, appropriates \$7,850 for the Early Childhood Quality federal instructional programs. Local general revenue appropriations total \$34,886 and include funds for the Equity Funds and local grant awards for safety supplies and alternative education.

Attachments:

Budget Amendment Number Three

City Manager's Recommendation: Recommend that City Council adopt the ordinance, as presented.

Suggested Motion: I move to adopt an ordinance amending the fiscal year 2020 budget by adding Budget Amendment Number Three, totaling \$2,363,582.

City Manager: Steven L. Rosenberg

**Ordinance No. 2020-
AN ORDINANCE TO AMEND
THE FY 2020 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER THREE**

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2020 Budget is amended as follows:

GENERAL FUND

Anticipated Revenue

General Revenue	\$ 3,575,221
Recovered Costs	2,708
Miscellaneous Revenue	14,750
Non-Capital Grants and Contributions	42,000
Total Revenue	<u>\$ 3,634,679</u>

Appropriations

Public Safety	49,458
Parks, Recreation, Cultural	10,000
Nondepartmental	2,175,221
Transfers to Other Funds	1,400,000
Total Appropriations	<u>\$ 3,634,679</u>

GRANTS FUND

Anticipated Revenue

Non-Capital Grants and Contributions	\$ 26,167
Capital Grants and Contributions	60,000
Total Revenue	<u>\$ 86,167</u>

Appropriations

Public Safety	\$ 82,917
Parks and Recreation	3,250
Total Appropriations	<u>\$ 86,167</u>

CITY CAPITAL IMPROVEMENTS FUND

Anticipated Revenue

Partial return of previous transfer from the General Fund	\$ (1,400,000)
Total Revenue	<u>\$ (1,400,000)</u>

Appropriations

Capital Projects	\$ (1,400,000)
Total Appropriations	<u>\$ (1,400,000)</u>

EDUCATION FUND

Anticipated Revenue

General Revenue	\$ 34,886
Non-Capital Grants and Contributions	7,850
ec619	<u>\$ 42,736</u>

Appropriations

Operations	\$ 42,736
Total Appropriations	<u>\$ 42,736</u>

GRAND TOTAL BUDGET AMENDMENT NO 3.	\$ 2,363,582
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INTRODUCED: June 11, 2020

PUBLIC HEARING: June 11, 2020

Public Hearing Advertisement Date: June 04, 2020

Approved this _____ day of _____ 2020

Effective Date: _____

ATTEST: _____

Suzanne F. Simmons

Clerk of Council

CERTIFIED: _____

Carolyn W. Dull

Mayor of Council

FY 2020 BUDGET AMENDMENT NO. 3

GENERAL FUND		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
JUDICIAL ADMINISTRATION			
PUBLIC SAFETY			
<u>POLICE DEPARTMENT</u>			
To appropriate US Marshal Services Joint Law Enforcement Operations Task Force Funding			
US Marshall Forfeited Asset	11033-46207-53300	\$ 22,000	
Overtime	11033110-51530-53300		\$ 22,000
To appropriate Virginia 911 Services Board NG-911/PSAP Implementation Funding			
Miscellaneous State Aid	11033-45560	\$ 20,000	
Non Capital Equipment	11033140-55486		\$ 20,000
To appropriate insurance recovery - Deer strike damage			
Insurance Recovery	11031-41928	\$ 2,708	
Maintenance Repairs Vehicles	11033110-53105		\$ 2,708
<u>FIRE DEPARTMENT</u>			
To appropriate VRSA safety grant- Gas detection system			
Insurance Recovery	11031-41928	\$ 4,750	
Materials and Supplies	11033210-55415		\$ 4,750
<u>RECREATION</u>			
<u>To Appropriate Blackley Horticulture Intern Donation</u>			
Donations Parks / Recreation - Blackley Grant	11073-41730-33200	\$ 10,000	
Materials and Supplies	11077120-55415-33200		\$ 800
Tree / Plant Purchases	11077120-55455-33200		\$ 3,200
Part Time Help	11077120-51510-33200		\$ 5,574
FICA	11077120-52010-33200		\$ 426

FY 2020 BUDGET AMENDMENT NO. 3

GENERAL FUND		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
NONDEPARTMENTAL			
<u>To appropriate CARES Act Funding</u>			
Miscellaneous federal revenue	11001-46250-COVID	\$ 2,175,221	
Nondepartmental materials and supplies	11099800-55415-COVID		\$ 2,175,221
TRANSFERS TO OTHER FUNDS			
<u>CAPITAL IMPROVEMENTS</u>			
Appropriation of Prior Year Unassigned Fund Balance	11001-41930	\$ 1,400,000	
Transfer to the City Capital Improvements Fund	11099600-59339		\$ 1,400,000
TOTAL GENERAL FUND		\$ 3,634,679	\$ 3,634,679

GENERAL FUND REVENUE SUMMARY

General Revenues		\$ 3,575,221
Transfer from the Capital Improvements Fund	1,400,000	
Nondepartmental-CARES Act Funds	2,175,221	
Recovered Costs		2,708
Public Safety- Insurance Proceeds	2,708	
Miscellaneous Revenue		14,750
Public Safety-VRSA Safety grant	4,750	
Recreation-Donations- Susan Blackley Estate	10,000	
Non-Capital Grants and Contributions		42,000
Police Department	22,000	
E-911 Center	20,000	
Total General Fund Revenues		\$ 3,634,679

GENERAL FUND EXPENDITURE SUMMARY

Public Safety	\$ 49,458
Parks, Recreation, Cultural	10,000
Nondepartmental	2,175,221
Transfer from Other Funds	1,400,000
Total General Fund Expenditures	\$ 3,634,679

FY 2020 BUDGET AMENDMENT NO. 3

	LEDGER CODE	REVENUE	EXPENDITURE
CITY CAPITAL IMPROVEMENTS FUND			
Appropriation for funds transferred from the General Fund CIP Funds - Undesignated	39001-49211 3909980-58400	\$ (1,400,000)	\$ (1,400,000)
TOTAL CAPITAL IMPROVEMENTS FUND		\$ (1,400,000)	\$ (1,400,000)
GRANTS FUND			
To appropriate Office of Emergency Management Rescue Squad Assistance Fund Grant OEMS RSAF Grant Funds OEMS Grant Funds Expenditures	21534-45558-40232 21533210-54109-40232	\$ 52,500	\$ 52,500
To appropriate Byrne Local Law Enforcement Grant #2U- A4883AD16 Miscellaneous Federal Aid - BYNRE/JAG Federal Grant Non Capital Equipment	21523-46250-40245 21522170-55486-40245	\$ 22,917	\$ 22,917
To appropriate Local Emergency Management Performance Grant - Fire / EMS Miscellaneous Federal Aid - VDEM Special Equipment - VDEM Grant	21534-46250-40104 21533210-58341-40104	\$ 7,500	\$ 7,500
To appropriate Department of Forestry Street Tree Planting & Replacement - Richmond Rd and Central Avenue Federal Forestry Grant Tree / Plant Purchases	21573-46250-33100 21577120-55456-33100	\$ 3,250	\$ 3,250
TOTAL GRANTS FUND		\$ 86,167	\$ 86,167

FY 2020 BUDGET AMENDMENT NUMBER THREE SUMMARY

CITY GOVERNMENT FUNDS

GENERAL FUND	\$ 3,634,679
CAPITAL IMPROVEMENTS FUND	\$ (1,400,000)
GRANTS FUND	\$ 86,167

TOTAL CITY GOVERNMENT FUNDS **\$ 2,320,846**

EDUCATION FUNDS

EDUCATION FUND	\$ 42,736
TOTAL EDUCATION FUNDS	<u>\$ 42,736</u>

TOTAL FY2020 BUDGET AMENDMENT NO. 3 **\$ 2,363,582**

**STAUNTON CITY SCHOOLS
FY 2020 BUDGET
AMENDMENT NO. 2**

EDUCATION FUND		REVENUES	EXPENDITURES
STATE AND FEDERAL GRANT REVENUE/PROGRAMS			
<u>EARLY CHILDHOOD QUALITY</u>			
To appropriate additional federal grants for the Pre School Expansion Grant	900300-43173-EC619	\$ 7,850	
Purchased Services Grant	91109884-53570-EC619		\$ 7,850
TOTAL STATE AND FEDERAL GRANT PROGRAMS		\$ 7,850	\$ 7,850
LOCAL GENERAL REVENUE/PROGRAMS			
<u>To appropriate donations to Equity Fund</u>			
Donations for Equity Initiatives Within Staunton City Schools	900300-40580-EQUIT	\$ 4,644	
Contingency	91101100-59100-EQUIT		\$ 4,644
To appropriate T Mobile to the Equity Fund			
Donations for Equity Initiatives Within Staunton City Schools	900300-40580-EQUIT	\$ 25,600	
Contingency	91101100-59100-EQUIT		\$ 25,600
To appropriate Valley Alliance for Education Grant			
Other Grants VAE	900384-40587-VAE	\$ 1,250	
Other Grant Expenses - VAE	91109884-55679-VAE		\$ 1,250
To appropriate VRSA Safety Grant			
General Education Fund Grants	900100-40587	\$ 3,392	
Building Services - Other Operating Supplies	91102587-58108		\$ 3,392
TOTAL LOCAL GENERAL REVENUE/PROGRAMS		\$ 34,886	\$ 34,886
TOTAL EDUCATION FUND		\$ 42,736	\$ 42,736
GRAND TOTAL BUDGET AMENDMENT NO. 2		\$ 42,736	\$ 42,736

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 25, 2020	Staff Members: R. Scott Garber, Fire Chief Perry Weller, Deputy Fire Marshal
Item #	C	
Ordinance #		
Department:	Fire and Rescue	
Council Vision:	Responsive, Efficient Government	
Subject:	Amendments to Fire Prevention Code	

Background: The Code of Virginia specifically provides the authority for the City to adopt the Virginia Statewide Fire Prevention Code. The fire code identifies certain procedures the City shall follow in providing services. Staff recommends the proposed changes to set fees comparable with other localities and the State Fire Marshal's Office's fee schedule.

The Fire and Rescue Department's Fire Marshal has enforced the fire code and levied fees for many years. The demand for services from the Fire Marshal has steadily increased since 2015, when permit fees were last increased. Therefore, the Fire Chief and the Deputy Fire Marshal propose an increase in certain fees set forth in the City's permit fee schedule, as indicated in the draft ordinances attached to this agenda briefing. Most of the fee increases are proposed to account for the increased amount of time required to review permit applications and conduct site inspections, and to attend events (such as fairs, special events, fireworks displays and tank removals) in a standby capacity. If the proposed increases are approved, the City's fees will remain below the statewide average.

The City collected the following fees in FY2019 and FY2020 (to date):

FY2019 Total Fees: \$2,975

FY2020 Total Fees (to date): \$3,425

The adopted FY2021 budget includes the increased fees, which are estimated to generate an additional \$2,500 in revenue.

The proposed changes primarily concern Chapter 15.25 of the City Code, which includes the City's fire prevention permit fee schedule.

At Council's regular meeting on June 11, 2020, Council introduced the ordinance and conducted a public hearing. Consideration of the ordinance is scheduled for June 25, 2020.

Attachment:

Ordinance

City Manager's Recommendation: Recommend that City Council adopt the ordinance.

Suggested Motion: I move that Council adopt an ordinance amending, restating and reordaining Section 15.25.055, Permit Fees, and Section 15.25.057, Miscellaneous Fire Prevention Inspection and Review Schedule, of Staunton City Code, to increase and establish certain fees, effective July 1, 2020, as presented.

Ordinance No. 2020-

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING
SECTION 15.25.055, PERMIT FEES,
AND
SECTION 15.25.057, MISCELLANEOUS FIRE PREVENTION INSPECTION AND
REVIEW SCHEDULE,
OF CHAPTER 15.25, FIRE PREVENTION CODE,
OF TITLE 15, BUILDINGS AND BUILDING REGULATIONS,
OF THE STAUNTON CITY CODE**

Recitals

- A.** Fire prevention and compliance efforts are important in the City of Staunton;
- B.** Provisions of the Staunton City Code related to fire prevention merit updates;
- C.** This matter has been properly advertised, heard and considered; and
- D.** These recitals are deemed an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 15.25.055, and Section 15.25.057 of Chapter 15.25, Fire Prevention Code, of Title 15, Buildings and Building Regulations, of the Staunton City Code be, and the same is hereby amended, restated and ordained or reordained, as applicable to read as follows:

**Chapter 15.25
FIRE PREVENTION CODE***

...

15.25.055 Permit fees.

(1) Payment Prerequisite to Issuance or Amendment of Permit. No permit required by the Virginia Statewide Fire Prevention Code to begin work shall be issued until the fees prescribed in this section have been paid to the department of building inspection or other authorized municipal agency, nor shall an amendment be made to such a permit necessitating an additional fee, because of an increase in the estimated cost of the work involved, be approved until the additional fee has been paid.

(2) Fees. The fees for fire code permits shall be as follows:

Description	Permit Required	Fee	Time
Amusement buildings. An operational permit is required to operate a special amusement building.	Yes	\$25.00	Event
Carnivals and Fairs. An operational permit is required to conduct a carnival or fair.	Yes	\$50.00 <u>\$100.00</u>	Event
Explosives. An operational permit is required:			
To store explosives, fireworks or pyrotechnic special effects – per site.	Yes	\$125.00 <u>\$200.00</u>	Annual
To use explosives – per site.	Yes	\$75.00 <u>\$150.00</u>	90 days
To conduct a fireworks display (public or private).	Yes	\$100.00 <u>\$200.00</u>	Event
Sale of fireworks – per site. (Allowed June 1st through July 15th per calendar year.)	Yes	\$75.00 <u>\$100.00</u>	45 Days
Flammable and Combustible Liquids. An operational permit is required:			
To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes – per site.	Yes	\$50.00	90 Days
To remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank – per site.	Yes	\$50.00 <u>\$100.00</u>	90 Days
To change the type of contents stored in a flammable or combustible liquid tank to a material which poses greater hazard than that for which the tank was designed and constructed – per site.	Yes	\$50.00	90 Days
<u>To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</u>	<u>Yes</u>	<u>\$50.00</u>	<u>Annual</u>
<u>To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</u>	<u>Yes</u>	<u>\$50.00</u>	<u>Annual</u>
Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.	Yes	\$50.00	Annual

PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**TYPE OF MATERIAL****AMOUNT**

Combustible Liquids

See flammable and combustible liquids

Corrosive materials

Gases

200 cubic ft (at NTP)

Liquids

55 gallons

Solids

100 pounds

Explosive materials

See explosives

Flammable materials

Gases

200 cubic ft (at NTP)

Liquids

See flammable and combustible liquids

Solids

100 pounds

Highly toxic materials

Gases

Any Amount

Liquids

Any Amount

Solids

Any Amount

Oxidizing materials

Gases (including oxygen)

504 cubic ft. (at NTP)

Liquids

Class 4

Any Amount

Class 3

1 gallon

Class 2

10 gallons

Class 1

55 gallons

Solids

Class 4

Any Amount

Class 3

10 pounds

Class 2

100 pounds

Class 1

500 pounds

Organic Peroxides

Liquids

Class I

Any Amount

Class II

Any Amount

Class III

1 gallon

Class IV

2 gallons

Class V

No permit required

Solids				
Class I	Any Amount			
Class II	Any Amount			
Class III	10 pounds			
Class IV	20 pounds			
Class V	No permit required			
Pyrophoric materials				
Gases	200 cubic ft (at NTP)			
Liquids	Any Amount			
Solids	Any Amount			
Toxic materials				
Gases	Any Amount			
Liquids	10 gallons			
Solids	100 pounds			
Unstable (reactive) materials				
Liquids				
Class 4	Any Amount			
Class 3	Any Amount			
Class 2	5 gallons			
Class 1	10 gallons			
Solids				
Class 4	Any Amount			
Class 3	Any Amount			
Class 2	50 pounds			
Class 1	100 pounds			
Water-reactive materials				
Liquids				
Class 3	Any Amount			
Class 2	5 gallons			
Class 1	55 gallons			
Solids				
Class 3	Any Amount			
Class 2	50 pounds			
Class 1	500 pounds			
For SI: 1 gallon=3.785L, 1 pound=0.454kg				
LP-gas. An operational permit is required for: 1. Storage and use of LP-gas.		Yes	\$50.00	Annual

Exception: An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3; and 2. Operation of cargo tankers that transport LP-gas.			
Pyrotechnic Special Effects Material or Flame Effects Material. An operational permit is required for the use and handling of pyrotechnic special effects material or flame effect material.	Yes	\$50.00 <u>\$100.00</u>	Event
Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 2,500 cubic feet (71 m³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	Yes	\$50.00	Annual
Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary structure or a tent that covers an area in excess 400 square feet (37m²) and less than 900 square feet (84m²). Exceptions: Tents used exclusively for recreational camping purposes; Tents and air-supported structures that cover an area of 400 square feet or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons; Fabric canopies and awnings open on all sides which comply with the following; Individual canopies shall have a maximum size of 700 square feet (65m²); The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65m²) total; and A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.	Yes	\$25.00	Event

43

44 (3) Refunds. Refunds shall be issued at the discretion of the fire code official or their designee.

45 Refunds shall be based on the amount of staff work completed at the time of the request for permit

46 withdrawal, with the refund not to exceed 50 percent of the permit cost.

47 **15.25.057 Miscellaneous Fire Prevention Inspection and Review Schedule**

48 The fee schedule for inspections and/or reviews is as follows for the indicated purposes:

PURPOSE	DESCRIPTION	FEE
Required Fire Inspection for Social Service Licensure	1-8 persons	\$50
	9-20 persons	\$75
	21-50 persons	\$100

(Ex.: Day Care/Adult Care, etc.) <u>or Behavioral Health Licensure</u>	51-100 persons	\$200
	101-150 persons	\$300
	151-200 persons	\$400
	201 or more persons	\$500
Re-inspection Fees	Initial inspection and first re-inspection, if all violations are corrected, no charge. Upon 3 rd inspection and each subsequent inspection incurs an increased fee until remediation is reached or all violations are corrected.	\$0 (violations corrected) \$50 (3 rd inspection) \$100 (per inspection for 4 or more)
Staunton Fire and Rescue Plan Review Fee	Special Event Permit	\$50 (per application)
	All Other	\$50

In all other respects, the provisions of Chapter 15.25, Fire Prevention Code, of Title 15, Buildings and Building Regulations, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

53

Introduced: 54

Adopted: 55

Effective Date: 56

Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons,
Clerk of Council