

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
July 23, 2020
5:00 p.m.**

- | | | |
|------------------|-------------------|---|
| 5:00 p.m. | | Mayor's Introductory Remarks |
| 5:05 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:10 p.m. | 2. & F | Discussion of FY 2020 Annual Action Plan Relating to the U.S. Department of Housing and Urban Development Community Development Block Grant Program for the City of Staunton as a HUD Entitlement Community |
| 5:20 p.m. | 3. & G | Discussion of Council Procedure Memorandum No. 5/Grant Applications |
| 5:30 p.m. | 4. | Discussion Concerning Gypsy Hill Golf Course |
| 5:45 p.m. | 5. | Discussion of Possible Statement Concerning Use of Face Coverings |
| 6:00 p.m. | 6. | Discussion of Possible Reaffirmation of Council Statement on Racial Justice |
| 6:15 p.m. | 7. | Closed Meeting for Consultation and Discussion with Legal Counsel Requiring the Provision of Legal Advice by Such Counsel Pertaining to Legal Considerations and Discussion Involving: (i) Possible Vacation of City Public Right of Way and Application of the Provisions of Chapter 18.85 of the Staunton City Code to a Potential Project; and (ii) Specific Pending Litigation and Mediation |
| 7:15 p.m. | | Break |

REVISED

Regular Meeting Agenda Staunton City Council Rita S. Wilson Council Chambers July 23, 2020 7:30 p.m.

Call to Order

Mayor's Introductory Remarks

Pledge of Allegiance

Invocation/Moment of Silence—Claffey

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Organizational Meeting of July 1, 2020

Work Session and Regular Meeting of July 9, 2020

REGULAR MEETING

- A. Public Hearing and Consideration of a Request by Breezy Hill of Staunton Two, LLC, to Amend Section 18.105.020(1), Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code, by Eliminating the Minimum Five-Acre Requirement for a Planned Residential Development***
- B. Public Hearing and Consideration of a Request by Breezy Hill of Staunton Two, LLC, For a Special Use Permit to Create a Planned Residential Development at 123 Overlook Road (PID# 101806) Under the Provisions of SCC 18.105.020, Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code***
- C. Consideration of a Final Plat for Lot 2 of the Breezy Hill, LLC**

Properties

- D. Consideration of an Ordinance Amending Section 3.05.080 of the Staunton City Code to Increase Courthouse Security Fee from \$10 to \$20**
- E. Consideration of an Uncodified Emergency Ordinance Concerning Utility Bills, Utility Disconnections and Parking Fees**
- F. Consideration of the FY 2020 Annual Action Plan Relating to the U.S. Department of Housing and Urban Development Community Development Block Grant Program for the City of Staunton as a HUD Entitlement Community**
- G. Consideration of Council Procedure Memorandum No. 5/Grant Applications**
- H. Consideration of Virginia Tourism Corporation's WanderLOVE Grant**

Matters from the City Manager

Matters from the Public*

Adjournment

***All persons wishing to be heard at the public hearings and Matters from the Public are invited to participate in person or by using the following procedure:**

- 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 public hearings 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:	July 23, 2020	City Council
Item #	1	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Work Session and Regular Meeting Agendas	

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

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

City Manager: Steven L. Rosenberg

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CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Staff Member: Billy Vaughn
Item #	2 & F	
Ordinance #		
Department:	Community Development	
Council Vision:	Built Environment; Responsive, Efficient Government; Inclusiveness	
Subject:	FY 2020 Annual Action Plan Relating to the U.S. Department of Housing and Urban Development Community Development Block Grant Program for the City of Staunton as a HUD Entitlement Community	

Background: On February 26, 2019, the City received official confirmation from the U.S. Department of Housing and Urban Development (HUD) that it has been designated as a new entitlement community starting with the federal fiscal year 2019. Under this program designation, the City will receive annual allocations from HUD. This is the City's second year of such designation. In accordance with the federal regulations, an annual action plan (AAP) must be prepared and adopted by City Council. The AAP is a prerequisite to receiving the annual allocation through HUD's Community Development Block Grant (CDBG) program. Under the current FY2019 AAP, the city received \$354,433.

The proposed FY2020 Annual Action Plan covers the period of October 1, 2020 through September 30, 2021. The City anticipates receiving \$352,891 in CDBG funds for the program year. The FY 2020 Annual Action Plan, which is attached, contains the following major components:

1. Identification of federal and non-federal resources reasonably expected to be made available during the program year to undertake activities.

2. A list of activities to be undertaken during the FY 2020 program year to address community development and housing needs established in the City's Five-Year Consolidated Plan for FY 2019-2023. The City intends to fund such projects as public services, public facilities/infrastructure, and homeowner-occupied rehabilitation, and program administration.
3. Identification of homeless and special needs activities to be undertaken during the FY2020 annual program period to address identified needs within the City.

Outreach: In preparation of the draft AAP, the City utilized an approach that resulted in the prioritization of the needs for low- and moderate-income persons, and continued partnerships the private and not-for-profit sectors. In doing so, staff sought input from local agencies concerning their potential utilization of HUD funds while achieving CDBG 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

Response/Strategy: Of the agencies listed above, seven responded with requests for funding. Subsequently, staff engaged Mullin & Lonergan Associates, Inc., the consultant under contract with the City to provide technical support services, to vet the proposals to ensure compliance with HUD CDBG guidelines. Based on the findings, the following strategies were recommended for implementation:

- Blue Ridge Legal Services will use CDBG funding for FY20 to sustain the costs of the staff attorney position we will be adding to meet the increased level of need created by the COVID-19 crisis. Legal services will focus on eviction prevention and housing cases caused by COVID-19, and civil matters such as unemployment claims, debt, and collection related issues, which has been identified as increased areas of need due to the crisis. Blue Ridge Legal Services will serve 25 people with a total budget of \$25,000.
- Blue Ridge CASA provides advocacy for abused and neglected children. The proposed activities will directly benefit at least 70 low-income children living in unstable and inadequate housing conditions who have been victims of abuse or neglect and have special needs. Funds will be used for 1 FTE Program Assistant. Blue Ridge CASA will serve 70 people with a total budget of \$15,000.

- Valley Mission - Initial Housing Support Program provides financial and utility assistance to formally homeless households within Staunton City limits to moving into safe, affordable, and appropriate permanent housing. Approximately 5-10 households will be assisted through this program with a budget of \$5,000.
- Valley Program for Aging Service (VPAS) Meals on Wheels program provides nutritious meals five days a week to frail, older Staunton residents who are at nutritional risk. Approximately 90 seniors will be assisted through this program with a budget of \$10,000.
- Valley Program for Aging Service (VPAS) Transportation Assistance program provides residents 60 years and older and those under 60 with a disability transportation services to medical and other life necessary destinations when there is no other reliable or affordable transportation option available to them. Approximately 40 low income residents will be assisted through this program with a budget of \$10,000.
- Re-Roofing Staunton project provides roof replacement for low-income, vulnerable homeowners. With a budget of \$50,000, approximately 10 households will benefit from this activity.
- Owner-Occupied Housing Rehabilitation-Critical Home Repair project will provide critical home repair (roof, electrical, foundation, HVAC) to low-income homeowners. With a budget of \$25,000, approximately 10 households will benefit from this activity.
- "A" Street Aging in Place Project provides 500 feet of water lines and 300 feet of water lines and road/curbs/gutter with turnaround Increase water capacity to current standards for 10 existing homes at the end of A Street. Water access for 9-15 new units to be built at the end of "A" Street for elderly/special needs housing. Street/curb/sidewalks for new housing units extended A Street. This is a multi-year project with total funding \$120,000. 25 households will be assisted through this program with a FY2020 budget of \$67,313.
- Valley Supportive Housing—Pump Street project will renovate six units at 111 Pump St. including modernize air conditioning, add TV availability, paint cabinets, replace failing appliances, re-carpet. Approximately 6 people will benefit from the renovation of 6 rental units with a budget of \$25,000.
- Public Facility Improvements-West Beverly Street Sidewalk project involves replacing 500 linear feet of sidewalk along W. Beverley Street from Grubert Avenue to Dollar General to improve ADA accessibility. Approximately 518 low income households will benefit from proposed project. This is the second year of a multi-year project with total project cost of \$52,750. The FY2020 budget is \$40,000.
- Public Facility Improvements-Rockway Street Waterline project will provide funding for approximately 810 feet of waterline along Rockway Street from Lambert Street. Target minimum number of individuals to be served in the program year 40 low income households. This is the second year of a multi-year project with total project cost of \$145,796. The FY2020 budget is \$10,000.
- CDBG Program Administration funding will be used to support the general administration and planning activities for the Community Development Block Grant Program. The maximum budget is \$70,578.

As required by HUD, virtual public hearings were held on June 9, 2020 and July 9, 2020 to solicit feedback on the draft FY2020 AAP.

Mr. Bill Wasielewski, Principal-in-Charge/Project Manager for Mullin and Loneragan Associates, and his staff, will participate by Zoom to present the draft FY2020 Annual Action Plan at City Council's July 23, 2020 meeting.

Attachment(s):

- City of Staunton Draft FY2020 Annual Action Plan
- Consultant's Presentation on the Draft FY2020 Annual Action Plan

City Manager's Recommendation: Recommend City Council adopt the FY2020 Annual Action Plan, and provide authorization for the City Manager to sign sub-recipient agreements with agencies recommended to receive HUD CDBG funds.

Suggested Motion: I move to adopt the FY2020 Annual Action Plan, and authorize the City Manager to execute the sub-recipient agreements with agencies recommended to receive HUD CDBG funds.

City Manager: Steven L. Rosenberg

CITY OF STAUNTON, VIRGINIA

2020 Annual Action Plan

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EXECUTIVE SUMMARY

AP-05 EXECUTIVE SUMMARY - 24 CFR 91.200(C), 91.220(B)

1. Introduction

The City of Staunton is a federal entitlement community under the U.S. Department of Housing and Urban Development (HUD). As a HUD entitlement community, the City is required to prepare Annual Action Plans related to the most recent Five-Year Consolidated Plan (CP) in order to implement any federal programs that fund housing, community development and economic development within the community. The Staunton Annual Action Plan covers the period from FY 2020 (October 1, 2020 through September 30, 2021).

This Annual Action Plan outlines the planning and project requirements for the following federal program:

- Community Development Block Grant (CDBG)

Funds are provided under the following program:

- Community Development Block Grant (CDBG): The primary objective of the CDBG Program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities, principally for persons of low- and moderate-income levels. Funds can be used for a wide array of activities, including: housing rehabilitation, acquisition of existing housing or land, homeownership assistance, lead-based paint detection and removal, construction or rehabilitation of public facilities and infrastructure, removal of architectural barriers, water and efficiency improvements, abatement of hazards such as lead based paint or asbestos, public services, rehabilitation of commercial or industrial buildings, and loans or grants to businesses.

2. Summarize the objectives and outcomes identified in the Plan

The Strategic Plan provides a framework to address the needs of the City for the next four years. The Three overarching objectives guiding the proposed activities are:

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

Outcomes show how programs and activities benefit low- and moderate- income areas of a community or the people served. The three outcomes that will illustrate the benefits of each activity funded by the CDBG programs are:

- Improve Availability/Accessibility
- Improve Affordability
- Improve Sustainability

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

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

3. Evaluation of past performance

The City of Staunton was designated a federal entitlement community in Program Year 2019, which ends on September 30, 2020, therefore there is no evaluation of past performance available at this time.

4. Summary of Citizen Participation Process and consultation process

During April 2020, the City of Staunton updated the Citizen Participation Plan to include information on how the City will collect citizen participation in the event of an emergency. During the development of the Annual Action Plan, the state of Virginia was under stay at home orders and could not hold public hearings. The City of Staunton conducted public hearings virtually, utilizing video conferencing software that had the ability to allow live questions be asked and comments in real time.

Public Hearings—A virtual public hearing was held on June 9, 2020 to solicit feedback on the Annual Action Plan development. This hearing was to solicit input from the public on the needs and priorities for the City. One person was in attendance.

A second public hearing was held virtually on July 9, 2020 during a City Council meeting. This hearing was a presentation to City Council to present the draft Annual Action Plan and make a recommendation the Council adopt it. Both hearings were advertised in the *News Leader* and on the City's website in accordance with the City's Citizen Participation Plan.

5. Summary of public comments

[complete after public comment period]

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

All comments were accepted. A complete summary of comments received is included in the Citizen Participation Appendix.

7. Summary

The City of Staunton continues to use CDBG funding to support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals, provide decent, affordable housing, provide a suitable living environment and/or increase homeownership.

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

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

Agency Role	Name	Department/Agency
CDBG Administrator	City of Staunton, VA	Department of Community and Economic Development

Table 1 – Responsible Agencies

Narrative (optional)

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

Consolidated Plan Public Contact Information

Mr. William L. Vaughn, Director
 Community and Economic Development Departments
 116 W. Beverley Street
 Staunton, VA 24401
 Office: 540.332.3869

1. Introduction

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

As a new Entitlement grantee, the City encouraged a high level of public communication and agency consultation when developing the 2019-2023 Consolidated Plan to demonstrate its commitment to identifying priority needs and engaging the participation of citizens, public agencies, and nonprofit organizations in a positive and collaborative manner. A list of stakeholders was developed for the purpose of developing the Plan, and included affordable housing providers, public agencies and private nonprofit organizations whose missions include the provision of affordable housing and human services to LMI households and persons. In line with the process during the Consolidated Plan, these stakeholders were invited to participate in group interviews held to develop the 2020 Annual Action Plan.

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

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

The City anticipates continuing its coordination of human service funding with other social service agencies and charitable organizations to better target the limited amount of human service dollars available in the community.

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

City staff will continue to work with the local planning group of the Balance of State CoC to undertake the establishment of performance measurements for homeless programs. Members of the CoC provided

valuable input during public outreach, plan drafting, and project selection process of the Con Plan. The CoC administers the local HMIS.

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

The City does not receive ESG funds.

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

1	Agency/Group/Organization	Renewing Homes Augusta
	Agency/Group/Organization Type	Services-Low-income Households
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
2	Agency/Group/Organization	United Way of Greater Augusta
	Agency/Group/Organization Type	Services-Children Services-Health Services-Education
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
3	Agency/Group/Organization	STAUNTON REDEVELOPMENT AND HOUSING AUTHORITY
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
4	Agency/Group/Organization	City of Staunton - Parks & Recreation Department
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This municipal department was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
5	Agency/Group/Organization	City of Staunton – Community and Economic Development
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This municipal department was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
6	Agency/Group/Organization	VPAS
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
7	Agency/Group/Organization	Valley Community Services Board
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
8	Agency/Group/Organization	Staunton Augusta Waynesboro Habitat for Humanity
	Agency/Group/Organization Type	Services-Low-income Households
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
9	Agency/Group/Organization	Community Foundation of Central Blue Ridge
	Agency/Group/Organization Type	Community Foundation
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
10	Agency/Group/Organization	Valley Supportive Housing
	Agency/Group/Organization Type	Homeless

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
11	Agency/Group/Organization	Blue Ridge CASA
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.

Table 2 – Agencies, groups, organizations who participated

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

All entities were considered for consultation. The City of Staunton attempted to reach out to broadband providers. Data was collected using Federal Communications Commission data. Hazard mitigation information was collected from the Central Shenandoah Planning District Commission's website.

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

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
ALICE Report United Way	United Way Greater Augusta	The ALICE Report was developed to identify challenges faced by the "working poor," those who are employed and/or have income, are above the federal poverty guidelines, but still have difficulty achieving basic needs. The goals of the Strategic Plan are aligned with the goals of ALICE, to improve access to opportunity for Staunton residents.
Capital Improvement Plan	City of Staunton	The City's Capital Improvement Plan, updated in 2018, informed the Strategic Plan sections aimed at public infrastructure improvements.

Table 3 – Other local / regional / federal planning efforts

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

During April 2020, the City of Staunton updated the Citizen Participation Plan to include information on how the City will collect citizen participation in the event of an emergency. During the development of the Annual Action Plan, the state of Virginia was under stay at home orders and could not hold public hearings. The City of Staunton conducted public hearings virtually, utilizing video conferencing software that had the ability to allow live questions to be asked and comments in real time

Public Hearings—A virtual public hearing was held on June 9, 2020 to solicit feedback on the Annual Action Plan development. This hearing was to solicit input from the public on the needs and priorities for the City. 1 person in attendance and no comments were made.

A second public hearing was held on July 9, 2020 during a City Council meeting. This hearing was a presentation to City Council to present the draft Annual Action Plan and make a recommendation the Council adopt it. Both hearings were advertised in the *News Leader* and on the City's website in accordance with the City's Citizen Participation Plan.

The City underwent extensive citizen participation in the development of the Consolidated Plan in 2019, which included stakeholder meetings, public hearings and an online survey. Results from this process outlined the five-year strategic goals for the City of Staunton. These were used in the creation of the 2020 Annual Action Plan.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Non-targeted/broad community	1 participant	No comments	All comments accepted.	
2	Internet Outreach	Non-targeted/broad community	Annual Action Plan was uploaded on the City's website during the 30-day public comment period.	n/a	n/a	https://www.ci.staunton.va.us/departments/community-development/development-block-grant/notice-of-public-needs-hearing
3	Public Hearing	Non-targeted/broad community	[complete after hearing]			

Table 4 – Citizen Participation Outreach

EXPECTED RESOURCES

AP-15 EXPECTED RESOURCES – 91.220(C)(1,2)

Introduction

The City of Staunton will utilize the CDBG allocation for Program Year 2020 for Acquisition, Admin and Planning, Economic Development, Housing, Public Improvements, and/or Public Services.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$352,891			\$352,891	\$1,058,673	The estimated expected amount available for the remainder of the Con Plan is three times the 2020 annual allocation

Table 5 - Expected Resources – Priority Table

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

Over the next four years, Staunton will attempt to leverage its CDBG allocations with federal and other public resources, as well as private sector funding sources, to address the City's housing and community development needs. The City will continue to partner with other public agencies and non-profit organizations, when feasible, to leverage resources and maximize

outcomes in providing the housing and supportive services needs of the community.

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

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

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

The Staunton Crossing redevelopment site is publicly owned and could potentially be used to address economic development and infrastructure needs identified in the Plan. Some of the needs identified that are needs of this particular site, but also the City as a whole, that can be addressed by the continued development of the site include infrastructure improvements and workforce development needs/middle-high paying jobs.

ANNUAL GOALS AND OBJECTIVES

AP-20 ANNUAL GOALS AND OBJECTIVES

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Improve access to and quality of housing	2019	2023	Affordable Housing	Citywide	Affordable Housing	CDBG: \$100000	Rental Units rehabilitated: 6 housing units Homeowner Housing Rehabilitated: 20 housing units
2	Provide public service	2019	2023	Non-Homeless Special Needs	Citywide	Public Services	CDBG: \$65000	Public Service activities other than Low/Moderate Income Housing Benefit: 230 persons
3	Improve public facilities and infrastructure	2019	2023	Non-Housing Community Development	Citywide	Public Facilities and Infrastructure	CDBG: \$118313	Public Facility or Infrastructure other than Low/Moderate Income Housing Benefit: 558 persons Public Facility or Infrastructure for Low/Moderate Income Housing Benefit: 25 households
4	Economic Development	2019	2023	Non-Housing Community Development	Citywide	Economic Development		
5	Planning and Administration	2019	2023	Other	Citywide	Economic Development	CDBG: \$70578	Other: 1 Other

Table 6 – Goals Summary

Goal Descriptions

Goal Name	Improve access to and quality of housing
Goal Description	Includes the rehabilitation and preservation of quality affordable housing as well as increasing access to homeownership through City initiatives and partnerships with SR&HA.
Goal Name	Provide public services
Goal Description	Expand and continue non-housing community development supportive services, including services for the homeless, mental health, elderly and other special needs populations.
Goal Name	Improve public facilities and infrastructure
Goal Description	Continue and expand public facility improvements and improve and maintain infrastructure servicing households in low-income areas.
Goal Name	Economic Development

Goal Description	Provide loan and technical assistance to small businesses to promote the creation and retention of jobs in the City of Staunton.
Goal Name	Planning and Administration
Goal Description	Includes administration of the CDBG program, planning activities and activities to affirmatively further fair housing choice.

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PROJECTS

AP-35 PROJECTS – 91.220(D)

Introduction

The following project information for the FY2020 provides a comprehensive overview of CDBG activities.

Projects

#	Project Name
1	CDBG Program Administration
2	Valley Mission, Inc Initial Housing Support Program
3	VPAS Senior Transportation Program (STP)
4	VPAS Meals on Wheels
5	Blue Ridge Legal Services
6	Blue Ridge CASA
7	ReRoofing Staunton
8	Owner-Occupied Housing Rehabilitation-Critical Home Repair
9	A Street Aging in Place
10	Valley Supportive Housing—Pump Street
11	Public Facility Improvements-West Beverly Street Sidewalk
12	Public Facility Improvements-Rockway Street Waterline

Table 7 - Project Information

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

The City of Staunton has directed its FY 2020 CDBG activities to low/moderate income neighborhoods where concentrations of poverty, deteriorated infrastructures and community facilities, and poor housing conditions are most prevalent.

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

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

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

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AP-38 PROJECT SUMMARY

Project Summary Information

1	Project Name	CDBG Program Administration
	Target Area	Citywide
	Goals Supported	Planning and administration
	Needs Addressed	Planning and Administration
	Funding	CDBG: \$70,578
	Description	This funding will be used to support the general administration and planning activities for the Community Development Block Grant Program.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Other
	Location Description	Citywide
2	Planned Activities	This funding is used to support the general administration and planning activities for the Community Development Block Grant Program.
	Project Name	Valley Mission Inc., Initial Housing Support Program
	Target Area	Citywide
	Goals Supported	Provide public services

	Needs Addressed	Public Services
	Funding	CDBG: \$5,000
	Description	Formally homeless individuals who move into housing within Staunton City limits after exiting Valley Mission will be assisted with approximately \$500 to \$1,000 each initial housing support or other funds necessary to facilitate moving into safe, affordable, permanent and appropriate housing.
	Target Date	09/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	5 persons
	Location Description	City Wide
	Planned Activities	Subsistence payments to assist formally homeless individuals more into safe housing.
3	Project Name	VPAS Senior Transportation Program (STP)
	Target Area	Citywide
	Goals Supported	Provide Public Services
	Needs Addressed	Public services
	Funding	CDBG: \$10,000
	Description	VPAS' Senior Transportation Program (STP) provides Staunton residents 60 years and older and those under 60 with a disability transportation services to medical and other life necessary destinations when there is no other reliable or affordable transportation option available to them.
	Target Date	9/30/2022

	Estimate the number and type of families that will benefit from the proposed activities	40 people
	Location Description	Citywide
	Planned Activities	Funding will pay for an additional part-time driver.
4	Project Name	VPAS Meals on Wheels
	Target Area	Citywide
	Goals Supported	Provide Public Services
	Needs Addressed	Public services
	Funding	CDBG: \$10,000
	Description	Meals on Wheels (MOW) program provides a nutritious hot meal five days per week to frail, older Staunton residents who are at nutritional risk.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	90 people
	Location Description	Citywide
	Planned Activities	Provides nutritious hot meal five days per week to frail, older Staunton residents who are at nutritional risk.
5	Project Name	Blue Ridge Legal Services, Inc.
	Target Area	Citywide

	Goals Supported	Provide public services
	Needs Addressed	Public Services
	Funding	CDBG: \$25,000
	Description	BRLS will use CDBG funding for FY20 to sustain the costs of the staff attorney position we will be adding to meet the increased level of need created by the COVID-19 crisis. Legal services will focus on eviction prevention and housing cases caused by COVID-19, and civil matters such as unemployment claims, debt, and collection related issues, which has been identified as increased areas of need due to the crisis
	Target Date	09/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	25 people
	Location Description	City Wide
	Planned Activities	Salary for FTE attorney
6	Project Name	Blue Ridge CASA
	Target Area	Citywide
	Goals Supported	Provide public services
	Needs Addressed	Public Services
	Funding	CDBG: \$15,000

	Description	Provide advocacy for abused and neglected children. The proposed activities will directly benefit at least 70 low-income children living in unstable and inadequate housing conditions who have been victims of abuse or neglect and have special needs.
	Target Date	09/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	70 people
	Location Description	City Wide
	Planned Activities	Funding for Program Assistant.
7	Project Name	ReRoofing Staunton
	Target Area	Citywide
	Goals Supported	Improve Access to and quality of housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$50,000
	Description	The scope of this project would include roof replacement for low-income homeowners (primarily seniors).
	Target Date	09/31/2021

	Estimate the number and type of families that will benefit from the proposed activities	Approximately 10 Homeowners served
	Location Description	Citywide
	Planned Activities	The scope of this project would include roof replacement for low-income homeowners (primarily seniors).
8	Project Name	Owner-Occupied Housing Rehabilitation-Critical Home Repair
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$25,000
	Description	This project will provide critical home repair (roof, electrical, foundation, HVAC) to low-income homeowners
	Target Date	09/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 10 households will benefit from the proposed activity.
	Location Description	Citywide, primarily the West End area.
9	Planned Activities	This project will provide critical home repair (roof, electrical, foundation, HVAC) to low-income homeowners.
	Project Name	A Street Aging in Place Project
	Target Area	Citywide

	Goals Supported	Improve Public Facilities and Infrastructure
	Needs Addressed	Public Facilities and Infrastructure
	Funding	CDBG: \$67,313
	Description	Provide 500 feet of water lines and 300 feet of water lines and road/curbs/gutter with turnaround Increase water capacity to current standards for 10 existing homes at the end of A Street. Water access for 9-15 new units to be built at the end of A street for elderly/special needs housing. Street/curb/sidewalks for new housing units extended A Street. This is a multi-year project with total funding \$120,000.
	Target Date	06/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	25 households
	Location Description	A Street from Hickory SE
	Planned Activities	Infrastructure Improvements
10	Project Name	Valley Supportive Housing—Pump Street
	Target Area	111 Pump Street
	Goals Supported	Improve Access to and quality of housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$25,000
	Description	Renovate six units at 111 Pump St. including modernize air conditioning, add TV availability, paint cabinets, replace failing appliances, re-carpet.
	Target Date	09/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 6 people will benefit from the renovation of 6 rental units.
	Location Description	111 Pump Street
	Planned Activities	Renovate six units at 111 Pump St. including modernize air conditioning, add TV availability, paint cabinets, replace failing appliances, re-carpet

11	Project Name	Public Facility Improvements-West Beverly Street Sidewalk
	Target Area	West Beverley
	Goals Supported	Improve public facilities and infrastructure
	Needs Addressed	Public Facilities and Infrastructure
	Funding	CDBG: \$40,000
	Description	Project involves replacing 500 linear feet of sidewalk along W. Beverley Street from Grubert to Dollar General to improve ADA accessibility.
	Target Date	09/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 518 low income households will benefit from proposed project.
	Location Description	West Beverley from Grubert Westward to Dollar General
	Planned Activities	Project involves replacing 500 linear feet of sidewalk along W. Beverley Street from Grubert to Dollar General to improve ADA accessibility
12	Project Name	Public Facility Improvements-Rockway Street Waterline
	Target Area	Rockway Street
	Goals Supported	Improve public facilities and infrastructure
	Needs Addressed	Public Facilities and Infrastructure
	Funding	CDBG: \$10,000
	Description	This project will provide funding for approximately 810 feet of waterline along Rockway Street from Lambert Street.
	Target Date	09/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	Target minimum number of individuals to be served in the program year = 40 low income households
	Location Description	Rockway Street from Lambert Street in the City
	Planned Activities	This project will provide funding for approximately 810 feet of waterline along Rockway Street from Lambert Street.

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

Geographic Distribution

Target Area	Percentage of Funds
Citywide	100%

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

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

AFFORDABLE HOUSING

AP-55 AFFORDABLE HOUSING – 91.220(G)

Introduction

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

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

One Year Goals for the Number of Households to be Supported	
Homeless	5
Non-Homeless	0
Special-Needs	225
Total	230

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

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	26
Acquisition of Existing Units	0
Total	26

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

Introduction

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

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

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

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

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

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

SR&HA is not designated as troubled.

Introduction

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

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

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

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

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

Addressing the emergency shelter and transitional housing needs of homeless persons

During 2020, the City's federal funds will support the Valley Mission and Valley Supportive Housing Program. The former offers emergency shelter and services for homeless individuals and families while the latter provides permanent supportive housing and wraparound services for

the same population.

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

The City will maintain coordination and collaboration with local non-profit agencies serving the homeless population. The City will continue will use its entitlement grant funds to assist non-profit organizations that serve homeless individuals and families in Staunton. During 2019, the City awarded CDBG funds for the creation of permanent supportive housing units, which serve chronically homeless individuals with a mental health disability.

Valley Mission was also awarded CDBG funds for the use of financial and utility assistance for low to moderate income households exiting transitional housing or emergency shelters.

During PY2020 Valley Mission will be awarded funds to assist formally homeless households' transition into safe, permanent housing. Blue Ridge Legal Services will also receive funding to assist households with free legal services to reduce the threat of homelessness in the City by using the courts to prevent evictions and keep City residents in their homes.

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

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

The City utilized federal CARES Act funds support the following homeless shelter and

prevention programs:

- Valley Mission
- Salvation Army Homeless Prevention
- Community Foundation of Blue Ridge Homeless Prevention

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Introduction:

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

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

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

Factor	Priority	Responsible Parties	Discussion
Access to community assets and opportunities	High	City	Community assets such as public transit and jobs can improve access to opportunities, especially for lower income households and persons with disabilities. While the City has adequate coverage regarding public transit in R/ECAPs, these areas have poor access to the City's employment centers and higher performing schools. Expanding the public transit system to higher opportunity areas could increase opportunities for low- and moderate-income residents.
Location and type of affordable housing	High	City, SRHA, Private Sector	Providing more housing choices in more areas across the City could increase the accessibility and affordability of housing in Staunton. The majority of Staunton's housing stock is single-family housing (67.1%). Conversely, multi-family units comprised 32.8% of the total housing stock in Staunton. Multi-family housing can be a more affordable housing option that provides members of the protected classes access to other parts of the City that are otherwise unaffordable. Minority households are more likely to have four or more members in the household, requiring larger units. In order to house larger families, a sufficient supply of larger dwelling units consisting of three or more bedrooms is necessary. There has been a decrease in the number of 4- and 5-bedroom units in Staunton since 2010. Homeownership is also lower among non-white residents in Staunton.

Land use and zoning	Medium	City	The City of Staunton's zoning ordinance is at moderate risk relative to discriminatory provisions for housing members of the protected class. One concern with Staunton's zoning ordinance is the lack of a Reasonable Accommodations provision. Reasonable accommodation is a change in rules, policies and practices that enables persons with disabilities an equal opportunity to use and enjoy a dwelling.
Creation of Policy and Procedures related to Fair Housing	High	City	The City of Staunton is a new CDBG entitlement community and should develop several policies and procedures to support initiatives to affirmatively further fair housing.
Fair Housing Education and Outreach	High	City	There are many strategies that local governments can employ to increase fair housing choice for residents in their jurisdictions. Several best practices can help to ensure that residents are educated about their fair housing rights and that municipal officials and staff are aware of their fair housing responsibilities. Municipalities should make consumer information regarding fair housing rights available to their constituents.

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

Impediment	Action	Measurable Benchmarks	Timeframe
Location and type of affordable housing	The City and other local organizations should address the diverse housing needs for the City's various subpopulations, including low-and moderate-income households, persons with disabilities, and large families.	Continue investing in housing in a wide geographic area throughout the City. Number of affordable units created/rehabilitated by location and unit type.	Ongoing

	The City should expand affordable housing in areas of higher opportunities.		Ongoing
Lack of policies and procedures related to fair housing.	The City should create an Anti-Displacement and Relocation Plan in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325	Adoption of Anti-Displacement and Relocation Plan	2020
Fair housing education, outreach and enforcement	The City should include information about fair housing, including HUD's fair housing logo, and information such as: • What is fair housing? • What is housing discrimination? • Who is protected under fair housing laws (all levels of jurisdiction)? • What are some examples of housing discrimination? • How do I file a complaint? The website should also include the name and contact information of the City's designated Fair Housing liaison. Designate a City department/staff liaison for Fair Housing and provide its contact information on the Fair Housing webpage.	Completion of new, fair housing webpage on City's website. Designation of Fair Housing liaison, with contact info displayed on City's new Fair Housing webpage.	2020-2021 2020-2021

Introduction:

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

Actions planned to address obstacles to meeting underserved needs

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

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

Actions planned to foster and maintain affordable housing

The City will continue to support its goals of maintaining and expanding affordable housing. In FY 2020 the City will allocate CDBG funds to increase access to and the creation of affordable housing.

The City will utilize CDBG funds to complete the necessary infrastructure to accommodate the construction of 9 ADA units for elderly in the community. As part of a partnership with Habitat for Humanity, DHCD and VHDA.

Actions planned to reduce lead-based paint hazards

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

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

Actions planned to reduce the number of poverty-level families

The City will collaborate with human service, social service, and economic development agencies and organizations to facilitate their efforts and maximize their resources to provide

quality services to low-income residents to help them improve their incomes.

Actions planned to develop institutional structure

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

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

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

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

PROGRAM SPECIFIC REQUIREMENTS

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

Introduction:

The City of Staunton has been an Entitlement Community for one year. There is no program income carried over from the previous year and there are no Section 108 loan payments.

Community Development Block Grant Program (CDBG)

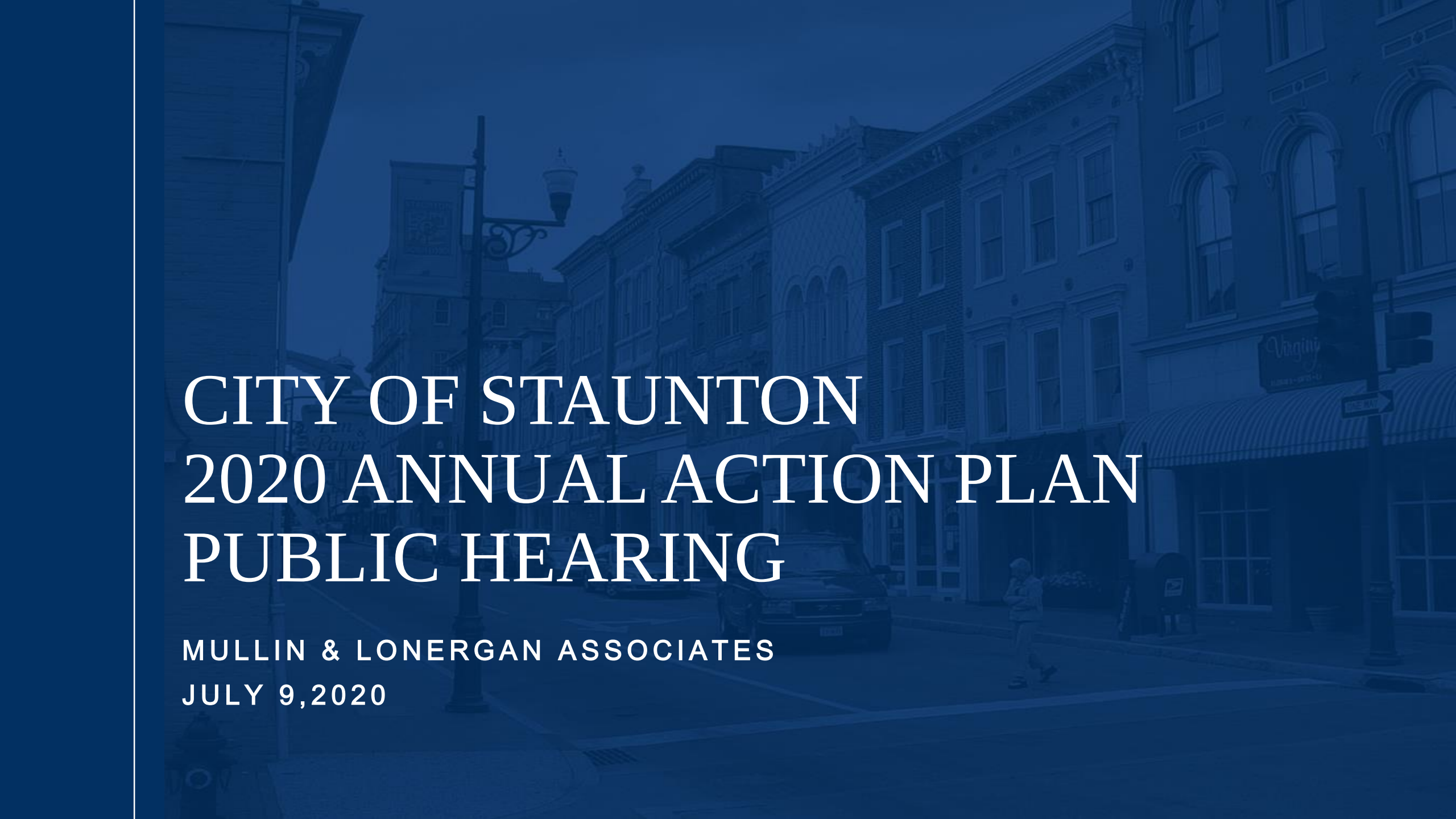
Reference 24 CFR 91.220(l)(1)

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

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0.00
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0.00
3. The amount of surplus funds from urban renewal settlements	0.00
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0.00
5. The amount of income from float-funded activities	0.00
Total Program Income	0.00

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.	70%



CITY OF STAUNTON 2020 ANNUAL ACTION PLAN PUBLIC HEARING

MULLIN & LONERGAN ASSOCIATES
JULY 9, 2020

CP & AAP PROCESS



Stakeholder Consultation

Local government, public and private agencies, housing authority, etc.



Housing Market Analysis

Utilize quantifiable data, stakeholder input, and citizen participation to develop this section



Housing and Homeless Needs Assessment

Utilize quantifiable data, stakeholder input, and citizen participation to develop this section



Strategic Plan

Priorities for 2019 thru 2023



Annual Action Plan

Proposed activities for 2020

BASIC CDBG ELIGIBLE ACTIVITIES



Housing Rehabilitation



Homeownership
Assistance



Public Facilities and
Improvements



Blight Removal
Demolition/Site
Preparation



Code Enforcement



Economic
Development



Acquisition /
Disposition of Real
Property



Public Services

MEETING NATIONAL OBJECTIVES

Each activity must meet one of the
THREE NATIONAL OBJECTIVES:



**Benefit Low-
and
Moderate-
Income
Persons**
(at least 70%
of grant
amount)



**Prevent or
Eliminate
Blight**
(not more
than 30% of
grant
amount)



**Meet Urgent
Needs** when
health and
welfare are
threatened



2020 ANNUAL ACTION PLAN

CONSOLIDATED PLAN GOALS



Improve Access to and Quality of Housing



Provide Public Services



Improve Public Facilities and Infrastructure



Economic Development



Planning and Administration

Household Size	Maximum Income (80%) HAMFI for Staunton-Waynesboro, VA MSA
1 person	\$40,000
2 person	\$45,700
3 person	\$51,400
4 person	\$57,100
5 person	\$61,700
6 person	\$66,250
7 person	\$70,850
8 person	\$75,400

DEFINITION OF
LOW- AND
MODERATE
INCOME

CITY OF STAUNTON 2020

AVAILABLE FUNDS FOR 2020

CDBG: \$352,891



PROPOSED PROJECTS

Valley Mission, Inc Initial Housing Support Program

Program provides financial and utility assistance to formally homeless households within Staunton City limits to moving into safe, affordable, and appropriate permanent housing. Approximately **5-10 households** will be assisted through this program. Budget: \$5,000.

Valley Program for Aging Service (VPAS) Meals on Wheels

The program provides nutritious meals five days a week to frail, older Staunton residents who are at nutritional risk. Approximately **90 seniors** will be assisted through this program. Budget: \$10,000

Valley Program for Aging Service (VPAS) Transportation Assistance

The program provides residents 60 years and older and those under 60 with a disability transportation services to medical and other life necessary destinations when there is no other reliable or affordable transportation option available to them. Approximately **40 low income residents** will be assisted through this program. Budget: \$10,000.

PROPOSED PROJECTS

Blue Ridge Legal Services

BRLS will use CDBG funding for FY20 to sustain the costs of the staff attorney position we will be adding to meet the increased level of need created by the COVID-19 crisis. Legal services will focus on eviction prevention and housing cases caused by COVID-19, and civil matters such as unemployment claims, debt, and collection related issues, which has been identified as increased areas of need due to the crisis. Blue Ridge Legal Services will serve **25 people** with a total budget of \$25,000.

Blue Ridge CASA

Provides advocacy for abused and neglected children. The proposed activities will directly benefit at least 70 low-income children living in unstable and inadequate housing conditions who have been victims of abuse or neglect and have special needs. Funds will be used for 1 FTE Program Assistant. Blue Ridge CASA will serve **70 people** with a total budget of \$15,000.

PROPOSED PROJECTS

Re-Roofing Staunton

The RRS project provides roof replacement for low-income, vulnerable homeowners. Approximately **10 households** will benefit from this activity. Budget: \$50,000.

Owner-Occupied Housing Rehabilitation-Critical Home Repair

This project will provide critical home repair (roof, electrical, foundation, HVAC) to low-income homeowners. Approximately **10 households** will benefit from this activity. Budget: \$25,000.

A Street Aging in Place Project

Provide 500 feet of water lines and 300 feet of water lines and road/curbs/gutter with turnaround Increase water capacity to current standards for 10 existing homes at the end of A Street. Water access for 9-15 new units to be built at the end of A street for elderly/special needs housing. Street/curb/sidewalks for new housing units extended A Street. This is a multi-year project with total funding \$120,000. **25 households** will be assisted through this program. FY2020 budget: \$67,313.

Valley Supportive Housing—Pump Street

Renovate six units at 111 Pump St. including modernize air conditioning, add TV availability, paint cabinets, replace failing appliances, re-carpet. Approximately **6 people** will benefit from the renovation of 6 rental units. Budget: \$25,000.

PROPOSED PROJECTS

Public Facility Improvements-West Beverly Street Sidewalk

Project involves replacing 500 linear feet of sidewalk along W. Beverley Street from Grubert to Dollar General to improve ADA accessibility. Approximately **518 low income households** will benefit from proposed project. Budget: \$40,000.

Public Facility Improvements-Rockway Street Waterline

This project will provide funding for approximately 810 feet of waterline along Rockway Street from Lambert Street. Target minimum number of individuals to be served in the program year **40 low income households**. Budget: \$10,000.

CDBG Program Administration

This funding will be used to support the general administration and planning activities for the Community Development Block Grant Program. Budget: \$70,578.



PUBLIC COMMENTS

SCHEDULE FOR SUBMISSION TO HUD

- 2020 Annual Action Plan on display through July 23, 2020.
- City Council review and anticipated adoption July 23, 2020.
- Submission to HUD on or before August 15, 2020.
- Program start October 1, 2020.



COMMENTS TO:

William “Billy” Vaughn

Director of Community and Economic Development

City of Staunton. Virginia

vaughnwl@ci.staunton.va.us

or

P.O. Box 58

Staunton, Virginia 24402

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	City Council
Item #	3 & G	
Ordinance #		
Department:	City Council	
Council Vision	Responsive, Efficient Government	
Subject:	Council Procedure Memorandum No. 5/Grant Applications	

Background: At its organizational meeting on July 1, 2020, Council modified Council Procedure Memorandum No. 5, to require Council approval of all grant applications, including those which require no city funds or property to be contributed as a matching or percentage share. Subsequently, a consensus emerged among Council members to further modify the memorandum. Consistent with the direction provided by Council at its meeting on July 9, 2020, the revisions highlighted in the attached memorandum permit the City Manager to approve and submit grant applications where no local match is required, provided the manager reports the same to Council no later than the second meeting of City Council next following such approval and submittal.

Attachment:

Proposed Council Procedure Memorandum No. 5

City Manager's Recommendation: Not applicable.

Suggested Motion: I move that Council adopt revised Council Procedure Memorandum No. 5, as presented.

City Manager: Steven L. Rosenberg

COUNCIL PROCEDURE MEMORANDUM NO. 5

SUBJECT: Grant Applications

The City Manager or designee shall review all applications on behalf of the City for state, federal or private grants. The City Manager shall have the authority to approve and submit the grant applicationsapplication on behalf of the City, ~~subject to~~ without submitting the same for review and approval ~~of~~to City Council, ~~except in the following cases:~~

1. Grants that require City funds or property to be contributed as a matching or percentage share, or
2. Grants that require a resolution, ordinance, or other authorization from City Council.

The City Manager shall report to City Council all grants approved and submitted by the City Manager without submittal for review and approval to City Council, in accordance with this procedure memorandum, no later than the second meeting of City Council next following the City Manager's approval and submittal.

REAFFIRMED AS MODIFIED: Effective July 1, 2020

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Mayor Andrea Oakes
Item #	4	
Ordinance #		
Department:	Parks and Recreation Finance	
Council Vision:	Culture Responsive, Efficient Government	
Subject:	Discussion Concerning Gypsy Hill Golf Course	

Background: At the request of Mayor Andrea Oakes, this item has been added to Council's work session agenda, originally scheduled on July 9, 2020, for July 23, 2020, for further discussion.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Councilman Terry Holmes
Item #	5	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Possible Statement Concerning Use of Face Coverings	

Background: At the request of Councilman Terry Holmes, this item has been added to Council's draft work session agenda for July 23, 2020, for discussion.

Attachments:

Attachment 1—*Commonwealth of Virginia, Office of the Governor Executive Order Number 63 (2020)*

Attachment 2—*Centers for Disease Control Webpage "About Face Coverings"*

Attachment 3—*Virginia Department of Health Webpage "Cloth Face Covers"*

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER 63 (2020)

ORDER OF PUBLIC HEALTH EMERGENCY FIVE

REQUIREMENT TO WEAR FACE COVERING WHILE INSIDE BUILDINGS

Importance of the Issue

The Commonwealth of Virginia continues to respond to the novel coronavirus (COVID-19) pandemic. Measures undertaken over the last ten weeks have slowed the spread of the virus; however, its transmission continues to threaten our communities. We must remain vigilant. In fact, as we reopen Virginia, it is critical that we become even more vigilant. Studies of the virus show that a substantial number of individuals with coronavirus are asymptomatic. In addition, individuals who contract the virus may still transmit the virus to others before ever showing symptoms. Therefore, a person with no symptoms of the virus could spread it by speaking, coughing, or sneezing. As more people venture back to businesses, employees are put in a vulnerable position when patrons come in without a face covering. We must make sure workers are safe as they interact with customers. Science shows us that face coverings can help stop the spread of the virus. That is why the Centers for Disease Control and Prevention (CDC) recommends wearing cloth face coverings, even those made from household items or common materials in public settings. I strongly urge all Virginians to wear face coverings when leaving their homes. But as to indoor settings to which the public has access, mere encouragement is not enough to protect the health and safety of Virginians.

Directive

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the *Code of Virginia*, by any other applicable law, and in furtherance of Amended Executive Order 51, and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the *Code of Virginia*, the following is ordered:

A. Face Coverings Required-Patrons

All patrons in the Commonwealth aged ten and over shall when entering, exiting, traveling through, and spending time inside the settings listed below cover their mouth and nose with a face covering, as described and recommended by the CDC:

1. Personal care and personal grooming businesses, including but not limited to, beauty salons, barbershops, spas, massage centers, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are provided.
2. All brick and mortar retail businesses, including both essential and non-essential brick and mortar retail businesses, as delineated in Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020).
3. Food and beverage establishments, including but not limited to, restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets, when permitted to reopen for indoor dining.
4. Entertainment or recreation businesses, including but not limited to, racetracks, historic horse racing facilities, theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers, bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, public and private social clubs, and all other places of indoor public amusement, once permitted to reopen to the public. Face coverings shall also be required when patrons are outdoors at these businesses if a distance of six feet from every other person cannot be maintained.
5. Train stations, bus stations, and intrastate public transportation, including buses, rideshares, trains, taxis, and cars for hire, as well as any waiting or congregating areas associated with boarding public transportation. This requirement shall not apply in any area under federal jurisdiction or control.
6. Any other indoor place shared by groups of people who are in close proximity to each other. This restriction does not apply to persons while inside their residence or the personal residence of another. Face coverings may be removed to participate in a religious ritual.
7. State or local government buildings when accessed for the purpose of securing public services, with the exception of students in daycare centers or participating in-person classes in K-12 education or institutions of higher education.

B. Face Coverings Required-Employees of Essential Retail Businesses

All employees of essential retail businesses as listed in Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020), section C, paragraph 1 shall wear a

face covering whenever working in customer facing areas. Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020) is so further amended.

C. Enforcement

The Virginia Department of Health shall have authority to enforce this Order. Any willful violation or refusal, failure, or neglect to comply with this Order, issued pursuant to § 32.1-13 of the *Code of Virginia*, is punishable as a Class 1 misdemeanor pursuant to § 32.1-27 of the *Code of Virginia*. The State Health Commissioner may also seek injunctive relief in circuit court for violation of this Order, pursuant to § 32.1-27 of the *Code of Virginia*. No minor shall be subject to criminal penalty for failure to wear a face covering. Adults accompanying minors should use the adult's best judgment with respect to placing face coverings on a minor between the ages of two through nine while inside the public areas noted above. Adults accompanying minors age 10 through 18 shall use reasonable efforts to prompt the minor to wear face coverings while inside the public areas noted above.

Medical-grade masks and personal protective equipment should be reserved for medical personnel. The use of cloth face coverings does not replace the need to maintain six feet of physical social distancing, clean and disinfect frequently touched surfaces routinely in all public settings, stay home when sick, and practice frequent handwashing.

D. Exceptions

The requirement to wear a face covering does not apply to following:

1. While eating or drinking;
2. Individuals exercising or using exercise equipment;
3. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;
4. Any person seeking to communicate with the hearing impaired and for which the mouth needs to be visible;
5. When temporary removal of the face covering is necessary to secure government or medical services; and
6. Persons with health conditions that prohibit wearing a face covering. Nothing in this Order shall require the use of a face covering by any person for whom doing so would be contrary to his or her health or safety because of a medical condition.

Any person who declines to wear a face covering because of a medical condition shall not be required to produce or carry medical documentation verifying the stated condition nor shall the person be required to identify the precise underlying medical condition.

E. Department of Labor and Industry

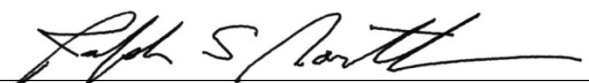
Except for paragraph B above, this Order does not apply to employees, employers, subcontractors, or other independent contractors in the workplace. The Commissioner of the Virginia Department of Labor and Industry shall promulgate emergency regulations and standards to control, prevent, and mitigate the spread of COVID-19 in the workplace. The regulations and standards adopted in accordance with §§ 40.1-22(6a) or 2.2-4011 of the *Code of Virginia* shall apply to every employer, employee, and place of employment within the jurisdiction of the Virginia Occupational Safety and Health program as described in 16 Va. Admin. Code § 25-60-20 and Va. Admin. Code § 25-60-30. These regulations and standards must address personal protective equipment, respiratory protective equipment, and sanitation, access to employee exposure and medical records and hazard communication. Further, these regulations and standards may not conflict with requirements and guidelines applicable to businesses set out and incorporated into Amended Executive Order 61 and Amended Order of Public Health Emergency Three.

Effective Date of this Executive Order

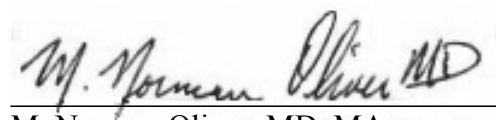
This Order is in furtherance of Amended Executive Order 51 (2020) and Amended Executive Order 61 and Amended Order of Public Health Emergency Three (2020). Further, this Order shall be effective 12:00 a.m., Friday, May 29, 2020, and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this 26th day of May, 2020.



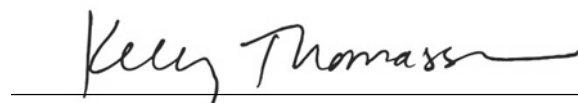


Ralph S. Northam, Governor



M. Norman Oliver, MD, MA
State Health Commissioner

Attest:



Kelly Thomasson, Secretary of the Commonwealth



Coronavirus Disease 2019 (COVID-19)

About Cloth Face Coverings

Updated June 28, 2020

[Print](#)

A cloth face covering may not protect the wearer, but it may keep the wearer from spreading the virus to others.

COVID-19 [spreads](#) mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice (e.g., while shouting, chanting, or singing). These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. [Recent studies](#) show that a significant portion of individuals with COVID-19 lack symptoms (are “asymptomatic”) and that even those who eventually develop symptoms (are “pre-symptomatic”) can transmit the virus to others before showing symptoms.

To reduce the spread of COVID-19, CDC recommends that people wear cloth face coverings in public settings when around people outside of their household, especially when other [social distancing](#) measures are difficult to maintain.

Why it is important to wear a cloth face covering

Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others. Wearing a cloth face covering will help protect people around you, including those at [higher risk of severe illness](#) from COVID-19 and workers who frequently come into close contact with other people (e.g., in stores and restaurants). Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings. The spread of COVID-19 can be reduced when cloth face coverings are used along with other [preventive measures](#), including [social distancing](#), frequent handwashing, and cleaning and disinfecting frequently touched surfaces.

The cloth face coverings recommended here are not surgical masks or respirators. Currently, those are critical supplies that should be reserved for healthcare workers and other first responders. Cloth face coverings are not personal protective equipment (PPE). They are not appropriate substitutes for PPE such as respirators (like N95 respirators) or medical facemasks (like surgical masks) in workplaces where respirators or facemasks are recommended or required to protect the wearer.

More Information

[Considerations for Wearing Cloth Face Coverings](#)

[How to Wear Your Cloth Face Covering](#)

[How to Wash Your Cloth Face Covering](#)

[How to Make Your Own Cloth Face Covering](#)

[ASL Video Series: Easy DIY Cloth Face Covering](#)

[How to Make Your Own Face Covering Video \(Spanish\)](#)

Page last reviewed: June 28, 2020

COVID-2019 Menu

-  [Coronavirus Home](#)
-  [Your Health](#)

-  Community, Work & School
-  Healthcare Workers
-  Laboratories
-  Health Departments
-  Cases, Data & Surveillance
-  More Resources

A State of Emergency Has Been Declared for Virginia in Response to COVID-19

[Virginia Department of Health](#) > [Coronavirus](#) > Cloth Face Covers

Cloth Face Covers

The most important way to protect others and yourself from getting COVID-19 is by staying home as much as possible, especially if you are at [higher risk of serious illness](#). Keep at least **6 feet** between yourself and others. While the use of cloth face coverings has been recommended during the COVID-19 outbreak, as of May 29, 2020, the Commonwealth of Virginia now requires that people wear cloth face coverings when spending time in indoor public settings. Face coverings are not needed for going outside to take a walk or work in your garden.

Cloth face coverings can help protect the people around you. Many people with COVID-19 have no signs or symptoms and can pass the virus to others without knowing it. When we talk, sneeze, or cough, tiny droplets that contain the virus can be carried into the air. Wearing a cloth face covering helps stop those droplets from going into the air or landing on surfaces.

You can help do your part to stop COVID-19 by wearing a cloth face covering in public places even if you don't think you are sick or have been exposed to the virus. Remember that my face cover protects you and your face cover protects me!

Why are cloth face covers being required now? As businesses are reopening, it is important that employees are protected as they come face to face with a large number of people during work. People who have been staying at home are starting to return to more normal activities and coming into contact with more people as well. Using cloth face covers along with other measures, such as frequent hand washing, social distancing (staying six feet away from other people) and cleaning/disinfecting surfaces, can help prevent further spread of COVID-19. Wearing a cloth face covering should not take the place of these other measures.

How to Make Your Own Face Covering



How to make a no-sew mask:

There are many no-sew patterns on the Internet. This one comes from the Center for Disease Control and Prevention and requires a bandana or 20×20-inch square of cotton fabric (like an old t-shirt), rubber bands and scissors.

1. Fold the bandana in half.
2. Fold it into thirds by folding the top to the middle and then the bottom to the middle.
3. Stick each end into a rubber band or hair tie. The two bands should be about six inches apart.
4. Fold the right side to the middle and tuck it into the band.
5. Fold the left side to the middle and tuck it into the band.
6. Hold it up to your face with the seam against your mouth. Loop the bands over your ears.

Instructions for creating a clear view face covering can be found [here](#).

Cloth face covers for children. Cloth face coverings should never be used on children under the age of two. Adults should use their best judgment in using cloth face covers for children between the ages of two and nine while in public places. Adults should make their best efforts to get children ages 10 and above to wear cloth face covers when in public places.

Exceptions: There are a number of situations in which people don't have to wear a cloth face covering while using indoor public spaces. These include:

- While eating or drinking
- While exercising or using exercise equipment
- Anyone who has a breathing problem or health issue that would put their health at risk by wearing a cloth face covering.
- Anyone communicating with people who are hearing impaired for which the mouth needs to be visible.
- When temporary removal of the face covering is needed to get medical or governmental services.

Face coverings are only one part of the solution. Face coverings are only helpful when they are worn correctly and used with other recommendations. Don't get a false sense of security from wearing a face covering. You should still follow social distancing rules (limiting contact and staying 6 feet away from other people), wash your hands often, avoid touching your face, and cover your coughs and sneezes.

What if I don't have a cloth face covering? Simple steps for making a cloth face covering with everyday items from your home can be found [here](#). A video showing how to make a cloth face covering can be found [here](#). Instructions for creating a clear view face covering can be found [here](#).

Cloth face coverings should:

- Fit snugly but comfortably against the side of the face
- Be secured with ties or ear loops
- Be made of more than one layer of fabric that you can still breathe through
- Be able to be washed and machine dried without damage or change to shape

Wash your hands or use alcohol-based hand sanitizer (with at least 60% alcohol) before putting on a cloth face covering. Cover your mouth and nose with the face covering. Make sure there are no gaps between your face and the cloth face covering. Be aware that if you touch your face or adjust your face covering after you have touched other objects, you can easily spread germs to your face. If you do touch your face or cloth face covering, you should wash your hands or use hand sanitizer right away.

Be careful when taking off your cloth face covering. Remove it from behind the ears and try not to touch the front of the cloth face covering or your face. Once you remove the cloth face covering, you should throw it in the trash (if it's disposable) right away or put it in the laundry and wash your hands right away.

Certain people should never wear a cloth face covering. Face coverings should not be put on children under the age of two or used by people who have trouble breathing, are incapacitated, or who are otherwise unable to remove the face covering without help.

Please do not buy N95 respirator masks or other medical facemasks, unless required for your job. They are in short supply and are needed by the medical staff and first responders who are caring for sick people.

What to do if people are not wearing cloth face coverings. For your own safety, do not confront these people or start an argument. Try to stay 6 feet away from people who are not wearing face coverings. You may also call or talk to the business owner about your concerns if you see staff or customers who are not wearing face covers in indoor public settings. Please do not call the police or your local health department. To file an online complaint about [Executive Order 63 \(Face Coverings\)](#) and [Executive Order 65 \(Phase Two easing of certain restrictions\)](#) related only to cloth face coverings and capacity requirements, click [here](#).

It is a good time to be kind! Please do not shame or yell at people who are not wearing face coverings. Others may have breathing problems or health issues you do not know about. People who cannot wear a cloth face covering are not required to show proof of their medical condition nor are they required to name their medical condition.

If you are sick, stay home and separate yourself from others in your house. Wear a cloth face covering over your nose and mouth if you must be around other people, even at home. If you need medical care, call ahead and tell them you have or may have COVID-19. For more information, see VDH's [If You're Sick](#) site.

For More Information:

- See [Executive Order 63](#) for more information on the requirement to wear face coverings while inside buildings.
- Read VDH's [FAQs](#)
- Call VDH COVID-19 hotline at 877-ASK-VDH3

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CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Councilwoman Brenda Mead
Item #	6	
Ordinance #		
Department:	City Council	
Council Vision:	Inclusiveness	
Subject:	Possible Reaffirmation of Council Statement on Racial Justice	

Background: At the request of Councilwoman Brenda Mead, this item has been added to Council's draft work session agenda for July 23, 2020, for discussion.

Attachment:

Attachment 1—*Statement on Racial Justice adopted by Staunton City Council on June 12, 2020*

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

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 appreciate Chief Williams’ acknowledgement that the Staunton Police Department is not perfect and support his determination to “continue to strive to be a police department our community can trust to carry out our vital mission.”

As a Council we express our absolute expectation that law enforcement officers and indeed all city employees will be held immediately accountable for any instances of misconduct that reflect racially motivated bias.

City Council’s adopted 2030 vision expresses our collective hope that Staunton is a vibrant, exciting and welcoming community that is built on a diverse population. We cannot be the city we aspire to be when our friends, neighbors, coworkers and our own families are victims of unequal treatment due to their race. Our city must examine in an honest way how goals in our vision like inclusivity and diversity can be achieved in the face of discriminatory actions that have a sad and enduring history across our country and, indeed, closer to home.

As a Council we understand that this will require courage, compassion, constant attention and vigilance, and we pledge to do this hard work in dialogue with all persons who seek resolutions through open communications, shared accountability and peaceful actions. While we do not have all the answers right at this moment, we will immediately consider specific initiatives that will help the city ensure fair and equitable treatment of all Staunton residents and visitors, including in interactions with law enforcement.

We stand in solidarity with those who insist on immediate meaningful action to address the longstanding and deeply entrenched institutional racism in our country and dedicate ourselves to the critical work of supporting equity, diversity and inclusion in the City of Staunton.

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Doug Guynn City Attorney
Item #	7	
Ordinance #		
Department:	City Attorney	
Subject:	Closed Meeting for Consultation and Discussion with Legal Counsel Requiring the Provision of Legal Advice by Such Counsel Pertaining to Legal Considerations and Discussion Involving: (i) Possible Vacation of City Public Right of Way and Application of the Provisions of Chapter 18.85 of the Staunton City Code to a Potential Project; and (ii) Specific Pending Litigation and Mediation	

Suggested Motion(s):**Before the closed meeting:** I move to enter a closed meeting for consultation and discussion with legal counsel requiring the provision of legal advice by such counsel pertaining to legal considerations and discussion involving: (i) possible vacation of city public right of way and application of the provisions of Chapter 18.85 of the Staunton City Code to a potential project; and (ii) specific pending litigation and mediation, pursuant to Virginia Code Section 2.2-3711(A)(8).

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

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

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

ORGANIZATIONAL MEETING OF STAUNTON CITY COUNCIL

Wednesday, July 1, 2020 – 12:00 p.m.

A.R. Ware Elementary School

PRESENT: Carolyn W. Dull
R. Terry Holmes
Brenda O. Mead
Andrea W. Oakes
Stephen W. Claffey
Amy G. Darby
Mark A. Robertson

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

Doug Guynn, City Attorney, opened the meeting with the following statement: “Good afternoon; it is the 12 noon hour—and on behalf of the City of Staunton I warmly welcome everyone, including local and regional public officials. My name is Doug Guynn. I serve as City Attorney for the City of Staunton, my birthplace.

It is tradition that the City Attorney temporarily presides for the beginning of this organizational meeting of the Staunton City Council until the election of the Mayor, who then assumes the gavel and then may want to make other recognitions and comments on behalf of the City.

On behalf of the City, I congratulate our four newly elected Council members: Ms. Oakes, Mr. Claffey, Ms. Darby, and Mr. Robertson. And we extend an added warm Staunton welcome and thank you, especially to Judges Moreau and Reed, who are taking time out of their busy circuit court schedules to join us for today’s proceedings. Judge Moreau, Ms. Oakes’ sister, is a circuit court judge in the 22d Judicial Circuit and has made the long trip to be with us; as an aside, I observe that Judge Moreau and I encountered each other in Richmond when the statewide bar committee of lawyers unanimously gave her its highest rating just as it had done before. She is an extraordinarily accomplished and respected judge and she is a role model for all of us. And Judge Reed is the newest judge in the 25th Judicial Circuit and the first female judge in the history of the Staunton Circuit Court. She may not know or recall it, but we have an intersection by virtue of Tinkling Spring Presbyterian Church, my home church—and, as a matter of history the home church of another esteemed circuit court judge of this part of the Valley, now deceased Judge William Moffett. It is a grand history.

Today is July 1. It is a day for recognition and a day for celebration—and it is a day for some procedural legalities all about the organization of what is a new City Council. But, before we turn to the legalities, we ought to take a moment to recognize our venue, as lawyers and judges

might use that term.

Please allow me to note the place where today's Staunton City Council's organizational meeting is being held: A.R. Ware, Jr. Elementary School, which is owned by the Staunton School Board. We thank the School Board and Dr. Smith, the Division Superintendent, and the school principal, Mr. Brown, and staff for allowing us to convene here today and for their hospitality. This school at one time was named the Westside Elementary School. In 1979, the Staunton School Board—one of whose members at the time was Mr. Claffey's mother as history would have it—renamed the school as A.R. Ware, Jr., Elementary School, in honor of Mr. A.R. Ware, Jr. Mr. Ware had been the highly regarded principal at the Booker T. Washington High School in Staunton for 17 years, from 1951 through 1968. Mr. Ware was an educator, an administrator, leader in his church and community, and an inspiration to countless children and adults. We stop to remember Mr. Ware for his profound and lasting impact in this community and in various roles over 37 ½ years as an educator in his native Staunton. It was the immense esteem in which he was so highly held that led to the naming of this school for him upon request and resolution of the Booker T. Washington Alumni Association. This momentary pause is especially merited because this year marks the 65th anniversary of the U.S. Supreme Court's second decision in *Brown v. Bd. of Education*—or *Brown II*—when the Supreme Court ordered that public schools be integrated with all deliberate speed. We know from our state's history that racial integration painfully did not occur with speed. Against this historical backdrop, given this venue today, it is only fitting and right that we pay tribute once more to A.R. Ware, Jr. and to others like him whose stories may be untold despite their dedication and sacrifice.

According to the Charter of the City of Staunton, the Council “shall consist of seven members, who shall be elected at large . . . and shall serve for a term of four years from the first day of July next following the date of their election.” And the Charter further provides that “[t]he Council shall elect one of its members to preside over its meetings, who shall be entitled president, and who shall be ex officio mayor of the city, and shall also elect another member to be vice-president of the council, to act in the place of the president” when the president is absent or incapacitated. Under our City Charter, the president and vice-president—what we know as the Mayor and Vice Mayor— of the council shall be elected for a term of two years . . .” In similar fashion the Code of the City of Staunton prescribes that “the council shall . . . biennially . . . on July 1st so elect two of its members accordingly. Today is that day, and to those ends the Council of the City of Staunton adopted a resolution on June 25, 2020 to formally recite those considerations and give notice of this organizational meeting. Notice of this meeting has been given in various ways reasonable under the circumstances consistent with Council's resolution. And by the way, today's organizational meeting, although being held in person, is also being held electronically through the Zoom platform with virtual participation by several incumbent members of City Council within the framework of City Council Ordinance 2020-04, which recognizes the emergency and crisis circumstances related to the ongoing COVID-19 pandemic. The meeting audio, in addition to being available to citizens and others immediately by livestream and broadcast, is being recorded. We thank the City's IT staff and other staff for their continuing exceptional efforts to support this meeting and others of City Council during these challenging times.

I now ask the four newly elected members of Council to step forward to receive their oaths of office. We also ask Judges Moreau and Reed also to come forward. Judge Moreau first will administer the oath of office to Ms. Oakes, her sister. Judge Moreau: would you proceed with the oath of office to Ms. Oakes.”

Judge Moreau administered the oath of office to Ms. Oakes.

Judge Reed administered the oaths of office to Mr. Claffey, Ms. Darby and Mr. Robertson.

Mr. Guynn congratulated the Council members and thanked Judges Moreau and Reed.

Molly Goldsmith, City Registrar, presented the Certificates of Office.

Mr. Guynn stated: “We next will proceed with the election of the Mayor by vote of the seven members of the Staunton City Council. For this process, I will call for nominations from the floor by City Council members for the office of Mayor. No second is required but it may be offered. Once there appear to be no more nominees, without the necessity of a motion to close the nominations, I will proceed to state the question as to each such nominee, if there’s more than one, in the order received, until one nominee is elected Mayor by majority vote upon poll of Council members by the Clerk of Council. I then will relinquish the gavel to the newly elected Mayor, who in turn will conduct the election for Vice-Mayor and preside over the remainder of the meeting.

A. Election of Mayor

Mr. Guynn stated the floor was now open for nominations.

Mr. Holmes nominated Mr. Claffey for Mayor.

Mr. Claffey nominated Ms. Oakes for Mayor and was seconded by Ms. Darby.

Mr. Guynn stated there were currently two nominations.

Ms. Mead nominated Ms. Dull for Mayor.

There being no further nominations, Mr. Guynn stated the first nomination was for Mr. Claffey for Mayor. He stated the question for Council to vote on as members of Council is “shall Mr. Claffey be elected as Mayor of the Council of the City of Staunton for a term of two years as provided by the charter?”

Mr. Guynn asked the Clerk to poll the seven members of Council:

Mr. Claffey	no
Ms. Darby	no

128	Ms. Dull	aye
129	Mr. Holmes	aye
130	Ms. Mead	aye
131	Ms. Oakes	no
132	Mr. Robertson	no
133		

134 The motion for nomination failed.

135

136 Mr. Guynn stated the second nomination that was offered was “shall Ms. Oakes be elected as
137 Mayor of the City of Staunton for a term of two years?”

138

139 Mr. Guynn asked the Clerk of Council to call the roll:

140

141	Mr. Claffey	aye
142	Ms. Darby	aye

143 Ms. Dull stated she felt it was important for her to state the reasons for her vote opposing Ms.
144 Oakes as Mayor.

145	Ms. Dull	no
146	Ms. Mead	no
147	Mr. Holmes	no
148	Mr. Robertson	aye
149	Ms. Oakes	aye

150

151 Ms. Oakes thanked her family, campaign staff, colleagues, friends, and supporters.

152

153 **B. Election of Vice Mayor**

154

155 Mayor Oakes then called for nominations for the office of Vice Mayor for the City of Staunton’s
156 City Council.

157

158 Ms. Darby nominated Mr. Robertson to serve as Vice Mayor.

159

160 There being no other nominations, the Mayor asked the Clerk to poll Council.

161

162 The Clerk polled the Council for the election of as Vice Mayor:

163

164	Ms. Darby	aye
165	Ms. Dull	no
166	Mr. Holmes	aye
167	Ms. Mead	no
168	Mayor Oakes	aye
169	Mr. Robertson	aye
170	Mr. Claffey	aye

171
172 Mr. Robertson was elected Vice Mayor.

173
174 Vice Mayor Robertson thanked his family and supporters.
175

176 **C. Consideration of a Resolution Establishing Dates for the Regular Meetings of the**
177 **Council for the City of Staunton for the Period of July, 2020 through June, 2022.**

178
179 Mayor Oakes stated that this resolution consisted of the meeting dates which would be held on
180 the second and fourth Thursdays of the month with the exception for the months of November
181 and December due to the holidays.

182
183 There was no discussion from Council members.

184
185 Mr. Claffey moved to adopt a resolution establishing dates for the regular meetings of the
186 Council for the City of Staunton for the period of July, 2020 through June, 2022.

187
188 Seconded by Ms. Darby, the motion carried as follows:

189		
190	Ms. Dull	aye
191	Mr. Holmes	aye
192	Ms. Mead	aye
193	Mayor Oakes	aye
194	Vice Mayor Robertson	aye
195	Mr. Claffey	aye
196	Ms. Darby	aye

197
198 **RESOLUTION**
199 **OF THE**
200 **COUNCIL OF THE CITY OF STAUNTON**
201 **RECOGNIZING ORGANIZATIONAL MEETING**
202 **AND**
203 **ESTABLISHING DATES FOR**
204 **REGULAR MEETINGS OF THE**
205 **COUNCIL OF THE CITY OF STAUNTON**
206 **FOR THE PERIOD OF**
207 **JULY, 2020 THROUGH**

JUNE, 2022

RECITALS

A. Section 3 of Chapter II of the Charter of the City of Staunton vests the government and administration of the city in one body, called the Council of the City of Staunton, and in one administrative officer, styled the city manager, and in such other departments, boards and other officers as provided or as permitted or required by law to be appointed by the council.

B. Every two years, the Council organizes after the biennial election of members, as contemplated under the provisions of Section 4.1 of the Charter; and, as part of the organization, Council elects a Mayor and Vice Mayor, also referred to as the President and Vice-President, respectively, under the provisions of Staunton City Code Section 2.10.010.

C. At its organizational meeting on July 1, 2020, the Council members elected a Mayor and Vice-Mayor.

D. Also, as part of its organizational meeting, the Council traditionally undertakes other similar matters, including establishment of its meeting schedule for the next two years.

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

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

G. For the months of November 2020 and November 2021, City Council has determined that it will not meet on the fourth Thursday due to the Thanksgiving holiday, which Council recognizes as a holiday observed by the City; and

H. For the months of December 2020 and December 2021, City Council has determined that it will not meet on the fourth Thursday due to the Christmas holiday, which Council recognizes as a holiday observed by the City;

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

1. Regular meetings of the Council shall be held on the second and fourth Thursdays of each month for the period of July, 2020 through June, 2022, at City Hall, 116 West Beverley Street, Staunton, Virginia, at 7:30 p.m. or at such earlier or other time, place or other alternative means, such as through an electronic communications meeting, subject to the provisions of Ordinance No. 2020-04, a copy of which is annexed and incorporated by reference, and any subsequent similar ordinance of City Council, as may be designated by the published agenda for

any meeting or session of Council, except Council shall only meet on the second Thursday of November and December.

2. In the event the Mayor, or the Vice-Mayor, if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members of the Council to attend a regular meeting, such regular meeting shall be continued to the next Monday. Such finding and declaration shall be communicated to the members of the Council and the media as promptly as possible. And to the fullest extent permitted by law, all hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Adopted this 1st day of July, 2020.

/s/ Andrea Oakes
Mayor

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

D. Consideration of Council Procedure Memoranda 1 through 15

Mayor Oakes stated she would entertain a motion for the acceptance of the procedure memoranda that did not need any changes.

Vice Mayor Robertson moved to accept the Council Procedure Memoranda Nos. 1, 4, 6, 7, 8, 9, 10, 11, and 13 as presented.

Seconded by Mr. Claffey, the motion carried as follows:

Mr. Holmes	aye
Ms. Mead	aye
Mayor Oakes	aye
Vice Mayor Robertson	aye
Mr. Claffey	aye
Ms. Darby	aye
Ms. Dull	aye

Mayor Oakes asked for a motion that involved requested changes to procedure memoranda.

Vice Mayor Robertson moved to accept the Council Procedure No. 3 with the changes as presented.

The motion was seconded by Mr. Claffey. Mayor Oakes asked Council members if there was any further discussion.

Ms. Mead asked why the request was made to move the invocation from the Work Session agenda to the Regular meeting agenda.

Mayor Oakes stated that was done because it had been tradition for 200 years to have that conducted before the public as it was believed that the invocation should be directed to the city as whole and not just for the City Council members. She stated the invocation was not to pray upon the Council members, but to pray for the city and its citizens as a whole.

Ms. Mead stated she objected to the inclusion of prayer in the Regular meeting agenda. She noted citizens of all religions, or no religion, were compelled to come before local government bodies on civic, secular matters. Ms. Mead stated citizens should not be subjected to a religious show or test, or be expected to bow heads, at a government function.

Mr. Rosenberg stated he wanted to invite clarification on the motion that was presented.

Mayor Oakes asked Mr. Rosenberg if he were referring to lines 78 and 79, number 80, under Council Procedure memorandum 3 along with 98, 101, 102, 103, and 104.

Mr. Rosenberg stated what he was specifically going to refer to was the note beginning at line 121. He stated he felt it warranted clarity and that there had been two sets of proposed revisions concerning the subject of the note. He stated most recently, by email, there was provided to Council a suggested revision that would change the language at the end of line 110. Mr. Rosenberg stated to delete the note that appeared on line 123 and then to add at the end of line 110 language that read "notwithstanding any prior action of Council to the contrary". He noted this was from an email sent by Ms. Beauregard to all members of Council that had that proposed change so that the effect would be the same, but without all of the extra language in the note beginning on line 121.

Mayor Oakes stated it was her understanding that they agreed through email to accept the second change that was offered by staff.

Mr. Rosenberg stated with the result that the note would be deleted and that the additional language would be inserted at the end of line 110.

Ms. Oakes stated that was correct.

Mr. Rosenberg stated he wanted to be certain for clarity purposes for the minutes that Mr. Robertson's motion included that most recent proposed revision.

Vice Mayor asked if that was also included in the all of the remote participation and set-up.

Mr. Rosenberg stated that was correct. He noted that all would remain without change.

Mayor Oakes asked Vice Mayor Robertson if he wanted to revise his motion.

Mr. Rosenberg stated if Vice Mayor Robertson would just indicate that his prior motion included the revision that he had just described to Council.

Vice Mayor stated so moved as the City Manager indicated.

Mayor Oakes clarified if that was Vice Mayor Robertson's intent. He stated it was his intent.

Mr. Rosenberg stated if Mr. Claffey could indicate that his second to the motion stood.

Mr. Claffey stated he would like to second the motion as stated.

Mayor Oakes asked Mr. Guynn if the changes that Council wanted were to follow the United States Supreme Court's ruling with *Greece v. Galloway*. She asked Mr. Guynn he could advise the changes that Council members were seeking for the invocation.

Mr. Guynn stated according to the U.S. Supreme Court, a body like this one which was often times a legislative body, its members have the prerogative to offer an invocation, and not just a moment of silence, that makes a reference to or invokes a reference or a name of a deity that may be affiliated with a religion.

Ms. Mead requested that anyone speaking to speak into the microphone and that she'd heard little of what Mr. Guynn said.

The motion carried as follows:

Mr. Claffey	aye
Ms. Darby	aye
Ms. Dull	no
Mr. Holmes	no
Ms. Mead	no
Mayor Oakes	aye
Vice Mayor Robertson	aye

Vice Mayor Robertson moved to accept Council Procedure No. 5 with the changes as presented. He read "The City Manager or designee shall review all applications on behalf of the City for state, federal or private grants. The City Manager shall advise City Council of all grant applications" and was stricken and now states "The City Manager shall have the authority to approve and submit grant applications on behalf of the City subject to the review and approval of City Council".

The motion was seconded by Ms. Darby.

Ms. Dull asked for clarification on why this was being changed. She stated it would add a lot of time to staff to prepare briefings for every grant.

Vice Mayor Robertson stated the reason that change was made was simply, just as he was, she was. She was elected to represent the citizens of the City of Staunton and their taxes. He noted he would think she would like to know what came in and what went out.

Ms. Dull stated that information was always, and had been, available to everyone. She stated every transaction, every penny coming in and every penny going out. Ms. Dull stated this would take up a lot more of staff's time to prepare briefings for every grant, some of which were very routine. She asked if the Vice Mayor could give her instance where the City received a grant that didn't require a match that something horrible happened to the City because of taking that money.

Vice Mayor Robertson stated at that point he was not going to provide her one. He stated he was simply saying that they were doing it because they wanted to be as open as they could.

Mr. Holmes stated this would be adding another step in obtaining the grant that did not require matching funds. He noted the matter of time involved could possibly cost the City receiving the grant.

Vice Mayor Robertson stated he understood Mr. Holmes' concern, but that he disagreed.

Mayor Oakes clarified with Mr. Rosenberg that 27 grants were received.

Mr. Rosenberg deferred the question to Leslie Beauregard, Assistant City Manager.

Ms. Beauregard explained that the spreadsheet that was sent to Council contained approximately 25-27 grants. She noted some of those were multi-year grants. She stated there were approximately 6 over the past year with a match, under the current policy. Ms. Beauregard explained how timing could be an issue.

Mr. Rosenberg stated there could possibly be another 20 grants not requiring matches that would come before Council for approval where it was not required presently.

Mayor Oakes stated it did not appear to be that many when came to having transparency for the citizens.

Discussion ensued.

The motion carried as follows:

Mr. Claffey	aye
Ms. Darby	aye
Ms. Dull	no
Mr. Holmes	no
Ms. Mead	no
Mayor Oakes	aye
Vice Mayor Robertson	aye

Vice Mayor Robertson moved to accept Council Procedure No. 12 with the changes as presented. He read, in addition to that, “no dues or fees of civic organizations shall be paid for a membership of the City, City Council, or individual members of City Council”.

The motion was seconded by Mr. Holmes.

Ms. Dull asked Mayor Oakes to elucidate which particular organizations City Council would not support in this manner.

Vice Mayor Robertson stated the reason that was made was again to be as open as possible. He stated he thought it was a precedent that was set that he disagreed with at the last Council. He noted Council members could belong to any organization that they wanted to, but the City would not pay for it.

Ms. Dull asked for clarification and asked if Vice Mayor Robertson was referring specifically to the Council memberships for the NAACP and for the Staunton-Augusta-Waynesboro Chamber of Commerce.

Mayor Oakes stated the NAACP would be considered a civic organization along with the Staunton Kiwanis, the Rotary. She stated the Chamber of Commerce would not be considered civic and was considered a business marketing establishment. She noted the Virginia Municipal League would not be considered a civic organization.

Ms. Dull questioned why Council wouldn’t want individual members to join the Chamber if that’s what they chose. She noted the Chamber of Commerce was a non-profit organization as well. Ms. Dull stated, for consistency, she felt Council would no longer want to pay for those memberships which were more expensive than the NAACP.

Mayor Oakes stated the Chamber of Commerce was considered a business marketing establishment and not considered, by definition, a civic organization.

Ms. Mead stated this was specifically about the NAACP membership and explained her reasons why.

Vice Mayor Robertson stated he resented her inference.

Discussion ensued.

Mayor Oakes stated the City would no longer provide taxpayer’s dollars for civic organizations and, if the motion passed, Council members would have to join on their own. She noted there could be the potential of liability issues.

Ms. Dull stated that in order to reduce the City’s liability, City Council should no longer be members of the Chamber of Commerce.

The motion carried as follows:

Mr. Claffey	aye
Ms. Darby	aye
Ms. Dull	no
Mr. Holmes	aye
Ms. Mead	no
Mayor Oakes	aye
Vice Mayor Robertson	aye

Vice Mayor Robertson moved to revert the proposed changes to Procedure Memorandum No. 14 back to its original state and no changes be made or approved of those changes.

Ms. Mead stated the intention of that change to this memorandum was to give Council the ability to avoid what had occurred so often in the past. She noted the naming of public streets after Confederate generals and people, as time and history have proven, simply do not merit that sort of honorific. She noted this allowed Council to make a decision based on what was inclusive in the community, what was respectful of all people in the community, and that she strongly supported keeping paragraph 7 in the memorandum.

Mayor Oakes stated the way that it was currently written, City Council could choose to change the name of buildings, streets, etc. and already covered that. She stated she believed Vice Mayor Robertson's motion because it was redundant.

The motion carried as follows:

Mr. Claffey	aye
Ms. Darby	aye
Ms. Dull	no
Mr. Holmes	aye
Ms. Mead	no
Mayor Oakes	aye
Vice Mayor Robertson	aye

Vice Mayor Robertson moved to accept the changes to Council Procedure No. 2 as printed and as presented.

Mayor Oakes stated this was presented to Council in advance.

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

Mr. Claffey	aye
Ms. Darby	aye
Ms. Dull	aye
Mr. Holmes	aye
Ms. Mead	aye

529 Mayor Oakes aye
530 Vice Mayor Robertson aye
531

532 Mayor Oakes stated the next item would be Council Procedure memorandum No. 15, line 481
533 and would entertain a motion to accept the change for the consent agendas.
534

535 Mr. Rosenberg stated there actually were no changes to that memorandum. He stated the
536 annotation was simply to suggest that the consent agenda procedure was something that had not
537 been used with much frequency, but may in going forward in an effort for efficiency, group some
538 items together on a consent agenda that could be acted on by Council at a meeting with a single
539 motion, always leaving the possibility that at a meeting Council members could ask to have an
540 item removed from the consent agenda and actually discussed thoroughly before it during the
541 Council meeting.
542

543 Vice Mayor Robertson moved to accept Council Procedure No. 15 as printed with no changes on
544 the consent agendas.
545

546 The motion was seconded by Mr. Claffey and carried as follows:
547

548 Mr. Claffey aye
549 Ms. Darby aye
550 Ms. Dull aye
551 Mr. Holmes aye
552 Ms. Mead aye
553 Mayor Oakes aye
554 Vice Mayor Robertson aye
555

556 **E. Establishment of the Council Nominations Committee**
557

558 Ms. Darby moved to approve the establishment of the Council Nominations Committee.
559

560 The motion was seconded by Vice Mayor Robertson.
561

562 Mr. Rosenberg stated it might be appropriate that Ms. Darby include in her motion the size of the
563 Nominations Committee.
564

565 Ms. Darby revised her motion to approve the establishment of the Council Nominations
566 Committee to include three members of Staunton City Council.
567

568 The revised motion was seconded by Mr. Holmes.
569

570 The motion carried as follows:
571

572 Ms. Mead aye
573 Mayor Oakes aye
574 Vice Mayor Robertson aye

575	Mr. Claffey	aye
576	Ms. Darby	aye
577	Ms. Dull	aye
578	Mr. Holmes	aye

F. Appointment of Council Nominations Committee Members

Mr. Claffey moved to nominate Ms. Darby, Vice Mayor Robertson and Mr. Claffey to the Council Nominations Committee.

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

Mayor Oakes	aye
Mr. Claffey	aye
Vice Mayor Robertson	aye
Ms. Dull	no
Ms. Darby	aye
Mr. Holmes	aye
Ms. Mead	no

G. Comments of Council Members

Ms. Darby asked that the citizens continue to support them as they begin their new role.

Mr. Claffey stated he looked forward to the challenge of serving the citizens of Staunton. He promised to work diligently for all citizens. He thanked his family and campaign manager.

Ms. Mead shared comments received from citizens regarding Ms. Dull and her terms as Mayor.

Mr. Holmes welcomed the new Council members and hoped that they could work together in a very bipartisan way. He also thanked former Council members – Vice Mayor Kier, Dr. Jim Harrington, and Dr. Erik Curren. He noted City Council needed to put the city first by trying to get along and doing the best for the community.

Adjournment

Mayor Oakes called the July 1, 2020 Organizational Meeting adjourned at 1:15 p.m.

Suzanne F. Simmons
Clerk of Council

City Council
WORK SESSION
July 9, 2020
5:00 p.m.

Council Members Present: Mayor Oakes, Vice Mayor Robertson, Council Members Holmes, Claffey, and Darby. Participating by Zoom platform were Council Members Dull and Mead.

Mayor Oakes called the meeting to order: As Mayor, I call this meeting of Staunton City Council to order. I note that this meeting is being 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 Oakes 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 Oakes	aye	Ms. Darby	aye
Vice Mayor Robertson	aye	Ms. Mead	aye
Ms. Dull	aye	Mr. Claffey	aye
Mr. Holmes	aye		

City Manager Identifies City Officials Present:

Mayor Oakes asked City Manager, Steve Rosenberg, to note the participation of any City officials or colleagues, or anyone else, during today's meeting by Zoom or telephone.

Mr. Rosenberg stated all City officials and employees participating in today's meeting were present in Council chambers.

Background Statement:

Mayor Oakes stated "Please let me mention that notice, reasonable under the circumstances, of this meeting has been given to the public contemporaneously with the notice provided to members of City Council. In addition to limited public seating in city hall, 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 by telephone can be found on 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, although being conducted in person, is also being conducted by Zoom, with virtual participation by certain members of City Council, 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 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."

50
51 **1. Consideration of Work Session and Regular Meeting Agendas**
52

53 Consistent with Procedural Memorandum No. 3, the agendas were presented for Council
54 consideration.
55

56 Mr. Holmes moved to approve the Work Session agenda along with the Regular Meeting agenda
57 as presented.
58

59 The motion was seconded by Vice Mayor Robertson and carried unanimously as follows:
60

61 Ms. Dull	aye	Mayor Oakes	aye
62 Mr. Claffey	aye	Ms. Mead	aye
63 Mr. Holmes	aye	Vice Mayor Robertson	aye
64 Ms. Darby	aye		

65

66 **2. Discussion of an Ordinance Amending Section 3.05.080 of the Staunton City Code to**
67 **Increase Courthouse Security Fee from \$10 to \$20**
68

69 Phil Trayer, Chief Finance Officer, stated this item was to introduce a modification to City
70 ordinance 3.05.080, Assessment of Special Court Costs. Consideration of the ordinance is
71 scheduled for the meeting on July 23, 2020. He noted the proposed ordinance allowed for the
72 following charges to be assessed:
73

74 Ordinance 3.05.080 allows for the following charges to be assessed:

75 A \$2.00 Court Maintenance Fee

76 A \$25.00 Jail Admission Fee

77 A \$5.00 Court Technology Fee

78 A \$10.00 Court Security Fee which, if approved, would increase by \$10 per conviction.
79

80 Mr. Trayer stated the financial impact of the fee was estimated to be \$45,000. Currently, in the
81 FY2021 budget, the Sheriff's Department budget equals \$581,089 and was supported by:
82

83 Courtroom Security Fees of \$45,000

84 Sheriff Fees of \$2,617

85 Jail Admission Fee of \$3,250

86 State Compensation Board of \$339,484

87 Local Funding of \$190,738
88

89 Mr. Trayer stated expense appropriations would go towards the Sheriff's Department wages and
90 non-compensation line items for courtroom security. He noted Sheriff Robertson endorsed the
91 change.
92

93 Mayor Oakes asked Council members if they had any questions.
94

95 Mr. Holmes asked Mr. Trayer if other localities had increased their fees. Mr. Trayer stated Augusta
96 County and Waynesboro had already increased their fees to the maximum amount allowed.

Mr. Holmes asked if the other fees listed had increased or were they already there. Mr. Trayer stated they were already there. He noted the only fee affected by legislature was the Courtroom Security Fee.

Mr. Claffey asked Mr. Trayer how Augusta County and Waynesboro had already increased their fees if it didn't go in effect until July 1, 2020. Mr. Trayer stated theirs became effective July 1, 2020 and, if approved, the City's would become effective on August 1, 2020.

Mr. Rosenberg stated the legislation passed during the most recent General Assembly session authorized localities to increase the fee as of July 1, 2020. He stated he felt certain that Augusta County and Waynesboro enacted ordinances that provided for an effective date of July 1, 2020 so that they were not implementing the authority any sooner than permitted.

Ms. Mead asked why this item was not on Council's agenda earlier in the year.

Mr. Rosenberg stated this came to staff's attention through an annual review of legislation enacted by the General Assembly. He noted the City Attorney, on an annual basis, reviews all of the legislation passed by the General Assembly and approved by the Governor. Mr. Rosenberg stated that information was sent to staff and identified new authority for the City. He noted City Council members had received that memorandum from the City Attorney as well. Mr. Rosenberg stated at the time that staff became aware that the authority had been provided to increase the fee, staff started a process to bring it forward to City Council to which Mr. Rosenberg explained.

Ms. Mead asked if the Sheriff was aware that the fee had been increased. Mr. Rosenberg stated he did not know the answer to that, but had been brought to staff's attention by the City Attorney.

Ms. Mead clarified that if a defendant was convicted, the Court collected the Courtroom Security Fee per charge. Mr. Trayer stated that was correct.

Ms. Mead clarified that the Court collected a variety of other fees from defendants with a maximum of \$2,600 per year. Mr. Trayer stated he believed that was correct, but would like to verify that in order to be certain.

Ms. Mead asked Mr. Trayer what was the cost generally to the Commonwealth of collecting those fees. Mr. Trayer stated the Clerk of the Court primarily handled that function. He noted the Clerk indicated that approximately 45% of staff's time was dedicated toward the assessment and the collection with Juvenile and Domestic Court staff's time was 25%.

Ms. Mead stated the statute provided a 17% collection fee if an individual defaulted on a plan, but no interest would accrue. She asked if this was close to what the collection was. Mr. Trayer stated he would not necessarily agree with that given that the Clerk of the Court had indicated to him that it was 45% of her staff's time.

Ms. Mead noted that there were other fees charged by the Court to which the Sheriff had provided a summary. She stated the Sheriff had included a dog listed as a deputy on his staff list and asked what was the cost of maintaining that K-9 unit. Mr. Trayer stated it was approximately \$2,000 per year, but he would need to verify that information. He noted that included a half an hour payment per day for the dog's handler. Mr. Trayer stated the dog handler would be a deputy sheriff.

Ms. Mead asked if the dog was a search and rescue dog. Mr. Trayer stated it was a bomb sniffing dog. Ms. Mead asked if there were a lot of bomb threats at the courthouse. Mr. Trayer stated he did not know. Ms. Mead asked if the dog would bite on command. Mr. Trayer stated he did not know.

Vice Mayor Robertson stated “Cara”, the K-9 dog, was a deputy, and was not a bite dog. He noted she was a bomb dog, but also included any kind of handgun and any kind of explosives. He stated she had assisted the Staunton Police Department.

Mr. Holmes asked Mr. Trayer if the Sheriff’s Department had ever joined the City’s payroll system. Mr. Trayer stated they had not, but was in the works at that time.

Mayor Oakes clarified that the fee was charged to convicted defendants only. Mr. Trayer stated that was correct.

Mayor Oakes asked if the judges were in favor of the fee increase. Mr. Trayer stated he did not know. He stated he felt most judges would appreciate additional courtroom security.

Mayor Oakes clarified that Augusta County and Waynesboro had approved the fee increase and by how much. Mr. Trayer stated he believed that they had approved the full \$10 increase.

Mayor Oakes asked Mr. Trayer if the fees were used for personnel. Mr. Trayer stated they could be used for personnel, equipment or could be used for the dog.

Mayor Oakes clarified that the amounts would increase from \$45,000 to \$90,000. Mr. Trayer stated the City had collected approximately \$37,000 so far this year. He noted the court’s season had been decreased due to the COVID-19 pandemic.

Mayor Oakes asked, if it were the desire of Council, could \$5 be approved instead. Mr. Trayer stated it could.

Mr. Holmes asked what kind of interest was charged if the fees were not paid. Mr. Trayer stated he believed staff would try to work out a payment schedule. He noted the fee structure was quite complex and was applied by the State. He noted most of the fees ended up going to the State.

Ms. Mead clarified with Mr. Trayer that there weren’t any hearings or assessments of any kind to determine the capacity of an individual to pay those fees. Mr. Trayer stated that was correct. Discussion ensued.

Mayor Oakes asked when was the last time that the fee was increased. Mr. Rosenberg stated it was in 2007 when the General Assembly authorized the increase from \$5 to \$10. Mayor Oakes asked if Council approved that increase at that time. Mr. Rosenberg stated it was approved at that time by Council.

This will be Item A on the Regular meeting agenda.

3. COVID-19 Response-Discussion of Extension of Relief Concerning Utility Payments and Disconnection Suspensions and Parking Fees

Mr. Rosenberg stated on March 26, 2020, City Council adopted an emergency ordinance that addressed several subjects. Among those addressed included relief for delinquent utility payments, a suspension of parking fees in certain City parking facilities. The relief included the following measures:

As it relates to utility payments and disconnection suspensions:

- Adjustment of interest rate to 0% and penalty to \$0.00 for charges incurred during the billing periods of March 10, 2020, through June 10, 2020, provided payment is made in full on or before July 10, 2020.
- Suspension of disconnections of water service for failure to pay water service bills for the period of March 18, 2020, through July 10, 2020.

Council's action did not waive or forgive charges for water actually used. Charges unpaid as of July 11, 2020, remain subject to interest and penalty.

As it relates to parking fees:

- Suspension of fees for the New Street parking garage, Johnson Street parking garage, Wharf parking lot, and Augusta Street parking lot during the period of March 18, 2020 through April 23, 2020.

Though the period of suspension expired on April 23, 2020, collection of parking fees has not resumed.

Mr. Rosenberg stated City staff was seeking guidance from City Council whether to extend these two measures of temporary relief. If Council so desires, an ordinance can be prepared for Council's consideration at the meeting on July 23, 2020. He noted the City of Waynesboro had recently extended its relief concerning utilities through the end of July and the City of Harrisonburg made a determination that their local relief would last as long as the local Declaration of Emergency was in effect. Mr. Rosenberg stated he declared a local emergency that remained in effect and felt that it would remain in effect for quite some time. He noted staff had some concerns about simply pushing the dates out further and further.

Mr. Trayer stated currently there were 547 water, sewer, and refuse delinquent accounts with past due payments in the aggregate amount of \$105,027. For comparison purposes, in June 2019, 91 customers, with an aggregate amount due of \$11,744, were disconnected.

Mr. Trayer stated the City of Waynesboro recently extended its suspension of utility disconnections and corresponding waiver of interest and penalties until July 31, 2020, with interest and penalties to be applied to unpaid balances on August 1, 2020.

On the parking front, Mr. Trayer the waiver of fees was being estimated at \$125,000 in lost revenue. He noted that amount was partially offset by estimated savings in labor and compensation costs of approximately \$30,000. Estimated use of parking fund balance in FY2020 would be \$100,000.

Mr. Trayer stated the FY2021 budget was balanced on a cash basis which allowed the City to cover debt service. Without parking revenue, the City would need to record an unbudgeted Fund Transfer from the General Fund to cover those costs. Mr. Trayer stated the first debt service payment was scheduled for October 1, 2020 for \$137,000 and the total Debt Service Budget for FY2021 in Parking was \$178,000.

Mr. Rosenberg stated the concern that staff had was that the City was currently in six-digit territory with delinquencies. He noted the concern was that customers would fall further and further behind. Mr. Rosenberg stated staff was prepared to work on payment plans with customers regardless of whatever Council chose to do.

Mayor Oakes asked Council members if they had any questions.

Mr. Holmes asked Mr. Trayer how many of the delinquent accounts were residential versus business accounts. Mr. Trayer stated the majority of the accounts were residential. Mr. Holmes asked if the accounts could be repaid without paying interest. Mr. Trayer stated that was a possibility. He noted there was normally 10% penalty applied, but that staff could work on that aspect as long as payment plans were being met if Council chose to do so.

Ms. Mead asked Mr. Trayer asked if CARES Act funds could be applied to the delinquent accounts. Mr. Trayer stated that was not allowed.

Ms. Darby asked Mr. Trayer how would the City make citizens aware if Council chose to offer a payment plan. Mr. Trayer stated staff would reach out to each delinquent account and try to set up a payment plan.

Mr. Rosenberg clarified that the action taken by City Council essentially waived the penalty as long as the delinquent account was paid in fully by July 10, 2020. He explained how Council could extend that date further.

Vice Mayor Robertson asked if staff knew how the community was doing as far as a percentage of unemployment.

Billy Vaughn, Director of Economic Development, stated the last monthly unemployment report from May, 2020 normally showed Staunton being lower than Waynesboro, but is higher than Augusta County. He noted information from June/July should be available soon.

Mr. Claffey asked Mr. Trayer how the City would cover the water fees. Mr. Trayer stated it was for water, sewer, and refuse. He noted the Water Fund was adequate and was \$100,000. He noted the City should be able to absorb it just fine. Mr. Claffey asked for how long – 30 or 60 days? Mr. Trayer stated it was hard to say. He noted the City could go on for another 90 days, but again it was draining the City's reserves.

Ms. Mead stated she wanted to point out that the CARES Act unemployment benefits would run out as of July 31, 2020 and that the problem was not going to get any better at least for the citizens.

Mr. Holmes stated the City should give citizens at least until the end of the month.

Mr. Rosenberg stated he would suggest that if Council desired to extend the date that it would be better to do it on the same framework and perhaps move it all forward by one month without penalty. He explained that Council did not need to take any action concerning payment plans.

Council members were all in agreement to extend the utility payment waiver until August 10, 2020.

Regarding the parking fees, Mr. Rosenberg stated it was his suggestion to leave things as they were for another month. He noted once Council had set a date to resume collection of parking fees, staff would present an ordinance to Council that would be retroactive in its application and set an end date. Mr. Rosenberg stated he felt it was a bit premature to resume the imposition of parking fees until Council felt that it did not.

Ms. Mead asked if resuming parking fees require the City to rehire employees.

Mr. Rosenberg stated that it would require that part-time employees who were terminated be brought back.

Mayor Oakes asked Council members if they were all in agreement to extend the parking fees by one month. Council members were all in agreement.

4. Update on CARES Act Relief Funds for Local Government and Public Safety (Fire and Police) Furloughs

Leslie Beauregard, Assistant City Manager, stated on May 12, 2020, the City received notice that it would receive \$2,175,221 in CARES Act relief funds. Very generally, these funds may be used for qualifying expenses of state and local governments that:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the state or local government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The City received the funds on June 1, 2020.

Ms. Beauregard stated City staff quickly formed a CARES Act working group that had been working to determine how the City may spend these funds within the guidelines provided, and was reviewing new information on use of the funds as it was released. And as this is a fluid process, staff anticipated that decisions regarding the funds would continue to be made throughout the next several months.

FY2020

Approximately \$158,000 has been expended during FY2020 in COVID-related costs for both the City and Staunton City Schools. Some of these included personal protective equipment (PPE), disinfectant, hand sanitizer, cleaning supplies, Zoom platform subscriptions for virtual meetings,

serology testing for employees, floor markings for physical distancing for elections and other city departments, custodial services, glass and plexiglass partitions for customer service areas, business assistance in the form of PPE kits, the match requirement for the Emergency Disaster Relief Loan Program for businesses administered by the Staunton Creative Community Fund, and communications related to COVID. CARES Act guidelines allow the City to reimburse itself for these expenses.

FY2021

For FY2021, the working group had discussed and determined, so far, that the following uses of the funds were permitted under the guidelines:

All Departments and Common Areas/General Facilities

- PPE, including mask dispensers for the public, disinfectant, hand sanitizer, and cleaning supplies for all public buildings
- Physical distancing markings in all customer service areas
- Signage informing the public and employees of recommended safety practices
- Custodial services (not already budgeted or overtime costs are applicable) substantially dedicated to COVID-related activities, such as cleaning restrooms and other public areas on a more frequent basis
- Touchless technology for bathrooms, such as touchless sinks, soap dispensers, toilets and foot-operated trashcans
- HVAC system improvements/maintenance to help improve air quality in public buildings

Human Resources/Employees

- Serology testing for any City employee who desires to obtain such a test
- Employer paid leave per the Families First Coronavirus Response Act

Marketing/Tourism

- Marketing to publicize the resumption of activities and steps taken to ensure a safe experience when welcoming visitors back to the City

Business Recovery/Assistance

City staff continue to explore several options to assist businesses which have suffered interruptions due to COVID-related closures. After engaging with many local business owners and reviewing various options, staff recommends an allocation of \$250,000 from the CARES Act funding for a recovery initiative to be administered by the Staunton Economic Development Authority. This effort will be very similar to what we have seen undertaken by other localities in the region, as businesses will be awarded funds on a first come, first served basis after applications have been reviewed to ensure they meet all qualifying criteria.

The City is also collaborating with United Way of Greater Augusta, Augusta County and the City of Waynesboro to provide PPE kits to local businesses. The City's share was \$3,000. So far, the City has received 27 requests from local small businesses for PPE kits. Recipients have been most appreciative of this successful campaign.

City Schools

To date, Staunton City Schools has requested \$427,158 for technology to assist with distance learning and virtual classrooms, to provide a mobile school meal program, and for additional cleaning to accommodate a planned rotating student schedule. Another request is expected to

assist the Schools with the cost of providing child care to teachers with children ages 5 to 11, so they can resume their teaching duties without having to worry about how to care for their own families. Details of the Schools' request follow:

- *Computer Infrastructure - \$90,000*: These funds will be used to replace the 8-year-old computing infrastructure in the School's server room. This centralized equipment currently operates virtualized servers on the VMWare platform that serves all staff and students in Staunton. All vendors and equipment are on state contracts for procurement.
- *Cloud Capability - \$75,000*: This necessary project facilitates the establishment of cloud capability to remotely deliver specific software applications necessary for Career and Technical Education-based instruction to students.
- *Internet Access - \$72,000*: This will cover the cost associated with providing approximately 300 low-income students with Internet access to continue remote learning.
- *School Nutrition Department - \$90,158*: This will cover purchase of PPE, carts, shelving, tray sealing systems, warming cabinets, totes and coolers for transportation of school meals; and compliance with new food packing requirements.
- *Cleaning Supplies - \$150,000*: The Schools will be rotating students and will require deeper cleaning between student groups.

Public Safety Payroll/Furloughs

There has been much confusion around public safety personnel and what is allowably charged to CARES Act funding. Here is an example of guidance communicated recently to localities:

The U.S. Treasury Department guidance on the CARES Act states that "funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are **substantially dedicated** to mitigating or responding to the COVID-19 public health emergency." **The first and most important element in determining payroll eligibility for meeting CARES Act guidelines is to carefully track and describe employee time actually spent on COVID-related activities.** Only then can each activity be examined to determine whether federal guidelines for reimbursement have been met.

The main issue is whether all of the duties of public safety personnel can be said to be "substantially dedicated" to "mitigating or responding to the COVID-19 public health emergency."

The original guidelines include the following language:

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19

public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

Ms. Beauregard stated given this ambiguity, the City and other localities have been hoping to receive further guidance from the Office of Management and Budget concerning use of CARES Act funds. As recently reported by the City's external auditor, no additional guidance—which had been expected by the end of June—has been released, and none is expected soon. However, in a recent telephone conversation with the auditor—one of many—staff and the auditor reexamined whether CARES Act funds can be used to eliminate furlough days for public safety employees. The auditor has now opined that given the timing of the City's decisions concerning furloughs (i.e., prior to notice of receipt of CARES Act funds), and the City's desire to avoid furloughs of public safety employees during the COVID-19 pandemic and its aftermath, CARES Act funds, in the approximate amount of \$108,000, may be used to eliminate the furlough days for public safety employees only.

Ms. Beauregard stated the auditor further noted that when additional compliance documents are released by the federal government this fall, the issue may need to be revisited. If, at that time, further guidance indicates the funds may not be used for this purpose, staff will need to identify another funding source for the elimination of the public safety furloughs.

Ms. Beauregard stated on that same basis, Council may also wish to consider an allocation of \$60,000 of CARES Act funds to restore funding for part-time firefighters, reduced in the adopted FY2021 budget. The reduction in funding necessitated a decrease in the number of personnel per shift from 11 to 10. The restoration of such funding would allow shifts of 11 personnel per shift.

Ms. Beauregard stated staff was looking for Council's guidance and thoughts on the direction that staff was taking so far. She noted staff would return next month to do the appropriation for the FY2021 dollars.

Mayor Oakes asked Council members if they had any questions.

Ms. Mead clarified with Ms. Beauregard that approximately \$900,000 had been allocated so far. Ms. Beauregard stated that was correct.

Ms. Mead asked if there was any money being allocated to assist individuals. Ms. Beauregard stated rent relief was an area that would be explored.

Ms. Mead stated the school system had allocated money for childcare for school teachers. She asked what the City was thinking in terms of supporting the need for childcare by the citizens so that they could return to work. Ms. Beauregard stated staff could investigate that and thought there were some provisions on how the City could help non-profit organizations.

Ms. Dull asked if touchless fixtures would be available for all bathrooms, including the parks. Ms. Beauregard stated the cost estimates that she'd received would include City Hall, the Fire Stations, the Library, the Gym, and Montgomery Hall. She noted it currently did not include the Park's bathrooms. Ms. Dull stated she felt this was an opportunity for the City to upgrade all bathrooms owned by the City and would advocate for doing so.

Mayor Oakes suggested that Ms. Beauregard reach out to CAPSAW regarding childcare and rent assistance.

Mayor Oakes stated as long as the furloughs were taken care of for the first responders, Fire, and Police, was to her definitely important.

Ms. Mead asked if the City would be required to itemize the restoration of funding to firefighters. Ms. Beauregard stated that was where some of the ambiguity was occurring, but on advice received currently, was that it could be assumed that their activities were related to COVID-19 and were substantially dedicated.

5. Discussion Concerning Gypsy Hill Golf Course

Due to the length of the meeting, Mayor Oakes recommended moving this item to the July 23, 2020 Work Session agenda. All Council members were in consensus.

6. Closed Meeting for: (i) Discussion of Possible Disposition of Publicly Held Real Property at Staunton Crossing, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body; (ii) Discussion of One or More Prospective Businesses or Industries Where No Previous Announcement has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities at Staunton Crossing; and (iii) Consultation and Discussion with Legal Counsel Requiring the Provision of Legal Advice by Such Counsel Pertaining to Legal Considerations and Discussion Involving Possible Vacation of City Public Right of Way, Application of the Provisions of Chapter 18.85 of the Staunton City Code, Specific Pending Litigation, and a Pending Request from Village Development Associates, LLC.

Mr. Holmes moved to enter a closed meeting for: (i) discussion of possible disposition of publicly held real property at Staunton Crossing, where discussion in an open meeting would adversely affect the public body bargaining position or negotiating strategy, pursuant to Virginia Code Section 2.2-3711(A)(3); (ii) discussion of one or more prospective businesses or industries where no previous announcement has been made of the business' or industry's interest in locating its facilities at Staunton Crossing, pursuant to Virginia Code Section 2.2-3711(A)(5); and (iii) consultation and discussion with legal counsel requiring the provision of legal advice by such counsel pertaining to legal considerations and discussion involving possible vacation of city public right of way, application of the provisions of Chapter 18.85 of the Staunton City Code, various specific pending litigation, and a pending request from Village Development Associates, LLC, pursuant to Virginia Code Section 2.2-3711(A)(8).

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

Mr. Claffey	aye	Ms. Mead	aye
Mr. Holmes	aye	Vice Mayor Robertson	aye
Ms. Darby	aye	Ms. Dull	aye
Mayor Oakes	aye		

Mr. Holmes moved that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that

only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

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

Mr. Holmes	aye	Vice Mayor Robertson	aye
Ms. Darby	aye	Ms. Dull	aye
Mayor Oakes	aye	Mr. Claffey	aye
Ms. Mead	aye		

The work session adjourned at 7:22 p.m.

Suzanne F. Simmons
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, July 9, 2020****7:30 p.m.****Rita S. Wilson Council Chambers**

PRESENT: **Mayor Andrea Oakes**
 Mark Robertson, Vice Mayor
 Carolyn W. Dull
 R. Terry Holmes
 Brenda O. Mead
 Stephen W. Claffey
 Amy G. Darby

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

Mayor Oakes called the meeting to order: As Mayor, I call this meeting of Staunton City Council to order. I note that this meeting is being broadcast over the City's cable channel and streamed lived on the City's website so that members of the public may hear our meeting. The meeting is also being recorded.

Mayor Oakes 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 Oakes	aye	Vice Mayor Robertson	aye
Ms. Darby	aye	Ms. Dull	aye
Mr. Holmes	aye	Ms. Mead	aye
Mr. Claffey	aye		

Mayor Oakes asked that City Manager Steve Rosenberg note the participation of any City officials or colleagues, or anyone else, during today's meeting by Zoom or telephone.

Mr. Rosenberg stated there were no City officials or other participants by Zoom or telephone.

Background Statement:

Mayor Oakes stated "Please let me mention that notice, reasonable under the circumstances, of this meeting has been given to the public contemporaneously with the notice provided to members of City Council. In addition to limited public seating in city hall, 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 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, in person and by telephone. Members of the public who wish to participate in such matters by telephone, at the appropriate time, may call (844) 854-2222 and, when prompted enter the access code 619358#. 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 by telephone 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, although being conducted in person, is also being conducted by Zoom, with virtual participation of certain members of City Council, 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 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.

Mayor Oakes then asked that everyone wear a mask while in City Hall.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence, which was to be given by Ms. Darby, instead was given by former Delegate and previous City Councilman Dickie Bell.

MAYOR'S REPORT

Mayor Oakes thanked City staff for their hard work during the Organizational Meeting on July 1, 2020. She also thanked the Staunton School Board for allowing the meeting to be held at A.R.Ware, Jr. Elementary School. Mayor Oakes then introduced the new Council members and welcomed back Council members Holmes, Mead, and Dull.

Mayor Oakes stated she and several Council members attended a ribbon cutting at Ali & Co in the downtown area.

Mayor Oakes stated on July 4, 2020 several Council members held a drive-thru parade in several neighborhoods throughout the city.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Mr. Holmes stated, if he'd known in advance, he would have attended the 4th of July parade. He stated he had never missed a parade since serving as a Council member.

Ms. Darby stated all Council members had received the same information regarding the parade. Discussion ensued.

APPROVAL OF MINUTES

Mr. Claffey stated he had several questions regarding the June 25, 2020 minutes. He noted that it stated in the Work Session minutes that the rent per month was going to move to \$1,500 per month which came to \$18,000 per year. He stated in the Regular meeting minutes, it was noted the City was paying \$15,000 per year for rent. Mr. Claffey noted there seemed to be a disparity in those figures. He referred to lines 396-397. Discussion ensued.

Mr. Rosenberg stated the Work Session and Regular meeting minutes had two different provisions. He stated the correct figure should be \$15,000 annually. He noted it was increasing from \$5,500 annually, which was presently being paid, to \$15,000 annually with the \$458.33 monthly difference being credited toward the purchase price. He noted it could be reflected in the minutes that it would be \$1,250 per month by whomever moved to approve the minutes to make that correction.

Mr. Claffey moved to approve the minutes of the work session and regular meeting minutes of June 25, 2020 as presented with the correction that the rent paid for the parking lot was moving to \$15,000 per year which was \$1,250 per month.

The motion was seconded by Mr. Holmes.

Ms. Mead stated she would abstain as she was not present for the June 25, 2020 meeting.

The motion carried as follows:

Vice Mayor Robertson	aye	Mayor Oakes	aye
Mr. Holmes	aye	Ms. Mead	abstain
Ms. Darby	aye	Mr. Claffey	aye
Ms. Dull	aye		

REGULAR MEETING

A. Introduction and Public Hearing of an Ordinance Amending Section 3.05.080 of the Staunton City Code to Increase Courthouse Security Fee from \$10 to \$20

Mayor Oakes stated a motion would be entertained to introduce the ordinance followed by a public hearing.

Mr. Rosenberg stated Phil Trayer, Chief Finance Officer, would make a brief presentation to Council. He noted provisions had been made for participation in the public hearing, either in-person or by telephone. Instructions were given.

Phil Trayer, Chief Finance Officer, stated this item was to introduce a modification in City Ordinance number 3.05.080, Assessment of Special Court Costs.

Mr. Trayer stated this year's General Assembly enacted legislation which allowed the City to raise Courthouse Security Fees from \$10.00 to \$20.00 for individuals convicted in General District Court, Circuit Court, and Juvenile and Domestic Relations Court for traffic or criminal offenses.

Mr. Trayer stated the fee was designated to support courtroom security and was to be appropriated to support the Sheriff's Department.

Mr. Trayer stated the proposed ordinance change required a public hearing which had been properly advertised and scheduled for this evening.

Mr. Trayer stated the Sheriff endorsed this change and the City Manager recommended introduction.

Mayor Oakes clarified that this was only to introduce the ordinance and that consideration was scheduled for Council's meeting on July 23, 2020.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Mr. Holmes moved to introduce an ordinance as presented and that City Council conduct a public hearing.

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

Mr. Holmes	aye	Ms. Mead	aye
Ms. Darby	aye	Mr. Claffey	aye
Ms. Dull	aye	Vice Mayor Robertson	aye
Mayor Oakes	aye		

The public hearing was opened.

Speaking against support of Staunton adopting the ordinance to increase Courthouse Security Fees were:

- 1) Ellen Boden, 232 E. Beverley Street
- 2) Nitch Narduzzi, 130 S. Jefferson Street – stated Vice Mayor Robertson should recuse himself.
- 3) Priscilla Jenkins, 520 A Street
- 4) Jasmine Brooks, 19 ½ Fayette Street - stated Vice Mayor Robertson should recuse himself.
- 5) Duane Barron, 301 Gooch Street
- 6) Dr. Mary Miller, 471 Albemarle Avenue
- 7) Dr. George Sproul, 41 Woodland Drive

Speaking in support of Staunton adopting the ordinance to increase Courthouse Security Fees were:

- 1) Ray Ergenbright, 204 Fox Hill Place

Asking for more information were:

- 1) James Mills, 1500 N. Coalter Street, Apt. C9 - stated Vice Mayor Robertson should recuse himself.

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

Mayor Oakes stated the proposed ordinance would be voted on at the July 23, 2020 Council meeting.

B. Public Hearing and Consideration of a Request by Mary Baldwin University for Special Use Permits for 245 Sycamore Street (PID #1913)

Rodney Rhodes, Senior Planner, stated Mary Baldwin University has submitted applications to convert 245 and 249 Sycamore Street from single-family dwellings to student housing. He noted the two properties were zoned HE-1, Higher Education District, which required Special Use Permits (SUP).

Mr. Rhodes stated last spring the University applied for basically the identical SUP for the same two properties. He noted concerns were expressed by neighbors at public hearings during Planning Commission and City Council meetings. On June 13, 2019, and after receiving Planning Commission's favorable recommendation, City Council approved two Special Use Permits for the conversion of 245 and 249 Sycamore Street to student housing with several conditions. He noted one particular condition was granting approval for a period of one year and that the University would need to reapply.

Mr. Rhodes stated there was a third application submitted this year, that was not part of last year's, and was for 146 N. Coalter Street. He noted that application had been withdrawn after the Planning Commission meeting and after the first advertisement for tonight's meeting.

Mr. Rhodes stated staff had inquired of the Police Department about calls specific to these two properties. According to the Police Department, between May 2019 and May 2020, there were no calls for service at 245 Sycamore Street and two calls at 249 Sycamore. One call was for a fire alarm, and the second call concerned a parking violation. Staff did not receive any complaints regarding potential violations of the conditions of the Special Use Permit.

At its meeting of June 18, 2020, the Planning Commission conducted a public hearing and considered the requests. University representatives announced that they wished to reduce the number of students housed in 245 and 249 Sycamore Street to five in each building. During the public hearing, five people expressed concerns with the applications. (Two of the speakers expressed specific concerns regarding the application for 146 North Coalter Street, which has been withdrawn.) On a 5-0 vote, the Commission unanimously voted to recommend approval of the Special Use Permits for 245 and 249 Sycamore Street with the following conditions, concurring with staff's recommendation:

245 Sycamore Street

1. The number of students permitted to be housed at 245 Sycamore Street shall not exceed five.
2. All residents of the property shall have a Mary Baldwin University parking permit and must be required by the University to park on campus. This parking restriction shall be monitored and enforced by Mary Baldwin University.
3. Pedestrian access points should be encouraged from campus rather than Sycamore Street. The existing sealed surface walkways must be maintained connecting 245 Sycamore Street to campus.
4. Failure to comply with any of these conditions will result in immediate revocation of the Special Use Permit.

249 Sycamore Street

1. The number of students permitted to be housed at 249 Sycamore Street shall not exceed five.
2. All residents of the property shall have a Mary Baldwin University parking permit and must be required by the University to park on campus. This parking restriction shall be monitored and enforced by Mary Baldwin University.
3. Pedestrian access points should be encouraged from campus rather than Sycamore Street. The existing sealed surface walkways must be maintained connecting 249 Sycamore Street to

campus.

4. Failure to comply with any of these conditions will result in immediate revocation of the Special Use Permit.

Mayor Oakes asked if there were any questions from Council members.

Council members did not have any questions.

The public hearing for both 245 and 249 Sycamore Street was opened.

Ginny Clemenko, Mary Baldwin University representative, explained the University had gone to considerable lengths over the past year to improve communications with the Sycamore Street neighbors and students. She noted MBU remained committed to fulfill communications and to uphold and enforce student's conduct going forward. Ms. Clemenko stated approval of the Special Use Permits was important for the future and growth of the University.

Alexandra and Mark Pitts, 239 Sycamore Street, stated they agreed with the proposal last year. Ms. Pitts stated the female students in the houses were not a problem. She noted there were several young gentlemen who moved into the houses and were not students. Ms. Pitts stated their biggest concern they had was that the University had no oversight over the two houses. Also, she noted a lack of delayed communication as well as parking not being enforced over the past year.

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

Mr. Holmes moved that Council approve the Special Use Permit for 245 Sycamore Street with the conditions, as recommended by the Planning Commission.

The motion was seconded by Vice Mayor Robertson.

Mayor Oakes asked Mr. Rhodes if the issue about non-residents staying in the houses was brought up during the Planning Commission meeting.

Mr. Rhodes stated that issue was brought up during the Planning Commission meeting. He noted a University representative stated these were more than likely boyfriends that stayed in the houses for an extended period of time.

Mr. Claffey asked Mr. Rhodes how many students lived in the two houses.

Mr. Rhodes stated one of the conditions that staff proposed, and was recommended by the Planning Commission, was that no more than five students at each house. He noted last year the limit was six and seven placed by City Council. Mr. Rhodes stated the University intends to only place five students in each house this year.

The motion carried as follows:

Ms. Darby	aye	Mr. Claffey	aye
Ms. Dull	aye	Vice Mayor Robertson	aye
Mayor Oakes	aye	Mr. Holmes	aye
Ms. Mead	aye		

C. Public Hearing and Consideration of a Request by Mary Baldwin University for Special Use Permits for 249 Sycamore Street (PID #8552)

Mr. Holmes moved that Council approve the Special Use Permit for 249 Sycamore Street with the conditions, as recommended by the Planning Commission.

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

Ms. Dull	aye	Vice Mayor Robertson	aye
Mayor Oakes	aye	Mr. Holmes	aye
Ms. Mead	aye	Ms. Darby	aye
Mr. Claffey	aye		

D. Public Hearing and Consideration of a Request by Mary Baldwin University for Special Use Permits for 146 N. Coalter Street (PID #3597) - WITHDRAWN

Mayor Oakes stated this item had been withdrawn from the agenda.

E. Discussion and Consideration of Supreme Court of Virginia Grant Application for Virginia Specialty Docket Grants/Drug Court and Therapeutic Docket

Mr. Rosenberg explained to Council members that this was an add-on item that had not been on the original agenda. He stated staff became aware of the item only recently. He noted after Council heard the presentation, he wanted to explain how staff might deal with this sort of circumstance in the future as it touched the recent change to Council procedure concerning grants.

Megan Roane, Director of Blue Ridge Court Services, stated she had received an invitation to apply for the Specialty Court grants on July 1, 2020 and is due on July 17, 2020. She noted once she received notice, she asked that this item be placed on Council's agenda.

Ms. Roane stated that tonight she was only going to ask for approval for the Supreme Court Specialty Docket for Drug Court. She noted staff had been granted the opportunity to apply and write a concept paper for the Therapeutic Docket. She asked that she be able to write a concept paper that would allow Blue Ridge Court Services (BRCS) to ask for more funding to help their program grow.

Ms. Roane explained that when BRCS receives an invitation, they are actually told how much to apply for. By allowing her to write the concept paper, Ms. Roane stated she would then ask to be added to the agenda possibly next month, thus allowing her to ask for more funding to grow the Therapeutic Docket.

Ms. Roane stated she would like to focus on asking for approval for herself to apply for the Supreme Court Specialty Docket Drug Grant. She noted BRCS was solely grant funded and were funded by fees and grants. She stated the City of Staunton served as their fiscal agent and the City Manager signed off on all grants.

Ms. Roane stated the total of the Drug Court grant was \$67,500. She noted there would be a 25% match for that grant and BRCS would take care of the match through their fees. Ms. Roane stated there was no fiscal impact on the City.

Mayor Oakes asked Council members if they had any questions.

Vice Mayor Robertson stated he would recuse himself on this particular vote as he is the pharmacist representative for the Drug Court.

Ms. Roane noted this was actually a continuation grant and was already included in their budget. She noted BRCS applies for this grant yearly.

Mayor Oakes clarified that the matching amount was taken care of through Blue Ridge Court Services fees. Ms. Roane stated that was correct.

Ms. Darby moved that City Council authorize staff to apply to the Supreme Court of Virginia for Specialty Docket Grants to fund the Drug Court, as proposed.

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

Ms. Dull	aye	Vice Mayor Robertson	abstain
Mayor Oakes	aye	Mr. Holmes	aye
Ms. Mead	aye	Ms. Darby	aye
Mr. Claffey	aye		

Mr. Rosenberg explained that this was a grant opportunity that required no local match. He stated the day after Council's Organizational Meeting on July 1, 2020, staff was made aware of another similar grant for which the Tourism Department had applied. He noted this was another one of these short turnarounds. Mr. Rosenberg stated he'd instructed Sheryl Wagner, Director of Tourism, to submit the application and, if approved, staff would present this to Council at the July 23, 2020 meeting for retroactive approval. Mr. Rosenberg stated this sort of circumstance was not uncommon. He noted departments became aware of grant opportunities on very short notice requiring very quick turnaround. He stated he would like to suggest to Council that staff be able to move forward with grant applications so they don't miss any opportunities. He noted it would be brought to Council at the next possible meeting for consideration and approval retroactively if necessary.

Mr. Claffey stated he would like to make a motion that Council proceed giving the City Manager those rights to do so on a timely basis. He stated he felt the whole point of the review of the grants was so Council knew what was going on and was telling staff to apply for grants.

The motion was seconded by Ms. Darby.

Mr. Holmes questioned if a grant did not require matching funds, would it be alright for the City Manager to proceed and then inform Council of such and to make it retroactive.

Mr. Claffey stated it was his intent was only that Council know what was being applied for.

Ms. Dull stated perhaps the best solution was to just go back to the Memorandum that it was with the stipulation that the City Manager would notify Council of any new grants received that did not require a match.

Vice Mayor Robertson stated he somewhat agreed with Ms. Dull, but asked if a compromise could be reached. He noted he did not have a problem with Ms. Dull bringing it to Council for a full vote at the next meeting.

Mr. Holmes stated all grants requiring a match were always brought to Council's attention first.

Ms. Mead stated she thought the change to the Council Memorandum was a "solution looking for a problem" and what Council was ending up with tonight was exactly what Council had before. She noted she would agree with Ms. Dull.

Mayor Oakes stated the current motion was to allow the grant to go forth and to be brought before Council for information reasons and approval retroactive.

Ms. Holmes asked if this motion covered anything in the future.

Mr. Rosenberg stated it was his understanding of the motion was that Council was in some sense modifying the Procedure Memorandum to provide that staff could deal with the circumstances prospectively in the same manner.

Discussion ensued. Ms. Mead asked if the motion could be repeated.

Mr. Claffey moved that Council allow the City Manager to apply for grants on a timely basis and notify City Council as soon as possible in all cases so that Council is aware of what grants have been applied for and approved retroactive.

Ms. Dull stated she had a question about that motion - if Council was approving retroactively, it had already been done.

Mayor Oakes stated Council could stop the grant if it wasn't approved.

Mr. Rosenberg stated if there was a circumstance in which Council did not approve a grant application that had already been submitted, he would instruct staff to withdraw the application. He noted staff could come forward with a revised version of the Procedure Memorandum that made it clear that where there was a match required would come to Council for approval in advance, and that where there was no local match required, staff may proceed with the application and at the next following Council meeting staff would report to Council concerning that grant application that did not require a match. He stated if Council were amenable to that, Mr. Claffey could withdraw his motion this evening and that staff could work on simple revisions to the Procedure Memorandum adopted on July 1, 2020 for Council's consideration on July 23, 2020. Mr. Rosenberg stated if that was deemed unacceptable on July 23, 2020, then another option could be considered.

Mr. Claffey stated he felt that would be the best solution possible and that he wanted to withdraw his motion.

Ms. Darby withdrew her second to the motion.

Ms. Mead stated she'd had technical difficulties after the public hearing was conducted regarding the Courthouse Security fee increase. She noted she would like to add something to the minutes. She stated City Council had received over 65 emails from citizens with comments on that item.

Of those 65 emails, 25 citizens expressed outright opposition to the fee increase, 45 expressed a qualified need for more information, and over 45 citizens expressed the thought that Vice Mayor Robertson should recuse himself from the vote. Ms. Mead added that she was aware that there was not legal requirement that Vice Mayor Robertson do so, but in the interest of transparency and the spirit of the notion, she felt he should do so.

Mayor Oakes stated Ms. Mead was out of order; however, her comments had been duly noted. She asked that issues be addressed under the line item as presented in the future.

Ms. Dull stated there had not been a motion made on the last agenda item. She noted it was withdrawn, but that the motion had not been replaced.

Ms. Oakes stated there was no need as the motion had been withdrawn.

Ms. Dull stated that was a need until the Council Memorandum could be adjusted.

Mayor Oakes stated that would be brought before Council at the next meeting.

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg stated the "Dine Out in Downtown" initiative had been extended through the Monday of Labor Day weekend. He noted input from restaurants and retailers would be reevaluated on whether to further extend the initiative into the fall season. He expressed his appreciation to City staff, Staunton Downtown Development Association, and to downtown businesses for all of the efforts that had been provided to make that initiative a success.

Mr. Rosenberg stated City Hall and the Irene Givens Administration Building had reopened to employees on July 6, 2020. He noted those facilities would reopen to the public on July 13, 2020. He stated further details would be released the following day.

Mr. Rosenberg stated the Real Estate taxes were now due on July 13, 2020 after a previous extension.

Mr. Rosenberg stated he wanted to receive input from Council members regarding the July 23, 2020 meeting. He noted there were public hearing items that would be included on a Regular meeting agenda. He stated he'd like to ask Council, if it was determined that if it were feasible to omit the work session and combine all items into a Regular meeting after consultation with the Mayor, but noted a closed session could still be held.

MATTERS FROM THE PUBLIC

Marnie Sheets, 121 Carrsbrook Drive, thanked Council members for participating in the 4th of July parade. She stated the Stonewall Jackson Hotel and Conference Center should be allowed to change the name, but felt the City should demand the money back that was given to them.

Nelson R. Ashby, 917 Powhatan Street, noted he was a previous Augusta County Board of Supervisors member. He stated, unless Council members who weren't present in person unless it were for pandemic reasons, he felt they did not deserve to be on Council. He asked for political correctness and that City Council to work together.

Fritz Fairfield, 118 Thornrose Avenue, stated “Talk Less, Smile More” and welcomed the new Council members.

Ray Ergenbright, 204 Fox Hill Place, thanked Council for the way that they had conducted themselves. He stated Council needed to get along and get the job done. He stated he was expecting the new Council members to get the economy flowing.

Ellen Boden, 232 E. Beverley Street, thanked the City and the SDDA for their good communication skills. She noted she was not informed about the recent 4th of July parade and wondered why it wasn’t promoted.

Alison Profeta, 402 Farrier Court, noted she was unable to call in on the public hearing for the Courtroom Security fee increase. She stated she was opposed to the fee increase. She voiced concern for Vice Mayor Robertson voting on any issue involving his brother, the City Sheriff. She noted it was common practice, both in business and in legal communities, to avoid the appearance of impropriety by recusing one’s self. She stated she had not heard about the 4th of July parade and wondered where it had been advertised.

Yvonne Wilson, 2017 First Street, recognized that the City was dealing with a lot of financial issues concerning the pandemic. She stated this Council was supposed to be a bipartisan body and should remain professional.

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

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Staff Members: Rodney Rhodes Tim Hartless
Item #	A & B	
Ordinance #		
Department:	Community Development – Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Public Hearing and Consideration of a Request by Breezy Hill of Staunton Two, LLC, to Amend Section 18.105.020(1), Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code, by Eliminating the Minimum Five-Acre Requirement for a Planned Residential Development Public Hearing and Consideration of a Request by Breezy Hill of Staunton Two, LLC, For a Special Use Permit to Create a Planned Residential Development at 123 Overlook Road (PID# 101806) Under the Provisions of SCC 18.105.020, Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code	

Background: Breezy Hill is a development located on Overlook Road behind the Historic Breezy Hill Mansion which fronts on N Augusta Street. The property is zoned P-1, Professional District. The development began in 2008 as a proposed multi-family development with 11 units to be sold as condominiums. A site plan was approved for the development of three buildings

built as townhouse style apartments. Building one, consisting of the first three units, was completed in 2008 and each unit was issued a Certificate of Occupancy and sold as condominiums. Permits were issued for foundations for the other two buildings. The foundations were completed but no other permits were requested at that time. In 2019, a permit was issued for the construction of building number 2 which is currently under construction.

The developer now desires to turn this development into single-family attached dwellings. Single-family attached dwellings are a permitted use in the P-1 Professional Districts; however, the zoning code requires that each lot front on a public street. The configuration of the parent parcel and the foundations that were constructed make it impossible to meet this requirement. The zoning code allows for a Planned Residential Development (PRD) to include private streets, driveways, and parking areas and for lots to be established without public street frontage. Currently, the zoning code requires that for a PRD to be considered, the developed parcel must contain a minimum of five acres. The Breezy Hill Development is less than two acres excluding it from consideration. The developer has requested that SCC 18.105.020(1) be amended to eliminate the minimum acreage requirement so that Breezy Hill can be considered for a PRD. A PRD is approved by City Council through the Special Use Permit process. A Special Use Permit application has been submitted and is included as part of this request.

Review: Staff has reviewed both applications, and in general, is supportive of the requests. The purpose of a PRD is to give developers flexibility in design and layout while still maintaining the basic density limitations of the district in which the development is located. The Special Use Permit process allows PRDs to be considered on a case by case basis. Eliminating the five-acre minimum requirement would have no impact on staff, Planning Commission, and Council continuing to evaluate requests based on the individual merits of each.

The developer asserts that the real estate market for condominiums has declined and that condo units are difficult to sell. Furthermore, he notes that meeting the legal requirements of creating condominiums is an onerous process. The conversion of these units to single-family attached would aid in the development and sale of this property. In general, owner occupied units promote better property maintenance and it has been the policy of the City to encourage owner occupied housing. The policy prompted a 2006 code amendment which made single-family attached dwellings fronting on public streets a “by right” use in R-3, Medium Density Residential, R-4, High Density Residential and P-1, Professional districts. Prior to the amendment, all single-family attached dwellings were only permitted through a PRD.

The proposed Breezy Hill PRD is in compliance with the underlying P-1 Zoning density limitations. The developer proposes eight units on lot 2B. Under the provisions of the P-1 District, as many as 30 units could be permitted, divided between the two buildings. The minimum parking requirement for single-family attached is one space per unit. Each unit will have a garage and all minimum required setbacks are met or exceeded.

Planning Commission Recommendation: At its meeting of June 18, 2020, the Planning Commission conducted a public hearing on the matter. On a 5-0 vote, the Commission voted unanimously to recommend approval of the Zoning Code Amendment and the Special Use Permit.

Attachments:

Attachment 1—Application for Zoning Code Text Change and Supporting Documents

Attachment 2—Application for a Special Use Permit and Supporting Documents

Attachment 3—Vicinity Map - 123 Overlook Rd.
Attachment 4—Current Zoning
Attachment 5---Draft Ordinance – 123 Overlook Rd.

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

First Motion: I move that Council approve the Zoning Code Amendment and adopt the ordinance, as presented and as recommended by the Planning Commission.

Second Motion: I move that Council approve the Special Use Permit to create a Planned Residential Development at 123 Overlook Road, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg

Staunton

DEPARTMENT OF PLANNING & INSPECTIONS
106 W. BEVERLEY STREET I.P.O. BOX 581 STAUNTON, VA 24402
540.332.3862 (OFFICE) 540.332.3807 (FAX)

ZONING TEXT CHANGE REQUEST

Applicant: Breezy Hill of Staunton Two, LLC Date: May 22, 2020
Address: c/o Philip H. Miller, Esq., 128 West Beverley Street, Staunton, VA 24401
Phone #: 540-885-8146
Email Address: phil@millerlevin.com

Present Zoning Regulation: _____

18.105.020 Planned residential development.

(1) General Description. The regulations established in this section are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation, and the provision for commercial (in R-3 and R-4 districts only), religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, the customary district regulations may be modified; provided, that overall population densities do not exceed the densities of specific residential districts. A planned residential development shall be permitted in any R-1, R-2, R-3, R-4, and P-1 districts and must have a minimum of five acres.

Proposed Zoning Amendment: _____

18.105.020 Planned residential development.

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Purpose of Request: Remove the minimum size of the property.

Ordinance Provided ☒ Yes CI No *Please Provide An Electronic Copy of Proposed Ordinance to the Planning Department Fee Paid (\$250.00) ☒ Yes CI No *check or cash only

Breezy Hill of Staunton Two, LLC
By 1
Philip H. Miller, Esq.

18.105.020 Planned residential development.

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THE ORDINANCE AFTER ADOPTION WILL READ:**18.105.020 Planned residential development.**

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(2) Permitted Principal and Accessory Uses and Structures.

(a) The uses permitted in a planned residential development shall only be those uses permitted in the particular zoning district wherein the planned residential development is located, and the intensity of use for the planned residential development must not exceed the intensity of use for the particular zoning district involved.

(b) Notwithstanding the provisions of subsection (2)(a) of this section, facilities for a homeowners association to provide for maintenance facilities and other activities by the homeowners association for the purposes of the planned residential development only and community facilities usage such as churches and other religious institutions, and nonprofit clubs such as country clubs, swimming, and/or tennis clubs may be permitted.

(c) Notwithstanding the provisions of subsection (2)(a) of this section, recreation usage within the planned residential development may include such facilities as would be consistent with the basic district for the planned residential development. Any structure involved in such usages shall have a 25-foot setback from all property lines. The amount of land set aside for permanent usable open space and recreational use shall be 15 percent of the gross development area.

(d) Additional permitted uses and regulations for planned residential development in R-3 and R-4 districts:

(i) The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools, commercial use, and street rights-of-way from the gross development area. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.

Where an area of 50 acres or more is being developed, a maximum of 20 percent of dwellings located within the area included in the development may be multiple dwellings. In all areas under 50 acres, a maximum of 15 percent of the dwellings may be multiple-family.

(ii) For each 100 dwelling units in the development plan, and notwithstanding the provisions of subsection (2)(a) of this section, one acre may be set aside for commercial uses permitted in the B-1 district provided that such commercial use shall be planned and gauged primarily for the service and convenience of the residents within the planned residential development and the people working therein and shall only be authorized to the extent that such uses are not available to such residents in reasonable proximity to the planned residential development.

(3) Area Regulations. The minimum lot size requirements for the applicable district shall not apply to planned residential development; provided, that the overall density of dwelling units is no greater than that permitted by the requirements for the applicable district. Each lot need not front on a dedicated street; provided, that each lot has vehicular and pedestrian access to a dedicated street through a prescribed easement or common area. All buildings shall be set back from street right-of-way lines and from the periphery of the project subject to the approval of the planning commission.

(4) Intensity of Use. The intensity of use shall not exceed the number of families per gross acre for the entire project as applied for the applicable zoning district.

(5) Off-Street Parking. Off-street parking is as regulated in Chapter 18.125 SCC.

(6) Administrative Procedure for a Planned Residential Development. In addition to the administration requirements set forth in Chapter 18.210 SCC, and the additional notice requirements set forth in subsection (6)(e) of this section, a planned residential development shall not be permitted until the following conditions have been complied with.

There shall have been filed with the planning commission a written application for approval, which application shall be accompanied with the following information:

(a) The application must be accompanied by an overall development plan showing the use or uses, dimensions, and locations of proposed sites, and other open spaces, with such other pertinent information as may be necessary to determine the contemplated arrangement or use which makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title. The applicant shall obtain written comments on the proposed development plan from the fire department, health department, affected utility companies, building official, and recreation department and submit these with application. The application must also be accompanied by the proposed agreements, provisions, or covenants for governing the use, maintenance, and continued protection of the planned development,

prescribed easements and any common areas that are not to be dedicated to and accepted by the city of Staunton which must be recorded with or prior to the first lot conveyance.

The proposed development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the state of Virginia.

(b) The planning commission shall review the conformity of the proposed development and shall recognize principles of civic design, land use planning, and landscape architecture. The planning commission may impose conditions regarding layout, circulation, and performance of the proposed development, and may require that appropriate deed restrictions be filed. The planning commission shall also review provisions for surface water drainage, storm sewers, and the specifications of the streets serving the subject development and may impose conditions regarding the same prior to its recommendations with respect to the subject project.

(c) The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.

(d) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood, and must provide standards of open space and areas for parking adequate for the occupancy proposed. It must include provisions for recreation areas to meet the needs of the anticipated population.

(e) In addition to the notice requirements set forth in Chapter 18.210 SCC, written notice shall be given before the public hearing conducted by the planning commission to the owner or owners, their agent, or the occupant, of all abutting property and property immediately across the street or road from the property affected. Notice sent by registered or certified mail to the last known address of such owner, as shown on the current real estate tax assessment books, shall be deemed adequate compliance with this requirement.

(f) Upon the abandonment of a particular project authorized under this chapter, or upon the expiration of two years from the authorization hereunder of a planned development which has not by then been completed or commenced and an extension of time for completion granted, the authorization shall expire and the land and structures thereon may be used without such approval for any other lawful purpose permissible within the area regulations of the district in which the planned development is located.

(7) Recordation of Plat. Upon the approval of the proposed development plan by the city council of the city of Staunton, a plat of the development shall be recorded and shall show building lines, common land, streets, easements, and other applicable features required by the title regulating the subdivision of land. No building permit shall be issued until the final plat of the proposed

development is approved and recorded. (Zoning ordinance Art. 5, § 1).

5a-26-09

Staunton

DEPARTMENT OF PLANNING &
INSPECTIONS
116 W. BEVERLEY STREET 1 P.O. Box
58 1 STAUNTON, VA 24402
540.332.3862 (OFFICE)
540.332.3807 (FAX)

APPLICATION FOR
SPECIAL USE PERMITDATE: May 22, 2020NAME OF APPLICANT: Breezy Hill of Staunton Two, LLCADDRESS OF APPLICANT: c/o Philip H. Miller, Esq, 128 West Beverley St., Staunton, VAPHONE #: 540-885-8146E-MAIL ADDRESS: phil@millerlevin.com

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

LOCATION OF PROPERTY: 123 Overlook Rd, Staunton, VA (Staunton PIN 101806)MAP PROVIDED: YES ☒ NO ☐ SITE PLAN PROVIDED: YES ☒ NO ☐FEE PAID: YES ☐ NO ☐ *check or cash onlyPRESENT ZONING OF THE PROPERTY: P-1

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON REVIEW:

18.105.020

ARE PUBLIC UTILITIES AVAILABLE AND ADEQUATE FOR PROPOSED USE? YES IF NO, EXPLAIN HOW UTILITIES WILL BE PROVIDED:

LEGAL DESCRIPTION OF PROPERTY: Lot 2B containing 1.322 acres

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

SIGNATURE:

Breezy Hill of Staunton Two, LLC
By: 1 Philip H. Miller, Esq

PIN 101806

**DEED OF DEDICATION, SUBDIVISION AND EASEMENT
OF
BREEZY HILL LOT 2 SUBDIVISION
CITY OF STAUNTON, VIRGINIA**

THIS DEED OF DEDICATION, SUBDIVISION AND EASEMENT is made this _____ day of _____ 2020 by and among **Breezy Hill of Staunton Two, LLC** a Virginia limited liability company, ("Developer") (Grantor); the **City of Staunton, Virginia**, ("Staunton") (Grantee); and, **Breezy Hill Two Property Owners Association, Inc.**, a Virginia corporation, (the "Association") (Grantee)

WITNESSETH:

WHEREAS, the Developer Breezy Hill of Staunton, Two, LLC, is the owner of certain real property situate in the City of Staunton, Virginia, acquired by it by deed of record in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument No. 060001023 and corrected by Instrument No. 070002087. A portion of said property is shown on the plat attached hereto and incorporated herein by this reference dated _____, entitled "Plat Showing the Division of Lot 2, Breezy Hill, LLC, Property City of Staunton, Virginia," prepared by Daniel Hansen, Land Surveyor with Balzer and Associates, Inc. (the "Plat"); and

WHEREAS, it is the desire and intent of the Developer to subdivide the Property into lots and parcels, in accordance with this Deed of Dedication, Subdivision and Easement and the Plat.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, receipt and sufficiency of which are hereby acknowledged, the Developer does hereby subdivide the Property, into eight (8) townhouse lots numbered Lot 1 through Lot 8, both inclusive, containing in the aggregate 0.682 of an acre and 0.641 of an acre n Open Space or Common Area in accordance with the Plat.

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, receipt and sufficiency of which are hereby acknowledged, the Developer does hereby convey to the Association 0.641 of an acre being designated on the Plat as Open Space for the use and enjoyment of the owners of lots as shown on the Plat, their guests and invitees subject to the terms of the Declaration of Covenants, Conditions and Restrictions for Breezy Hill of Staunton Lot Two Subdivision recorded as Instrument No. 2020000____; and, all lot owners shall be members of the Association and that all lots shown on the Plat, shall be held, sold and conveyed subject to said Declaration.

WITNESS the following signatures and seals.

Breezy Hill of Staunton Two, LLC

By: _____ (SEAL)
Bret K. Ritchie, Member/Manager

By: _____ (SEAL)
John B. Dod, II, Member/Manager

COMMONWEALTH OF VIRGINIA
CITY OF STAUNTON

The foregoing instrument was acknowledged before me this ____ day of _____ 2020, in the jurisdiction aforesaid, by Bret K. Ritchie and John B. Dod, II, Members/Managers of Breezy Hill of Staunton Two, LLC, a Virginia limited liability company on its behalf.

Notary Public
Registration No. _____

My commission expires: _____

PIN 101806

**BREEZY HILL, SECTION TWO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made as of the ____ day of _____, 2020, by Breezy Hill of Staunton Two, LLC, a Virginia limited liability company, (Declarant), Grantor and Grantee;

W I T N E S S E T H:

Declarant is the Owner of certain real property located in the City of Staunton, Virginia, on Overlook Road, it having acquired the same by deed from Robert L. Ballard and Meri Dawn Ballard, dated March 17, 2006, of record as Instrument No. 060001023 and corrected by deed recorded as Instrument No. 070002087 and all annexations or additions thereto. Declarant is developing the property as a townhouse subdivision, known as "Breezy Hill Section Two".

Declarant has entered into certain agreements with the Breezy Hill Condominium Owners Association by instrument dated June 22, 2020, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument No. 200001806 regarding the maintenance of the common entrance to the property off of Overlook Road, common area maintenance, mail boxes, a fence along the common property line, water and sewer lines, the fire service water line, and payment of utility fees charged by Staunton Public Works. The Property Owners Association hereinafter created and provided for shall be responsible for all of the maintenance obligations of the Declarant set forth in the agreement and once the last townhome in Breezy Hill Section Two has been sold to a third party the Property Owners Association shall have the sole responsibility of all obligations of the Declarant set forth in that agreement.

Declarant wants to provide for the protection and enhancement of the value and desirability of the townhomes to be constructed in the Subdivision through Breezy Hill Two Properties Owners Association, Inc., a non-profit, non-stock Virginia corporation, (the "Association").

Now, therefore, Declarant hereby declares that the townhome lots in Breezy Hill Two Subdivision shall be sold, held and conveyed subject to the covenants, conditions, restrictions, easements, reservations, liens, charges and other provisions of this Declaration and any amendments hereto (the "Declaration Provisions"). The Declaration Provisions shall run with the land; shall be binding upon all persons or entities who have or hereafter acquire any right, title or interest in all or any of the Lots; and shall inure to the benefit of all such persons and entities.

**ARTICLE I
USE AND OTHER RESTRICTIONS**

1..01 Residential Use. All townhome lots shall be used for single-family residential purposes only. No dwelling unit shall have more than two stories above grade. (This restriction shall not prohibit location of a sign identifying the Subdivision or other improvements made by the Declarant or the Association within the Open Space.

1.02 No Further Subdivision. No Lot shall be subdivided. This restriction shall not prohibit boundary line adjustments between owners to correct surveying errors or remove encroachments.

1.03 Utilities. Declarant reserves the easements for utilities shown on the Plat.

1.04 Temporary Structures. No temporary structure, tent, trailer, recreational vehicle or mobile home shall be kept or occupied on any Lot at any time, except for temporary facilities used by a contractor during construction and removed immediately upon completion of construction, if not sooner removed.

1.05 Inoperable Motor Vehicles. No inoperable, unlicensed, unregistered or uninspected motor vehicle shall be kept on any lot or parked on any street in the subdivision. No commercial vehicles, vans, road tractors, semi tractors, tractor trailers, school buses, motor homes or similar vehicles shall be parked or kept on any lot or street in the subdivision other than for the purpose of loading and unloading cargo or passengers.

1.06 Maintenance of Lots by the Association. Every townhouse lot shall be maintained by the Association, including, without limitation, periodic grass-cutting as necessary to maintain the grass to no more than five inches (5") in length, and periodic trimming of bushes, hedges, shrubbery, trees and other vegetation. The lot owners shall insure that no trash, garbage, rubbish, debris, brush or construction materials shall be dumped, kept or allowed to accumulate on any Lot, except that materials for approved construction or site work may be stored temporarily for incorporation into such project during such construction or site work.

1.07 Maintenance of Open Space by the Association. All "Open Spaces" (also known as Common Areas or Green Space) shall be maintained by and shall be the sole responsibility of the Declarant as Developer until such time as the Declarant conveys the common area to the Association. Once conveyed, the Open Spaces shall be owned, held, maintained and managed by the Association, solely for the recreation, Open Space and stormwater management. The conveyance of all lots shall be subject to the requirement that any assessments, charges and costs of maintenance of the Open Space for the Association, shall constitute a prorate lien which shall be inferior in dignity only to the lien of taxes and bona fide duly recorded first and second mortgages or deeds of trust existing of record with respect to each lot.

1.08 Maintenance of Vegetation and Trees upon Open Spaces. Fallen limbs and debris from wooded areas and trees located on all Open Spaces shall be periodically collected and disposed of to prevent impediment to natural water flow and all under brush and growth below trees and vegetation in all grassy or open areas of the Open Spaces shall be kept trimmed to a height not exceeding ten (10") inches above ground level. The responsibility under this Section and the cost to carry out such responsibility shall be borne by the Association and the cost to do so shall be imposed as a lien upon all Lots.

1.09 Fire or Other Casualty Loss/Damage. Any house or other improvement damaged or destroyed by fire or other casualty shall be repaired, restored, or rebuilt in accordance with the original plans approved by the Architectural Review Committee within six (6) months after such loss or damage and all debris from such fire or other casualty shall be removed within ninety (90) days; provided, however, that the owner may change such house or improvement in accordance with Article II but shall, in any case, remove all debris from such fire other casualty within such ninety (90) day period.

1.10 Animals. No animals shall be kept on any Lot or in any dwelling unit except for dogs, domesticated cats, and other small household pets. All pets shall be kept in a manner that will not create a nuisance to the adjoining Lot owners due to noise or behavior. Any three Lot owners shall have the right to sign a petition to the Association, stating the nuisance complained of. The offending Lot owner shall have the right to address the grievance before the Board of Directors of the Association and if the Board of Directors determines the pets to be a nuisance, the Lot owner shall remove the pets from the Lot within a reasonable time. In the event the Lot owner fails to comply, the Association may bring such court action as it deems necessary to abate the nuisance and all court costs and attorney's fees for such action shall be paid by the Lot owner.

1.11 Nuisances. No nuisance shall be maintained or permitted to exist on any Lot. Any three Lot owners shall have the right to sign a petition to the Association stating the nuisance complained of. The offending Lot owner shall have the right to address the grievance before the Board of Directors of the Association and if the Directors determine there is a nuisance, the Lot owner shall cause the nuisance to abate. In the event the Lot owner fails to comply, the Association may bring such court action as it deems necessary to abate the nuisance and all court costs and the Lot owner shall pay attorney's fees for such action.

ARTICLE II **CONSTRUCTION**

2.01 Accessory Structures. All accessory structures must receive approval from the Architectural Review Committee (the "ARC") prior to construction.

2.02 Architectural Review.

A. Architectural Review Committee. An Architectural Review Committee (the "ARC") is hereby created to review and approve or disapprove plans submitted for approval pursuant to this section and as provided in Section 1.10. The initial members of the ARC shall be John B. Dod, II and Bret K. Ritchie or any other members selected by them. After such time as the Declarant has developed and sold all Lots, the members of the ARC shall be appointed by the Association.

B. Submission of Plans and Specifications. No building, fence or other improvement shall be built on any Lot unless the plans and specifications for such improvement have been approved by the ARC. Copies of such plans and specifications shall be submitted along with a \$100.00 fee, to the ARC in such number and with reasonable details as it may request and the ARC then shall have thirty (30) days within which to approve or disapprove such plans. The ARC may disapprove plans for any improvements, which it reasonably believes would not be in harmony with the other improvements in the area or with the environment or would adversely affect the value of adjacent properties.

C. Approval. The ARC shall certify its approval of any plans and specifications for improvements, which it approves. Completion of any improvements without the filing of a suit and appropriate record notice to third parties within sixty (60) days thereafter by the ARC shall bar the ARC or any other party from claiming that such improvements were not approved under this section.

D. Improvements by Declarant. This section shall not apply to buildings or other improvements constructed by or on behalf of Declarant.

2.03 Completion. Buildings and other improvements shall be commenced within ninety (90) days of approval of plans and specifications by the ARC unless this time limit is extended by the ARC.

Such buildings and improvements shall be completed substantially within one (1) year after commencement of construction.

The members of the Architectural Review Committee are representatives of the owners and developers and have the desire to protect and preserve the property values of the unit owners now and in the future. All additions, modifications or alterations of any kind to a home's exterior or the lot must be submitted for architectural review and approval before proceeding with any work. Please allow at least 30 days for the review process.

Some guidelines . . .

Gardens and Plantings. Residents are encouraged to enhance their homes with the appropriate use of foundation shrubbery beds, gardens and ornamental trees. Vines of any type are discouraged because of the potential damage to siding and foundations. Established foundation beds (flowers or shrubbery) do not require approval for seasonal plantings. The following, however, require prior approval: (1) borders or beds that alter the lot elevation or are edged with wood, concrete or stone; (2) planting of trees; (3) planting of shrubs that will exceed 4' in height or width at maturity; (4) window boxes; (5) lawn ornaments; (6) wild or natural grasses; and (7) any other lot alteration which may impact the architectural harmony of the community.

Yard Signs. Yard signs are prohibited with the exception of "for sale" signs which are not to exceed 30'x20' in size.

Sprinkler and drainage systems. In ground sprinkler systems require prior approval. Please bear in mind that nothing may be done in front yards or unfenced rear yards that would impede the mowing service.

Satellite Dishes and Antennas. The size of communication dishes is limited to no larger than eighteen inches and any shall be installed in the rear yards in such a way that it is not an eyesore to neighbors. No antennas of any kind shall be permitted.

Doors and Windows. Any window or door replacements must be of the same style and color as originally installed. Any changes in style or color must be approved. The only storm doors permitted on front doors are the full glass and screen type

Fencing. The installation of fencing requires approval. All fences must be built within the property lines. It is recommended that owners determine the legal boundaries of their property prior to having fencing installed.

Owners should understand that in fencing their rear yards they give up the right to have the association maintain the yard and the responsibility falls on them to maintain the fenced area. No mowing services are provided. This is a restriction that will pass with the home when it is sold. See Declaration of Covenants, Conditions and Restrictions Article II, 2.02 B for more detail.

Decks, Patios, Awnings, Screened Porches and Sunrooms. All require architectural approval if not originally installed by the developer.

Concrete Walks, Porches, Steps, Driveways. Repair or replacement does not require approval unless the size, material, color or architectural style will be changed.

Exterior Lighting. Any changes to the exterior lighting, other than those identical to the ones originally installed, must be approved.

Exterior Clothes Lines. Not permitted.

Exterior fireplaces or fire pits. Require prior approval, applicable permits and must be in compliance with all city ordinances.

Hot Tubs. Require approval. Must be fenced/screened and in compliance with all city ordinances.

All residents shall maintain their property in a manner consistent with the Community Architectural Standards included herein.

ARTICLE III
BREEZY HILL TWO
PROPERTY OWNERS ASSOCIATION, INC.

3.01 Association.

A. Membership. All persons or entities owning the fee simple title to any Townhouse Lot (or, in the case of any Townhouse Lot owned by a trust, the beneficial owners of such Lot) shall be members ("Members") of Breezy Hill Two Property Owners Association, Inc., (the "Association"), a non-profit, non-stock corporation which has been incorporated in Virginia to apply, administer and enforce the Provisions of this Declaration. In addition, Declarant shall be a Member of the Association as set forth in this Declaration so long as Declarant owns any townhouse Lot. Membership in the Association shall be appurtenant to, and may not be separated or alienated from, ownership of townhouse Lots. Owners of detached single-family residential lots shall not be members of the Association.

B. Quorum. At any meeting of the Members, the presence, in person or by proxy, of Members owning a majority of the Lots and the presence of the Declarant or its successor, so long as any lot is owned by the Declarant or its successor, shall constitute a quorum. At a duly organized meeting, Members present can continue to transact business until adjournment even though enough Members withdraw to leave less than a quorum. If less than a quorum shall be in attendance at a meeting, a majority of the Members so represented may adjourn the meeting from time to time. If the required quorum is not present, another meeting may be called and the required quorum at such subsequent meeting shall be two-thirds (2/3) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days immediately following the preceding meeting.

C. Voting. The Association shall have two (2) types of regular voting membership with the power to elect the Board of Directors:

TYPE "A": Type "A" Members shall be all Owners, other than the Developer, of Townhouse Lots. A Type "A" Member shall be entitled to one vote for each Townhouse Lot that he owns.

TYPE "B": Type "B" Member shall be the Developer, its successors and assigns. The Type "B" Member shall be entitled to three (3) votes for each Townhouse Lot shown on the Plat of Breezy Hill Two Subdivision whether platted and recorded or not. Type "B" Membership is reduced by three (3) votes for each Townhouse Lot conveyed by it to a third party. Type "B" Membership shall

terminate upon conveyance by the Developer, or its successors or assigns, of the entirety of its interest in all of the property.

The Developer is Breezy Hill of Staunton Two, LLC, a Virginia limited liability company.

When any property entitling the Owner to membership as a Type "A" Member of the Association is owned or recorded in the name of two (2) or more persons or entities, whether fiduciaries, joint tenants, tenants in common, tenants in partnership or in any other manner of joint or common ownership, or if two (2) or more persons or entities have the same fiduciary relationship respecting the same property, then unless the instrument or order appointing them or creating the tenancy otherwise directs and it or a copy thereof is filed with the Secretary of the Association, their acts with respect to voting shall have the following effect:

- (a) If only one (1) votes, in person or by proxy, his act shall bind all;
- (b) If more than one (1) votes, in person or by proxy, the act of the majority so voting shall bind all;
- (c) If more than one (1) votes, in person or by proxy, but the vote is evenly split on any particular matter, each fraction shall be entitled to its proportionate share of the vote or votes;
- (d) If the instrument or order filed with the Secretary of the Association shows that any tenancy is held in unequal interest, a majority or even split under subparagraphs (b) and (c) immediately above shall be a majority or even split in interest in the property to which the vote(s) is attributable;
- (e) The principals of this paragraph shall apply, insofar as possible, to the execution of proxies, waivers, consents or objections, and for the purpose of ascertaining the presence of a quorum.

3.02 Open Spaces. The Open Spaces shall be conveyed to the Association by the Declarant.

3.03 Maintenance. The Association shall provide for maintenance of all Open Spaces.

A. Open Space, Grounds and Signs.

(i) The initial grading, seeding and landscaping of Open Spaces shown on the Preliminary Plan approved by the City of Staunton shall be provided and paid for by Declarant. After conveyance of the Open Spaces to the Association, the Association shall be responsible for the maintenance of all grounds and improvements to the Open Spaces.

(ii) The Association shall be responsible for the cost of the maintenance of, and in its discretion, the replacement of, any sign constructed by the Declarant to identify Breezy Hill Two Subdivision;

B. Storm Water Drainage and Detention Facilities. The Declarant shall be responsible for the construction of all storm water drainage easements and storm water management facilities that may be required by the City of Staunton. After completion of construction and approval by the City of Staunton of all storm water drainage easements and facilities the same shall be maintained by the Association.

C. Townhome Lots

(iii) The Association shall be responsible to maintain the lawns and planting areas of the Townhome Lots by periodic grass-cutting as necessary to maintain the grass to no more than five inches (5") in length, and periodic trimming of bushes, hedges, shrubbery, trees and other vegetation.

(iv) The owners of the Townhome Lots shall be responsible for any and all trash, garbage, rubbish, debris, brush or construction materials clean up and the clearing of snow and ice from all walkways and driveways and parking spaces.

3.04 Party Walls

1. General Rules of Law of Apply. Each wall which is built as a part of the original construction of any structure upon the real property subject to this Declaration and placed on the dividing line between Lots shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Section, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

2. Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

3. Destruction by Fire or Other Casualty. If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may repair or restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of repair or restoration thereof in proportion to such use, without prejudice, however, to the right of any such Owner to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

4. Weatherproofing. Notwithstanding any other provision of this Declaration, any Owner who by his negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

5. Right to Contribution Runs with Land. The right of any Owner to contribution from any other Owner under this Section shall be appurtenant to and run with the land and shall pass to such Owner's successors in title.

6. Association's Right to Repair and Maintain. In the event that any Owner shall fail to maintain a party wall in a manner satisfactory to the Board of Directors, the Association after thirty (30) days prior written notice to such Owner, and upon affirmative vote of a majority of the Board of Directors, shall have the right (but not the obligation), through its agents and employees, to enter upon such Lot and to repair, maintain and restore the party wall. The cost of such repair and maintenance shall be added to and become a part of the Community Assessment to which such Lot is subject.

3.05 Board of Directors. The Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by the Declaration or by the Articles of Incorporation or By-Laws of the Association required to be exercised or done by the members of the Association.

A. The Board of Directors shall consist of not less than two (2) persons nor more than five (5) as is determined from time to time by the members. Each member of the Board of Directors shall be an employee, officer or attorney of the Developer, the owner of a lot or a person having an interest therein, or, in the event of corporate ownership, any officer or designated agent thereof.

B. Election of directors shall be conducted in the following manner:

(i) The initial Board of Directors shall be appointed by the Developer.

(ii) Beginning in January 2021 Members of the Board of Directors shall be elected by a plurality of the votes cast at the annual meeting of the members of the Association.

(iii) Vacancies in the Board of Directors may be filled until the date of the next annual meeting by the remaining directors.

C. In January 2021 if there are three directors than two directors shall be elected for a 2-year term and one director for a one-year term. Thereafter all directors shall be elected for a term of two years.

3.06 Assessments.

A. Initial Assessment. At the time of purchase of a townhouse unit whether from the Developer or upon a resale of a unit, the Purchase shall pay to the Association a one-time nonrefundable initial assessment of \$500.00.

B. City of Staunton Public Utility Assessment. All units in Breezy Hill Condominiums (Three units) and Breezy Hill Two Townhouses (maximum of Eight Units) will be served by one water meter that will be read by the City of Staunton Public Works. Separate water lines will be run to each unit and a sub-meter placed at each unit. The City of Staunton will bill the Association for all public utilities including water, sewer, refuse and storm water and any other charge the City of Staunton may add to this normal billing system in the future. The Association will pay the total bill to the City of Staunton. The Association will read all of the sub-meters and bill each unit owner his/her respective share of the bill. Each unit owner shall reimburse the Association within thirty (30) days of the date of sending the bill to the unit owner. The association may send the bill to the unit owner by ordinary mail or to an email address provided to the Association by the unit owner. Any sum not paid within thirty (30) days shall incur interest at the penalty rate of one (1.00%) per month.

C. Community Assessments.

1. Creation of Community Assessment Lien. Declarant for each Lot hereby covenants, and each Owner of any Lot by acceptance of a deed or other instrument of conveyance, including any purchase at a judicial or trustee sale, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree to pay to the Association: (i) all annual Community Assessments, fees and charges, and (ii) all special Community Assessments for capital improvements, major repairs, and/or extraordinary maintenance, and/or other extraordinary items, such special Community Assessments to be fixed, established and collected from time to time as hereinafter provided. The annual Community Assessments and special Community Assessments, together with interest as hereinafter provided, costs of collection, and reasonable attorney's fees, shall be a charge upon the land and shall be a continuing lien upon the Lot against which each such Community Assessment is made as hereinafter provided. No Owner may waive or otherwise avoid liability for such annual Community and/or special Community Assessments by the non-use of the Open Spaces or by abandonment of his Lot or rights in the Open Spaces.

2. Purpose of Community Assessments. The Community Assessments levied by the Association shall be used to promote the enjoyment, health, safety and welfare of the residents in Breezy Hill Two Subdivision and in particular for the repair, maintenance, upkeep, improvement, enhancement and replacement of the Open Spaces, storm water facilities and parking as

provided in this Declaration, and, if deemed necessary and/or appropriate by the Board of Directors of the Association.

3. Basis and Maximum of Annual Community Assessments. The annual Community Assessments shall be made on the basis of a fiscal year beginning January 1 and ending December 31. Until January 1, 2021, the maximum annual Community Assessment on each improved Townhouse Lot (improved by a completed residential structure for which a certificate of occupancy permit has been issued by the City of Staunton, Virginia) shall be \$600.00 payable in installments of \$50.00 per month. The maximum annual Community Assessment on each recorded unimproved Lot shall be at all times ten percent (10%) of the maximum annual Community Assessment on improved Lots. There is no assessment for lots shown on the Master Plan but not created by the recordation of a subdivision plat. For each fiscal year after December 31, 2021, the maximum annual Community Assessment may be increased by up to twelve percent (12%) per year of the prior year's annual Community Assessment by the Board of Directors of the Association, without a vote of the Members, which Board of Directors may fix such annual increase after due consideration of current and anticipated costs, appropriate depletion allowances, reserve funds, and other needs of the Association. Any increase requested by the Board of Directors in the annual Community Assessment that exceeds the annual twelve percent (12%) increase over the prior fiscal year's assessment must be approved by a majority of a quorum of Members at a meeting of the Association duly called for this purpose.

4. Special Community Assessment. In addition to the annual Community Assessment authorized above, the Association may levy in any assessment year, a special Community Assessment applicable to that fiscal year only for the purpose of defraying, in whole or part, the costs of any major and/or extraordinary construction, reconstruction, repair or replacement of any part of the Common Properties, and, if deemed necessary and/or appropriate by the Board of Directors of the Association, the advancement of the cost of any payment, repair and/or replacement of any item which is the responsibility of any Owner until such time as the additional assessment attributable thereto can be levied and collected from the Owners responsible therefore; provided that any special Community Assessment shall have the consent of a two-thirds vote of a quorum of Members at a meeting of the Association duly called for this purpose.

5. Uniform Rate of Assessment. Both annual and special Community Assessments must be fixed at a uniform rate for all improved Lots as a class and at a uniform rate for all unimproved lots as a class and may be collected in advance.

3.07 Date of Commencement and Dates of Payment of Annual Community Assessments. The annual Community Assessment provided for herein shall commence as to all Lots on the 1st day of January 2021. Written notice of such annual assessments shall be sent to every owner subject thereto. Unless otherwise established by the Board of Directors, such annual assessments shall be due and payable by Members on the first day of each month beginning January 1, 2021.

3.08 Personal Obligations of Community Assessments. Community Assessments together with interest as hereinafter provided, costs of collection, and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such Lot at the time when such Community Assessments first became due and payable. In the case of co-ownership of a Lot, all such co-owners shall be jointly and severally liable for the entire amount of such assessments. All Owners of Lots, by acceptance of an instrument of conveyance, waive all rights to any homestead exemption with respect to their obligations to pay such assessments, costs and fees and shall be jointly and severally responsible for such payments together with their successor in title to each lot.

3.09 Interest on and Costs of Collection of Assessments; Right to Accelerate. The lien for Community Assessments shall also secure all interest and costs of collection, including a reasonable attorney's fee, whether suit is brought or not, which may be incurred by the Association, in enforcing said lien or such personal obligations. Any Lot Owner who fails to pay the Community Assessment when due, shall incur late fee of \$25.00. Any Community Assessment that is not paid within thirty (30) days after it is due shall bear interest at the rate of one percent (1%) per month.

3.10 Lien for the Payment of Assessments and Subordination of Lien to First and Second Lien Deeds of Trust. There shall be a continuing lien upon each of the individual Lots in order to secure payment of any of the Community Assessments provided in this Declaration, but such lien shall be at all times subject and subordinate to any first or second mortgage or deeds of trust placed on the Lot at any time. However, at such time as the Association places on record in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, a notice of delinquency as to any particular Lot on a form prescribed by the Board of Directors, then, from the time of recordation of said notice, the lien of such delinquent Community Assessments in the amount stated in such notice shall be a lien prior to any subsequently recorded first or second mortgages or deeds of trust in the same manner as the lien of a docketed judgment in the Commonwealth of Virginia. The lien of Community Assessments provided for herein, whether or not notice has been placed on record as above provided, may be foreclosed by a bill in equity in the same manner as provided for the foreclosure of mortgages or vendor's liens of a similar nature. A statement from the Association showing the balance due on any Community Assessment shall be prima facie proof of the current Community Assessment balance and delinquency, if any, due on a particular Lot.

3.11 Mortgage Protection.

Upon receipt of a written request from the holder of a first mortgage on any Lot, the Association shall notify such mortgagee in writing of any default in the performance by the Owner of such Lot of any obligation under this Declaration that is not cured within sixty (60) days.

The Association may not, except upon written approval of at least two-thirds (2/3) of the Owners (excluding Declarant), change the requirements of this Section 3.11.

ARTICLE IV **GENERAL PROVISIONS**

4.01 Managing Agent. The Association may employ and pay a managing agent, who may be the Declarant or an affiliate of Declarant, to manage the affairs of the Association. Such managing agent shall be employed and compensated for its services and costs pursuant to a written contract with a term not to exceed one year, which contract shall provide for termination by either party without consent of the other party or payment of a termination fee on ninety (90) days written notice.

4.02 Enforcement. Enforcement of the provisions of this Declaration shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or recover damages. Such action may be brought by Declarant or its successors or assigns as Developer, the Association, or the Owner of any Lot. In the event such action is brought, the substantially prevailing party shall recover from the party all costs incurred in connection therewith including reasonable attorney's fees.

4.03 Severability. Invalidation of any one or more of the provisions of this Declaration by judgment, court order or otherwise, shall in no way affect any other provisions which shall remain in full force and effect.

4.04 Amendments. This Declaration may be amended in whole or in part by instrument signed by the President of the Association after having been adopted by a two-thirds majority of the members of the Association and recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia.

4.05 Gender; Singular/Plural. As used in this Declaration, the masculine gender shall include the feminine and neuter, and vice versa, and the singular shall include the plural, and vice versa, whenever appropriate.

4.06 Duration. The covenants and restrictions of this Declaration shall run with and bind the land for a term of thirty-five (35) years from date and thereafter shall be automatically renewed for successive periods of ten (10) years each, unless modified, amended or rescinded as provided in Section 4.04.

WITNESS the following signature and seal.

Breezy Hill of Staunton Two, LLC
A Virginia Limited Liability Company

By: _____ (SEAL)
John B. Dod, II, Manager

By: _____ (SEAL)
Bret K. Ritchie, Manager

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

The foregoing instrument was subscribed and acknowledged before me in the jurisdiction aforesaid on the _____ day of _____ 2020, by John B. Dod, II and Bret K. Ritchie, Managers of Breezy Hill of Staunton Two, LLC who are duly authorized to act on behalf of said Virginia limited liability company.

Notary Public
Registration No. _____

My commission expires: _____

**ARTICLES OF INCORPORATION
OF
BREEZY HILL TWO PROPERTY OWNERS ASSOCIATION, INC.
(A NONSTOCK CORPORATION)**

ARTICLE I

NAME

The name of the corporation is: Breezy Hill Two Property Owners Association, Inc.

ARTICLE II

PURPOSE

The Association is organized and shall be operated exclusively as a Homeowners Association within the meaning of Section 528(c) of the Internal Revenue Code of 1986, as amended and a Property Owners' Association under the *Virginia Property Owners' Association Act* within the meaning of Section 55-508 *et seq.* of the *Code of Virginia* (1950) as amended. The Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purpose for which it is formed is to provide for the acquisition, construction, management, maintenance and care of certain real estate and the enforcement of covenants within "Breezy Hill Lot 2 Subdivision" located in the City of Staunton, Virginia, on Overlook Road, and to provide a means whereby the Members acting together may provide for the ownership, management, maintenance and care of the Common Areas, and in connection therewith shall: (a) enforce the Declaration of Breezy Hill Lot 2 Subdivision and exercise all of the powers and privileges and perform all of the duties and obligations of the Association; (b) fix, levy, collect and enforce payment by any lawful means of all charges or assessments pursuant to the Declaration and By-Laws of the Association; (c) pay all expenses of the Association; (d) subject to the Declaration and By-Laws, acquire, own, hold, provide, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association and exercise or waive any rights in its favor arising under the Declaration; and (e) have and exercise any and all powers, rights and privileges which a corporation organized under Section 13.1-801 *et seq.* of the *Code of Virginia* (1950) as amended (the "*Nonstock Corporation Act*").

No part of the net earnings of the Association shall inure to the benefit of any private individual other than by acquiring, constructing or providing management, maintenance and care of the Common Areas and rebate of excess membership dues, fees and assessments.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

1. **Membership.** The Developers shall be a Member of the Association, and a creditor who acquires title to the Properties or any portion thereof pursuant to foreclosure or any other proceeding or deed in lieu of foreclosure shall be a Member of the Association. Every Owner, unless otherwise specified, shall be a Member of the Association. Every Owner shall be required to submit the name(s) of his Tenant(s) and the duration of their tenancy to the Secretary of the Association. The Association may issue to each Member a membership card which shall expire upon sale by an Owner of his property in Breezy Hill Section Two. Owners who are exempt from the payment of Assessments shall not be Members of the Association unless otherwise specified herein.

2. **Voting Rights.** The Association shall have two (2) types of regular voting membership with the power to elect the Board of Directors:

TYPE "A": Type "A" Members shall be all Owners, other than the Developers, of Residential Lots. A Type "A" Member shall be entitled to one vote for each Residential Lot which he owns.

TYPE "B": Type "B" Member shall be the Developers, their successors and assigns. The Type "B" Member shall be entitled to three (3) votes for each Residential Lot shown on the Master Plan of Breezy Hill Lot 2 Subdivision whether platted and recorded or not. Type "B" Membership shall terminate upon conveyance by the Developers, or their successors or assigns, of the entirety of their interest in the property.

Payment of Special Assessments shall not entitle Members to additional votes.

The Developer of Breezy Hill Lot 2 Subdivision is Breezy Hill of Staunton Two, LLC, a Virginia limited liability company.

When any property entitling the Owner to membership as a Type "A" Member of the Association is owned or recorded in the name of two (2) or more persons or entities, whether fiduciaries, joint tenants, tenants in common, tenants in partnership or in any other manner of joint or common ownership, or if two (2) or more persons or entities have the same fiduciary relationship respecting the same property, then unless the instrument or order appointing them or creating the tenancy otherwise directs and it or a copy thereof is filed with the Secretary of the Association, their acts with respect to voting shall have the following effect:

- (a) If only one (1) votes, in person or by proxy, his act shall bind all;
- (b) If more than one (1) votes, in person or by proxy, the act of the majority so voting shall bind all;
- (c) If more than one (1) votes, in person or by proxy, but the vote is evenly split on any particular matter, each fraction shall be entitled to its proportionate share of the vote or votes;
- (d) If the instrument or order filed with the Secretary of the Association shows that any tenancy is held in unequal interest, a majority or even split under subparagraphs (b) and (c) immediately above shall be a majority or even split in interest in the property to which the vote(s) is attributable;
- (e) The principals of this paragraph shall apply, insofar as possible, to the execution of proxies, waivers, consents or objections, and for the purpose of ascertaining the presence of a quorum.

ARTICLE IV **BOARD OF DIRECTORS**

1. The number of directors constituting the Board of Directors is two (2), and their names and addresses is as follows:

John B. Dod, II	1161 Nelson Drive Harrisonburg, VA 22801
Bret K. Ritchie	1012 Ridgmont Drive Staunton, VA 24401

Except for this Board of Directors, the number of directors shall be as established by the By-Laws.

2. The term of office for a director shall be two years.
3. Requirements and qualifications for directors shall be as set forth in the By-Laws.
4. Directors shall be elected by the members, in accordance with the bylaws.

ARTICLE V **DEFINITIONS**

Except as expressly defined herein, all capitalized terms used herein shall have the meanings set forth in the Declaration or in the By-Laws of this Association.

ARTICLE V **INDEMNIFICATION**

1. **Definitions.** For purposes of this Article the following definitions shall apply:

(a) "**Association**" means this Association only and no predecessor entity or other legal entity;

(b) "**Expenses**" include counsel fees, expert witness fees and costs of investigation, litigation and appeal, as well as any amount expended in asserting a claim for indemnification;

(c) "**Liability**" means the obligation to pay a judgment, settlement, penalty, fine or other such obligation, including, without limitation, any excise tax assessed with respect to an employee benefit plan;

(d) "**Legal Entity**" means a corporation, partnership, joint venture, trust, employee benefit plan or other enterprise;

(e) "**Predecessor Entity**" means a legal entity the existence of which ceased upon its acquisition by the Association in a merger or otherwise; and

(f) "**Proceeding**" means any threatened, pending or completed action, suit, proceeding or appeal whether civil, criminal, administrative or investigative and whether formal or informal.

2. **Limit on Liability.** In every instance in which the Virginia Nonstock Corporation Act, as it exists on the date hereof or may hereafter be amended, permits the limitation or elimination of liability of directors or officers of a corporation to the corporation of its Members, the directors and officers of this Association shall not be liable to the Association or its Members.

3. **Indemnification of Directors and Officers.** The Association shall indemnify any individual who is, was or is threatened to be made a party to a Proceeding (including a Proceeding by or in the right of the Association or by or on behalf of its Members) because such individual is or was a director or officer of the Association or because such individual is or was a director or officer of the Association or because such individual is or was serving the Association, or any other Legal Entity in any capacity at the request of the Association while a director or officer of the Association, against all Liabilities and reasonable Expenses incurred in the Proceeding except such Liabilities and Expenses as

are incurred because of such individual's willful misconduct or knowing violation of the criminal law. Service as a director or officer of a Legal Entity controlled by the Association shall be deemed service at the request of the Association. The determination that indemnification under this Section 7.3 is permissible and the evaluation as to the reasonableness of Expenses in a specific case shall be made, in the case of a director, as provided by law, and in the case of an officer, as provided in Section 7.4 of this Article; provided, however, that if a majority of the directors of the Association has changed after the date of the alleged conduct giving rise to a claim for indemnification, such determination and evaluation shall, at the option of the person claiming indemnification, be made by special legal counsel agreed upon by the Board of Directors and such person. Unless a determination has been made that indemnification is not permissible, the Association shall make advances and reimbursements for expenses incurred by a director or officer in a Proceeding upon receipt of an undertaking from such director or officer to repay the same if it is ultimately determined that such director or officer is not entitled to indemnification. Such undertaking shall be an unlimited, unsecured, general obligation of the director or officer and shall be accepted without reference to such director's or officer's ability to make repayment. The termination of a Proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent shall not of itself create a presumption that a director or officer acted in such a manner as to make such director or officer ineligible for indemnification. The Association is authorized to contract in advance to indemnify and make advances and reimbursements for Expenses to any of its directors or officers to the same extent provided in this Section.

4. **Indemnification of Others.** The Association may, to a lesser extent or to the same extent that it is required to provide indemnification and make advances and reimbursements for Expenses to its directors and officers pursuant to Section 3 of this Article, provide indemnification and make advances and reimbursements for Expenses to its employees and agents, the directors, officers, employees and agents of its subsidiaries and predecessor entities, and any person serving any other Legal Entity in any capacity at the request of the Association, and may contract in advance to do so. The determination that indemnification under this Section 4 is permissible, the authorization of such indemnification and the evaluation as to the reasonableness of Expenses in a specific case shall be made as authorized from time to time by general or specific action of the Board of Directors, which action may be taken before or after a claim for indemnification is made, or as otherwise provided by law. No person's rights under Section 3 of this Article shall be limited by the provisions of this Section 4.

5. **Miscellaneous.** The rights of each person entitled to indemnification under this Article VII shall inure to the benefit of such person's heirs, executors and administrators. Indemnification pursuant to this Article shall not be exclusive of any other right of indemnification to which any person may be entitled, including indemnification pursuant to a valid contract, indemnification by Legal Entities other than the Association and indemnification under policies of insurance purchased and maintained by the Association or others. However, no person shall be entitled to indemnification by the Association to the extent such person is indemnified by another, including an insurer. The Association is authorized to purchase and maintain insurance against any Liability it may have under this Article or to protect any of the persons named above against any Liability arising from their service to the Association or any other Legal Entity at the request of the Association regardless of the Association's power to indemnify against such Liability. The provisions of this Article shall not be deemed to preclude the Association from entering into contracts otherwise permitted by law with any individuals or Legal Entities, including those named above. If any provision of this Article or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Article, and to this end the provisions of this Article are severable.

6. **Amendments.** No amendment, modification or repeal of this Article shall diminish the rights provided hereunder to any person arising from conduct of events occurring before the adoption of such amendment, modification or repeal.

IN WITNESS WHEREOF, for the purpose of forming this Association under the laws of the Commonwealth of Virginia, the undersigned Incorporator has executed these Articles of Incorporation this ____ day of _____ 2020.

Philip H. Miller, Incorporator

**By-Laws
of
Breezy Hill Two Property Owners Association, Inc.**

a non stock corporation organized
under the laws of the State of Virginia

1. General.

These are By-Laws of Breezy Hill Two Property Owners Association, Inc., (the "Association") a non stock corporation under the laws of the State of Virginia, the Articles of Incorporation of which were filed in the office of the Clerk of the State Corporation Commission and subject to the Declaration affecting the land and all residential improvements thereon known as Breezy Hill Lot 2 Subdivision and all annexations and additions thereto. The Association has been organized for the purpose of owning and administering control over the Open Space shown on the plat recorded with the Deed of Dedication in the subdivision known as Breezy Hill Lot 2 Subdivision, lying and being in the City of Staunton, Virginia, and such other Open Space that from time to time may be platted and conveyed to the Association. It was further organized to maintain any storm water management facility in the subdivision and to maintain the yards, sidewalks, driveways for the townhomes and the exterior of the townhomes in the subdivision.

(1) The office of the Association shall be at 1012 Ridgemont Drive, Staunton, VA 24401, or as established by the Board of Directors.

(2) The fiscal year of the Association shall be the calendar year beginning January 1st.

2. Members.

(1) The annual members' meeting shall be held at the office of the corporation at 7:00 P. M., on the first Wednesday in May of each year for the purpose of electing directors and of transacting any other business authorized to be transacted by the members; provided, however, if that day is a legal holiday, the meeting shall be held at the same hour on the next succeeding day.

(2) Special members' meetings shall be held whenever called by the President or Vice President or by a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from one-third of the entire membership.

(3) Notice of all members' meetings stating the time and place and the objects for which the meeting is called shall be given by the President or Vice President or Secretary unless waived in writing. Such notice shall be in writing to each member at his address as it appears on the books of the Association and shall be mailed or hand delivered not less than thirty (30) days nor more than sixty (60) days prior to the date of the meeting. Notice of meeting may be waived before or after meetings.

(4) Subject to contrary provisions in the Declaration, which may in some instances have a greater requirement than is controlling in all other circumstances, a quorum at members' meetings shall consist of members entitled to cast a majority total of the votes. The joinder of a member in the action of a meeting by signing and concurring in the minutes thereof shall constitute the presence of such member for the purpose of determining a quorum.

(5) The vote of the owners of a lot owned by more than one person or by a corporation or other entity shall be cast by the person named in a certificate signed by all of the owners of the lot and filed with the Secretary of the Association. Such certificate shall be valid until revoked by a subsequent certificate. If such a certificate is not on file, the vote of such owners shall not be considered in determining the requirement for a quorum nor for any other purpose.

(6) Proxies. Vote may be cast in person or by written proxy. Proxies shall be valid only for the particular meeting designated therein and must be filed with the Secretary before or at the appointed time of the meeting.

(7) Approval or disapproval of a lot owner upon any matter, whether or not the subject of an Association meeting, shall be by the same person who would cast the vote of such owner if in an Association meeting.

(8) Adjourned meetings. If any meeting of members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present.

(9) The order of business at annual members' meetings, and, as far as practical, at all other members' meetings, shall be:

- (a) Calling of the roll and certifying of proxies.
- (b) Proof of notice of meeting or waiver of notice.
- (c) Reading and disposal of any unapproved minutes and treasurer's report
- (d) Reports of all other officers.
- (e) Reports of committees.
- (f) Election of directors (if applicable).
- (g) Unfinished business.
- (h) New business.
- (i) Adjournment.

3. Directors.

(1) The Board of Directors shall consist of not less than two (2) persons nor more than five (5) as is determined from time to time by the members. Each member of the Board of Directors shall be an employee, officer or attorney of the Developer, the owner of a lot or a person having an interest therein, or, in the event of corporate ownership, any officer or designated agent thereof.

(2) Election of directors shall be conducted in the following manner:

(a) Members of the Board of Directors shall be elected by a plurality of the votes cast at the annual meeting of the members of the Association.

(b) Vacancies in the Board of Directors may be filled until the date of the next annual meeting by the remaining directors.

(3) The initial Board of Directors shall be appointed by the Developer. In July 2020 three directors shall be elected for a two year term and two directors shall be elected for a one year term. Thereafter directors shall be elected for a term of two years.

(4) The organization meeting of a newly-elected Board of Directors shall be held immediately following the annual meeting of the Members and at the same place. No further notice of the organization meeting shall be necessary providing a quorum shall be present.

(5) Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the directors. Notice of regular meetings shall be given to each director, personally or by mail, telephone, or telegraph at least three (3) days prior to the day named for such meeting unless such notice is waived.

(6) Special meetings of the directors may be called by the President and must be called by the Secretary at the written request of one-third of the votes of the Board. Not less than three (3) days' notice of the meeting shall be given personally or by mail, telephone, or telegraph, which notice shall state the time, place and purpose of the meeting.

(7) Waiver of notice. Any director may waive notice of a meeting before or after the meeting, and such waiver shall be deemed equivalent to the giving of notice.

(8) A quorum at directors' meetings shall consist of the directors entitled to cast a majority of the votes of the entire Board. The acts of the Board approved by a majority of votes present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors, except as specifically otherwise provided in the Declaration. If, at any meeting of the Board of Directors, there be less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At an adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice. The joinder of a director in the action of a meeting by signing and concurring in the minutes thereof shall constitute the presence of such director for the purpose of determining a quorum.

(9) The presiding officer of directors' meetings shall be the President. In the absence of the presiding officer, the directors present shall designate one of their number to preside.

(10) Directors' fees, if any, shall be determined by the members, and paid from the Association's funds on hand.

4. Powers and Duties of the Board of Directors.

All of the powers and duties of the Association shall be exercised by the Board of Directors, including those existing under the common law and statutes, the Articles of Incorporation of the Association, and the documents establishing the subdivision. Such powers and duties of the directors shall be exercised in accordance with the provisions of the Declaration that governs the use of the land, and shall include but shall not be limited to the following:

(1) To make and collect assessments against members.

(2) To use the proceeds of assessments in the exercise of its powers and duties.

(3) The maintenance, repair, replacement and operation of the corporate property, the townhome yards and any storm water management facility.

(4) The reconstruction of improvements after casualty and further improvement of the property.

(5) To make and amend regulations respecting the use of the corporate property.

(6) To enforce by legal means the provisions of the Declaration, the Articles of Incorporation, the By-Laws of the Association, and the regulations for the use of the property in the subdivision.

(7) To pay taxes and assessments which are liens against any part of the property and the appurtenances thereto, and to assess the same against the lot owners.

(8) To carry insurance for the protection of lot owners and the Association against casualty and liabilities.

(9) To employ personnel for reasonable compensation to perform the services required for proper administration of the purposes of the Association.

5. Officers.

(1) The executive officers of the corporation shall be a President, who shall be a director; a Vice-President, who shall be a director; a Treasurer, who shall be a director; a Secretary and an Assistant Secretary, all of whom shall be elected annually by the Board of Directors and who may be peremptorily removed by vote of the directors at any meeting. Any person may hold two (2) or more offices, except that the President shall not also be the Secretary. The Board of Directors shall from time to time elect such other officers and designate their powers and duties, as the Board shall find to be required to manage the affairs of the Association.

(2) The President shall be the chief executive officer of the Association. He shall have all of the powers and duties which are usually vested in the office of president of an association, including but not limited to the power to appoint committees from among the members from time to time, as he may in his discretion determine appropriate, to assist in the conduct of the affairs of the Association.

(3) The Vice President shall in the absence or disability of the President exercise the powers and performs the duties of the President. He shall also generally assist the President and exercise such other powers and perform such other duties as shall be prescribed by the directors.

(4) The Secretary shall keep the minutes of all proceedings of the directors and the members. He shall attend to the giving and serving of all notices to the members and directors and other notices required by law. He shall have custody of the seal of the Association and affix the same to instruments requiring a seal when duly signed. He shall keep the records of the Association, except those of the Treasurer, and shall perform all other duties incident to the office of secretary of an association as may be required by the directors or the President. The Assistant Secretary shall perform the duties of the Secretary when the Secretary is absent.

(5) The Treasurer shall have custody of all property of the Association, including funds, securities and evidences of indebtedness. He shall keep the assessment rolls and accounts of the

members; he shall keep the books of the Association in accordance with good accounting practices; and he shall perform all other duties incident to the office of Treasurer.

(6) The compensation of all officers and employees of the Association shall be fixed by the directors. This provision shall not preclude the Board of Directors from employing a director as an employee of the Association.

6. Fiscal Management.

Fiscal management of the Association shall be by the following provisions:

(1) Assessment rolls. The assessment roll shall be maintained in a set of accounting books in which there shall be an account for each lot. Such an account shall designate the name and address of the owner or owners, the amount of each assessment against the owners, the dates and amounts in which the assessments come due, the amounts paid upon the account and the balance due upon assessments.

(2) Budget.

(a) The Board of Directors shall adopt a budget for each calendar year which shall contain estimates of the cost of performing the functions of the Association, including, but not limited to, the following items:

(1) Common expense budget:

- (i) Maintenance, repair, replacement and operation of the Open Space and any storm water detention facility;
- (ii) Maintenance of the entrance, yards and grounds;
- (iii) Casualty insurance;
- (iv) Liability insurance;
- (v) Administration; and
- (vi) Reserves for future maintenance, repairs and capital improvements.

(2) Proposed assessment against each member.

(b) Copies of the proposed budget and proposed assessments shall be transmitted to each member on or before April 15 before the annual meeting to be held on first Sunday in May for the next budget year. If the budget is subsequently amended before the assessments are made, a copy of the amended budget shall be furnished each member concerned.

(3) The depository of the Association shall be such bank or banks as shall be designated from time to time by the directors and in which the moneys of the Association shall be deposited. Withdrawal of moneys from such accounts shall be only by checks signed by such persons as are authorized by the directors.

(4) An audit of the accounts of the Association shall be made annually by an audit committee of the Association consisting of three (3) of its members who shall review and approve the books of the previous fiscal year by April 1 and make a report to the members at the annual meeting.

7. Parliamentary Rules.

Roberts Rules of Order (latest edition) shall govern the conduct of corporate proceedings when not in conflict with the Articles of Incorporation and By-Laws of the corporation or with the Statutes of the State of Virginia.

8. Amendments.

Amendments to the By-Laws shall be proposed and adopted in the following manner:

(1) Notice of the subject matter of a proposed amendment shall be included in a notice of any meeting at which a proposed amendment is considered.

(2) A resolution adopting a proposed amendment must receive approval of two-thirds of the votes of the entire membership of the Board of Directors and 75% of the votes of the entire membership of the Association. Directors and members not present at the meetings considering an amendment may express their approval in writing.

(3) Initiation. An amendment may be proposed by either the Board of Directors or by the membership of the Association; and after being proposed and approved by one of such bodies, it must be approved by the other.

(4) Effective date. An amendment when adopted shall become effective immediately unless otherwise expressly stated.

(5) These By-Laws shall be deemed amended, if necessary, to the extent required and so as to make the same consistent with the provisions of the Declaration or Articles of Incorporation of the corporation that shall control in the event of conflict with these By-Laws.

COURT ADDRESS:
113 E. BEVERLEY STREET
STAUNTON, VA 24402
PHONE #: 540-332-3874



OFFICIAL RECEIPT
STAUNTON CIRCUIT COURT
DEED RECEIPT

DATE : 07/14/2020

TIME : 16:07:26

RECEIPT # : 20000004840

TRANSACTION # : 20071400033

CASHIER : MSW

REGISTER # : C722

INSTRUMENT : 200001806

BOOK :

PAGE :

GRANTOR : BREEZY HILL OF STAUNTON TWO, LLC

GRANTEE : BREEZY HILL OF STAUNTON TWO, LLC

RECEIVED OF : MILLER LEVIN PC

ADDRESS : 1012 RIDGEMONT DR STAUNTON, VA 24401

DATE OF DEED : 06/22/2020

MULTI : \$188.00

CHECK/MO NUMBER : 3335

DESCRIPTION 1 : LOT 2B CONTAINING 1.322 ACRES

NAMES : 0

CONSIDERATION : \$0.00

AVAIL : \$0.00

CASE # : 790CLR200001806

FILING TYPE : OPM

RECORDED : 07/14/2020

EX : N

EX : N

PCT : 100%

PAYMENT : FULL PAYMENT

AT : 16:05

LOC : CI

PAGES : 008

OP : 1

PIN OR MAP : 121074

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00	236	DOC. REPRO. COSTS	\$4.00
106	TECHNOLOGY TRST FND	\$40.00	301	CLERK RECORDING/INDEXING FEE	\$108.00
145	VSLF	\$28.00	423	E-RECORDING DEED PAPER FILING	\$5.00

TENDERED : \$ 188.00
AMOUNT PAID : \$ 188.00

VIRGINIA LAND RECORD COVER SHEET

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM A – COVER SHEET CONTENTInstrument Date: 6/22/2020Instrument Type: OPMNumber of Parcels: 2 Number of Pages: 8☒ City ☐ County STAUNTON
CIRCUIT COURTTax Exempt? VIRGINIA/FEDERAL CODE SECTION☐ Grantor:☐ Grantee:

Business/Name

1 X Grantor: BREEZY HILL OF STAUNTON TWO2 X Grantor: BREEZY HILL CONDOMINIUM OW1 X Grantee: BREEZY HILL OF STAUNTON TWO2 X Grantee: BREEZY HILL CONDOMINIUM OW

Grantee Address

Name: BREEZY HILL OF STAUNTON TWO, LLCAddress: 1012 RIDGEMONT DRCity: STAUNTON State: VA Zip Code: 24401Consideration: \$0.00 Existing Debt: \$0.00 Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00 Fair Market Value Increase: \$0.00

Original Book No.: Original Page No.: Original Instrument No.:

Prior Recording At: ☒ City ☐ County STAUNTON Percentage In This Jurisdiction: 100%Book Number: Page Number: Instrument Number: 190003218Parcel Identification Number/Tax Map Number: 121074Short Property Description: LOT 2B CONTAINING 1.322 ACRESCurrent Property Address: 123 OVERLOOK RDCity: STAUNTON State: VA Zip Code: 24401Instrument Prepared By: MILLER LEVIN PC Recording Paid By: MILLER LEVIN PCRecording Returned To: MILLER LEVIN PCAddress: 128 WEST BEVERLEY STREETCity: STAUNTON State: VA Zip Code: 24401INSTRUMENT 200001806
RECORDED IN THE CLERK'S OFFICE OF
STAUNTON CIRCUIT COURT ON
JULY 14, 2020 AT 04:05 PM
STACI N. FALLS, CLERK
RECORDED BY: MSW

(Area Above Reserved For Deed Stamp Only)

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

Instrument Date: 6/22/2020

Instrument Type: **OPM**Number of Parcels: 2 Number of Pages: 8

[] City [] County **STAUNTON**
X **CIRCUIT COURT**

Parcels Identification/Tax Map

Prior Recording At:

☒ City ☐ County **STAUNTON**

Percentage In This Jurisdiction: **100%**

Book Number: Page Number:

Instrument Number: 070002087

Parcel Identification Number (PIN)/Tax Map Number: 101816

Short Property Description: **LOT 2A CONTAINING 0.439 ACRES**

Current Property Address: 121 OVERLOOK RD

City: STAUNTON State: VA Zip Code: 24401

Prior Recording At:

[] City [] County **Percentage In This Jurisdiction:**

Book Number: _____ Page Number: _____ Instrument Number: _____

Parcel Identification Number/Tax Map Number:

Short Property Description:

Current Property Address:

City: _____ State: _____ Zip Code: _____



PIN: 121074 and 101806

THIS BOUNDARY LINE ADJUSTMENT is made this 22nd day of June 2020, by and between **Breezy Hill of Staunton Two, LLC**, a Virginia limited liability company, party of the first part, Grantor and Grantee, whose address is 1012 Ridgemont Drive, Staunton, VA 24401; and **Breezy Hill Condominium Owners Association**, party of the second part, Grantor and Grantee, whose address is 121 Overlook Road #B1-2, Staunton, VA 24401.

WITNESSETH

WHEREAS, the Grantor and Grantee are the owners of adjoining lots or parcels of land and they desire to confirm the boundary line between them for the purpose of creating two lots, Lot 2A containing 0.439 of an acre and Lot 2B containing 1.322 acres with each of the resulting lots to be treated as one lot.

WHEREAS, the lots herein created are made with the free consent and in accordance with the desire of the owners.

NOW THEREFORE, in consideration of the sum \$1.00, cash in hand paid, the receipt and sufficiency is hereby acknowledged, Breezy Hill of Staunton Two, LLC does hereby grant, transfer and convey, WITH SPECIAL WARRANTY OF TITLE, unto Breezy Hill Condominium Owners Association, the following real estate, to-wit:

Lot 2A containing 0.439 acre, subject to the reservation of the right to use the "Prop Variable Width Access Easement" for ingress and egress and utility installation and the "Water Line Easement" for the water lines from the City meter to Lot 2B, as shown on plat entitled "Plat Showing The Division of #126 Overlook Road, City of Staunton, Virginia," dated May 20, 2020, made by Daniel E. Hansen, Land Surveyor with Balser & Associates, attached hereto and by this reference made a part hereof. (the "Plat")

THIS DEED FURTHER WITNESSETH that for and in consideration of the sum \$1.00, cash in hand paid, the receipt and sufficiency is hereby acknowledged, Breezy Hill Condominium Owners Association does hereby release, transfer, convey and Quit Claim all of its right, title and interest, unto Breezy Hill of Staunton Two, LLC, the following real estate, to-wit:

Lot 2B containing 1.322 acres as shown on the Plat together with the right to use, in common with Breezy Hill Condominium Owners Association, as an appurtenance to Lot 2B the "Prop. Variable Width Access & Water Line Easement" located as shown on the Plat.

This Deed Further Witnesseth the parties hereto desire to establish the rights and responsibilities with regard to the Variable Width Access & Water Line Easement located as shown of the Plat to be used by the parties hereto their successors and assigns.

RECITALS:

R-1. There currently exists on Lot 2A three condominium Units with the common elements being maintained by the Breezy Hill Condominium Owners Association. These three units currently use the Variable Width Access Easement for ingress and egress to their condominium units.

R-2. Breezy Hill of Staunton Two, LLC, intends to construct no more than eight townhouse living units on Lot 2B that will use the Variable Width Access Easement for access to their living units. Four units are currently under construction within the existing building foundation shown on the plat nearest to the Variable Width Access Easement.

R-3. It is the intention of Breezy Hill of Staunton Two, LLC to create a property owners association to maintain the Open Space or Common Area to be created within Lot 2B and to participate in the maintenance of the Variable Width Access Easement.

Now therefore, the parties hereto do hereby agree as follows:

1) Breezy Hill Condominium Owners Association hereby grants to Breezy Hill of Staunton Two, LLC, its successors and assigns the right to use the "Prop. Variable Width Access Easement" located as shown on the plat for ingress and egress to and from Overlook Road and for utility installation.

2) The parties hereby agree that the cost to maintain the variable width access easement shall be maintained in proportion to the number of living units using the easement for access.

3) The living units on Lot 2B shall be deemed to be in existence at the time a certificate of occupancy is issued by the City of Staunton.

4) Any damage to the access easement caused during the construction of the new units on Lot 2B shall be repaired at the expense of Breezy Hill of Staunton Two, LLC.

5) The parties hereto shall create a special committee to establish the level of maintenance, the cost per unit to maintain and to hire and perform the maintenance on behalf of the parties. After the property owners association for the townhouses on Lot 2B is created that property owners association shall be substituted for Breezy Hill of Staunton Two, LLC. The committee shall initially consist of two persons, one represented by each of the parties hereto. The funding shall come from each of the parties hereto, to the committee, with share of Breezy Hill of Staunton Two, LLC actually coming from the property owners association to be created by them for the benefit of the owners of living units on Lot 2B.

6) All maintenance of the common area on Lot 2A shall be performed by the Breezy Hill Condominium Owners Association and all maintenance of the common area on Lot 2B shall be performed by Breezy Hill of Staunton Two, LLC. Both parties agree to coordinate the timing of maintenance so that the appearance of the two communities will remain appealing and uniform at all times.

7) Breezy Hill of Staunton Two, LLC intends to install a gang mail box for all townhome units. Such gang mail box will include twelve boxes, one for each living unit plus a large common box for all unit owners to use for large deliveries. The Breezy Hill Condominium Owners Association may choose to use three boxes, one for each unit, and the large common box, or it may choose to use their existing mail boxes on Lot 2A.

8) Breezy Hill of Staunton Two, LLC agrees to construct and maintain a fence on the common line between Lot 2A and Lot 2B as agreed between the parties.

9) Each condominium unit and each townhouse unit will have its own water line from the City water meter to the sub meter for each unit. Each unit owner shall be responsible to maintain, repair and/or replace the water line and sub meter for their unit.

10) Each condominium unit owner and each townhouse unit owner shall be responsible for the maintenance and repair of the sewer line from each unit to the common line where that sewer line merges with the sewer line of other units. All common sewer lines located on the property of the Condominium Association's lands for common sewer lines to the City's line, shall be maintained by the Condominium Unit Owners Association at the expense of that association. All common sewer lines located on the property of the Townhouse Association's lands for common sewer lines to the City's line, shall be maintained at the expense of the Townhouse Property Owners Association.

11) Breezy Hill of Staunton II, LLC agrees to maintain the fire service water line from North Augusta Street running through Lot 2B and into Lot 2A.

This Deed Further Witnesseth the parties hereto desire to establish the rights and responsibilities with regard to the water meter that will serve all of the condominium units and all of the new units to be built on Lot 2B. There is one main water meter located as shown on the Plat on Lot 2A that will be read by the City. From that meter a separate water line has been run to each of the condominium units with a sub-meter at each unit. And, a separate water line will be run from the main water meter to each of the new townhouse units to be contracted on Lot 2B with a sub-meter at each townhouse unit. With regard to the payment of the utility bill submitted by the City of Staunton, the parties hereto do hereby agree as follows:

A) The Breezy Hill of Staunton Two, LLC agrees to pay the utility bill to the City.

B) Breezy Hill of Staunton Two, LLC agrees to read the sub-meters on all units and bill each condominium unit owner and each owner of a townhome on Lot 2B the amount owed by each. Breezy Hill of Staunton Two, LLC shall send a copy of the bill received from the City of Staunton and a copy of the billing for each unit owner to Breezy Hill Condominium Owners Association for their review and if appropriate comment on the manner of billing to the unit owners or any correction that should be made.

C) The term utility bill shall include all charges made by the City of Staunton and billed under their standard billing statement whether it be for water, sewer, storm water, refuse collection and any other charge related thereto that that is charged by the City department of public works.

The agreements herein made shall be binding on Breezy Hill of Staunton Two, LLC and the property owners association that is to be created for the owners of the townhouse units on Lot 2B. Once all townhouse units have been constructed on Lot 2B and all have been sold, the term Breezy Hill of Staunton Two, LLC shall mean the property owners association to be created and Breezy Hill of Staunton Two, LLC nor its principals, shall have any further obligation under this agreement.

Signatures and notaries follow

Witness the following signatures and seals.

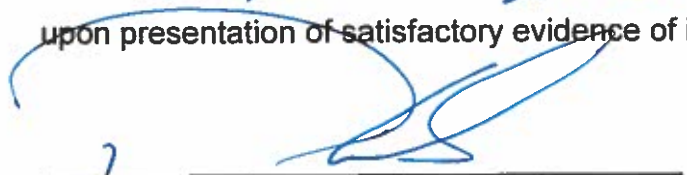
Breezy Hill of Staunton Two, LLC

By:  (SEAL)
John B. Dod, II, Member/Manager

By:  (SEAL)
Brett K. Ritchie, Member/Manager

STATE OF VIRGINIA
CITY OF STAUNTON, to wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid, this 22nd day of June 2020, by, personally known to me or upon presentation of satisfactory evidence of identity.


Notary Public
Registration No. 107732

My commission expires: 4-30-2023



Breezy Hill Condominium Owners Association

By: Sylvia D Stewart (SEAL)

Name: Sylvia D Stewart

Title: Treasurer

STATE OF VIRGINIA

CITY OF STAUNTON, to wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid, this 29th day of June 2020, by W Sylvia Stewart (Name), condo owner (Title) of Breezy Hill Condominium Owners Association, on its behalf, personally known to me or upon presentation of satisfactory evidence of identity.

Barbara C Painter

Notary Public

Registration No. 308923

My commission expires: 11/30/2024



INSTRUMENT 200001806
RECORDED IN THE CLERK'S OFFICE OF
STAUNTON CIRCUIT COURT ON
JULY 14, 2020 AT 04:05 PM
STACI N. FALLS, CLERK
RECORDED BY: MSW

NOTES:

- 1) THIS PLAT REPRESENTS A CURRENT FIELD SURVEY.
- 2) THERE ARE OTHER IMPROVEMENTS LOCATED ON THE SUBJECT PROPERTIES THAT ARE NOT SHOWN HEREON.
- 3) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.
- 4) SUBJECT PROPERTY IS IN FEMA DEFINED ZONE "X"
MAP NUMBER: 5101500337D
EFFECTIVE DATE: SEPTEMBER 28, 2007
- 5) EXISTING EASEMENTS SHOWN HEREON ARE BASED ON PLAT RECORDED AT INSTRUMENT #070000791 AND WITH DECLARATION RECORDED AT INSTRUMENT #090003196.
- 6) POSTED COORDINATES ARE BASED ON CITY OF STAUNTON GPS CONTROL NETWORK, NOT PLAT DATUM.
- 7) SANITARY SEWER AND WATER LINES ARE SHOWN HEREON BASED ON FIELD CONDITIONS. SEE PLANS FOR UTILITY LINES. CITY OF STAUNTON C.S. ALL LINES WITHIN OVERLOOK ROAD (INCLUDING OF WATER METER) AND NORTH AUGUSTA STREET ARE PUBLIC PER CITY OF STAUNTON C.S. ALL OTHERS ARE PRIVATE.

LINE	BEARING	DISTANCE
1	N 87° 43' 57" W	51.00'
2	N 40° 00' 22" W	29.22'
3	N 18° 23' 47" E	13.00'
4	N 77° 03' 55" W	28.73'
5	S 3° 57' 10" W	53.87'
6	S 86° 28' 40" W	36.89'

LEGEND	
■	M/F MONUMENT FOUND
●	N/S NAIL SET
●	R/F ROD FOUND
●	R/S ROD SET

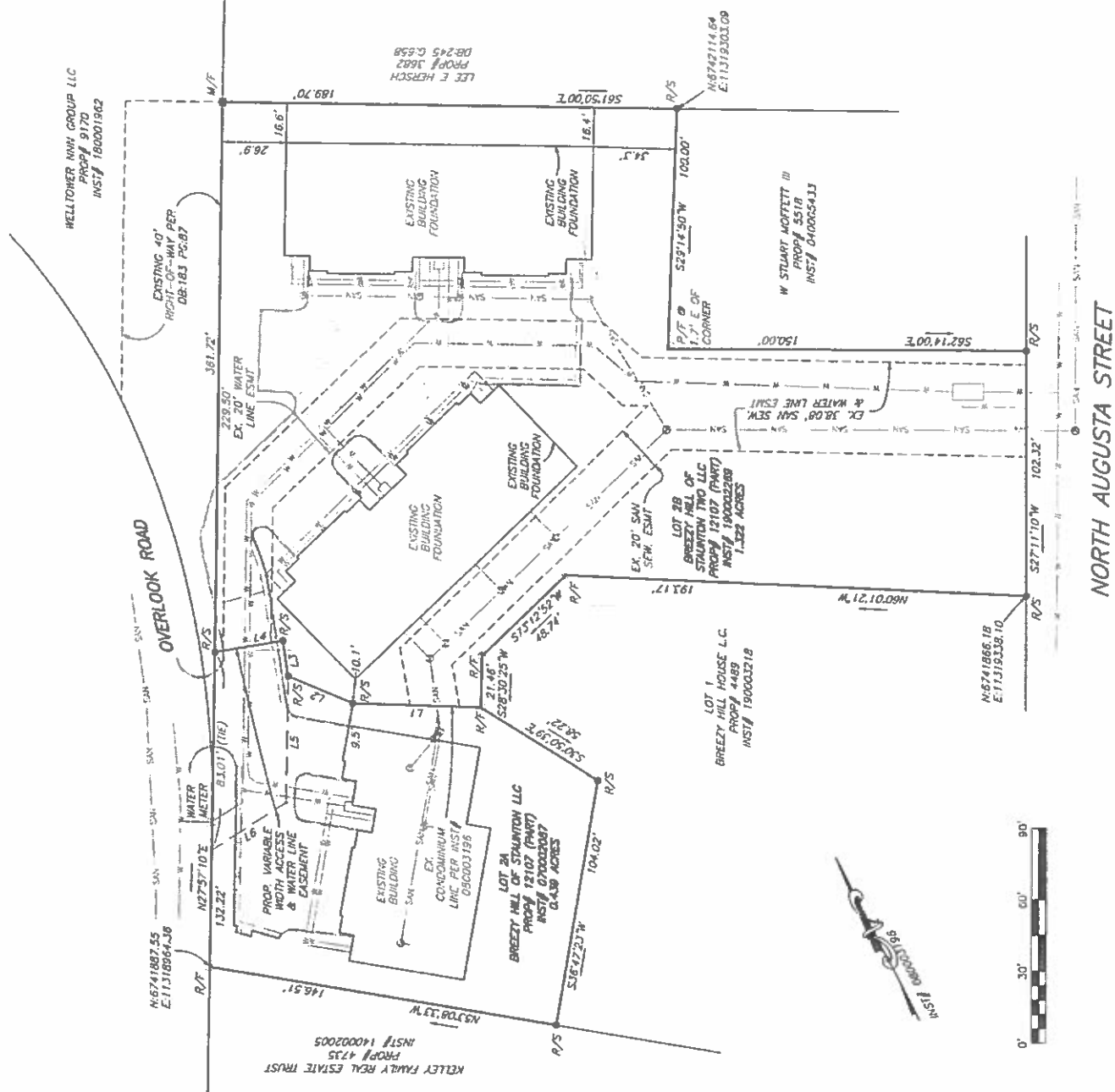


REV: 05-20-2020
DATE: 12-10-2019
SCALE: 1" = 30'
SHEET NO. 00
DRAWN BY: DER



PLAT SHOWING
THE DIVISION OF
#121-123 OVERLOOK ROAD

CITY OF STAUNTON, VIRGINIA
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
FOUNDED / INCORPORATED IN 1940 / 1941 / 1942 / 1943 / 1944 / 1945 / 1946 / 1947 / 1948 / 1949 / 1950 / 1951 / 1952 / 1953 / 1954 / 1955 / 1956 / 1957 / 1958 / 1959 / 1960 / 1961 / 1962 / 1963 / 1964 / 1965 / 1966 / 1967 / 1968 / 1969 / 1970 / 1971 / 1972 / 1973 / 1974 / 1975 / 1976 / 1977 / 1978 / 1979 / 1980 / 1981 / 1982 / 1983 / 1984 / 1985 / 1986 / 1987 / 1988 / 1989 / 1990 / 1991 / 1992 / 1993 / 1994 / 1995 / 1996 / 1997 / 1998 / 1999 / 2000 / 2001 / 2002 / 2003 / 2004 / 2005 / 2006 / 2007 / 2008 / 2009 / 2010 / 2011 / 2012 / 2013 / 2014 / 2015 / 2016 / 2017 / 2018 / 2019 / 2020

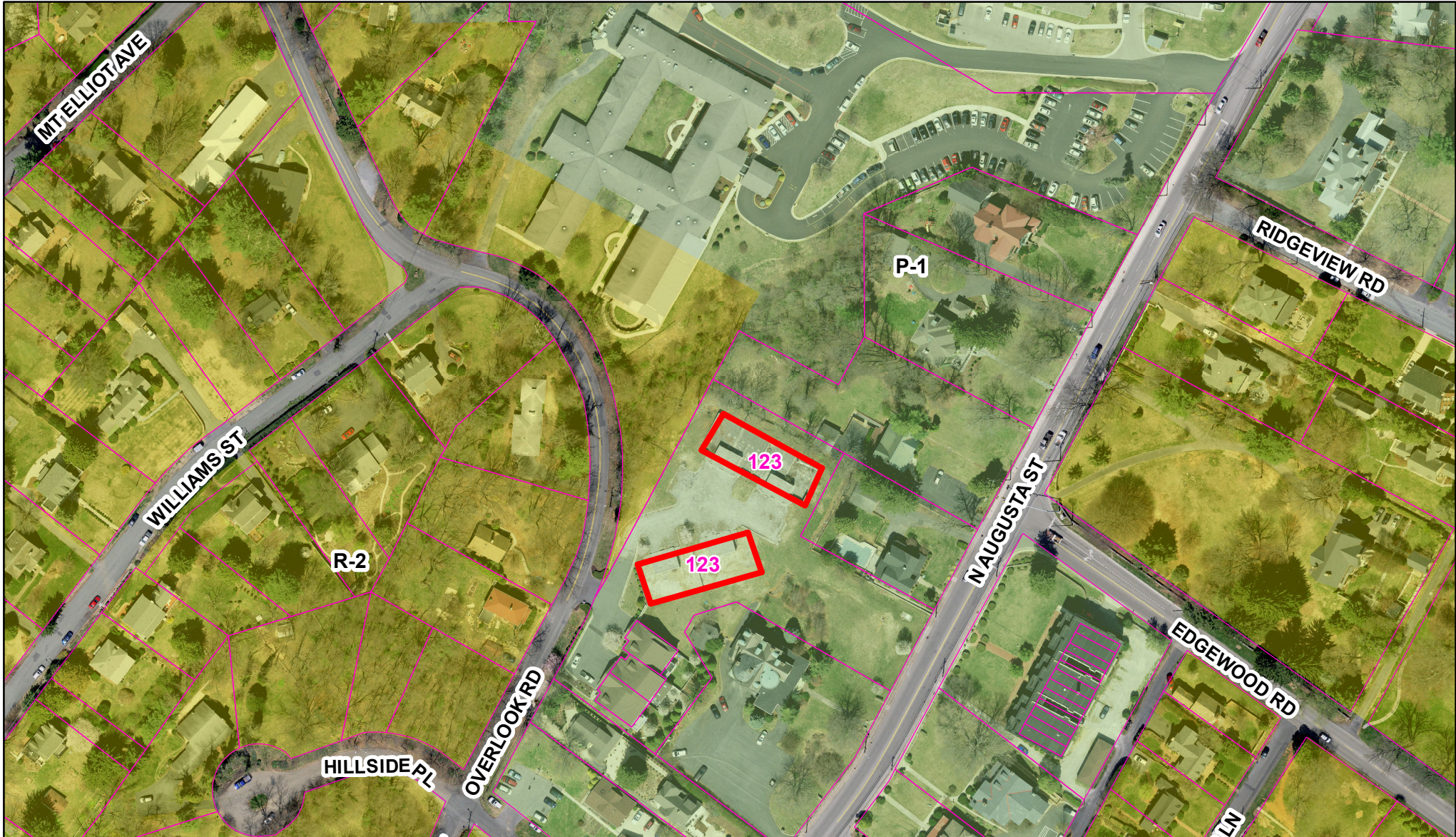


NORTH AUGUSTA STREET

Vicinity Map – 123 Overlook Rd



Current Zoning – 123 Overlook Rd



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 Property
	Parcels

Ordinance No. 2020-____

**AN ORDINANCE AMENDING SECTION 18.105.020,
PLANNED RESIDENTIAL DEVELOPMENT, OF CHAPTER 18.105,
DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW,
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE
TO REMOVE THE MINIMUM SIZE REQUIREMENTS NECESSARY
FOR CONSIDERATION OF A PLANNED RESIDENTIAL DEVELOPMENT**

Recitals

A. Breezy Hill of Staunton Two, LLC, the owner of 123 Overlook Road (PID 101806), has requested an amendment to Section 18.105.020, Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code (SCC);

B. 123 Overlook Road is presently zoned P-1, Professional District (SCC Chapter 18.50) and contains approximately 1.322 acres more or less;

C. The owner of 123 Overlook Road wishes to develop the property as a Planned Residential Development and construct eight new single-family attached dwellings; however, the current provisions of SCC Section 18.105.020 require a minimum of five acres for a Planned Residential development to be considered;

D. Planned Residential Development requires special approval under Chapter 18.105, which contemplates that “[residential areas thus established would be characterized by a unified building and site development program, open space for recreation, and the provision for commercial (in R-3 and R-4 districts only), religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, the customary district regulations may be modified; provided, that overall population densities do not exceed the densities of specific residential districts;”

E. The purpose of the proposed amendment is to eliminate the minimum five-acre requirement and permit the property to qualify for development under SCC Section 18.105.020 so that single-family attached dwellings can be constructed on the property;

F. City Planning and Zoning Staff have reviewed the requested amendment and determined that the amendment promotes the intentions of the *City of Staunton, Virginia, Comprehensive Plan 2018 -2040*, Future Land Use Map, which designates the area as Low Density Residential, by allowing for the construction of single-family dwellings rather than multi-family dwellings;

G. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval of the proposed code amendment on the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, which City Council affirms based upon its own review;

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

I. 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 18.105.020, Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code, is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

18.105.20 Planned residential development.

(1) General Description. The regulations established in this section are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation, and the provision for commercial (in R-3 and R-4 districts only), religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, the customary district regulations may be modified; provided, that overall population densities do not exceed the densities of specific residential districts. A planned residential development shall be permitted in any R-1, R-2, R-3, R-4, and P-1 districts ~~and have a~~ minimum of five acres.

In all other respects, the provisions of Chapter 18.105, Development Standards for Uses Permitted on Review, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:
Adopted:
Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Suzanne F. Simmons
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Staff Members: Rodney Rhodes Tim Hartless
Item #	C	
Ordinance #		
Department:	Community Development – Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Consideration of a Final Plat for Lot 2 of the Breezy Hill, LLC Properties	

Background: Breezy Hill is a proposed Planned Residential Development (PRD) located on Overlook Road. The development was originally proposed to include 11 multi-family units to be sold as condominiums. Phase one, consisting of the first three units, was completed in 2008 and were sold as condominiums. At that time, the foundations for the remaining eight units were constructed. The developer has proceeded with the development of phase two, but requests that the units (four of which are under construction) be permitted as single-family attached instead of multi-family condominiums. Single-family attached dwellings require that each unit be located on its own separate lot which has necessitated this final plat.

The property is zoned P-1, Professional District, and consists of approximately 1.32 acres. The resulting plat would create eight new building lots for single-family attached dwellings and a residue lot (Lot 2B) which would be common area and include the open space required under the provisions for the PRD.

Review: A PRD is required for this development because the proposed lots 1 – 8 will not have frontage on a public street. Lots fronting on a private street, private driveway, or private parking area can only be approved through the PRD process. Approval of the plat needs to be contingent upon approval of the proposed code amendment and Special Use Permit which have preceded this item of business on the meeting agenda.

Upon the adoption of the accompanying zoning text amendment, the plat will be in conformance with all requirements of both the zoning and subdivision ordinances.

Planning Commission Recommendation: At its meeting on June 18, 2020, the Planning Commission considered the request. On a 5-0 vote, the Commission voted unanimously to recommend approval of the plat with the following conditions:

1. Any additional facility fees shall be paid.
2. A signed maintenance agreement must be submitted for maintenance of the private utilities.

These matters have subsequently been addressed by the developer.

Attachment:

Final Plat, Division of lot 2 of Breezy Hill LLC Property

Suggested Motion: I move that Council approve the final plat for lot 2 of Breezy Hill LLC Property, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg

NOTES:

- 1) THIS PLAT REPRESENTS A CURRENT FIELD SURVEY.
- 2) THERE ARE OTHER IMPROVEMENTS LOCATED ON THE SUBJECT PROPERTIES THAT ARE NOT SHOWN HEREON.
- 3) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.
- 4) SUBJECT PROPERTY IS IN FEMA DEFINED ZONE "X"
MAP NUMBER: 51015C0337D
EFFECTIVE DATE: SEPTEMBER 28, 2007
- 5) EXISTING EASEMENTS SHOWN HEREON ARE BASED ON PLAT RECORDED AT INSTRUMENT #070000791 AND WITH DECLARATION RECORDED AT INSTRUMENT #080003196.
- 6) POSTED COORDINATES ARE BASED ON CITY OF STAUNTON GPS CONTROL NETWORK, NOT PLAT DATUM.
- 7) SANITARY SEWER AND WATER LINES ARE SHOWN HEREON BASED ON FIELD LOCATIONS, SITE PLANS, AERIAL IMAGERY, AND CITY OF STAUNTON GIS. ALL LINES WITHIN OVERLOOK ROAD (INCLUSIVE OF WATER METER) AND NORTH AUGUSTA STREET ARE PUBLIC PER CITY OF STAUNTON GIS. ALL OTHERS ARE PRIVATE.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N60°45'57"W	39.88'
L2	N60°45'57"W	13.20'
L3	N40°00'22"W	5.65'
L4	N40°00'22"W	23.57'
L5	N18°23'47"E	15.00'
L6	N72°03'58"W	28.72'
L7	S27°57'10"W	52.87'
L8	S84°28'40"W	36.89'

LEGEND	
■	M/F MONUMENT FOUND
⊙	N/S NAIL SET
⊗	R/F ROD FOUND
●	R/S ROD SET

CERTIFICATE OF APPROVAL
THIS SUBDIVISION KNOWN AS "PLAT SHOWING THE DIVISION OF LOT 2, BREEZY HILL LLC PROPERTY" IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

APPROVED BY THE CITY OF STAUNTON

PLANNING COMMISSION _____ DATE _____

CITY COUNCIL _____ DATE _____

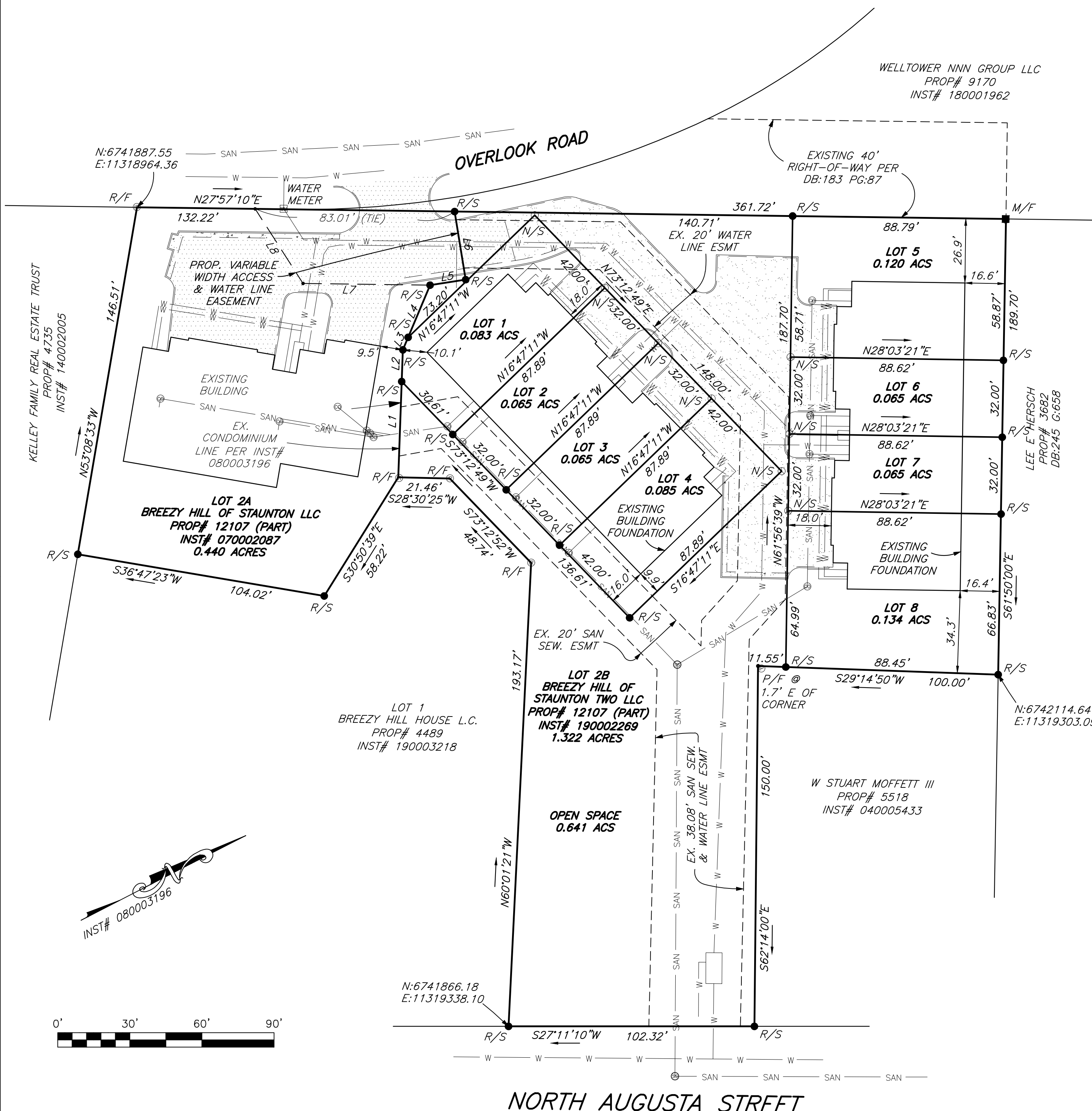
***IF THIS PLAT IS NOT RECORDED WITHIN 6 MONTHS, THE SUBDIVISION APPROVAL IS VOID.



REV: 05-05-2020
DATE: 12-10-2019
SCALE: 1" = 30'
JOB: 35190023.00
DRAWN BY: DEH



**PLAT SHOWING
THE DIVISION OF LOT 2,
BREEZY HILL LLC PROPERTY**
CITY OF STAUNTON, VIRGINIA
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY / STAUNTON / HARRISONBURG / LYNCHBURG
1561 Commerce Road, Suite 401 / Verona, Virginia 24482 / Phone (540) 248-3220 / www.balzer.cc



CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Leslie Beauregard Assistant City Manager
Item #	D	
Ordinance #		
Department:	Finance	
Council Vision:	Responsive, Efficient Government	
Subject:	Ordinance Amending Section 3.05.080 of the Staunton City Code to Increase Courthouse Security Fee from \$10 to \$20	

Background: Legislation enacted by the General Assembly during the 2020 session and approved by the Governor of Virginia (attached) authorizes the increase of the courthouse security fee from \$10.00 to \$20.00, assessable as a court cost against a convicted defendant. The assessment is collected by the clerk of the court in which the case is heard, remitted to the City Treasurer and held by the treasurer to be appropriated by City Council to the Sheriff's Office. The assessment must be used solely for the funding of courthouse security personnel and, if requested by the Sheriff, equipment and other personal property used in connection with courthouse security.

To effect such an increase, Council must adopt an ordinance to amend Section 3.05.080 of the Staunton City Code. A proposed ordinance is attached. Sheriff Matt Robertson has expressed his support for the ordinance.

Introduction of the proposed ordinance and a public hearing occurred at Council's regular meeting on July 9, 2020. Consideration of the ordinance is scheduled for the meeting on July 23, 2020.

Attachments:

1. Chapter 602, Virginia Acts of Assembly
2. Proposed Ordinance

3. Letter to City Council from Sheriff Matt Robertson supporting the increase
4. Presentation on fee increase
5. FY2021 Budget Amendment

City Manager's Recommendation: Recommend that City Council adopt the ordinance.

Suggested Motions: I move that Council adopt ordinance to increase the courthouse security fee from \$10.00 to \$20.00, effective August 1, 2020, and adopt an ordinance amending the fiscal year 2021 budget by adding Budget Amendment Number One, totaling \$41,250.00, for courtroom security, as presented.

City Manager: Steven L. Rosenberg

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 602

An Act to amend and reenact § 53.1-120 of the Code of Virginia, relating to courthouse and courtroom security; assessment.

[S 149]

Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-120 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such purpose; assessment.

A. Each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose. A list of such designations shall be forwarded to the Director of the Department of Criminal Justice Services.

B. The chief circuit court judge, the chief general district court judge and the chief juvenile and domestic relations district court judge shall be responsible by agreement with the sheriff of the jurisdiction for the designation of courtroom security deputies for their respective courts. If the respective chief judges and sheriff are unable to agree on the number, type and working schedules of courtroom security deputies for the court, the matter shall be referred to the Compensation Board for resolution in accordance with existing budgeted funds and personnel.

C. The sheriff shall have the sole responsibility for the identity of the deputies designated for courtroom security.

D. Any county or city, through its governing body, may assess a sum not in excess of ~~\$10~~ \$20 as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of criminal and traffic cases originating and heard in the town. The imposition of such assessment shall be by ordinance of the governing body that may provide for different sums in the circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer to be appropriated by the governing body to the sheriff's office. The assessment shall be used solely for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

Ordinance No. 2020-

AN ORDINANCE AMENDING, RESTATING AND REORDAINING
SECTION 3.05.080, ASSESSMENT OF SPECIAL COURT COSTS, OF CHAPTER 3.05,
IN GENERAL, OF TITLE 3, REVENUE AND FINANCE,
OF THE STAUNTON CITY CODE
TO INCREASE FROM TEN DOLLARS TO TWENTY DOLLARS
THE FEE ASSESSED AGAINST CONVICTED DEFENDANTS IN CRIMINAL OR
TRAFFIC CASES IN DISTRICT OR CIRCUIT COURT

Recitals

A. Virginia Code § 53.1-120(D) authorizes localities to assess a fee as part of the costs of each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance, to be used for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security;

B. The City currently assesses a fee of ten dollars (\$10.00) consistent with the prior provisions of Virginia Code § 53.1-120(D);

C. With the enactment of Senate Bill 149, the provisions of Virginia Code § 53.1-120(D) are amended now to authorize localities to assess such sum not in excess of twenty dollars (\$20.00) as of July 1, 2020;

D. The expense for providing courthouse security has continued to increase significantly for the City, and the City Sheriff recommends approval of the fee increase from ten dollars (\$10.00) to twenty dollars (\$20.00);

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 Section 3.05.080(2) of the Staunton City Code be, and the same is hereby amended, restated and reordained to read as follows:

Sec. 3.05.080 Assessment of special court costs.

...

(2) There is hereby assessed the sum of ~~ten~~twenty dollars (~~\$10~~\$20.00) as part of the costs in each criminal or traffic case in the district and circuit courts of the City in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the City and held by the

46 treasurer subject to appropriation by the City Council to the Sheriff's Office for the funding of
47 courthouse security personnel and, if requested by the sheriff, equipment and other personal
48 property used in connection with courthouse security.

49 ...
50
51

52 In all other respects, the provisions of Section 3.05.080(2), of Chapter 3.05, of Title 3 of
53 the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

54 The Clerk of Council is **DIRECTED** to forward a copy of this ordinance immediately to
55 the Clerk of the Staunton General District Court and the Clerk of the Staunton Circuit Court as
56 well as to the Sheriff of the City of Staunton.
57

58 Introduced: July 9, 2020

59 Adopted:

60 Effective:
61
62
63

Andrea Oakes, Mayor

64 ATTEST: _____
65 Suzanne F. Simmons
66 Clerk of Council
67



**SHERIFF'S OFFICE
CITY OF STAUNTON**

113 E. Beverley St.
P.O. Box 64
Staunton, Virginia 24402-0064
(540) 332-3880
Fax: (540) 332-3970



MATTHEW H. ROBERTSON
SHERIFF

Date: July 9, 2020

To: Members of Council

From: Sheriff M. H. Robertson

Ref: Courthouse Security fee increase

Dear members of City Council,

As you are aware, the General Assembly passed Senate Bill 149 regarding courthouse security fees this year. This Bill gives localities the option to raise this fee from \$10 to \$20. The adoption of this fee would increase revenue for the courts and allow us to hire the personnel we have needed for several years. The inevitability of increasing the number of staff at the courthouse is real and can not be put off any longer. There has been mention that this fee is across the board and will affect everyone in the city. This however is far from the truth. In reality, this fee will not affect everyone, only those that violate the law and are found guilty. The increased revenue from this fee will provide resources at the cost of an offender and not burden the law-abiding citizens in our community. Many localities across the state, including our neighboring localities, have already adopted the increase because of this very reason.

Just to give you a little insight on the reasoning behind this and the need for additional staff funded from this increase, the Staunton Sheriff's Office has been collecting data over the past two years regarding the increase in responsibilities and workload. It shows a remarkable increase in several areas over the past several years that directly affect the ability of this office to carry out its duties effectively, efficiently and safely. With the courts starting to reopen and hear more in-person cases and with the backlog due to the Covid-19 pandemic, our office is experiencing an overload because of the restrictions placed on the courts and the necessary precautions that have to be taken. For example, this past Wednesday in General District Court we had a 222-case docket. This is a small docket for any other time and would only require the use of one courtroom and take two deputies to run. However, with the "social distancing" requirements put in place by our government as well as the Supreme Court of Virginia, this docket required the use three courtrooms to separate people and also required five deputies to provide the necessary security, screening and logistics. This included two deputies at the metal detector in order to screen people properly, ask the necessary questions concerning Covid-19 exposure, taking temperatures of everyone that enters the courthouse and directing those people to the proper staging area in order to comply with restrictions.

As you will see from the numbers provided in this letter, coupled with the fact that we have been operating at the same number of staff since April 2006, there is a paramount need for additional staff.

Transportation: The Staunton Sheriff's Office is responsible for the transportation of prisoners to and from court. These transports range from local, statewide and out of state jails/correctional facilities. They also include a wide variety of offenders and mental health patients with a majority of these transports requiring two deputies due to distance and to ensure officer safety.

Year	Transports to court	Mental health transports	Extraditions (Out of State transports)
2013	89	22	0
2014	85	19	7
2015	102	18	8
2016	126	23	3
2017	117	14	8
2018	200	16	5
2019	241	20	7

Court Activities: One of the main duties of our office is to provide security for the courts and ensure the safety of the people that work, visit and conduct business in the courthouse. And with over 36,000 people that entered the courthouse last year, you can surely understand my concern. Over the past several years we have seen an increase in the number of days we hold court as well as an increase in the number of cases on our dockets. With the increase in numbers in a majority of courts across the state, several jurisdictions had additional Judges appointed in order to handle the increased case load. Staunton was no exception. Our courts saw the addition of three Judges to the bench. One in Circuit Court, one in General District Court and one in the Juvenile and Domestic Relations Court. This alone has added a tremendous strain on staff in our office and is justification for the addition of deputies.

Number of court days:

Year	Circuit Court	General District Court	Juvenile and Domestic Court	Total Courts in Session
2013	128	146	157	431
2014	133	145	148	426
2015	132	135	150	417
2016	139	124	174	437
2017	130	113	202	445
2018	149	117	213	479
2019	150	117	213	480

Civil Process: Another responsibility of our office is to serve civil process. The process we serve includes many different types of papers. They include subpoenas, summons, warrants in debts, divorce papers, and Writs of possession to just name a few. We also serve arrest warrants issued by the Court. Below is a list of the number of papers we have served over the past several years.

Year	Number of Civil Process received	Number of arrest warrants received
2013	20,856	149
2014	19,285	159
2015	22,888	158
2016	23,224	141
2017	24,620	148
2018	25,156	212
2019	25,149	220

As you can see, the numbers that have been provided above are just for the years from 2013 to 2019. As I stated before, our staff has not increased since 2006, and I'm sure you can understand why our office needs help.

In closing, I want to say that I am not asking for anything that other localities have already asked for and received. The Senate Bill that was passed and signed by our Governor was passed to allow localities to collect the extra fees to offset cost to localities. My goal is to provide the citizens of Staunton with the best services I can. If this means assessing additional cost to offenders in order to achieve this, then so be it. What I don't want to do is penalize law abiding citizens by making them pay, through increased taxes, for what someone else has done. The numbers that I have provided you have been provided to City Council for the past two budget cycles. I have asked for additional staff for three years to no avail. This fee is a way to pay for additional staff and not burden taxpayers that choose to not violate the law.

Therefore, I respectfully ask that you approve the additional \$10 fee for courthouse security.

Sincerely,

Matthew H. Robertson
Staunton Sheriff

FY2021

Amendment of Ordinance 3.05.080

Assessment of Special Court Costs

City Council Work Session

July 9, 2020

Amendment of Ordinance 3.05.080

City Ordinance 3.05.080 Assessment of Special Court Costs allows the Courts to collect four different assessments to citizens who have been charged or convicted with criminal or traffic offenses or civil actions. They include:

- **A \$2.00 assessment** for each civil, criminal or traffic case in General District, Circuit, or Juvenile and Domestic Relations Court. Fee collected are to support **Courthouse Maintenance**.
- **A ~~\$10.00~~ \$20.00 assessment** for each criminal or traffic case in the district and circuit courts of the city in which the defendant is convicted of a violation of any statute or ordinance. Fees collected are to be appropriated to the Sheriff's Department to increase Court security.
- **A \$25.00 fee assessed to individuals admitted to the local jail** following a conviction. The fee is to be used by the sheriff's office to **defray the costs of processing arrested persons into local jails**.
- **A \$5.00 assessment** for citizens charged with a violation of criminal or traffic cases in the general district, circuit, and juvenile and domestic courts. Fees are to be used by the City for **technology** related costs associated with the Courts.

Amendment of Ordinance 3.05.080

FY2021 Sheriff's Department	
Description	FY2021 Budget
Expenses:	
Salaries and Benefits	\$ 534,139
Non Compensation	46,950
Total Expenditures	\$ 581,089
Funding Sources:	
* Court Room Security Fees	\$ (45,000)
Sheriff Fees	\$ (2,617)
Jail Admissions Fee	\$ (3,250)
Compensation Board	\$ (339,484)
Total Funding Source	\$ (390,351)
Local Funding	\$ 190,738

* Current Budget Provision

Amendment of Ordinance 3.05.080

Projected FY21 revenue expected to increase from \$45,000 to \$90,000.

Use:

- 1) Expenses appropriations for wages and related and non-compensation lines within the Sheriff's department related to courthouse security.
- 2) This will require a budget amendment to occur in August.

Ordinance No. 2020-
AN ORDINANCE TO AMEND
THE FY 2021 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER ONE

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2021 Budget is amended as follows:

GENERAL FUND		
<u>Anticipated Revenue</u>		
General Revenue	\$	41,250
Total Revenue	\$	41,250
<u>Appropriations</u>		
Public Safety		41,250
Total Appropriations	\$	41,250
GRAND TOTAL BUDGET AMENDMENT NO 3.	\$	41,250

INTRODUCED: July 09, 2020

PUBLIC HEARING: July 09, 2020

Public Hearing Advertisement Date: July 01, 2020

Approved this _____ day of _____ 2020

Effective Date: _____

CERTIFIED: _____

ATTEST: _____

Suzanne F. Simmons
Clerk of Council

Andrea W. Oakes
Mayor of Council

FY 2021 BUDGET AMENDMENT NO. 1

GENERAL FUND		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
JUDICIAL ADMINISTRATION			
PUBLIC SAFETY			
<u>POLICE DEPARTMENT</u>			
To appropriate Courtroom Security Fee Funding			
Courtroom Security Fees	11022-41610	\$ 41,250	
Part Time	11022170-51510		\$ 30,000
Overtime	11022170-51530		\$ 8,317
FICA	11022170-52010		\$ 2,933
TOTAL GENERAL FUND		\$ 41,250	\$ 41,250

GENERAL FUND REVENUE SUMMARY

General Revenues	\$ 41,250
Courtroom Security Fees	41,250
Total General Fund Revenues	\$ 41,250

GENERAL FUND EXPENDITURE SUMMARY

Public Safety	\$ 41,250
Parks, Recreation, Cultural	-
Nondepartmental	-
Transfer from Other Funds	-
Total General Fund Expenditures	\$ 41,250

FY 2021 BUDGET AMENDMENT NO. 1

CITY GOVERNMENT FUNDS

GENERAL FUND	\$ 41,250
CAPITAL IMPROVEMENTS FUND	\$ -
GRANTS FUND	\$ -
TOTAL CITY GOVERNMENT FUNDS	\$ 41,250
TOTAL FY2021 BUDGET AMENDMENT NO. 1	\$ 41,250

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Steven L. Rosenberg City Manager
Item #	E	
Ordinance #		
Department:	Finance	
Council Vision:	Responsive, Efficient Government	
Subject:	Consideration of an Uncodified Emergency Ordinance Concerning Utility Bills, Utility Disconnections and Parking Fees	

Background: On March 26, 2020, City Council adopted an emergency ordinance providing temporary relief to businesses and residents. Among others, the relief included the following measures:

As it relates to utility payments and disconnection suspensions:

- Adjustment of interest rate to 0% and penalty to \$0.00 for charges incurred during the billing periods of March 10, 2020, through June 10, 2020, provided payment is made in full on or before July 10, 2020.
- Suspension of disconnections of water service for failure to pay water service bills for the period of March 18, 2020, through July 10, 2020.

Council's action did not waive or forgive charges for water actually used. Charges unpaid as of July 11, 2020, remain subject to interest and penalty.

Currently, there are 547 delinquent accounts with past due payments in the aggregate amount of \$105,027. For comparison purposes, in June 2019, 91 customers, with an aggregate amount due of \$11,744, were disconnected.

City of Waynesboro recently extended its suspension of utility disconnections and corresponding waiver of interest and penalties until July 31, 2020, with interest and penalties to be applied to unpaid balances on August 1, 2020.

As it relates to parking fees:

- Suspension of fees for the New Street parking garage, Johnson Street parking garage, Wharf parking lot, and Augusta Street parking lot during the period of March 18, 2020 through April 23, 2020.

Though the period of suspension expired on April 23, 2020, collection of parking fees has not resumed.

At the July 9, 2020 Council meeting, Council informally directed staff to extend the suspension of utility disconnections and related penalties through the July 10, 2020 billing period. All disconnections and the application of penalty fees are to be waived until August 10, 2020. Utility accounts which are delinquent at the close of business on August 10, 2020 will have a 10% penalty assessed and accounts due for disconnections will be subject to the discontinuation of services beginning with the August 18, 2020 cut off cycle. In addition, at this same meeting, Council directed staff to extend the suspension of parking fees at all city lots in the City of Staunton through August 10, 2020.

City Manager's Recommendation: Recommend that City Council adopt the ordinance.

Suggested Motion: I move that Council adopt an ordinance extending suspension of utility disconnection and applicable penalties through the end of business on August 10, 2020, and continuing suspension of parking fees in all city lots, also through August 10, 2020, as presented.

City Manager: Steven L. Rosenberg

Ordinance No. 2020 - _____

**AN UNCODIFIED EMERGENCY ORDINANCE AMENDING, RESTATING
AND REORDAINING CERTAIN CODE SECTIONS
OF THE STAUNTON CITY CODE
TO EXTEND TEMPORARY RELIEF FURTHER BY:**

**SETTING TEMPORARILY ANY APPLICABLE INTEREST RATE AT 0% AND
ANY APPLIABLE PENALTY AT \$0.00 AS TO ANY DELINQUENT PAYMENT
OF WATER UTILITY BILLS DUE DURING THE PERIOD OF MARCH 10, 2020
THROUGH JULY 10, 2020, UNDER THE PROVISIONS OF SECTION 13.20.080,
PENALTY ON AND NOTICE AND COLLECTION OF DELINQUENCIES, OF
CHAPTER 13.20, USE CHARGES, OF TITLE 13, ENVIRONMENT;**

**SUSPENDING ANY DISCONTINUANCE OF WATER SERVICE FOR THE
TEMPORARY PERIOD OF MARCH 18, 2020 THROUGH AUGUST 10, 2020,
UNDER THE PROVISIONS OF SECTION 13.20.090, DISCONTINUANCE OF
SERVICE FOR FAILURE TO PAY, OF CHAPTER 13.20, USE CHARGES, OF
TITLE 13, ENVIRONMENT; AND**

**SUSPENDING CERTAIN PARKING FEES FOR THE PERIOD OF MARCH 18,
2020, THROUGH AUGUST 10, 2020, UNDER THE PROVISIONS OF SECTION
10.25.180, CHARGE FOR PARKING IN CITY-OWNED ATTENDANT-
OPERATED PARKING LOT, OF CHAPTER 10.25, STOPPING, STANDING
AND PARKING, OF TITLE 10, VEHICLES AND TRAFFIC**

Recitals

A. On January 30, 2020, the World Health Organization (WHO) declared novel coronavirus (COVID-19) a public health emergency of international concern and on March 11, 2020, the WHO characterized COVID-19 as a pandemic;

B. On March 12, 2020, the Governor of Virginia declared a state of emergency, to prepare and coordinate Virginia's response to the potential spread of COVID-19;

C. On March 13, 2020, the President of the United States issued a proclamation declaring a national emergency concerning the COVID-19 outbreak;

D. On March 16, 2020, the City Manager and Emergency Management Director, Steven L. Rosenberg, declared a local emergency in light of COVID-19;

E. At its special-emergency meeting on March 18, 2020, by resolution the Staunton City Council confirmed City Manager and Emergency Management Director, Steven L. Rosenberg's declaration of a local emergency and declared a disaster;

46 **F.** On March 23, 2020, the Governor of Virginia issued an executive order that,
47 in essence, further recognizes the emergency and disaster COVID-19 outbreak, closing the
48 public schools for the entire remainder of the school year and closing recreational and other
49 non-essential establishments;
50

51 **G.** At its special-emergency meeting on March 24, 2020, Staunton City
52 Council adopted an ordinance reratifying and reaffirming the declaration of a local
53 emergency and disaster due to COVID-19; implementing emergency procedures to ensure
54 continuity of government; ratifying and affirming the City Manager's authority and
55 exercise of authority and discretion in taking actions in the best interest of the City; and
56 authorizing the City Manager to take actions to implement the provisions of the ordinance;
57

58 **H.** At its March 26, 2020 meeting, City Council adopted Ordinance 2020-05 to
59 provide temporary relief to citizens regarding: interest and penalties for the late payment
60 of excise taxes; interest and penalties for the payment of utility bills; suspension of
61 discontinuance of water service; suspension of certain parking fees; and flexibility for those
62 qualifying under real estate tax exemption for elderly and disabled persons;
63

64 **I.** City Council recognizes that exigent circumstances under emergency and
65 disaster conditions continue to exist and the occurrence and/or threat of COVID-19 merits
66 and even necessitates action by City Council to help provide some further temporary relief
67 for Staunton citizens and Staunton businesses and other payers;
68

69 **J.** At its July 9, 2020 meeting, after careful consideration, City Council
70 determined to extend temporary relief concerning utility payments and disconnection
71 suspensions and parking fees;
72

73 **K.** This matter has been properly heard and considered; and
74

75 **L.** These recitals are deemed an integral part of this ordinance.
76

77 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of
78 Staunton, Virginia, that:
79

80 **1.** To the fullest extent permitted by law, effective retroactively, as to any
81 delinquent payment of water utility bills under SCC Section 13.20.080, any applicable
82 interest rate shall be 0% and any applicable penalty \$0.00 for charges incurred solely during
83 the billing periods of March 10, 2020 through July 10, 2020; and absent payment in full of
84 such water utility bills not later than August 10, 2020, interest and penalty shall apply,
85 retroactively, as provided under the provisions of SCC Section 13.20.080;
86

87 **2. AND BE IT FURTHER ORDAINED** that, to the fullest extent permitted
88 by law, discontinuances of water service, under the provisions of SCC Section 13.20.090,
89 Discontinuance of Service for Failure to Pay, of Chapter 13.20, of Title 13, Environment,
90 are **HEREBY SUSPENDED FROM OPERATION OF LAW**, effective retroactively,
91 solely for the period of March 18, 2020 through August 10, 2020;

3. **AND BE IT FURTHER ORDAINED** that, to the extent required or necessary by law for Council to take action, the parking fees for the City-owned New Street parking garage, Johnson Street parking garage, Wharf parking lot, and the Augusta Street parking lot are **HEREBY SUSPENDED** solely during the period of March 18, 2020 through August 10, 2020, under the provisions of Section 10.25.180, Charge for Parking in City-Owned Attendant-Operated Parking Lot, of Chapter 10.25, Stopping, Standing and Parking, of Title 10, Vehicles and Traffic;

4. The City Manager is **AUTHORIZED** to take all reasonable and necessary actions, as determined in the exercise of the City Manager's discretion, to implement the provisions of this ordinance; and the prior actions of the City Manager as to any of the subjects of this Ordinance are **RATIFIED** and **AFFIRMED**;

5. In all other respects, the provisions of Title 3, Revenue and Finance, and Title 13, Environment, and all other provisions of the Staunton City Code remain the same and are hereby restated, confirmed and reordained;

6. To the extent that any provision of this ordinance is found or determined to be invalid or void, the other provisions of this ordinance shall remain in effect without further action of this Council; and

7. This Ordinance is effective retroactively as specifically provided as to and including the dates specified in this Ordinance.

Adopted:

Effective Date: Retroactive as provided.

Andrea Oakes, Mayor

ATTEST: _____
Suzanne F. Simmons, Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 23, 2020	Staff Member: Katie Campbell
Item #	H	
Ordinance #		
Department:	Tourism	
Council Vision:	Economic Development Culture	
Subject:	Virginia Tourism Corporation’s WanderLOVE Grant	

Background: The mission of the Tourism Office is to promote the City of Staunton as a destination for leisure travelers, meetings and conferences, as well as adult and student group tours through a combination of digital marketing, advertising and public relations. The Tourism Office relies on grants to provide additional marketing support to promote the City of Staunton and its partners which include Staunton-based attractions, lodging properties, restaurants, and retailers. The Tourism Office applied for the Virginia Tourism Corporation's WanderLOVE grant with the application deadline of July 2, 2020. The Tourism Office received notice of the receipt of the grant, in the amount of \$10,000, on July 14 and a formal agreement was received on July 20.

WanderLOVE Grant: Virginia Tourism Corporation's WanderLOVE grant program was established to provide immediate recovery marketing funds to destination marketing organizations (DMO) across the Commonwealth that have been heavily impacted by the novel coronavirus pandemic. These grant funds will serve as Staunton's first step to re-entry into the marketplace to help drive economic activity and travel to our area through inspirational road trip ideas targeted at the leisure market. The grant funds will be used to promote Staunton as a safe destination with a focus on our outdoor attractions and recreational activities.

Fiscal Impact: There is no additional fiscal impact to the city by accepting these grant funds as all matching funds are already included in the department's FY2021 budget and marketing plan.

Matching funds of \$14,300 and will include the following:

- Radio ads on WNRN that will air in the Richmond Market at \$1,800
- Radio/TV/Web ads on Richmond's NPR and VMP station at \$4,500
- Google Adwords at \$3,000
- Digital Campaign will include a landing page with road trip itinerary and social ads for \$5,000. These ad placements will run from mid-August/early September to early/mid-November

Attachment:

WanderLOVE Grant Agreement

City Manager's Recommendation: Recommend that Council authorize staff to apply for and accept the WanderLOVE Grant through the Virginia Tourism Corporation.

Suggested Motion: I move that City Council authorize staff to apply for and accept the WanderLOVE Grant through the Virginia Tourism Corporation.

City Manager: Steven L. Rosenberg

VTC DMO WanderLOVE
Marketing Grant Program Agreement
VTC #21-079

This Agreement dated the ____ day of _____, 2020 serves as a grant agreement between Staunton Convention and Visitors Bureau (“Grant Awardee”) and Virginia Tourism Authority, doing business as Virginia Tourism Corporation, a public body corporate and political subdivision of the Commonwealth of Virginia, hereinafter called “VTC” with respect to a grant awarded to Staunton Convention and Visitors Bureau.

Grant Awardee and VTC agree as follows:

1. **TERM.** The term of this agreement commences upon execution of this agreement and will continue through project completion, no later than June 30, 2021.
2. **REPORTING AND COMPLETION.** A Final Report shall be submitted to Steve Galyean, VTC Planning and Partnerships Director at sgalyean@virginia.org. Questions may be directed to Mr. Galyean at (804) 545-5517 or sgalyean@virginia.org.
 - a) Final Report – A final report shall be due no later than 60 days after program completion, detailing the results of the program outcomes including media placements, tear sheets and other placement documentation, visitation and revenue data, and other documentation of the program. VTC will supply a WanderLOVE Final Report Template for reporting purposes.
3. **GRANT REQUIREMENTS.** In return for grant support, Grant Awardee shall provide the following:

Grant Awardee shall provide the marketing initiatives found in the marketing plan, the bonus campaign ideas, and other initiatives, all submitted in their Grant Application attached. In addition, Grant Awardee shall provide the following requirements:

- a) Grant Awardee shall commit that the officially recognized Virginia DMO contact person listed on the attached marketing plan will carry out the required and indicated items of the WanderLOVE grant.
- b) Grant Awardee shall submit a press release to relevant media outlets announcing participation in WanderLOVE campaign and receipt of award; VTC will provide a press release template.
- c) Grant Awardee shall create and promote your own WanderLOVE Road Trips Video -OR- promote VTC’s WanderLOVE video on your website; VTC will provide WanderLOVE logo lock-ups.

- d) Grant Awardee shall create one WanderLOVE Road Trip Blog -OR- submit a WanderLOVE Road Trip Itinerary for Virginia.org; Blog/Itinerary should feature: hidden gems, small towns/communities, scenic routes, outdoor experiences, and/or LOVEworks.
 - e) Grant Awardee shall create and share a minimum of three WanderLOVE-related posts on social media: VTC will provide customizable WanderLOVE social templates.
4. **REQUIREMENTS AND RESPONSIBILITIES FOR USE OF “WANDERLOVE” LOGO, WORD MARK AND SLOGAN.** To maintain the integrity of the logo, word mark, and slogan, VTC has standards and guidelines that govern how the logo, word mark, and slogan can be used. Therefore, the “WanderLOVE” logo, word mark, and slogan, as provided by VTC, shall only be used for the purpose as identified in Paragraph 3 above, and identified in the marketing initiatives/deliverables detailed in the attached grant application submitted by Grant Awardee in response to the WanderLOVE Marketing Grant Program, and shall not be used by Staunton Convention and Visitors Bureau for any purpose other than in the performance of this Grant agreement without the prior written consent of VTC. Staunton Convention and Visitors Bureau shall not alter the logo, mark, or any variation of the slogan, in any way, to include but not be limited to color, design elements, font, or typeface.
5. **GRANT AMOUNT.** As consideration for the above requirements, initiatives/deliverables referenced herein, VTC will pay Grant Awardee a total grant amount of \$10,000.00. Grant Awardee shall provide VTC with an invoice upon execution of the agreement. Payment will be made within thirty (30) days after receipt of proper invoice. The following shall be deemed to be the date of payment: the date of postmark in all cases where payment is made by mail.
6. **REFUND.** If Grant Awardee does not or cannot provide any of the requirements, initiatives/deliverables referenced herein, for any reason whatsoever, Grant Awardee shall provide, at VTC’s sole discretion and approval, a “make good” of the affected requirement, initiative/deliverable by substituting another requirement, initiative/deliverable of comparable value or as mutually agreed by both parties. Should it be determined in good faith, that Grant Awardee did not provide all of the requirements, initiatives/deliverables listed above in this Agreement, VTC may, at its sole discretion, require a pro-rated refund of the grant award from Grant Awardee.

This agreement represents the entire understanding of the parties with respect to the subject matter hereof, supersedes all prior understandings, written or oral, with respect to the subject matter hereof and may only be amended by the written agreement of an authorized representative of each of the parties hereto.

AGREED & ACKNOWLEDGED:

Staunton Convention and Visitors Bureau

Virginia Tourism Corporation

PRINT NAME _____ PRINT NAME: Mitchell A. Rosenfeld_____

SIGNATURE: _____ SIGNATURE: _____

TITLE: _____ TITLE: VP of Operations and Finance_____

EMAIL: _____

ADDRESS: _____

PHONE: _____

Contact Information

DMO

Staunton

FEI #

546001631

Contact Name

Katie Campbell

Title

Marketing Manager

Mailing Address

P.O. Box 58
116 W. Beverley St.
Staunton, Virginia 24402
United States

Phone

(540) 332-3865

Email

campbellks@ci.staunton.va.us

Anticipated Date of Completion

11/15/2020

WanderLOVE Hub and Spoke

What is your strongest lure? Your HUB.

Our tagline says it all “Big Time Culture. Small Town Cool.” Staunton’s hub is our award-winning main street. Staunton’s charming and historic downtown is rich with history and show-stopping architecture and is the main draw for visitors coming to the area. Our visitors are typically from larger metropolitan areas and are looking for that off-the-beaten-path destination offering that true “Americana,” feel which can only be found in small towns like Staunton. Now more than ever, Staunton offers visitors a quiet and safe escape and we are excited to begin welcoming visitors back.

Spoke 1

1. Written up in Vogue as the “South’s Newest Foodie Destination,” visitors will eat their way through the city and discover the melting pot of flavors that keeps Staunton in the headlines. The itinerary will include Staunton’s food tour, Biteseeing Staunton which also includes a healthy dose of walking, history, and instagramable photo ops.

Spoke 2

2. See a show! No visit to Staunton is complete without a performance at the American Shakespeare Center and now you can experience the best of the Bard under the stars. The American Shakespeare Center will be performing “under the stars,” at the historic Blackburn Inn this summer and fall with two production Othello and Twelfth Night.

Spoke 3

3. Explore our main street. Staunton’s compact downtown is made for exploring with over 100 independent boutiques, antique stores, galleries, museums and not to mention architecture. You won’t find any chains or big box stores here!

Spoke 4

4. Get outside. Just minutes away, you can find two of the country’s most scenic byways—the Blue Ridge Parkway and the Skyline Drive— in addition to hundreds of hiking and

Spoke 5

5. Watch the past come to life at the Frontier Culture Museum. This living history museum—complete with costumed interpreters—demonstrates life of

Spoke 6

6. Discover the life and legacy of our 28th president at the Woodrow Wilson Presidential Library and Museum. Tour Wilson’s birthplace home and the museum. Highlights

biking trails for all ages and skill levels. Out outdoor recreation doesn't stop there, enjoy paddling, fishing, horseback riding, and the list goes on.

the Valley's earliest settlers as you visit original farmsteads from England, Ireland, Germany and America as well as a reproduced African village.

include the interactive World War I trench and Wilson's Pierce Arrow Limousine.

Top Three Feeder Markets

Feeder Market #1

Northern Virginia and Washington, DC

Feeder Market #2

Richmond, VA

Feeder Market #3

Coastal Virginia/Hampton Roads/Virginia Beach *We will continue to market to our top feeder market which is the Northern Virginia/Washington D.C. area. However over the last two years we have been more actively marketing to Richmond and Coastal Virginia and we will continue to develop these markets with this campaign. We want to capture potential visitors looking to visit this fall and those looking to see the fall colors and the beauty of the Shenandoah Valley in September and October.

Your In-Kind Match

Description of your in-kind match.

- Radio ads on WNRN that will hit the Richmond Market - \$1,800
- Radio/TV/Web ads on Richmond's NPR and VMP station- \$4,500
- Google Adwords - \$3,000
- Digital Campaign that will include a landing page with itinerary and social ads - \$5,000

These ad placements will run from mid-August/early September to early/mid-November

Estimated Value of In-Kind Match

14300

Marketing Plan, Calendar and Budget Amounts

Marketing Plan

Media Outlet	Target Date	Budget
Rocketbike - landing page & management	August/September/October	3500
Facebook	September/October	4000
Instagram	September/October	2500

Virginia is for Lovers "WanderLove" Campaign Tie-in

Bonus Campaign Ideas

We will develop dedicated landing pages for a 48-hour itinerary that is customized based on the feeder market. The landing page itinerary will take potential visitors through a step-by-step plan for making the most of their time while visiting Staunton. The landing pages will be similar to the Northern Virginia guide (<http://getaway.visitstaunton.com/northern-virginia-guide/>) we developed last year with additional features like downloadable PDFs of the itineraries, discounts along with other partner offerings. Along with the landing pages, we will develop a video that will highlight the spokes of our itinerary with insider tips and some of our other hidden gems. Our goal is to work with actors from the American Shakespeare Center to serve as our tour guides of the video and showcase Staunton through their perspective. At this point in time, we have not finalized those details but are in conversation with the American Shakespeare Center about developing such a video that would be shared over both social channels: Visit Staunton and American Shakespeare Center as well as included in a social and digital campaign.

We will submit a press release to relevant media outlets announcing participation in WANDERLOVE campaign and receipt of the award.

We will create and share a minimum of three WANDERLOVE-related posts on social media.

We will utilize VTC Co-Op Programs with Facebook, Instagram, and Google AdWords to maximize our media spend.

Submit

Acceptance of Terms

By clicking this checkbox and submitting this form, you are confirming that all information is final.

☒ I have read and agree to the terms and conditions.