

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
October 8, 2020
5:45 p.m.**

- | | | |
|------------------|-----------|--|
| 5:45 p.m. | | Mayor's Introductory Remarks |
| 5:50 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:55 p.m. | 2. | Report on Disposition of Surplus Property |
| 6:00 p.m. | 3. | Discussion and Consideration of Possible Process to be Followed at a <u>Future</u> City Council Meeting (and Not at this Meeting) to Receive Public Input Concerning the Second Amendment |
| 6:15 p.m. | 4. | Discussion Concerning Electronic Communications Meeting Platforms |
| 6:35 p.m. | | Break |
| 6:50 p.m. | 5. | Closed Meeting for Discussion and Consideration of the Engagement of Candidates for Special Counsel to Advise City Council Concerning the Recruitment and Employment for the Position of City Attorney and for Consultant to Conduct Such Recruitment |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
October 8, 2020
7:30 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Robertson

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of September 10, 2020

Work Session and Regular Meeting of September 24, 2020

REGULAR MEETING

- A. Public Hearing and Consideration of a Request by Robert H. Nutt Sr. to Rezone 430 Bridge Street [Tax Parcel #436] from B-2, General Business District to R-3, Medium Density Residential District***
- B. Public Hearing and Consideration of a Request by Ivana P. Griffith to Rezone 550 Calvert Street [Tax Parcel 6641] from B-2, General Business District to R-2, Low Density Residential District***
- C. Consideration of a U.S. Environmental Protection Agency Brownfields Grant Application**

Matters from the City Manager

Matters from the Public*

Adjournment

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

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

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 8, 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:	October 8, 2020	Staff Members: Phil Trayer Chad Horvat
Item #	2	
Ordinance #		
Department:	Finance	
Council Vision:	Responsive, Efficient Government	
Subject:	Annual Report on Disposition of Surplus Property	

Background: In April 2015, City Council adopted an ordinance changing the City's procedures for the disposition of surplus property. Consistent with the ordinance, on the basis of a determination made by the Director of Finance or designee and endorsed in writing by the City Manager or his deputy or assistant, staff may dispose of personal property of the City without further action of Council. The ordinance further requires that the Director of Finance, or designee, report annually to Council about categories of property for which there has been disposition pursuant to the ordinance.

The City utilizes GovDeals, a web-based marketplace that allows government agencies to sell surplus items via the internet, to dispose of surplus and outdated items. The following summarizes items sold and/or transferred in FY2020:

Fiscal Year	# of Items Sold as Surplus	Revenue Generated	# of Items Transferred Between Departments
FY2020	7	\$17,813.00	1

Attached are several reports detailing these transactions and a sample of the surplus approval form being used to fulfill the requirements set forth in the ordinance.

Attachments:

Attachment 1: Sales Detail Listing by Fund and Category

Attachment 2: Transfer Detail Listing by Fiscal Year

Attachment 3: Sample Surplus Approval Request Forms (Vehicle & Non-Vehicle)

City Manager's Recommendation: Not Applicable.

Suggested Motion: Not Applicable.

City Manager: Steven L. Rosenberg

Sales Detail Listing by Fund and Category
Fiscal Year 2020

ID	Description	Sold Amount	Auction	Check #	FY	Check Date	Budget Code	Category
476	Lot of Printer Toner	\$60.00	Aug-19	165838	2020	8/28/2019	11001-41712 General Government	Office Supplies/Equipment/Furniture
500	1990 JOHN DEERE 644E LOADER	\$15,000.00	Feb-20	182665	2020	3/4/2020	11001-41712 General Government	Vehicles - Heavy Equipment
501	ROTORY 10,000 LB GARAGE LIFT	\$760.00	Feb-20	182081	2020	2/26/2020	11001-41712 General Government	Shop Equipment
502	Municipal Tot Lot Playground Centerpiece	\$663.00	Feb-20	182665	2020	3/4/2020	11001-41712 General Government	Playground Equipment
514	ORPAK Fuel Management Islands & Miscellaneous Parts	\$50.00	Jun-20	200220	2020	29 Jul 2020	11001-41712 General Government	General Equipment
534	2000 Dodge Dakota Regular Cab 4WD	\$1,100.00	Jun-20	200220	2020	7/29/2020	11001-41712 General Government	Vehicle
535	Fire Insulated Safe	\$180.00	Jun-20	200220	2020	7/29/2020	11001-41712 General Government	Office Supplies/Equipment/Furniture

Total \$17,813.00

Transfer Detail Listing By Fiscal Year
FY2020

Item	Asset#	VIN4	Transfer Date	FY	Transfer From	Transfer To
48" Graphtec Cutting Pro FC-5100-130	Not on FA		6/23/2020	2020 4140 -	Traffic Control	Staunton City Schools

SURPLUS ITEM INFORMATION SHEET VEHICLE

Item General Description: _____

Department #:				
Year:				
Make:				
Fuel Type:	Gas		Diesel	
Hours Meter:				
Did It Run When Parked?	Yes		No	
			UnK	

Asset #:				
S/N or VIN:				
Model:				
Odometer:				
Out of Service Date:				
Does It Run Now?	Yes		No	
			UnK	

Reason Taken Out of Service:
Overall General Condition:
List Drive Train Issues:
List Engine Issues:
List Interior Issues:
List Exterior Damage:
List Electrical Issues:
Other Information:

Xfer Offered:	YES		NO	
Transferred?:	YES		NO	
Pictures Taken:	YES		NO	

Date Emailed:		Deadline:	
To Department:			

Department Director Approval for Sale or Transfer	Date
Finance Director Approval for Sale or Transfer	Date
City Manager Approval for Sale or Transfer	Date

SURPLUS ITEM INFORMATION SHEET
NON-VEHICLE
(fill in all that applies)

Item General Description:

Department #:						Asset #:					
Year:						S/N:					
Make:						Model:					
Hours Meter:						Date Out of Service:					
Did It Function When Taken Out of Service?	YES		NO		Unk	Does It Function Now?	YES		NO		Unk

Reason for Taking Out of Service:

Overall General Condition:

List Any Functional Issues:

List Any Cosmetic Damages:

Other Information:

Xfer Offered:	YES		NO		Date Emailed:			Deadline:		
Transferred?:	YES		NO		To Department:					
Pictures Taken:	YES		NO							

Department Director Approval for Sale or Transfer	Date
Finance Director Approval for Sale or Transfer	Date
City Manager Approval for Sale or Transfer	Date

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 8, 2020	Councilwoman Amy Darby
Item #	3	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Discussion and Consideration of Possible Process to be Followed at a <u>Future</u> City Council Meeting (and Not at this Meeting) to Receive Public Input Concerning the Second Amendment	

Background: At the request of Councilwoman Amy Darby, this item has been added to Council's draft work session agenda for October 8, 2020, for discussion. If Council determines to seek public input concerning the Second Amendment, it is recommended that a special meeting of Council be scheduled at a location other than Council Chambers, to safely accommodate the anticipated number of interested individuals during the current public health emergency.

City Manager's Recommendation: Discuss and provide guidance and direction to staff.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 8, 2020	Councilwoman Brenda Mead
Item #	4	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Discussion Concerning Electronic Communications Meeting Platforms	

Background: At the request of Councilwoman Brenda Mead, this item has been added to Council's draft work session agenda for October 8, 2020, for discussion.

As reported to City Council on September 10, 2020, there are several improvements being explored by staff to improve technology in Council Chambers and the Caucus Room. The purpose of the improvements is to enhance the public meeting experience both virtually and in person, as hybrid or all virtual meetings continue to be the norm during the public health emergency. Improvements under consideration include the following:

- audio improvements to integrate better with Zoom;
- in room video and presentation displays that can be integrated with Zoom;
- audio stream improvements;
- streaming video capability;
- integration of the public comment portion of meetings into the system to include more efficient call screening and handling; and
- smart boards in the Caucus Room

Staff recommended an allocation of \$200,000 of CARES Act funding for this purpose.

City Manager's Recommendation: Discuss and provide guidance and direction to staff.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 8, 2020	City Council
Item #	5	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Closed Meeting for Discussion and Consideration of the Engagement of Candidates for Special Counsel to Advise City Council Concerning the Recruitment and Employment for the Position of City Attorney and for Consultant to Conduct Such Recruitment	

Suggested Motion: I move that Council enter a closed meeting for the discussion and consideration of the engagement of candidates for special counsel to advise City Council concerning the recruitment and employment for the position of city attorney and a consultant to conduct such recruitment, pursuant to Virginia Code Section 2.2-3711(A)(1).

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

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

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

City Council
WORK SESSION
September 10, 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 requested citizens to wear a mask while in City Hall and Council Chambers.

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	absent
Ms. Dull	aye	Mr. Claffey	aye
Mr. Holmes	aye		

Ms. Mead joined the meeting at 5:05 p.m.

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 there were several individuals participating on the Zoom platform either during the Work Session, the Regular meeting, or both. In addition to Council members Dull and Mead, were Mark Richmond, David Morgan, Trafford McRae, and Sarah Hollberg. All other City officials were participating in person 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.”

1. Consideration of Work Session and Regular Meeting Agendas

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

Mr. Claffey moved to approve the Work Session agenda and the Regular Meeting agenda with the following changes:

- 1) Remove Item 5 – Discussion of Participation of Police Department and Fire-Rescue Department in July 4 Parade – off of the Work Session agenda in its entirety.
- 2) Move Item 6 – Discussion of Previously Adopted Resolution of the Council of the City of Staunton, Virginia, Regarding Litigation Related to Continued Zoning and Building Code Violations – from the Work Session agenda to the Regular meeting agenda as Item F.
- 3) Add to the Work Session agenda – Discussion Concerning Zoom Meetings – as Item 5.
- 4) Add to the Regular meeting agenda – Reconsideration of the Purchase and Sale Agreement by and Between American Shakespeare Center and the City of Staunton, Virginia Concerning the Parking Lot on 240 N. Lewis Street – as Item G.

The motion was seconded by Ms. Darby.

Ms. Dull stated she had requested Item 5 to be placed on the Work Session agenda as there were Staunton residents, including City employees, that wanted to hear a public discussion of that. She noted she did not know why that item was being removed.

The motion carried as follows:

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

2. Discussion of Ordinance to Amend the FY2021 Budget for the City of Staunton by Adding Budget Amendment Number Three

Phil Trayer, Chief Finance Officer, stated he was there to introduce Budget Amendment Number 3 which totaled \$5,577,648 and was broken down between the General Fund appropriation of \$3,960,460 and School Funding of \$1,593,092.

Mr. Trayer stated the General Fund Appropriation break out included:

FY2020 CARES Act carryover in the amount of \$2,075,961,

97 FY21 CARES Act receipts of \$1,675,221

98 CARES Act Funding for Elections in the amount of \$56,278

99 and Fund Balance of \$153,000 for the elimination of three furlough days for staff.

100 Mr. Trayer stated CARES Act Expenditures would be reviewed by the Assistant City Manager
101 but included expenses which have met the following expense criteria:

- 102 1. Expenses that are necessary and incurred due to the COVID 19 Pandemic.
- 103 2. Expenses which were not accounted for in the most recent Budget approved as of March
104 27, 2020 (the date of enactment of the CARES Act) for the state or local government; and
- 105 3. And expenses which were incurred between March 1, 2020, and December 30, 2020.

106

107 Mr. Trayer stated expenses had been allocated to General Facilities

108 Human Resources

109 Public Safety

110 Business Recovery

111 Rent Assistance

112 Utilities Assistance

113 Child Care Assistance

114 Tourism

115 Planning and Development

116

117 City Schools appropriation of \$1,593,092 will be used for:

118 Technology to enhance remote learning - \$624,000

119 Operational expenses for protective measures - \$752,000

120 Food Service - \$137,000

121 Childcare - \$78,000

122

123 Mr. Trayer stated a public hearing had been properly advertised and the City Manager
124 recommended the ordinance be introduced as presented and that City Council conduct the public
125 hearing as scheduled.

126

127 Leslie Beauregard, Assistant City Manager, stated the goal for this meeting was to inform Council
128 where the money had been spent, what had been allocated so far for the current fiscal year, and
129 what staff would like to recommend for the remaining amount of time which is through December
130 30, 2020. She noted there were some items that decisions had not yet been made. She noted staff
131 would be returning to Council before December 30, 2020.

132

133 Ms. Beauregard stated for FY2020 actual expenses were approximately \$132,000. This was spent
134 on PPE, disinfectants, cleaning supplies, Zoom platform subscriptions for virtual meetings, testing
135 for employees, floor markings, plexiglass, emergency disaster relief loan programs administered

by the Staunton Creative Community Fund (SCCF), and paying for communications related to Covid-19.

For FY2021 – actual and encumbered is \$1.9 million. Categories include:

- General facilities - \$127,884 – cleaning, supplies, signage, staff time for cleaning, touchless technology has been added in restrooms, updates to courthouse audio equipment, meals for jurors, additional courtroom cleaning.

- Human Resources / Employees - \$97,000 – elimination of all furlough days for public safety employees, teleworking, serology testing for employees.

- Public Safety - \$93,449 – vehicle for Sheriff's Department to accommodate transport of prisoners, 4 cardiac defibrillators for Fire Department, expenses related to COVID for Middle River Regional Jail.

- Business Recovery / Assistance - \$500,000 appropriated at last Council meeting.

- Schools - \$1.1 million – technology, operations and transportation, nutrition needs for meal delivery to students and associated equipment for that.

Ms. Beauregard stated staff is recommending \$250,000 for the category of Support of Individual/Non-Profits. She noted this was proposed by working through the Community Foundation of the Central Blue Ridge. She stated they would serve as the subrecipient of those funds. She noted there are 3 areas of need – rent/mortgage assistance of \$125,000, gas/electric/utilities assistance of \$125,000, and childcare assistance of \$100,000. Ms. Beauregard stated those figures may change if the demand began to change.

In terms of City schools, the remaining funds of \$458,000 included more technology needs as well as childcare for school employees.

Ms. Beauregard stated \$12,000 is being recommended to the Staunton Downtown Development Association (SDDA). She explained how this would help make downtown a safer experience in light of physical distancing. Ms. Beauregard stated, similarly related, it was being recommended that the Visitor Center / Tourism receive \$32,240. She noted there were plans on reopening the Visitor Center.

Ms. Beauregard stated there was \$100,000 set aside for HVAC improvements, but noted it was still under review. She noted \$200,000 was set aside for technology improvements to Council Chambers and the Caucus Room.

Ms. Beauregard stated \$50,000 had been set aside for Planning and Development for permit and plan review management and code enforcement. This would allow customers to access these serves online.

Valley Alcohol Safety Action Program (VASAP) was requesting funds of \$3,950 to help facilitate programming.

Ms. Beauregard stated there was a reserve contingency on all of those items of just over \$500,000. She noted there was an unreserved amount of \$684,000. She noted it came to staff's attention through the Community Foundation that temporary housing may be a need. Valley Community Services Board (VCSB) did receive a grant recently of \$120,000 to continue housing individuals at the Motel 6 through December 31, 2020, but there is a waiting list. Ms. Beauregard stated the CARES Act was very clear that hazard pay, for some form, was allowed for public safety. She

noted staff was exploring how those funds could be used and if there was a mechanism to provide some other type of one time to other City employees as well. She noted General Fund dollars would have to be used for that and not CARES Act funds. She noted a final recommendation would be provided to Council after further discussion with staff and the City's auditor.

Ms. Beauregard stated another request by Fire and Rescue, which was currently not funded, was for a Covid Response Unit for \$700,000. The Police Department had requested 2 SUV's for \$106,000 and a parking enforcement system for \$38,000. She noted there were several items not yet funded for the Visitor Center of a newly designed website of \$75,000 as well as new furniture, exhibits, new reconfiguration of the Center and 5,000 custom branded face coverings for \$21,935.

Mayor Oakes asked Council members if they had any questions.

Vice Mayor Robertson noted how some students relied on school meals and wanted to make sure they were being provided for.

Dr. Garrett Smith provided details on the meals program at the schools. He noted every child in Staunton will now receive free breakfast and lunch regardless.

Ms. Darby asked Dr. Smith to explain how CARES Act funds would be used towards sanitization.

Dr. Smith explained restrooms would now have touchless technology, there were now water bottle fillers instead of fountains, PPE, sprayers, masks, and remote thermometers.

Mr. Claffey asked for a breakdown on the \$458,000 in funds going to Schools.

Dr. Smith explained childcare for School employees was being provided by instructional assistants for the teachers. He noted some of the funds went towards infrastructure, Chromebooks, and wifi hot spots. Discussion ensued.

Ms. Mead asked Dr. Smith if any air filtration would be done in the classrooms in some of the older schools.

Dr. Smith stated all filters had been changed in the schools. He explained HEPA filters were problematic to the current systems in place.

Ms. Mead asked Ms. Beauregard to provide more information about the \$700,000 request for a COVID Response Unit.

Ms. Beauregard explained it would help treat as if all personnel were exposed to Covid-19 and how equipment and facilities would be decontaminated during an outbreak.

Ms. Mead asked if there had been COVID-19 cases yet amongst first responders.

Mr. Rosenberg stated there had not been any cases.

Mr. Holmes asked if extra pay was being considered for Public Works employees.

Ms. Beauregard stated extra pay was being discussed for all employees.

Council members did not have any further questions.

This will be Item B on the Regular meeting agenda.

3. Presentation on Flood Mitigation Initiative

Mr. Rosenberg stated it had been just over a month since the devastating flood of August 8, 2020 and nearly three weeks since the recurrence on August 22, 2020. He noted the Staunton community including residents, businesses, and nonprofit organizations had demonstrated tremendous care and resilience in the face of adversity. He stated City staff recognized that there were many questions that followed from those events. He noted the presentation would only provide a high-level overview given the complexity of the issues. Mr. Rosenberg stated more detailed discussions would be necessary and were certain to follow.

Mr. Rosenberg stated the conditions seen today were the result of the city's topography and prior decisions made and prior actions taken over decades, if not centuries. Any measures the City determined to pursue, as a community and as a city government, would also take time as well as resources.

Mr. Rosenberg reviewed with Council the topics that would be discussed during the presentation. He noted a representative from Ellicott City, Maryland which had experienced similar issues, would be joining on the Zoom as a case study of sorts. He noted it might help to learn from the experiences from another locality in order to help better understand the City's road ahead. Topics included projects in the Capital Improvement Plan presently, fiscal constraints, grant and funding opportunities, current and ongoing efforts and next steps. He stated Council would hear from John Glover, City Building Official, Mark Richmond, Chief of the Howard County, Maryland Stormwater Management Division, Nickie Mills, City Engineer, Phil Trayer, Chief Finance Officer, and Rebecca Joyce, Community Program Manager at Central Shenandoah Planning District Commission (CSPDC). Mr. Rosenberg stated Billy Vaughn, Community and Economic Development Director, and Pete Kesecker, Environmental Program Administrator, had made considerable contributions in preparation for the meeting.

Mr. Glover stated this was new attention to an old problem. He noted the city experienced floods in 1985, 1995, 1996, and 2003, as well as 1896. He noted the city was built on a flood plain and throughout the years, development had increased the risk of flooding. Mr. Glover stated a significant portion of downtown was in the flood plain or the flood way. Due to historic designations in the downtown area, he noted a lot of FEMA and local flood plain regulations were waived or there were exceptions due to the historic nature of downtown. He noted a lot of redevelopment that had taken place over the past thirty years would not have happened without those exceptions. Mr. Glover stated on August 8, 2020, some areas of the city received 7.4" of rain in approximately 2 hours. He noted that amount of rain in certain geographic areas had exceeded a 1,000-year storm. Mr. Glover stated this was a big problem and would not be an easy fix. He noted it would take a thoughtful process and time to work through.

Mr. Rosenberg noted the reference made by Mr. Glover of the complication caused by the historic designation. He noted the City permitted improvements to be made to structures in the flood plain and in the flood way that would not be permitted if they were outside of a historic district. Mr. Rosenberg then introduced Mark Richmond with Howard County, Maryland.

Mr. Richmond reviewed the history of the Ellicott City, Maryland flooding and discussed their current efforts of the “Safe and Sound” plan. The city experienced devastating storms in 2011, 2016, and 2018. He noted a consultant performed a Hydrology and Hydraulic study (H&H) which generated options for working on large projects on public and private property. Mr. Richmond stated the report noted there were two ways to deal with the flooding – reduce the amount of water or do conveyance projects. He noted the city ended up with a combination of both. He discussed overall short term and long terms projects. Mr. Richmond stated some considerations in the overall plan were costs and time, permitting in their historic districts, and public perception and expectations. He noted the price tag was estimated to be over \$100 million. He then discussed state and federal grants, appropriations, capital budget funds, and long-term loans. Mr. Richmond discussed Ellicott City’s flood warning system and situational awareness program.

Nickie Mills, City Engineer, stated there were three stormwater issues in the city. He noted there were the MS4 obligations, neighborhood flooding issues, and the large storms that flood the Wharf. He noted most the projects in the current CIP deal with either MS4 or the neighborhood drainage projects such as the Tams/Caroline/Augusta Street neighborhood. He noted that was an example of a conveyance project. He noted the current CIP generally did not address flooding, but there some projects in the CIP that provides some stormwater management as opposed to conveyance. Mr. Mills stated he would recommend that the City pivot away from conveyance only projects and focus more on management and re-examine and refine the approach.

Mr. Rosenberg stated it was interesting to observe Mr. Richmond talking about the approach in Howard County where they were relying on a combination of conveyance systems and management, and hearing from Mr. Mills was that perhaps the City was focusing on one end of conveyance systems. He noted part of the exercise would be to determine whether to make a shift and to use more of a combined approach.

Mr. Trayer stated the Stormwater Fund was an enterprise fund designed to cover storm drainage projects to remain in compliance with the Environmental Protection Agency (EPA) mandate to reduce nutrient loads which find their way into the Chesapeake Bay. He noted the fund was primarily supported by stormwater drainage fees billed semi-monthly as part of the utility billing. Annual stormwater drainage fees are budgeted at \$750,000 for FY2021 and are based upon an average monthly residential billing of \$3.20 per month per homeowner. Mr. Trayer stated based upon the current CIP plan, even with the current revenue stream, the General Fund would need to support the Stormwater Fund by \$565,000 in FY2024 by providing a temporary loan to ensure the CIP plan as approved from the implement. Mr. Trayer stated there were limited funding options to expand beyond projects that were currently scheduled. He then gave a comparison of other localities. Without adding future CIP projects, the Current Debt Service sinking fund was solvent and could easily sustain current obligations at its current funding levels. Mr. Trayer stated future projects would require additional annual funding from the General Fund into the Debt Service Fund. He noted when the addition of the Police and Fire projects were layered in, the Debt Service Fund would require an additional \$700,000 per year to support those projects. Any additional major project would require additional funding. Mr. Trayer stated the stormwater fees implemented by the City in 2008 were in response to federal mandates. He noted current stormwater rates were not sufficient to handle flood control projects - meaning additional funding sources would be required. Sources may include increasing stormwater fees, grants, and debt service supported by the General Fund. Mr. Trayer stated, as a perspective, if the City were to double the stormwater fees, that would handle debt service of approximately \$13,000,000 and

would have \$20,000,000 worth of unfunded/unscheduled projects primarily dealing with water cleansing issues and transporting the water. Mr. Trayer stated none of the projects are designed to specifically address the flooding issues experienced in August.

Rebecca Joyce, Community Program Manager for the Central Shenandoah Planning District Commission, shared details of grant and funding programs for flood mitigation. This included information for federal and state programs as well as resources. She stated a new program, BRIC, initiated by FEMA would offer more money to localities and allowed for more types of activities in the projects.

Mr. Rosenberg stated the Public Works Department would continue to troubleshoot the existing system such as cleaning storm drain inlets, pipes, and culverts, clearing debris, and removing obstruction from creeks. He noted damaged berms would continue to be repaired and replaced from the August floods. He stated the City would continue to stress preparedness focusing on communications using the City's website, email, Facebook, and the Staunton Alert Message system. He also discussed sandbag distribution as well as flood shields. Mr. Rosenberg stated staff would begin working on preparation on the BRIC funding program which would eventually result in the engagement of a consultant and a completion of a study. Regarding the financial constraints addressed by Mr. Trayer, he noted this would likely require the development of a new fiscal approach in order to finance projects of a sufficient scope to have a positive impact.

Mayor Oakes asked Council members if they had any questions.

Vice Mayor Robertson asked Mr. Richmond if his Senators and Congressmen were receptive to their fund request. Mr. Richmond stated they were very receptive, but noted there was only so much money to go around.

Mr. Claffey asked Mr. Richmond what was the first thing on his master plan. Mr. Richmond clarified that there was a master plan as well as their H&H plan. He noted there were several projects already in design for the H&H plan and were moving forward first. He noted the two tunnel projects would have the best and biggest impact. He noted having the H&H study was the first and probably most important thing.

Mr. Rosenberg stated Staunton was in a different market and that the watersheds may not be the same. He asked Mr. Richmond what Ellicott City paid for their H&H study. Mr. Richmond stated it was still ongoing, but noted it was probably over \$200,000-250,000.

Ms. Darby asked if consultants were included possibly something with the Silver Jacket Team / Army Corp of Engineers, or was that something separate. Mr. Rosenberg stated a consultant to conduct the sort of study that the City would contemplate would be hopefully grant funded and the Silver Jacket Team would probably come into play at the point after the City received the study when endeavoring to prioritize projects and make decisions about what fits best for the City.

Mr. Glover stated the Silver Jackets was a team of representatives of FEMA, the Army Corp of Engineers and many different groups. He noted they were experienced in all things related to flood mitigation. He stated they would mainly provide technical advice, as far as prioritizing projects, and may be able to help with strategies for funding projects.

Ms. Mead asked if there was a role for individual homeowners and businesses to play in the flood mitigation. She asked if there was a way for members of the community to feel as if they were participating. She mentioned rain gardens and collecting stormwater. Mr. Richmond stated they were doing rain gardens and rain barrels. He noted large capital projects would deal with large amounts of rain. He stated it was important to have a plan.

Mr. Holmes asked Mr. Richmond how fast did the water accumulate. Mr. Richmond stated the water came up fast and kept coming up. He noted it was approximately an hour or so. He noted that was part of their situational awareness.

Mayor Oakes thanked Mr. Richmond, Ms. Joyce, and staff for their presentations.

Council members did not have any further questions.

This will be Item B on the Regular meeting agenda.

4. Update on U.S. Environmental Protection Agency (EPA) Brownfields Program and Grant

Billy Vaughn, Director of Economic Development, stated he was providing an update on efforts to carry out Council's desire to prepare a strategy to revitalize the West End of the city. He noted the City was moving to their second year of that effort. He noted part of that goal was to submit an application for an U.S. Environmental Protection Agency (EPA) Brownfields grant. Mr. Vaughn introduced Lori Kroll, Community Resource Specialist with Draper Aden Associates, who has been assisting the City and City Council on that effort.

Ms. Kroll stated Draper Aden Associates had been working with the City for a couple of years toward development of an EPA Brownfields grant for funding to address abandoned and underutilized property properties throughout the targeted area identified as the West End of the city.

At the November 14, 2019 Council work Session, an overview of the program was provided to City Council. Initially, Ms. Kroll recommended that the City apply for a Community-Wide Brownfields Assessment Grant totaling \$300,000, targeting the West Beverley Street corridor during the funding cycle with an application due date of December 3, 2019. However, as a result of a limited time to initiate community engagement efforts, Ms. Kroll subsequently suggested that the City delay submittal of a grant application until the next round.

At the February 27, 2020 Council work session, Ms. Kroll again provided an overview of the program and the community involvement process. Plans were shared to conduct three to four community meetings, beginning in March over a 6-month period, to gather input for the application. This approach was suggested to not only strengthen the application and the implementation should the city receive an award of grant funds, but to position the impacted community at the forefront as champions for these revitalization initiatives.

With the onset of the COVID-19 public health emergency in early March, the scheduled community meetings were postponed indefinitely. Ms. Kroll stated an in-person community meeting was held on September 3. She noted that meeting was to introduce citizens to the grant idea and how those monies can be utilized to help redevelopment in that area. She stated the West

End, as it is being defined for that effort, was the City's two Opportunity Zones and consists of 15 connected neighborhoods. Ms. Kroll stated a second meeting would be held on October 1, 2020.

Ms. Kroll stated the EPA grant proposal was due on October 28, 2020 and was the deadline for submittal. She noted the revitalization plan would not be in place in advance of that application and proposal; however, there would be enough information and could state in the proposal that the City was working toward that effort and would be completed before the grant was awarded. Ms. Kroll stated additional meetings in December and January might be held.

Mayor Oakes asked Council members if they had any questions.

Mr. Holmes asked what were some of the ideas that citizens presented. Ms. Kroll stated one idea was to create a branding campaign for West End and to create a sense of place for that area that ties together the history as well as the ideas behind the redevelopment. She noted more ideas would come in subsequent meetings.

Mr. Vaughn stated they would be back before Council on September 24, 2020 for approval for the submission of the Brownfields grant.

Council members did not have any further questions.

5. Discussion of Zoom Meetings

Mayor Oakes asked Mr. Rosenberg if he had anything to state concerning that issue.

Mr. Rosenberg stated he was not aware that this item would be added to the agenda and was not quite certain what the purpose of the discussion was.

Mayor Oakes asked Council members if they had any concerns or questions for staff.

Mr. Claffey stated he would like to know how much longer City Council would need to continue to use the Zoom format for meetings. He noted it was a little bit difficult and was hard not to have everyone on the dais together for discussion sake. He stated it was also difficult for Matters from the Public with phone calls coming in. Mr. Claffey stated there might be a better working space if all Council members were to be in person. He stated he felt maybe it was time for City Council to get together and stop the Zoom format. He noted the School Board was meeting in person.

Mr. Rosenberg stated he wanted to make a couple of observations that might inform Council's discussions. He noted the School Board comprised of six members whereas Council was seven members. He stated he had concerns about how to accommodate all seven Council members in Chambers. Mr. Rosenberg stated he'd had communications with Dr. Kornegay from the Central Shenandoah Health District about the setup on the dais and the possible use of plexiglass dividers. He noted in Dr. Kornegay's opinion, she did believe plexiglass was an effective protective measure for an extended duration. He noted at the beginning of the pandemic, Council was seated throughout Chambers. He noted if it was Council's desire to come back in Chambers, staff would be looking at an arrangement quite similar to that. Mr. Rosenberg stated it would be his recommendation that it be in another venue if the desire was to come back physically. He noted a school cafeteria floor area might be an option in order for Council members to be appropriately distanced.

478
479 Mr. Claffey asked if there were any legal problems with moving City Council meetings to an
480 alternate location. Mr. Rosenberg stated the City Attorney informed him there weren't any legal
481 problems, but that it would have to be noticed appropriately.
482

483 Vice Mayor Robertson stated he wanted this to end sooner than later and wanted Council members
484 all back together. He noted he was not at the point where he was wanting Ms. Mead and Ms. Dull
485 where they would feel like they were putting their life in jeopardy. He noted he would like for
486 Ms. Dull to be visible on the Zoom platform.
487

488 Mr. Holmes stated he did not have an excuse for not being in-person because he was exposed to a
489 number of people every day. He noted if he had his choice, he would much rather be on Zoom.
490 He stated he hadn't seen any major problems with the way Council meetings were being held. He
491 questioned how much of a problem would it be for staff to set up equipment at another location.
492

493 Ms. Darby questioned Mr. Guynn if there was anything from a legal standpoint in regards to the
494 screen in order for votes to be cast. She questioned if someone needed to be visible on the screen.
495

496 Mayor Oakes asked Mr. Guynn to research Ms. Darby's question.
497

498 Council members did not have any further questions.
499

500
501 The work session adjourned at 7:12 p.m.
502
503
504
505
506
507
508

Suzanne F. Simmons
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, September 10, 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 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	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 Councilwomen Dull and Mead were participating on the Zoom platform. In addition, he noted David Morgan, Trafford McRae, and Sarah Hollberg would join the Zoom platform at different points during the meeting.

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 and Council Chambers.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Ms. Mead.

MAYOR'S REPORT

Mayor Oakes read the following proclamation:

WHEREAS, September 17, 2020 marks the two hundred and thirty-third anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council that September 17-23, 2020, is hereby designated as

Constitution Week

in the City of Staunton and all the City's citizens are asked to reaffirm the ideals established by the Framers of the Constitution in 1787.

Adopted this 10th day of September, 2020.

93

94 /s/ Andrea W. Oakes

95 Andrea W. Oakes, Mayor

96

97 Attest: /s/ Suzanne F. Simmons

98 Clerk of Council

99

100 The proclamation was presented to Helen Willard, regent for the Colonel Thomas Hughart
101 Chapter of the DAR and also accepting for the Augusta Parish Chapter, and Mary Ann Stripling
102 representing Beverley Manor Chapter.

103

104 **ADDITIONAL ITEMS BY MEMBERS OF COUNCIL**

105

106 Mr. Holmes referred to items removed and added to the Work Session agenda without notice to
107 all Council members. He questioned how Council could work together without knowledge of
108 agenda changes. He noted it was aggravating and unprofessional.

109

110 Mr. Claffey stated the Nominations Committee met on September 9, 2020. He moved to make the
111 following appointments:

112

113 **Ag-Forestral Advisory Committee** – To appoint Stephen Beam for an unlimited term beginning
114 September 11, 2020.

115

116 **Joint IDA of the County of Stafford & the City of Staunton, VA** – To appoint Zachary Long
117 to fill the unexpired term of Ray Griffin, beginning September 11, 2020 and expiring June 30,
118 2021.

119

120 Mayor Oakes stated it was put in the form of a motion. As it was coming from a Committee, no
121 second was needed.

122

123 The motion carried as follows:

124

125	Mayor Oakes	aye	Mr. Claffey	aye
126	Vice Mayor Robertson	aye	Ms. Dull	aye
127	Ms. Mead	aye	Ms. Darby	aye
128	Mr. Holmes	aye		

129

130 Ms. Dull stated Governor Northam had declared the September 13-19, 2020 as Virginia's CPA
131 Week. She then read a letter from a concerned citizen regarding the July 4 parade. Ms. Dull noted
132 this was the item that was removed from the Work Session agenda by the four members of Council.
133 She noted she would request that it be added to every agenda until Council held a discussion.

134

135 Ms. Darby encouraged citizens to take a moment to remember events that took place on September
136 11, 2001.

137

Mayor Oakes welcomed School Board member, Bob Boyle.

APPROVAL OF MINUTES

Ms. Darby moved to approve the work session and regular meeting minutes of August 27, 2020 as presented.

The motion was seconded by Vice Mayor Robertson.

Ms. Dull stated she would like to address line 544 where the minutes from the Regular meeting say "Mayor Oakes called Ms. Dull out of order". Ms. Dull stated Mayor Oakes needed to be saying why Ms. Dull was out of order because she was not, in fact, out of order. She noted she also wanted the minutes to reflect anytime she was called out of order the reason.

The motion carried as follows:

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

REGULAR MEETING

A. Public Hearing and Consideration of a Request by David Morgan for a Special Use Permit for 271 N. Lewis Street (PID# 1340) for the Construction of an Accessory Residential Structure on Property Zoned B-2, General Business District

Rodney Rhodes, Senior Planner, stated Dr. David Morgan, owner of 271 N. Lewis Street, was requesting a Special Use Permit to add an accessory structure to the property. The property is zoned B-2, General Business District, and residential use is not permitted on the ground floor in the Commercial District unless a Special Use Permit is received.

Mr. Rhodes stated in 2012, Dr. Morgan was granted a Special Use Permit to reestablish the use of the property as a single-family dwelling. The City's records do not indicate the age of the home, but it appears on the 1921 Sanborn Maps. Although the original request for this Special Use Permit was to place two accessory buildings on the property, Dr. Morgan is now amending his application to eliminate the larger building and is requesting the SUP for only the smaller 12' x 16' shed. Mr. Rhodes stated the property is located on Lewis Street as well as Central Avenue. The shed would be located on the Central Avenue side of the property.

Mr. Rhodes stated staff reviewed the request and determined that the property is located in a FEMA designated floodplain and floodway. While a building permit is not required for a 12' x 16' shed, the provisions for construction in the floodplain will apply. Dr. Morgan is working with Building Services Division staff to learn about the applicable requirements.

Mr. Rhodes stated the property to the north, south, and east was also zoned B-2, General Business District, while zoning to the west was P-1, Professional District. The property is adjacent to the Howard Johnson Express Inn. He noted the property across the street was zoned P-1, Professional District.

Mr. Rhodes stated the property was subject to a 2010 conservation easement. The conservation easement required a 30-foot buffer strip be maintained along the edge of Peyton Creek as measured from the centerline of the creek. The placement of the proposed shed would comply with this requirement.

Generally, staff is reluctant to support Special Use Permit requests for residential uses on the ground floor in a business district; however, the residential use of this property is a long-standing use. While the property is not located in any City designated historic district, it is evident from the Sanborn Maps that the home has existed for at least 100 years.

Mr. Rhodes stated the property was designated as Entrance Corridors into the City; however, as a residential structure it was not subject to that review of those requirements.

At its meeting of August 20, 2020, the Planning Commission conducted a public hearing and considered the request. During the public hearing, no one spoke in opposition to the request. On a 5-0 vote, the Commission voted unanimously to recommend approval of the Special Use Permit with the following condition:

1. The location as well as construction of the building must comply with the provisions of the Virginia Uniform Statewide Building Code as well as SCC 18.170, Floodplain Districts and Regulations.

Mr. Rhodes noted the public hearing held at the Planning Commission meeting was duly advertised as well as notices sent to adjoining property owners for both public hearings. He noted he received one phone call regarding this request from an adjoining property owner. He stated once he explained the request, the caller had no concerns with it.

Mayor Oakes asked Council members if they had any questions.

Mr. Holmes asked Mr. Rhodes if the shed could be anchored down in case of another flood. Mr. Rhodes stated he was certain that was a requirement of building in the flood way.

Vice Mayor Robertson asked, if the Special Use Permit was approved and there was a flood, would the City be responsible.

Mr. Guynn stated the City would have no liability.

Ms. Mead asked if the property flooded during recent events.

Mr. Rhodes stated it was his understanding that the property did flood. He noted Dr. Morgan could address that question.

Dr. David Morgan, property owner, stated the property did flood. He noted the gazebo and greenhouse on the property were anchored and neither one moved at all.

Ms. Mead asked if the conservation easement was along Peyton Creek or along Central Avenue.

Dr. Morgan stated it included Peyton Creek but went all the way to Central Avenue. from the hotel to Pump Street.

Council members did not have any further questions.

The meeting then moved to Item B for presentation. Mayor Oakes noted both items would fall under one public hearing.

Mr. Rosenberg stated both public hearings would be opened at the same time after Mr. Trayer's presentation. He noted from a procedural standpoint, the motion on Item B would be made before the public hearing.

B. Introduction and Public Hearing of Ordinance to Amend the FY2021 Budget for the City of Staunton by Adding Budget Amendment Number Three

Phil Trayer, Chief Finance Officer, stated he was there to introduce Budget Amendment # 3 which totals \$5,577,648 and is broken down between the General Fund appropriation of \$3,960,460 and School Funding of \$1,593,092.

Mr. Trayer stated the General Fund Appropriation included the following:

FY2020 CARES Act carryover in the amount of \$2,075,961
FY2021 CARES Act receipts of \$1,675,221
CARES Act Funding for Elections in the amount of \$56,278
and Fund Balance of \$153,000 for the elimination of three furlough days for staff.

School Appropriation of \$1,593,092 was 100% CARES Act sourced and will be used by the schools exclusively to support expenses incurred as a result of the COVID-19 Pandemic.

Mr. Trayer stated details of expenditures were reviewed during the work session. This amendment does require a public hearing which had been properly advertised. The City Manager recommends the introduction of this amendment and for Council to conduct a public hearing.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Mayor Oakes stated she would entertain a motion concerning the introduction and public hearing of the ordinance to amend the FY2021 budget for the City of Staunton by adding Budget Amendment Number Three.

Mr. Holmes recommended the ordinance be introduced as presented and City Council conduct a public hearing.

The motion was seconded by Mr. Claffey 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		

The public hearing was opened for both Item A and Item B.

Callers on Zoom:

Allison Profeta, Farrier Court, stated she was calling specifically regarding the Budget Amendment. She thanked City staff for working so hard during the pandemic. She expressed strong support for staff's recommendation of approximately \$200,000 in technology improvements for Council Chambers and Caucus Room. She noted that would be a long-lasting benefit for citizens even after the pandemic was over. She noted she would like to see the Fire Department have a Covid Response Unit, but would like for the public to receive details on what that entailed. She noted she was in opposition of the requests by the Police Department and the Visitor Center.

Dr. David Morgan, 271 N. Lewis Street, stated he purchased the property in 1999 and subsequently purchased the garage and dry cleaner buildings on N. Central Avenue in 2004. He noted he was granted the SUP to return the house to a single-family residence. He noted they had donated the open space easement to the City in 2010 for the purpose of improving stormwater management and enhance the aesthetics of the neighborhood. Dr. Morgan stated he was requesting a Special Use Permit to place the 12' x 16' shed in the back of the property.

Mayor Oakes thanked Dr. Morgan for all of the improvements he'd made on the property.

There were no other phone calls or speakers on the Zoom platform.

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

Ms. Darby moved that Council approve the Special Use Permit for 271 N. Lewis Street, as recommended by the Planning Commission.

The motion was seconded by Mr. Holmes and 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. Discussion and Consideration of Virginia Risk Sharing Association Risk Management Grant

Mr. Rosenberg stated this grant had been discussed at the September 10, 2020 Council meeting and was before Council for approval retroactively.

Mr. Trayer stated each year the Virginia Risk Sharing Association (VRSA), the City's insurance provider, awards Grants to its members on a first come first basis. He noted grants are award by VRSA for up to \$5,000 and must be used to enhance safety within our operations. This year the Safety Committee had applied for and had been awarded funding for:

Two Heart Start AED and three Monitors for a total cost of \$4,806.60.

Mr. Trayer stated the equipment would be used in the Staunton City Courts. He noted the grant required no local match and the City Manager recommended acceptance.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Mr. Holmes moved that City Council authorize application for and acceptance of a grant from the Virginia Risk Management Association to fund two confined air space monitors for use by Public Works employees and two automated external defibrillators for the Cochran Judicial Center, retroactively to August 12, 2020, as proposed.

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

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

Mr. Rosenberg stated staff was still awaiting word on the other AED grant from the Firehouse Public Safety Foundation. He stated if the City receives funding for more devices than was needed in the Cochran Judicial Center, then staff would approach the funding agencies and ask for flexibility to place some of the devices in another City facility.

D. Discussion and Consideration of Virginia Tourism Corporation Recovery Marketing Leverage Program Grant

Sheryl Wagner, Director of Tourism, stated the Tourism Department was requesting permission to apply for a Virginia Tourism Corporation Recovery Marketing Leverage Program Grant. She noted the application was due September 17, 2020.

Ms. Wagner stated the coronavirus has had a devastating impact on the tourism and hospitality industries in Virginia. As the Commonwealth slowly reopens for business, VTC is offering these grant funds as a first step to re-entry into the marketplace to spur economic activity and travel across the Commonwealth.

The application cycle for the VTC Recovery Marketing Leverage Program differs from past VTC Marketing Leverage Program applications. Below is a quick overview of the changes:

- One funding level with a maximum award of \$20,000.
- No requirement for a cash match; however, an in-kind match value is required.
- Partner Requirement – The Tourism Department will need to identify two other partners to leverage our marketing dollars.

Ms. Wagner stated competition for the grant program would be very strong. Due to the anticipated number of applications, and to expedite application approval, a draft review of applications will

not be possible. She noted the proposed concept was to promote to families as well as an educational aspect.

There is no additional fiscal impact to the city by accepting these grant funds as all in-kind funds are already included in the department's FY2021 budget and marketing plan.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Vice Mayor Robertson moved that City Council authorize application for and acceptance of, if awarded, the Virginia Tourism Corporation Recovery Marketing Leverage Program Grant for marketing support to promote the City of Staunton.

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

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

E. Presentation and Consideration of Work Plan of Staunton Bicycle and Pedestrian Advisory Committee

Mr. Rhodes stated in January, 2015, City Council adopted a resolution establishing the Staunton Bicycle and Pedestrian Advisory Committee (BPAC). One of the duties of the committee, as provided in the resolution, is "to prepare a bicycle and pedestrian program work plan setting forth goals and objectives, subject to approval by City Council." He noted the committee prepared a work plan which was reviewed and approved by Council in 2016. The plan provided direction for the BPAC for several years; however, the committee had determined that an updated work plan would be helpful moving forward. The committee prepared a draft work plan, adopted it at its August 11, 2020 meeting, and was prepared to present it to Council for its consideration.

Trafford McRae, member of the BPAC, gave a presentation on the plan to City Council. He noted the plan was based on a business plan model that was intended to be lean and flexible enough to advance the long-term goal. He noted BPAC decided to keep the original mission of the committee. He stated their vision was to help the community achieve the many benefits of a safe and robust bicycle and pedestrian system and help implement well designed and cost-effective investments in infrastructure.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Mr. Claffey moved that City Council approve the work plan proposed by the Staunton Bicycle and Pedestrian Advisory Committee, as presented.

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

428	Mr. Claffey	aye	Ms. Dull	aye
429	Vice Mayor Robertson	aye	Mayor Oakes	aye
430	Mr. Holmes	aye	Ms. Mead	aye
431	Ms. Darby	aye		

432
433 **F. Discussion of Previously Adopted Resolution of the Council of the City of Staunton,**
434 **Virginia, Regarding Litigation Related to Continued Zoning and Building Code**
435 **Violations**
436

437 Mayor Oakes asked Mr. Rosenberg if he had any comment. Mr. Rosenberg stated he did not have
438 anything at that time.
439

440 Ms. Darby stated after further review and consideration of the approved resolution dated August
441 27, 2020, involving the City of Staunton vs. Debra Chilton-Belloni, she stated she took issue with
442 some of its content and verbiage. She stated she would like to have a reconsideration of the vote
443 on the resolution and moved to reconsider the vote for the August 27, 2020 resolution involving
444 the City of Staunton vs. Debra Chilton-Belloni.
445

446 Ms. Mead called for a point of order. She stated that her point of order was that any member of
447 Council voting on the prevailing side of any question voted on by the Council may move a
448 reconsideration thereof at such meeting or the next succeeding Regular meeting. She noted
449 Councilwoman Darby did not vote on the prevailing side of that question.
450

451 Mayor Oakes stated Ms. Darby did vote yes and was on the prevailing side. She stated since this
452 was a reconsideration, Council did not need a second. She asked if there was any further
453 discussion.
454

455 Ms. Mead stated Ms. Darby had not voted on the prevailing side. Mayor Oakes stated she certainly
456 did.
457

458 Vice Mayor Robertson moved to amend the resolution of August 27, 2020 and read the following
459 changes:

460 "By striking line 4, after the word "to" through line 5.
461

462 In addition, striking lines from 11 – after the word "Staunton" - through 80,
463

464 and striking the words from line 83 – after the word "Virginia"- through 96,
465

466 and insert the words at line 4, after the word "to", through line 5, the "City of Staunton vs. Debra
467 Chilton-Belloni",
468

469 and on line 11, insert a "." (period) after the word "Staunton".
470

471 Also, insert at line 83, after the word "Virginia" – the litigation and any action involving the City
472 of Staunton vs. Debra Chilton-Belloni in relation to the property located at 1403 North Augusta
473 Street in the city of Staunton, Virginia otherwise known as the "wall" shall cease in its entirety
474 effective immediately.
475

476 In addition, the Staunton City Council respectfully directs its legal counsel, including litigation
477 counsel, to dispense with any further action in whatever form involving above cited case and,

478 unless already completed, litigation counsel is to provide the Supreme Court of Virginia a
479 professional notice of the withdrawal of the City of Staunton in said case of Debra Chilton-
480 Belloni, per the decision and under the direction of the Staunton City Council.”

481
482 Vice Mayor Robertson informed Mayor Oakes that he had a copy of the amended resolution with
483 the said changes.

484
485 Mayor Oakes stated there was a motion to amend the resolution from August 27, 2020.

486
487 The motion was seconded by Ms. Darby.

488
489 Mr. Claffey read the following statement: “Since the August 27, 2020 Council meeting, I’ve done
490 an in-depth analysis of money spent on the so-called wall and would like to inform the public by
491 getting this overview on the public record. I thank Mr. Guynn and his assistant, Robin Wallace,
492 for all of their time and help last week. City Council members have received this information in
493 two memos dated September 3, 2020. In total, our City Attorney’s spreadsheet shows that over
494 \$136,000 has been spent. The majority, \$104,962, has gone to Nelson, McPherson, Summers, and
495 Santos, an excellent law firm who has one every case, two trips to the Circuit Court, one trip to the
496 Virginia Supreme Court. The Virginia Supreme Court case is particularly appropriate because on
497 August 17, 2020, the property owner has applied for a second return trip to the Supreme Court.
498 Supreme Court visits have two phases – Part 1) a tribunal of judges determine whether the case is
499 worthy to be heard. This cost us between December, 2015 and October, 2016, this portion cost us
500 \$6,968. Once the tribunal approves it, it goes to a full hearing in front of the Supreme Court. This
501 took between December, 2016 and December, 2017 a total of \$23,954 were spent on litigation.
502 Part 1 will not be a factor based on last meeting’s resolution, but monies need to be spent on a full
503 hearing and the last time it cost us almost \$24,000. In addition, in this wall issue, Mr. Guynn has
504 contracted with Ms. Sharon Pandak, a former Stauntonian and a brilliant mind, who I know
505 because she was my former debate partner in high school. But Sharon Pandak is the former County
506 Attorney for Prince William County and she has been paid \$8,140 for advice in litigation for this
507 wall. Also, \$10,000 has been paid to Sterling Rives, another law firm for advocacy concerning
508 special favoritism legislation after an uncoded act was passed through the General Assembly in
509 2019 concerning this wall. Also, in 2018, \$2,700 was paid to Frazier Associates to create visual
510 images of what other houses on North Augusta Street would look like with 6’ walls. Mr. Bill
511 Frazier states he completed this task, submitted the bill and was paid with the Staunton City tax
512 dollars, of course. But the images were not used by Mr. Santos in the 2018 Circuit Court case.
513 We appear to be in a vicious cycle. In 2008, the BZA, which is the Board of Zoning Appeals, they
514 granted a variance for this wall by a 5-0 vote. The City appeals through the Circuit Court, who
515 overturns it. The property owner appeals to the Supreme Court, who sends it back to the BZA –
516 the Board of Zoning Appeals. Once again, it goes to the BZA and they give a variance again by a
517 3-2 vote. Staunton appeals it. We go back to Circuit Court and now we’re on our way to the
518 Supreme Court. So, we’re in phase 6 of a two-cycle run. The taxpayers meanwhile are out
519 \$136,000. There’s a looming potential bill of another \$24,000 if we have coverage at a Supreme
520 Court hearing coming up. Why? Why have we done this? It’s the million-dollar question. I think
521 it is because the BZA recommendations have been ignored. The BZA is a five-member board
522 appointed by the judge of the Circuit Court, tasked to decide appeals about the enforcement of
523 zoning ordinance. Let’s let their input be meaningful. If we had listened to them the first time,
524 we would have \$136,000 additional dollars. Let’s stop this cycle. Madam Mayor, I call for the
525 question”

526
527 Mayor Oakes stated there was a call for the question.

Ms. Mead stated she had a comment or two.

Mayor Oakes asked the clerk to call the roll.

Ms. Mead and Ms. Dull stated this was illegal and noted Staunton City Code Section 2.10130, Reconsideration of Vote.

Mayor Oakes instructed the clerk to call for the vote.

The motion carried as follows:

Vice Mayor Robertson	aye
Ms. Mead	no
Mr. Holmes	no
Mr. Claffey	aye

Ms. Dull stated this was an illegal procedure. Mayor Oakes called Ms. Dull out of order. Ms. Dull stated she was voting no.

Ms. Darby	aye
Mayor Oakes	aye

(SEE ATTACHMENT 1)

G. Discussion Concerning the Parking Lot on N. Lewis Street Belonging to American Shakespeare Center

Mayor Oakes asked Mr. Rosenberg if he had any comments.

Mr. Rosenberg stated, again, this item was added to the agenda at the request of apparently a Council member. He stated he was unaware of the addition until the motion was made during the Work Session. He stated he would like have some observations to share based on Council's discussion.

Ms. Mead stated she was going to again call a point of order on that item. She read from Staunton City Code Section 2.10.130 – "Any member of the Council voting on the prevailing side of any question voted on by the Council may move a reconsideration therefore at such meeting or at the next succeeding regular meeting, but no vote of a former meeting shall be reconsidered unless there be preset at the subsequent meeting as many members as were present at the former meeting when the vote was taken." Ms. Mead stated Council could not reconsider the item.

Mayor Oakes stated Council could do so because it was made into a motion by a new Council member that was not on the Council at the time that the vote was taken, and Council did approve it when Council approved the agendas; therefore, it was allowed.

Ms. Mead stated when Council approved the agenda, Council simply approved discussion of the item and that Council did not approve a reconsideration of the vote. Ms. Mead stated she would like to Council to weigh in it.

578
579 Mayor Oakes stated Councilman Claffey had every right to bring it up.
580

581 Mr. Holmes asked why Council waited until the meeting and not being informed beforehand.
582

583 Mayor Oakes stated Council had the discussion.
584

585 Mr. Holmes stated the discussion was being held right now, but the entire Council was not
586 being informed beforehand of changes.
587

588 Mayor Oakes stated that had been done by previous Council members in the past. She stated
589 it was just normal procedure. She stated Mr. Holmes had voted in favor of the agenda and
590 that he voted that this would be added to the agenda for the Regular meeting.
591

592 Ms. Mead stated she was calling another point of order. She stated if the Mayor was going to
593 participate in the debate, she would need to hand the gavel over to another member and refrain.
594

595 Mayor Oakes stated she did not bring it up; therefore, she did not have to do that. She stated
596 Ms. Mead's point of order was not recognized. Mayor Oakes asked if there was any further
597 discussion.
598

599 Ms. Dull stated she would like to point out that clearly Council was not operating under
600 Robert's Rule of Order even though the City's charter and bylaws require that. She stated this
601 was inappropriate and not how Council operates. She noted it was unprofessional and
602 probably illegal.
603

604 Mayor Oakes stated it was not illegal and according to Robert's Rules Council had the right
605 to bring it back up. She noted it was approved when the agenda was approved by a 5-2 vote
606 to allow it on the agenda.
607

608 Mayor Oakes asked if there was any further discussion.
609

610 Mr. Claffey stated due to the pandemic crisis and the two floods back to back in the City of
611 Staunton, and the extraordinary financial toll that it's taken on the City of Staunton, he stated
612 he would like Council to reconsider the vote to approve the purchase of the 240 N. Lewis
613 Street parking lot on the Staunton City Council from ASC. He stated in the agreement entered
614 into by both parties there was a 120-day investigation period which means the City had until
615 October 26, 2020 before the agreement was binding. Mr. Claffey stated due to the known and
616 unknown financial hardships on the City, he noted he could not in good conscience approve
617 \$185,000 for a purchase price plus repair monies to purchase a parking lot on 240 N. Lewis
618 Street; therefore, he moved that Staunton City Council at this time withdraw from the purchase
619 agreement between the Staunton City Council and American Shakespeare Center voted on
620 June 25, 2020 due to the financial uncertainty for the City of Staunton. Mr. Claffey stated he
621 requested the withdrawal to take place before the end of the 120-day waiting period.
622

623 Mayor Oakes stated there was a motion on the floor and since it was a motion and not a
624 reconsideration, she would entertain a second.
625

626 Vice Mayor Robertson seconded the motion.
627

628 Mayor Oakes asked if there was any further discussion.

629
630 Ms. Dull stated her question to the Council members who want to withdraw from this, is 1)
631 they did not care at all about the people that rely on BRITE Transit for their transportation.
632 She noted it was disgusting and they were hurting the city when they do that.

633
634 Mr. Holmes asked consideration had been given on what it would cost to move the transit hub
635 to another location. He noted anywhere else the City would move it, the City would have to
636 build up the pads and do all of the work that would have needed to be done at the N. Lewis
637 Street location anyway. Mr. Holmes stated Council had talked about N. Augusta Street as a
638 possibility, but all of those parking spaces would be lost that were much closer to downtown.
639 He noted N. Lewis Street had parking spaces for a lot of citizens to leave their cars, but would
640 not have that anywhere else. He questioned if they had thought about those things and how it
641 might affect businesses relocating it elsewhere. He stated people who are handicapped and
642 disabled might have a hard time with a new location as well as having to spend money to
643 educate people on a new location.

644
645 Mr. Claffey stated he had looked at some of the alternate choices. He noted the free choice
646 that did not require any real construction to repair the lot to bring it up bus level was the
647 Augusta Street site farther down across from approximately where the Edward Jones office is
648 and where the old dry cleaners was. He stated that was two blocks away from where it was
649 now and possibly even closer to downtown Staunton and where it was now. Mr. Claffey
650 stated that would require nothing more than putting a concrete pad in there for the canopies.
651 He noted that was a \$10,000 fix and was opposed to paying \$185,000 for the parking lot and
652 then having to pay anywhere from \$60,000-\$120,000 additional dollars to bring it up to code
653 because it flooded pretty badly. He stated the City would be saving \$250,000 by just moving
654 it two blocks and possibly closer to Mr. Holmes' restaurant.

655
656 Mr. Holmes stated it would not save \$200,000 because people would not have anywhere to
657 park. He noted it could adversely affect some of the businesses that were there on N. Lewis
658 Street that depend on that parking. He stated the City would have to do other things besides
659 installing canopies for people sit in. He stated he did not think it was set up for that there and
660 questioned if the road would hold the buses.

661
662 Mr. Claffey stated according to the City it was noted that Augusta Street was bus-ready and
663 did not require any structural improvements.

664
665 Mr. Rosenberg stated he would like to make a couple of points for Council's consideration.
666 He noted he thought the emphasis here had been on the use of the lot as a transit hub and it
667 was an effective hub according the transit professionals with the Planning District
668 Commission who operate our regional transit system. He stated he didn't want to focus on
669 that, but wanted to focus on the issue that's not perhaps fully considered and that was its use
670 as a parking facility. He stated it provided approximately 40 spaces – that are available for
671 free for unlimited parking by visitors and residents in the city. He stated it had been a part of
672 the City's parking program and was one of two lots where that existed – the other was the
673 Firehouse Lot which is at the intersection of Pump and Lewis, just down the street from this
674 lot. Mr. Rosenberg stated that if the City terminated the contract, that so long as ASC
675 continued to own the property, the City would perhaps be permitted to continue its current
676 use. He stated ASC had made it clear that they intended to market the property if the City did
677 not consummate the transaction and once that occurred, he noted the City had no assurance,

that it would continue to have available to it the use of that lot on an unlimited 24-hour per day, 7 day per week basis as it is presently. Mr. Rosenberg stated in the event of a sale, the City would lose that use and would have to move the operation, the Hub, to the Augusta Street lot, and would lose parking spaces there also that are free. He noted there was a domino effect potentially where the City would lose spaces not only in the Lewis Street parking lot, but also on Augusta Street at the location – in that case the preferred location of the new Hub. He stated he would offer that information or thought to Council members as they considered their decision.

Mayor Oakes asked if there any further comments.

Ms. Mead stated she wanted to remind members of Council that Council had received dozens of letters from city residents in support of maintaining this parking lot. She noted that she realized the numbers were important and that Mr. Claffey made a good case. She stated Council did receive input from citizens and wondered whether Council members were going to live up to their commitments that they made when they ran for City Council of listening to what people say.

Mayor Oakes noted she wanted to state that particular parking lot was away from the downtown area and that she understood that it was free parking. She stated maybe Council needed to look at some other areas for free parking, such as the Johnson Street parking garage. Mayor Oakes stated Councilman Claffey's motion was not to purchase the parking lot at this time because of the fact that there was a COVID-19 pandemic going on right now and two floods that the city was still trying to recover from. She noted it was a matter of a concern with the finances for the City. Mayor Oakes stated Council had learned in the Work Session meeting that Ellicott City and their flood plan was going to cost upwards to \$100 million and was of great concern. She stated the City still had employees that were being furloughed and the City needed to be able to use all its resources in a manner that was responsible towards its citizens and that Council was listening to the citizens because they were asking us to be fiscally responsible.

With no further discussion, Mayor Oakes asked for the roll to be called.

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

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg stated he had nothing to add.

MATTERS FROM THE PUBLIC

Callers on the line included:

Frances Fairfield, Thornrose Avenue, thanked Council for their presence. She noted summer was over. She stated they were moving on the matters at hand and was waiting for Council. She noted the citizens didn't care if some Council members had regrets, but should move forward from the pandemic and destructive flooding.

Allison Profeta, Farrier Court, stated Council meetings were exhausting. As far as the 4th of July parade, she stated there were things that were more important, but it didn't mean that citizens could ignore what the elected officials were or were not doing or how they were spending money. She requested that Council address ableism and allowing citizens access to meetings. She requested that Council keep in mind citizens with disabilities when deciding on a new location for BRITE bus parking.

Ben Brewer, 316 Hendren Avenue, noted he'd been emailing Council members for several weeks in reference to the 4th of July parade event. He noted the question of good governance was profoundly important. He noted none of the Council members who were at the parade had responded to him or in public regarding that. He stated he was respectfully requesting that this be placed on the agenda for a future meeting with a public hearing.

Nitch Narduzzi, 130 S. Jefferson Street, stated she felt compelled to point out the shady political movement by new Council members. She encouraged Council to defend their positions through open, honest, transparent dialogue. She voiced concerns regarding the move of the BRITE bus parking lot, zoning and building code violations, social solidarity, and adopting My Brother's Keeper and the Marcus Alert.

Deborah Kushner, N. Augusta Street, stated she took issue with much of what happened at tonight's meeting, but referenced the previous meeting. She stated one citizen was allowed to speak twice and asked that Council review that allowance in the future. She noted when Robert's Rules of Order are violated or suspected of being violated, then Council should be investigated. She noted the parade should also be investigated. She stated she hoped that citizens could view Council members on Zoom. She asked Council to listen to the citizens and to each other.

Speaking in person were:

Baldwin Jennings, 332 Sharon Lane, stated he participated in the 4th of July parade and was sorry that no one else didn't get out there and take advantage of it. He noted he was grateful to the new Council for putting an end to the N. Augusta Street wall.

Ingrid Blanton, 217 N. Madison Street, stated she was there to present a petition signed by 380 citizens to Council. She noted the petition was not supported or endorsed by any political action committee. The petition urged City Council to focus on providing leadership and taking action on matters under their control and had a positive and direct impact on the day to day lives of the citizens. This involved infrastructure, economic development, schools and Social Services. The petition urged Council not to expend time and energy, at the expense of broad community good will, on the Second Amendment issue for which Council had no authority. She asked that Council bring the community together.

Nancy Sorrells, representative for the Alliance of the Shenandoah Valley, stated she wanted to thank the past and present members of City Council and staff for working with area citizens for the past 6 years of the Atlantic Coast Pipeline struggle. She noted Council showed solid leadership and good governance.

Yvonne Wilson, 2017 First Street, spoke on certain citizen's attitudes concerning racism, micro-aggressions and misogyny. She challenged certain citizens to debate her.

Aaron Barmer, 312 Fayette Street, questioned who was Council's parliamentarian. He noted Council was drawing attention to themselves for openly circumventing the will of the people.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:22 p.m.

Suzanne F. Simmons
Clerk of Council

RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA,
REGARDING LITIGATION RELATED TO THE CITY OF STAUNTON
VS. DEBRA CHILTON-BELLONI CONTINUED
ZONING AND BUILDING CODE VIOLATIONS

Recitals

~~A. — A. The City and its Zoning Administrator have been involved in proceedings for more than 10 years related to walls on property in a residential zone on North Augusta Street, in the City of Staunton, that have been found to violate the City's Zoning laws and were also required to have but lacked a City building permit, being constructed without such permit. Current litigation involves two proceedings: the City's appeal of the 2018 decision, by a 3-2 vote of the Staunton Board of Zoning Appeals, which now has been reversed by the Circuit Court yet another time as to the same walls, in granting the property owner a variance from zoning requirements applicable to others in the City, styled *City of Staunton, Virginia v. Chilton-Belloni*, CL18000404-00; and the City's enforcement action through an injunction proceeding, styled *Angle v. Chilton-Belloni*, CL14000311-00, which remains stayed pending further proceedings. These cases (the Litigation) have also consumed extensive judicial resources, because of the erroneous, unlawful decisions of the Staunton Board of Zoning Appeals.~~

~~B. — Annexed and incorporated by reference as Exhibit A is a copy of the Circuit Court's final order, entered May 19, 2020, reversing the Staunton Board of Zoning Appeals for the second time as to the walls, which represents the fourth straight time that the Staunton Board of Zoning Appeals has been reversed in granting variances for the property owner and two other property owners as to height and location restrictions under Chapter 18.120 of the Staunton City Code.~~

~~C. — Annexed and incorporated by reference as Exhibit B is a copy of the Circuit Court's December 2, 2019 letter opinion referenced and incorporated in the May 19, 2020 final order.~~

~~D. — The property owner filed a notice of appeal from the Circuit Court's May 19, 2020 final order, a copy of which is annexed and incorporated as Exhibit C.~~

~~E. — Because of the erroneous decision-making by the Staunton Board of Zoning Appeals, the City has had to commit and expend substantial resources, including funds totaling more than \$95,000.00 for legal fees in the Litigation so as to defend its zoning laws and the rule of law.~~

~~F. — Soon after the entry of the Circuit Court's May 19, 2020 final order, which had been delayed by actions on behalf of the property owner, the City filed on June 9, 2020 a motion for referral to the judicial settlement mediation process; a copy of the motion is annexed and incorporated as Exhibit D. In essence, the City sought to have the ongoing dispute referred to the mediation process under Virginia Supreme Court's judicial settlement program. With the~~

47 agreement of counsel for the parties, the Circuit Court entered an order making the referral. A copy
48 of the Circuit Court's referral order is annexed and incorporated as **Exhibit E**.

49
50 **G.**— Because of the appellate timeline under the Rules of the Virginia Supreme Court,
51 it appears likely or possible that the mediation process may not be concluded before the City may
52 have to expend further substantial resources in seeking affirmatively further to uphold its zoning
53 laws and the rule of law in the Litigation. The City, through its Litigation counsel by letter dated
54 July 20, 2020, a copy of which is annexed and incorporated as **Exhibit F**, sought the cooperation
55 of the property owner's counsel to seek jointly from the Virginia Supreme Court an enlargement
56 of time for appeal processes. The City Council understands that the Virginia Supreme Court has
57 recognized the extraordinary circumstances already occasioned by the COVID-19 crisis and
58 emergency, entering nine different orders that have enlarged or deferred various other court
59 litigation timelines.

60
61 **H.**— Instead of working with the City's Litigation counsel to seek enlargement of the
62 appellate timeline, the property owner's counsel now has filed a petition for appeal on August 17,
63 2020.

64
65 **I.**— The City desires to expend no further substantial resources at this time in the
66 Litigation, especially with having prevailed on every substantive issue in the Litigation and in
67 related litigation in a total of four cases over the years. The Council of the City of Staunton adopts
68 this resolution to memorialize its desire and its respectful, deliberative decision accordingly and
69 its direction to the City's legal counsel, including Litigation counsel, to forego at this time any
70 more substantial expenditure of legal time and financial and other resources in the Litigation,
71 except such necessary time and other resources for mediation and for protection of the integrity of
72 the court record. At this moment and in the foreseeable future, the City of Staunton, as with all
73 localities, continues to have extraordinary demands being placed on its financial and other
74 resources because of the COVID-19 pandemic emergency and crisis situation and most recently
75 for the City of Staunton the added devastating flooding effects suffered on and after August 8 that
76 occasioned the declaration by the local director of emergency management and affirmed by City
77 Council by its resolution adopted August 13, 2020, a copy of which is annexed and incorporated
78 as **Exhibit G**, preliminarily estimated to implicate damages totaling \$3 million dollars and making
79 its decision and direction to its legal counsel through this resolution an even greater imperative.

80
81 **J.**— These recitals are an integral part of this resolution.

82
83 **NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Staunton,
84 Virginia, the litigation and any action involving the City of Staunton vs. Debra Chilton-Belloni in
85 relation to the property located at 1403 North Augusta Street in the City of Staunton, Virginia,
86 otherwise known as the wall, shall cease in its entirety effective immediately.

87
88 In addition, the Staunton City Council respectfully **DIRECTS** its legal counsel, including
89 litigation counsel, to dispense with any further action in whatever form involving above cited case,
90 and unless already completed, litigation counsel is to provide the Supreme Court of Virginia a
91 professional notice of the withdrawal of the City of Staunton in said case of Debra Chilton-Belloni,
92 per the decision and under the direction of the Staunton City Council.

93 ~~that particularly at this time of the COVID-19 crisis and emergency, with extraordinary demands~~
94 ~~on the financial and other resources of all localities, including the City of Staunton, and the added~~
95 ~~emergency of the devastating flooding effects suffered by the City of Staunton itself, businesses,~~
96 ~~and citizens, it respectfully DIRECTS its legal counsel, including Litigation counsel, to forego~~
97 ~~any more substantial expenditure of time and other resources in the Litigation, except for mediation~~
98 ~~and for protection of the integrity of the court record, and respectfully DIRECTS that, even though~~
99 ~~the property owner has filed a petition for appeal, Litigation counsel shall not prepare and shall~~
100 ~~not file a brief in opposition to the petition for appeal, provided, however, that Litigation counsel~~
101 ~~shall respectfully inform the Supreme Court of Virginia of City Council's decision and directive~~
102 ~~and that the City and Zoning Administrator are relying upon the complete record and authorities~~
103 ~~cited, the arguments previously made, the rulings of the Circuit Court, and the Circuit Court's final~~
104 ~~order, also providing to the Virginia Supreme Court a copy of this adopted resolution.~~

105
106 Adopted this ~~27th~~-10th day of ~~August~~September, 2020.

107
108
109 
110 Andrea W. Oakes, Mayor

111 Attest: 
112 Suzanne F. Simmons, Clerk of Council
113
114

City Council
WORK SESSION
September 24, 2020
6:15 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 requested citizens to wear a mask while in City Hall and Council Chambers.

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 Council members Dull and Mead were participating on the Zoom platform. All other City officials were participating in person 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.”

1. Consideration of Work Session and Regular Meeting Agendas

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

Vice Mayor Robertson moved to approve the Work Session agenda and the Regular Meeting agenda as presented.

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

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

2. Discussion of Resolution Establishing the Percentage of Relief at 37% for Purposes of the Personal Property Tax Relief Act

Maggie Ragon, Commissioner of Revenue, stated she comes before Council each September once the Personal Property Tax Book had been certified to the Treasurer, to recommend a percentage of personal property tax relief that would exhaust the funds that were provided by the Commonwealth to the City of Staunton in the amount of \$1,652,200. She noted that would spread that amount of relief across all qualified owners of personal property. Ms. Ragon stated this year she recommended that percentage be set at 37 percent.

Mayor Oakes asked Council members if they had any questions.

Mr. Claffey asked Ms. Ragon when was the last time that the minimum was raised. She clarified that it was currently at \$1,000 for vehicles and anything less than \$1,000 had no tax. Ms. Ragon stated if a vehicle had a value of less than \$1,000 then the entire tax is taken care of by this amount and then any vehicle with a value of over and above \$20,000.

Mr. Claffey asked Ms. Ragon how many years had the minimum been set at \$1,000 mark. Ms. Ragon stated it had been that way since 2004. She noted that was set by the state and not the city.

Ms. Ragon provided “fun facts” to Council. She noted there are 24,839 taxable vehicles in the city this year, which is an increase of 606 from 2019. The highest valued vehicle was a Mercedes Benz. The most popular cars are Honda Civic and Honda Accord. There is 1 Alfa, 1 Bentley, and 1 Smart Car. The oldest taxable vehicle is still a 1909 Brush roadster that the owner does not have antique tags on. The average model year of vehicles is 2008. There are 124 vehicles that are 2020, 701 motorcycles in the city with Harley Davidson being the most popular, and the most popular pickup truck is again the Ford F series.

Council members did not have any further questions.

This will be Item B on the Regular meeting agenda.

99
100 **3. Discussion of Grant Application to Augusta Health for Improved Access to Behavioral**
101 **Health Services for Individuals Involved in the Criminal Justice System**
102

103 Megan Roane, Director of Blue Ridge Court Services, stated the deadline for this grant was on
104 September 17, 2020. She stating she was requesting approval to follow through with that
105 submission. She noted this was for the Augusta Health grant in the amount of \$25,000. Ms. Roane
106 stated this was for the same amount that was applied for and received last year. She noted the
107 grant would allow for Blue Ridge Court Services to have a licensed clinician to facilitate weekly
108 group and individual therapy sessions.
109

110 Mayor Oakes asked Council members if they had any questions.
111

112 Council members did not have any questions.
113

114 This will be Item C on the Regular meeting agenda.
115

116 **4. Presentation of Proposed Measures to Encourage Safe Use of Shared Street in Gypsy**
117 **Hill Park**
118

119 Rodney Rhodes, Senior Planner, stated he wanted to provide an update to Council on an initiative
120 that the Bicycle and Pedestrian Advisory Committee (BPAC) to improve safety in Gypsy Hill
121 Park. He noted several months ago the BPAC noticed that there was a significant uptick in the use
122 of the park associated with the global pandemic. He noted the Bicycle and Pedestrian Advisory
123 Committee began looking at ways to improve safety of all users of the park. After formulating a
124 draft list of recommendations, the BPAC held a joint meeting with the Recreation Advisory
125 Commission to receive additional feedback. A subcommittee, comprised of members and staff of
126 the two advisory bodies, held a subsequent meeting to finalize the recommendations.
127

128 Sara Hollberg, Chair of the BPAC, stated citizens did want and needed safe and accessible places
129 to walk and cycle and was consistently the top citizen request. She noted the 1.3-mile loop in the
130 park was the most popular and widely use site in the city. Now with the pandemic, outdoor
131 recreational space is more important than ever. She noted there are a lot of different users which
132 takes more width on the road.
133

134 Ms. Hollberg stated some of BPAC's recommendations to address some of the issues included:

- 135 • Speed of cars
 - 136 • Pinch points at certain areas.
 - 137 • Conflicts between users.
 - 138 • Safety at the entrances.
 - 139 • Lack of directions and opportunities to make that clearer.
- 140

141 Ms. Hollberg stated none of those recommendations would cost a lot of money. She noted the
142 outline was basically continuing to look at a refresh of how users would know where to go and
143 what to do in the park.
144

145 Mayor Oakes asked Council members if they had any questions.
146

Ms. Mead stated because the pandemic had increased activity in the park so much, she questioned whether CARES Act funding could be used to make some of the improvements needed to make the park safer and that the Committee had recommended.

Leslie Beauregard, Assistant City Manager, stated staff would have to look into that. She noted she would have to evaluate each of those recommendations to see if those funds could be used for that. She stated, if possible, projects would need to be completed before December 30, 2020.

Ms. Mead asked if there was any estimate of a timeline and costs with the proposal.

Mr. Rhodes reviewed the recommendations. He noted they were only suggestions and were not looking to implement all of them and would be done in phases. He noted most of them were easily reversible. These included:

- A speed study had been conducted and it was determined that did not need to be addressed at this time. Approximately 700 vehicles a day drives through the park.
- Undertake an educational campaign by using social media, the schools, Parks & Rec, possibly produce a map.
- Use markings on the roadway.
- Additional signage to lead people to the park.
- Pinch points – low cost measures to improve those.
- Additional crosswalks.
- Address safety issues around access to the park at the main entrain and surrounding neighborhoods.

Mr. Rhodes stated he did not have estimates on costs for the recommendations. He noted they would be implemented as funding was received. Mr. Rhodes stated Chris Tuttle, Director of Parks and Recreation, was present to answer questions.

Vice Mayor Robertson asked Mr. Rhodes if painted bicycle lanes were a consideration. Mr. Rhodes stated it could be considered, but noted there was limited roadway in certain areas.

Mr. Rosenberg stated there were other pavement markings, “share-rows”, that could be used where there isn’t sufficient width. He noted that possibility would also be explored.

Ms. Darby asked if the roadway signage would be strategically located throughout Constitution Drive or would it be continuous.

Mr. Rhodes stated in some cases it would be something that would be continuous to keep reinforcing. He noted there were certain areas in the park that needed more attention than others.

Mr. Holmes stated it made sense to take out the parking spaces by the duck pond as that area was very congested. Mr. Rhodes stated painting the roadway as well as signage were recommended. Mr. Rhodes stated another thing would be to encourage people to park at other locations in the park.

Ms. Oakes asked Mr. Rhodes for his thoughts on parking by the elderly population. Mr. Rhodes stated he did not see a change in that, but did not see a significant impact.

Ms. Mead thanked Ms. Hollberg for her time volunteering for the community and advocacy for biking and pedestrian safety. She stated she felt Ms. Hollberg deserved recognition for that.

Mayor Oakes thanked everyone that was involved.

Council members did not have any further questions.

5. Discussion of Uncodified Emergency Ordinance Ratifying, Confirming and Affirming Uncodified Emergency Ordinance 2020-04

Mr. Rosenberg stated chronology was detailed for Council in the agenda briefing. He stated the pandemic hit in earnest in March, 2020. He stated he declared a local emergency on March 16, 2020. At its March 18, 2020, special-emergency called meeting, City Council consented to and adopted a resolution that confirmed such a declaration. Subsequently on March 24, 2020, City Council adopted an uncodified emergency Ordinance 2020-04, reratifying and reaffirming the declaration of a local emergency and disaster due to novel coronavirus; implementing emergency procedures to ensure continuity of government; ratifying and affirming the city manager's authority and exercise of authority and discretion in taking actions in the best interest of the City; and authorizing the city manager to take actions to implement the provisions of the ordinance. The provisions of the ordinance were in effect for a period of six months and merits an extension of the emergency procedures, given the continuing emergency and disaster, to ensure continuity of government.

Mr. Rosenberg stated he wanted to provide clarity to Council about what staff was recommending. He noted there was the declaration of the local emergency as well as the uncodified emergency ordinance. He explained that the declaration of the local emergency existed until Council took some affirmative action to terminate it. The uncodified emergency ordinance was an action that Council took in order to deal with the overarching emergency and established procedures for meetings, not only of City Council, but also other City bodies such as School Board, Historic Preservation Commission, and Planning Commission and also other City Boards and Commissions.

Mr. Rosenberg stated staff was not asking Council tonight to deal with the broad umbrella of the local emergency that was established in the declaration that was made in March. He noted that was an action that was initiated by him, confirmed by Council, and continued until Council acts to terminate it. He noted it provided some administrative authority in order to deal with the emergency. He noted it allowed for staff to procure supplies in a different way if the city weren't in an emergency. Mr. Rosenberg stated staff was not asking for any action with regard to that declaration. He stated what was before Council was an ordinance to extend the uncodified emergency ordinance, which under state code can only remain in effect for a six-month period. He noted it would require further action by Council to further extend it. He noted the ordinance being presented to Council would provide for an extension of that amount of time.

Mr. Rosenberg reviewed information that he had provided to Council earlier in the day regarding the incidence of Covid-19 cases from the Virginia Department of Health and the Harvard Global Health Institute. He noted the incidence of cases, a 7-day average of new daily cases in Staunton, was greater than the comparable figure for the state of 14.9 versus 10.1. The current 7-day positivity rate for the Central Shenandoah Health District was 9.9 percent versus 5.3 percent for the state as a whole. Mr. Rosenberg reviewed information collected information about practices

of other localities' governing bodies, specifically concerning meetings. He stated if Council ultimately determined not to enact the ordinance extending the continuity of government measures for another six-month period or some lesser period of time, it would be his recommendation that an alternative location for Council meetings be found. He noted it would be difficult to safely accommodate all seven Council members in Council Chambers.

Mr. Rosenberg reiterated the procedures that existed and were before Council for possible extension, apply not only to City Council, but to all other City bodies. He stated that staff had already been noticed for the October 8, 2020 meeting some public hearings before Council that provide for in the notice public participation either in person or by electronic means. If Council decided not to extend for some period of time, that issue would have to be addressed.

Mayor Oakes asked Council members if they had any questions.

Mr. Holmes asked Mr. Rosenberg if there were any projections for the fall months.

Mr. Rosenberg stated he did not have anything directly from the Virginia Department of Health (VDH). He noted he felt it was difficult to say definitively for anyone. He stated he felt it depended on how people conducted themselves over the course of the next several weeks as to whether there's a spike in the months ahead.

Ms. Darby clarified that the 14.9% figure was for the Central Shenandoah Health District (CSHD). Mr. Rosenberg stated that was the number for the City of Staunton. Ms. Darby stated her point was that the CSHD encompassed everything basically along Interstate-81 corridor and included James Madison University as well as other places that had hot spots.

Mr. Rosenberg stated the figure that he provided for the health district was the percent positivity. He noted the number of cases was specific to the City of Staunton.

Ms. Darby noted the state of Virginia was obviously under the Governor's mandated order regarding the pandemic. She asked Mr. Rosenberg to elaborate as to what authority is gave him.

Mr. Rosenberg explained that Council was not being asked to act on the declaration of emergency. He noted that declaration did things very different than the Governor's executive orders do which largely regulated the conduct of other parties.

Ms. Darby asked if this was common amongst localities to have the same declaration of emergency and an uncoded ordinance.

Mr. Rosenberg stated he thought not only was it common in response to this event, but it was probably overwhelmingly common in the Commonwealth.

Ms. Darby clarified with Mr. Rosenberg that he strongly believed that this was something that Council needed to continue as the city moved forward at this time.

Mr. Rosenberg stated the staff recommendation to Council is to extend the ordinance for another six-month period, especially given the current state of the public health emergency. He noted information received from Dr. Kornegay today, it only reinforced the recommendation that staff made.

Mr. Claffey asked Mr. Rosenberg if his original declaration of the local emergency grant him the powers necessary to procure items he needed.

Mr. Rosenberg stated it did and it does and remained in effect. He noted that was not the focal point of the item that was before Council this evening.

Mr. Claffey stated he was aware that the School Board was meeting in Chambers in-person, but he'd participated in an EDA meeting today that was all Zoom, and City Council was doing a hybrid. He asked what direction was Council getting from their City Manager as to how to run these meetings. He stated it seemed like there were all three going simultaneously inside the city. He asked if that wasn't part of the declaration of local emergency that the City Manager was granted the power to determine how this was to be done and, in which case, why wasn't there consistency.

Mr. Rosenberg stated both the EDA and the School Board were separate political bodies and as such they have the authority to determine for themselves how to conduct their meetings. He stated the ordinance that was adopted by Council established the framework of what was permissible, but it didn't require that a particular body exercise the authority that's been provided to meet by electronic communication.

Mr. Claffey stated he'd talked to Mr. Holmes about restaurants. He noted that it's very unclear how many people were allowed at a table. He asked Mr. Rosenberg if he was interested in any of that type of direction because of the local emergency.

Mr. Rosenberg stated the restaurant guidelines had been established by executive order issued by the Governor of Virginia and the Virginia Department of Health was the agency that had been designated as the agency that is responsible for the enforcement of the requirements of those orders. He stated he had regular communication with both Dr. Kornegay and a member of her staff conveying to them complaints as they're received. He noted that was primarily the responsibility of the Virginia Department of Health.

Discussion ensued with Mr. Holmes and Council members. Mr. Holmes stated he personally did not see anything wrong with the way Council had been conducting meetings.

Mr. Claffey asked Mr. Rosenberg what three things was he doing as the City Manager that made the confirming of the extension of the declaration of local emergency important to the city.

Mr. Rosenberg stated he felt there was some boilerplate language in probably swept the declaration of the local emergency up in the action that Council was being asked to take this evening. He stated that was not really what that was about. He noted if Council wished to remove that language from whatever ordinance is to be considered by Council, staff could provide that. He noted the local emergency would continue. He stated the focus tonight was on the continuity of government provisions and the extension of those for some additional period of time.

Mr. Claffey stated in the governance portion of being extended, he asked Mr. Rosenberg what were the three most important things that he was doing for the city now that would justify Council to extend it for an additional six months.

Mr. Rosenberg stated again the critical point in the extension is that it permitted this hybrid meeting. He noted it was not about what he was doing, it was about what it permitted Council and the other Boards and Commissions of the City to do.

Mr. Claffey clarified that Mr. Rosenberg was admitting that each one of the individual bodies could do as they choose – School Board in-person, EDA – Zoom only, and the Library Board is conference call. He questioned “have at it and do whatever you want” or did Mr. Rosenberg have three concrete proposals that he could point out that he was directing the City to do by asking Council to extend this for six more months. Mr. Claffey asked Mr. Rosenberg to give him three things that Council would really benefit by the City Manager having a state of emergency and having the resolution.

Mr. Rosenberg stated he did not quite understand the question because the local emergency was not the focal point of the action that Council was being asked to consider. He stated he felt he had already described to Ms. Darby two benefits of the continued local declaration was that it permitted the implementation of the City’s emergency operations plan and secondly the benefit of the abbreviated or lessened procurement requirements in order to purchase goods and services in order to respond to the emergency. He noted that all fell under the local declaration which he made and Council confirmed and was separate from the continuity of government provisions of the ordinance which was what required the extension by Council.

Ms. Mead asked if Mr. Claffey could share an example as she was not sure what he was looking for either.

Mr. Claffey stated he was curious what was the advantage of extending it for six more months was and if there was a need. He noted there were state guidelines and health department guidelines that restaurants were having to follow. He stated he was questioning the continuity of government for the next six months and why it was needed.

Mr. Rosenberg stated the Department of Health guidelines and the state guidelines, to which Mr. Claffey referred, do not address the issues that are in the emergency ordinance that was adopted in March, 2020 and was before Council for possible extension this evening. He stated those measures dealt with the regulation of the conduct of other parties - individuals, businesses – what they can and what they can’t do. He explained the continuity of government ordinance addresses the internal operations of the locality. The primary benefit of that ordinance is that it allows the flexibility in the manner in which meetings are conducted.

Ms. Darby asked how much was the City paying for the Zoom subscription.

Kurt Plowman, Chief Technology Officer, stated the City was paying \$300-\$400 per year and was for all meetings. Mr. Rosenberg stated that Zoom was used extensively, not only for meetings of Council and Boards and Commissions, but utilized by staff on a regular basis.

Ms. Darby asked if the City had Zoom prior to the pandemic or when the ordinance went into effect.

Mr. Rosenberg stated if it was being used prior to the pandemic, it’s use was sparing. He noted its use had increased exponentially since the pandemic. He noted it could not be continued to be used as it had been in the absence of some extension of the ordinance.

391
392 Ms. Mead clarified with Mr. Rosenberg that if he anticipated that when the pandemic was not part
393 of citizen's lives anymore, that Zoom use would continue amongst members of the City staff
394 because it was a more efficient and effective way of bringing people together for meetings.

395
396 Mr. Rosenberg stated he did not think it was the answer for every meeting. He noted, in his own
397 experience, he could see a preference for the Zoom platform over a telephone call in the future.
398 He stated the use of Zoom and other platforms like it would become a more common part of the
399 way that the City conducts its business.

400
401 Mr. Holmes stated he could understand the reason for the requested extension. He noted some
402 people are worried about their health and should be something that the City should try to offer all
403 of its employees and members of Boards and Commissions.

404
405 Vice Mayor Robertson stated he was in favor of extending the ordinance, but not for six months.
406 He noted he was thinking of one month at a time.

407
408 Mr. Holmes stated with the holidays coming on, it would make sense to extend it until the end of
409 the year instead of discussing it at every meeting.

410
411 Council members did not have any further questions.

412
413 This will be Item D on the Regular meeting agenda.

414
415 The work session adjourned at 7:20 p.m.

416
417
418
419
420
421
422

Suzanne F. Simmons
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, September 24, 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 Council members Dull and Mead were participating on the Zoom platform and all other City officials were participating in 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 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 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 and Council Chambers.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Mayor Oakes.

MAYOR'S REPORT

Mayor Oakes read the following proclamation:

WHEREAS, on September 24, 1930, Eugenia Becks was born in the City of Staunton; and

WHEREAS, shortly after her 18th birthday, the athletic young lady, who played high school sports, was sent for a two-week American Red Cross training course and attended the National Aquatic School so that she could become the first lifeguard at Montgomery Hall Park pool; and

WHEREAS, she worked for ten years every summer at Montgomery Hall Park pool, even after marrying Alonzo C. Taylor and moving out of state to raise seven children; and

WHEREAS, in addition to her lifeguarding duties, Mrs. Taylor taught swimming classes every morning, taught swimming to Girl Scouts at their summer camp, and on her own in the evening she would teach elderly women who expressed a desire to learn how to swim; and

WHEREAS, and with her return to her hometown, she took over the family business and became a well-known caterer in Staunton and the surrounding area; and

WHEREAS, as an active volunteer for the Staunton-Augusta Rescue Squad and her leadership in the Thomas-Field VFW Auxiliary, Mrs. Taylor continues to be a leader in the City of Staunton.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council that the City of

Staunton, Virginia, recognizes September 24th as Eugenia Becks Taylor Day, and commemorates Eugenia Becks Taylor on her 90th birthday in appreciation of her valuable leadership throughout the years that benefits the past, present and future community of Staunton.

Dated this 24th day of September, 2020.

/s/ Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/ Suzanne F. Simmons

CLERK OF COUNCIL

Mayor Oakes stated Mrs. Taylor had done so much for the City of Staunton

Mayor Oakes mentioned the sad passing of Supreme Court Justice Ruth Bader Ginsburg and noted she was an icon in the women's movement.

Mayor Oakes stated several members of City Council had attended the grand opening for the Blackburn Inn and Spa. She noted that she had attended the Celebration of Holiday Lights meeting with the Staunton Downtown Development Association. Mayor Oakes stated she attended a meeting with the Staunton Citizen's Police Academy Alumni Association and trying to plan the Shop with a Cop event.

Mayor Oakes welcomed Staunton School Board member, Bob Boyle.

Mayor Oakes asked the Mr. Rosenberg to describe the International City County Management Association (ICMA) award that the Assistant City Manager, Leslie Beauregard, recently received. He noted Ms. Beauregard recently completed the requirements for the recognition by ICMA and was notified that the credential would be issued shortly.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Mr. Holmes stated Justice Ginsburg also did a lot of work for LGBTQ and other groups. He noted she was able to work with people who had opinions that were totally different than hers. He stated he hoped that could be something that Council could learn from in the coming months.

Vice Mayor Robertson expressed his condolences to Justice Ginsburg's family. He stated, as a pharmacist, he would encourage all citizens, if inclined, to get a flu shot this year.

Mr. Claffey stated the Nominations Committee met on September 23, 2020 and thanked the citizens for their willingness to come out and support the City. He also thanked everyone who serves on the Boards and Commissions for Staunton.

Ms. Mead stated the Lewis Creek Committee met in September on the Zoom platform and noted it had the best attendance since the past two years. She noted Fred Blanton was elected as the new

Chair and Robert Clemmer as Vice Chair. She recognized Tom Yeago for his years of dedicated leadership of the Committee.

Ms. Dull stated she had attended the Staunton Augusta Waynesboro Chamber of Commerce State of the Metro which was a virtual meeting and focused on economic development. She noted she attended a Webex meeting for Dominion Energy regarding the transmission line rebuild from Staunton to Harrisonburg. Ms. Dull extended her condolences to the family of Justice Ginsburg and to the country for the immense loss of her intellect through the years. She said the name "Breonna Taylor" and asked that everyone say her name.

Ms. Darby stated, along with the Nominations Committee interviews, she also attended the Planning Commission meeting, as well as two School Board meetings. She thanked School Board member Boyle for the work that he does and thanked Dr. Garrett Smith for the outstanding job that he does in leading and working to make sure the kids get back in school.

REGULAR MEETING

A. Consideration of Ordinance to Amend the FY2021 Budget for the City of Staunton by Adding Budget Amendment Number Three

Phil Trayer, Chief Finance Officer, stated he was there for Council to consider Budget Amendment Number 3 which totaled \$5,577,648 and was broken down between the General Fund appropriation of \$3,960,460 and School Funding of \$1,593,092.

The General Fund Appropriation break out included:

FY2020 CARES Act carryover in the amount of \$2,075,961

FY21 CARES Act receipts of \$1,675,221

CARES Act Funding for Elections in the amount of \$56,278

and Fund Balance of \$153,000 for the elimination of three furlough days for staff.

Mr. Trayer stated all expenditures had met the following mandated expense criteria as outlined by the federal government:

1. Expenses must have been necessary and incurred due to the COVID 19 Pandemic.
2. Expenses which were not to be accounted for in the most recent Budget approved as of March 27, 2020
3. And expenses had to be incurred between March 1, 2020, and December 30, 2020.

Mr. Trayer stated expenses had been allocated to:

General Facilities
Human Resources
Public Safety

183 Business Recovery
184 Rent Assistance
185 Utilities Assistance
186 Child Care Assistance
187 Tourism
188 And Planning and Development
189

190 **City Schools appropriation of \$1,593,092 will be used for:**

191 Technology to enhance remote learning as well as in-classroom learning
192 Operational expenses for protective measures
193 Food Service
194 Childcare
195

196 Mr. Trayer stated details of the expenditures were reviewed during Council's September 10, 2020
197 Work Session. He noted a public hearing was properly advertised and conducted on September
198 10, 2020 and the City Manager recommended the ordinance be approved as presented.
199

200 Mayor Oakes asked Council members if they had any questions.
201

202 Ms. Darby asked staff when going through the process of the CARES Act Funding, was it always
203 clear that everything had to be expended and used by the end of December, 2020.
204

205 Ms. Beauregard stated that was correct. She noted there was a little leeway at the end for payment
206 of certain things. Mr. Trayer stated that was correct and that the City could pay up to 90 days after
207 December 30, 2020. Ms. Beauregard stated in terms of a delivery of something or a project
208 needing to be completed, it would have to be December 30, 2020.
209

210 Ms. Darby clarified that staff had known that from the beginning. Ms. Beauregard and Mr. Trayer
211 stated that was correct.
212

213 Mr. Holmes asked how much of the funds had the City expended.
214

215 Mr. Trayer stated the City had expended or encumbered just over \$2,000,000 at this time. He
216 noted additional funds had been set aside for utilities and some rent assistance which was outlined
217 in the briefing at the September 10, 2020 meeting. Mr. Trayer stated there was approximately
218 \$700,000-\$800,000 left which still needed to be allotted. He noted police cars could be used and
219 that there had been a request from the Fire Department. He stated guidance was changing
220 constantly.
221

222 Ms. Beauregard stated when she addressed Council on September 10, 2020, there was
223 approximately \$800,000 - \$1,000,000 that was either reserve contingency or unallocated. She
224 noted the reserve contingency was directed towards certain things and was still in the planning
225 phase. She stated staff would soon be presenting a final plan for Council to consider. Ms.
226 Beauregard stated staff was still waiting on further guidance regarding hazard pay and payroll
227 issues.
228

229 Vice Mayor Robertson asked if the City foresaw that every last dollar of that would be spent, and
230 if not, was the City required to send it back.

Ms. Beauregard stated the City would be required to send back any funds not used; however, it was anticipated that every dollar would be spent.

Ms. Darby asked if staff had discussed spending any of the funds towards community mental health needs.

Ms. Beauregard stated she'd been working closely with Dan Layman and Anna Leavitt. She noted they had been very good at helping staff identify what those areas were. She noted they felt confident that area was covered in other ways. Areas mentioned at the last meeting included childcare, rent and mortgage assistance, gas and electric utility assistance, and possibly temporary housing.

Council members did not have any further questions.

Vice Mayor Robertson moved to adopt an ordinance amending the fiscal year 2021 budget by adding Budget Amendment Number Three, totaling \$5,577,648.

The motion was seconded by Mr. Claffey and 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		

(SEE ATTACHMENT 1)

B. Consideration of Resolution Establishing the Percentage of Relief at 37% for Purposes of the Personal Property Tax Relief Act

Maggie Ragon, Commissioner of Revenue, stated she was requesting that Council consider a resolution setting the Personal Property Tax Relief rate at 37 percent in order to expend the state's portion of tax relief offered to citizens on their qualifying motor vehicles.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

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

The motion was seconded by Mr. Holmes 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		

RESOLUTION

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

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

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

WHEREAS, on September 1, 2020, the Commissioner of Revenue delivered to the Treasurer a certified personal property tax book; and

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

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

Adopted this 24th day of September, 2020.

Approved: /s/ Andrea W. Oakes
Mayor

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

C. Consideration of Grant Application to Augusta Health for Improved Access to Behavioral Health Services for Individuals Involved in the Criminal Justice System

Mr. Rosenberg stated during the Work Session, Council heard from Megan Roane, Director of Blue Ridge Court Services concerning this grant application. He stated this concerned a grant application by Blue Ridge Court Services to Augusta Health to fund a licensed clinician to facilitate weekly group and individual therapy sessions at Blue Ridge Court Services to serve that agency's clients. Mr. Rosenberg stated the deadline for the grant application was September 17, 2020. He noted this grant was before Council for approval retroactively. He stated no local match was required and the total grant sought was in the amount of \$25,000.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Ms. Darby moved that City Council authorize staff to apply for to Augusta Health for a grant to fund a clinician to facilitate weekly group and individual therapy sessions at Blue Ridge Court Services, retroactively to September 17, 2020, as proposed.

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

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

D. Consideration of Uncodified Emergency Ordinance Ratifying, Confirming and Affirming Uncodified Emergency Ordinance 2020-04

Mr. Rosenberg stated on March 16, 2020 he declared a local emergency related to the Covid-19 pandemic. At a special-emergency called meeting on March 18, 2020, City Council consented to and confirmed such a declaration. At its March 24, 2020, special-emergency called meeting, City Council adopted uncodified emergency Ordinance 2020-04, that established certain procedures to ensure continuity of government.

Mr. Rosenberg stated this item was another uncodified emergency ordinance that, for all practical purposes, the main provisions of the ordinance would extend those continuity of government provisions as proposed for a six-month period of time. He stated those continuity of government provisions allowed City Council and other City bodies and Boards and Commissions, including the Planning Commission, the Historic Preservation Commission, the Economic Development Authority, towards an advisory board as examples, to utilize electronic means of conducting meetings for participation by both members of the body as well as by members of the public. Mr. Rosenberg stated the proposed ordinance would extend those procedures for a six-month period. He noted during the Work Session there was some discussion about extending for a one-month period, extending perhaps for a three-month period. He stated if Council desired to proceed in that direction to extend for a shorter period of time, he had some language that he might suggest for inclusion in a motion to be made by a member of Council.

Mayor Oakes asked Council members if they had any questions for Mr. Rosenberg.

Mr. Holmes stated Council members held a discussion during the break and everyone seemed willing to extend the ordinance until the January 14, 2021 Council meeting. He noted that would extend it through the holidays and into Council's first meeting in January.

Mr. Rosenberg stated the first meeting would be January 14, 2021. He noted if the ordinance was extended until January 15, 2021 it would capture that meeting and there would be the potential for further action on that date if it was Council's desire. He stated if Council wished to move in that direction, he felt that a member of Council could read the suggested motion. He referred Council to the proposed ordinance and changes in the language. He noted the motion could be read as it was in the agenda briefing and then added to the motion could be the language changing lines 70 and 71 to read "are expressly reenacted until January 15, 2021 in accordance with, and subject to § 15.2-1413 of the Code of Virginia."

Mr. Rosenberg stated the maker of the motion could read the motion as it appeared in the agenda briefing and then simply indicate a desire to change lines 70 and 71, to change six-month period to January 15, 2021. Discussion ensued.

Mr. Holmes moved that Council adopt the draft uncodified emergency ordinance ratifying, confirming and affirming uncodified Emergency Ordinance 2020-04 changing lines 70 and 71 to read "are expressly reenacted until January 15, 2021 in accordance with, and subject to § 15.2-1413 of the Code of Virginia."

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

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

Ordinance No. 2020 - 24

AN UNCODIFIED EMERGENCY ORDINANCE RATIFYING, CONFIRMING AND AFFIRMING UNCODIFIED EMERGENCY ORDINANCE 2020-04

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 concerning COVID-19 and its effects;

E. At its special-emergency meeting on March 18, 2020, by resolution, the Staunton City Council confirmed Mr. Rosenberg's Declaration of a Local Emergency and declared a disaster related to COVID-19;

429
430 **F.** On March 23, 2020, the Governor of Virginia issued an executive order that, in
431 essence, further recognizes the emergency and disaster COVID-19 outbreak, closing the public
432 schools for the entire remainder of the school year and closing recreational and other non-essential
433 establishments;

434
435 **G.** The Governor of Virginia has issued further executive orders that reflect the
436 existence of a continuing emergency and disaster related to COVID-19;

437
438 **H.** The U.S. Centers for Disease Control and Prevention reports that since January 21,
439 2020, there have been over 6,500,000 COVID-19 cases in the United States, with the number of
440 deaths continuing to increase.

441
442 **I.** § 15.2-1413 of the Code of Virginia authorizes any locality to, by ordinance,
443 provide a method to assure continuity in its government in the event of a disaster;

444
445 **J.** On March 24, 2020, City Council adopted uncodified emergency Ordinance 2020-
446 04 (the "Emergency Ordinance"), reratifying and reaffirming the declaration of a local emergency
447 and disaster due to novel coronavirus; implementing emergency procedures to ensure continuity
448 of government; ratifying and affirming the city manager's authority and exercise of authority and
449 discretion in taking actions in the best interest of the City; and authorizing the city manager to take
450 actions to implement the provisions of the ordinance;

451
452 **K.** City Council continues to recognize, confirm, affirm, and find that emergency and
453 disaster conditions and effects existed and continue to exist and the occurrence and/or threat of
454 COVID-19 continues to merit and even necessitates action by City Council to provide for methods
455 to help assure sustained continuity in local government as to the City and its related public bodies,
456 officials and others, and proceedings;

457
458 **K.** This matter has been properly heard and considered; and

459
460 **L.** These recitals are deemed an integral part of this ordinance.

461
462 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Staunton,
463 Virginia (Council), to the fullest extent permitted by law under these continuing extraordinary,
464 even unprecedented circumstances, that:

465
466 **1.** All actions of Council in the Emergency Ordinance and the provisions of such
467 ordinance are **RATIFIED, CONFIRMED AND AFFIRMED**, including without limitation, the
468 **CONTINUITY OF GOVERNMENT** provisions of such ordinance, which are expressly reenacted
469 for a new six-month period in accordance with, and subject to,
470 § 15.2-1413 of the Code of Virginia; and

471
472 **2.** The Clerk of Council is **DIRECTED** to have posted a copy of this ordinance at the
473 usual places and on the City's website and public places and to provide a copy to the Chair of each
474 City-related public body, including but not limited to the School Board, the Economic
475 Development Authority, the Planning Commission, and the Historic Preservation Commission.

476
477
478 Adopted: September 24, 2020

Effective Date: September 24, 2020

Expiration Date: As provided

/s/ Andrea W. Oakes

Andrea W. Oakes, Mayor

ATTEST: /s/ Suzanne F. Simmons

Suzanne F. Simmons, Clerk of Council

Mayor Oakes stated she would like to state for the record that when Councilman Holmes stated he'd spoken to some Council members in the back room, she noted he spoke with some Council members individually.

E. Consideration of Resolution Ending the Local Emergency Declared August 8, 2020

Mr. Rosenberg stated this item related to the flood event on August 8, 2020. He noted this was an example of what he was describing to Council during the Work Session concerning the declaration of local emergency. He noted when the emergency has ended and when the emergency response has come to its conclusion, it's necessary for an action to be taken to terminate the declaration of the local emergency. He stated that, in fact, had all occurred with regard to the flood event of August 8, 2020.

Mr. Rosenberg stated staff was continuing to await notification from the Virginia Department of Emergency Management concerning aid to the City and aid to the public. He noted that notification was expected shortly. In the meantime, Council had the resolution before them for their consideration to terminate or end the declared local emergency.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Mr. Holmes moved to adopt the draft resolution to end the local emergency declared August 8, 2020, in the City of Staunton.

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

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

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
ENDING THE LOCAL EMERGENCY
DECLARED AUGUST 8, 2020**

Recitals

A. Virginia Code § 44-146.21 authorizes the declaration of a local emergency;

B. Section 11 of Chapter II of the Charter of the City of Staunton also grants broad powers to City Council, including the power to pass all laws for the health and protection of the citizens and their property, under the provisions of Paragraph TWENTY-FIRST of such Charter;

C. Retroactive to August 8, 2020, Steven L. Rosenberg, City Manager and Emergency Management Director of the City of Staunton, Virginia did find and declare:

C.1. That due to a significant weather event (and necessarily the effects from it), involving sudden, sustained torrential rainfall and flooding, and real and personal property damage suffered by businesses and individuals, the City of Staunton, Virginia faced dangerous conditions of sufficient scope, severity and magnitude to merit coordinated local government emergency management action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused, especially given the continued existence also of the COVID-19 crisis, emergency and disaster, most recently reaffirmed by City Council in Ordinance No. 2020-04; and

C.2. That due to the significant weather event a condition of extreme peril to life and property necessitated and merited such declaration or proclamation of the existence of a local emergency beginning August 8, 2020 and such circumstances continue, with some citizens and local business owners reportedly dealing with continuing conditions of sufficient severity and magnitude to merit coordinated local government emergency management action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused or being caused;

D. At its August 13, 2020 regular meeting, City Council adopted a resolution consenting to and confirming the declaration of a local emergency retroactive to and including August 8, 2020;

E. The significant weather event (and necessarily the effects from it) which warranted the declaration of a local emergency has ended and no longer constitutes a condition of peril to life and property;

F. According to the City Manager, it is believed that all emergency actions have been taken and it is now appropriate for City Council to end the declared emergency, as contemplated under Virginia Code § 44-146.21; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that the local emergency declared August 8, 2020, be, and is hereby, declared **ENDED**.

Introduced: September 24, 2020

Adopted: September 24, 2020

Effective: September 24, 2020

/s/ Andrea W. Oakes
Andrea W. Oakes, Mayor

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

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg repeated instructions for the public to call and be placed in the queue.

Mr. Rosenberg stated Jeff Johnston had been hired as the new Director of Public Works and would begin on September 28, 2020.

Mr. Rosenberg stated staff was moving forward with plans to open the Visitors Center in October. He noted he'd authorized the hiring of the necessary staff. He noted hours would be reduced in comparison to the pre-pandemic schedule. Mr. Rosenberg stated there have been increased tourism traffic and Hotel 24 South had its first sellout recently. He noted the Dine Out in Downtown initiative continued to do well for downtown restaurants and retailers. He noted that had been extended until November 1, 2020 with a possible further extension of that date.

MATTERS FROM THE PUBLIC

Callers on the line included:

Allison Profeta, Farrier Court, thanked Council for extending the uncodified emergency ordinance, but voiced concerns on its elimination in regards to the pandemic and members on the Boards and Commissions. She urged Council to make their meetings as accessible as possible during the pandemic. She noted Habitat for Humanity recently suffered a devastating fire and urged people to make a donation.

Mark Jeter, 221 Sunnyside Street, stated the new Council had fumbled in the last few months with an unannounced and rescheduled 4th of July parade, dubious security concerns, and incivility and incompetence regarding procedure and dealing with fellow Council members. He spoke on Council's recent decision to withdraw from purchasing the Lewis Street parking lot from the American Shakespeare Center. He noted the community would be pushing Council to act ethically and competently.

Aaron Barmer, Fayette Street, stated he was pleased that Council had acted professionally, but there was some decorum and transparency to be had. He questioned what was Vice Mayor Robertson's outlook now on Covid-19. He noted he would be following up about Mr. Claffey's remarks concerning the interviews conducted by the Nominations Committee. He noted he appreciated Ms. Mead highlighting the importance of the City's stormwater and wastewater management. He noted that Mayor Oakes passed the opportunity to at least say the name of Breonna Taylor. He stated he was curious about Mr. Claffey's resistance to the emergency planning extension. He noted he appreciated Mr. Trayer's analysis and Ms. Beauregard's preparedness. He congratulated Council on having five unanimous motions during the meeting.

Nitch Narduzzi, 130 S. Jefferson Street, thanked Council for extending the emergency ordinance. She encouraged Council to support additional options regarding conducting meetings.

Darlene Schneck, 1410 N. Coalter Street, stated she appreciated the City paying attention to the pandemic numbers and the need to be careful moving forward. She urged Council to look at video options and upgrade technology.

There were no other callers on the line.

Speaking in person were:

Sarah Crenshaw, 9 Villa View Drive, stated the past few months she'd never seen a Council election so bitter. She noted the citizens spoke during the election and Council should come together for the City of Staunton.

Dave Copper, 1603 Ridgeway Drive, thanked Council for tonight's well-run meeting. He congratulated the City, the Police Department, and the Parks and Recreation Department on the good job they were doing with Gypsy Hill Park, but voiced concerns with speeding. He noted additional money being spent on new police vehicles could be better spent on possible mental workers assisting police officers. He noted he would like no vehicular traffic in Gypsy Hill Park to be considered.

Deborah Kushner, 1311 N. Augusta Street, applauded Council for their civility at tonight's meeting. She spoke on the issues of security in Council Chambers, the 4th of July parade, Robert's Rules of Order, Covid-19, transportation hub, divisiveness, intimidation, and lawlessness. She noted there were other vital issues to the City such as racial injustice, healthcare, evictions, and income loss. She asked Council to rise above partisan posturing and consider the big picture during these difficult times.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:50 p.m.

Suzanne F. Simmons
Clerk of Council

Ordinance No. 2020-23
AN ORDINANCE TO AMEND
THE FY 2021 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER THREE

ATTCH 1
CC Meeting 09.24.20

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2021 Budget is amended as follows:

GENERAL FUND

Anticipated Revenue

General Revenue	\$ 153,000
Miscellaneous Federal Revenue	3,807,460
Total Revenue	<u>\$ 3,960,460</u>

Appropriations

Nondepartmental (CARES Act Funding)	2,343,272
Transfers to Other Funds	1,617,188
Total Appropriations	<u>\$ 3,960,460</u>

WATER FUND

Anticipated Revenue

General Revenues	\$ 13,086
Total Revenue	<u>\$ 13,086</u>

Appropriations

Operations	\$ 13,086
Total Appropriations	<u>\$ 13,086</u>

SEWER FUND

Anticipated Revenue

General Revenue	\$ 1,815
Total Revenue	<u>\$ 1,815</u>

Appropriations

Operations	\$ 1,815
Total Appropriations	<u>\$ 1,815</u>

ENVIRONMENTAL FUND

Anticipated Revenue

General Revenue	\$ 8,415
Total Revenue	<u>\$ 8,415</u>

Appropriations

Operations	\$ 8,415
Total Appropriations	<u>\$ 8,415</u>

STORMWATER FUND**Anticipated Revenue**

General Revenue	\$	780
Total Revenue	\$	780

Appropriations

Operations	\$	780
Total Appropriations	\$	780

EDUCATION FUND**Anticipated Revenue**

General Revenue	\$	1,593,092
Non-Capital Grants and Contributions		-
ec619	\$	1,593,092

Appropriations

Operations	\$	1,593,092
Total Appropriations	\$	1,593,092

GRAND TOTAL BUDGET AMENDMENT NO 3.	\$	5,577,648
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INTRODUCED: September 10, 2020

PUBLIC HEARING: September 10, 2020

Public Hearing Advertisement Date: September 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. 3

	LEDGER CODE	REVENUE	EXPENDITURE
<u>NONDEPARTMENTAL</u>			
To record Furlough waivers			
Prior Year Fund Balance	11001-41930	\$ 128,904	
Suspense Account	11099800-56997		\$ 128,904
 <u>To appropriate CARES Act Funding</u>			
Miscellaneous federal revenue	11001-46250-COVID	\$ 3,751,182	
Contingency - CARES Act	11099800-56997-COVID		\$ 2,158,090
Transfer to Education Fund	11099600-59390-COVID		\$ 1,593,092
Record CARES Act Carryover Funding and new FY21 Funding			
 Miscellaneous Federal Aid - Cares Act Elections	11013-46250-COVEL	\$ 56,278	
Materials and Supplies	11011410-55415-COVEL		\$ 56,278
Record Elections Cares Act Funding			
 TRANSFERS TO OTHER FUNDS			
<u>WATER FUND</u>			
Prior Year Fund Balance	11001-41930	\$ 13,086	
Transfer to Water Fund	11099600-XXXXX		\$ 13,086
 <u>Sewer Fund</u>			
Prior Year Fund Balance	11001-41930	1815	
Transfer to Sewer Fund	11099600-XXXXX		\$ 1,815
 <u>Stormwater</u>			
Prior Year Fund Balance	11001-41930	780	
Transfer to Stormwater Fund	11099600-XXXXX		\$ 780
 <u>Environmental Fund</u>			
Prior Year Fund Balance	11001-41930	\$ 8,415	
Transfer to Environmental Fund	11099600-XXXXX	.	\$ 8,415
 TOTAL GENERAL FUND		\$ 3,960,460	\$ 3,960,460

FY 2021 BUDGET AMENDMENT NO. 3

GENERAL FUND		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE

BUDGET AMENDMENT NO. 3 GENERAL FUND SUMMARY

GENERAL FUND REVENUE SUMMARY

General Revenues		\$ 2,228,961
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Appropriation of Prior Year Fund Balance

Suspense Account	128,904
Federal CARES Act Funding	482,869
Transfer to Stormwater Fund	780
Transfer to Water Fund	13,086
Transfer to Sewer Fund	1,815
Transfer to Education Fund	1,593,092
Transfer to Environmental Fund	8,415

Federal Revenue		1,731,499
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CARES Act Funding	1,731,499
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Total General Fund Revenues	<u><u>\$ 3,960,460</u></u>
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GENERAL FUND EXPENDITURE SUMMARY

Nondepartmental	2,343,272
-----------------	-----------

Transfer to Other Funds	<u>1,617,188</u>
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Total General Fund Expenditures	<u><u>\$ 3,960,460</u></u>
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CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 8, 2020	Staff Members: Rodney Rhodes Tim Hartless
Item #	A	
Ordinance #		
Department:	Community Development — Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Public Hearing and Consideration of a Request by Robert H. Nutt Sr. to Rezone 430 Bridge Street from B-2, General Business District to R-3, Medium Density Residential District	

Background: Robert H. Nutt Sr. is requesting a rezoning of 430 Bridge Street from B-2, General Business District, to R-3, Medium Density Residential District. The property consists of a 1,680 square foot single-family dwelling located on Bridge Street on the northwest side of its intersection with Maple Street. City records do not indicate the age of the structure, but the house appears on the Sanborn Insurance Maps in 1909.

The property is part of the Tennehill Wheat Subdivision which was platted in Augusta County and annexed by the City in 1905. The structure appears to have been built as a single-family dwelling and has been zoned B-2 at least since the City's comprehensive rezoning of the late 1960s. This is not an area that was identified by Planning Commission for comprehensive rezoning during the Comprehensive Plan update in 2010. As a result, this area is not scheduled for any City-initiated rezonings in 2021. Mr. Nutt purchased the property in 2016. The discrepancy between the use and zoning was discovered when the owner applied for a building permit for an 18' x 18' addition. As a nonconforming building, no enlargement of the structure is permitted.

A current zoning map, proposed rezoning map, and recommended land use map of the requested area are attached.

Review: City staff conducted a review of the proposed rezoning, during which it did not identify any issues.

Bridge Street is a relatively short street consisting of two blocks beginning at its intersection with Middlebrook Avenue and ending with its terminus at the C & O bridge. The block between Middlebrook Avenue and Maple Street consists mostly of industrial properties including the former Augusta Dairy (the main dairy and separate office building across the street), Klotz Brother's Scrap Metal (most recently Staunton Metal Recycling), and two other commercial buildings that appear to be automotive related. The block between Maple Street and the C & O bridge include a mix of four single-family homes and three commercial buildings.

Zoning to the north is B-2, General Business District, to the east and south is I-2, Heavy Industrial District, and to the west is R-3, Medium Density Residential District.

The "Generalized Land Use and Development Guide, Future Land Use Map" *Staunton, Virginia, Comprehensive Plan 2018 – 2040*, designates this area as High Density Residential. This designation is characterized as areas suitable for multi-story multi-family buildings with density exceeding 20 units per acre. Although the land use designation is High Density Residential, the surrounding residential zoning is all R-3, Medium Density Residential. While the R-3 zoning of the area is not directly in compliance with the Future Land Use Map, the small size of most of the lots limits the permitted uses in the area to single-family dwelling.

Planning Commission Recommendation: At the Planning Commission meeting on September 17, 2020, the Planning Commission considered the request. During the public hearing, no one spoke in opposition to the request. On a 5-0 vote, the Commission voted unanimously to recommend approval of the rezoning, concurring with staff's recommendation.

Attachments:

Attachment 1—Application for Zoning Classification Change - Rezoning

Attachment 2—Vicinity Map - 430 Bridge St.

Attachment 3—Current Zoning - 430 Bridge St.

Attachment 4—Proposed Rezoning - 430 Bridge St.

Attachment 4—Land Use – 430 Bridge St. [showing 2018-2040 future land use for the area]

Attachment 5—Draft Ordinance of Rezoning

Suggested Motion (to be made after the public hearing is conducted): I move that Council approve the rezoning and adopt the ordinance, as presented, rezoning 430 Bridge Street from B-1, Local Business District, to R-3, Medium Density Residential District, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg

STAUNTON™

COMMUNITY DEVELOPMENT
Planning & Zoning Division

Applicant: Robert H Nutt SR Date: 7/30/2020
Address: 506 E. Beverley St., Staunton VA 24401
Telephone #s: Primary: (540) 294-5500 Secondary: X
Email address: bob@valleyfeed.com

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: X
Address: X
Phone #: X
Email address: X

Location of property: 430 Bridge St., Staunton VA 24401

Legal description of property:

Parcel ONE on plat of Division May S. Gregory 11/5/71 Deed Book 182, p 63

Purpose of request: To replace 6'x14' rear addition with 18'x18'
Two Story Addition. + some electrical
Map Provided: YES ☒ NO ☐ and plumbing improvements

Present zoning classification of property: B2

Requested zoning classification: Single Family Residential

List permits pending approval of this rezoning: Building, plumbing, electrical

Fee Paid (\$250) YES ☒ NO ☐ *check or cash only Refund Requested.

Applicant must provide 19 copies of complete application

Signature of applicant: Robert H. Nutt SR
(Owner / Agent)

Certification

This is to certify that the division of the property, as shown hereon, is in accordance with the desires of the undersigned owner.

5 W Corporation
James B. Stank V.P.

OWNER

J. W. Harris

Certified Land Surveyor

Approved

Ernest S. Butler

For Planning Commission

11-18-71

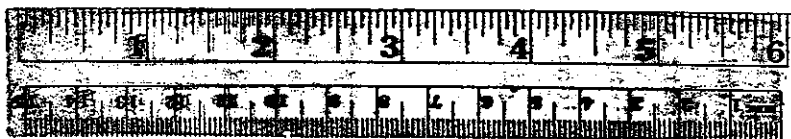
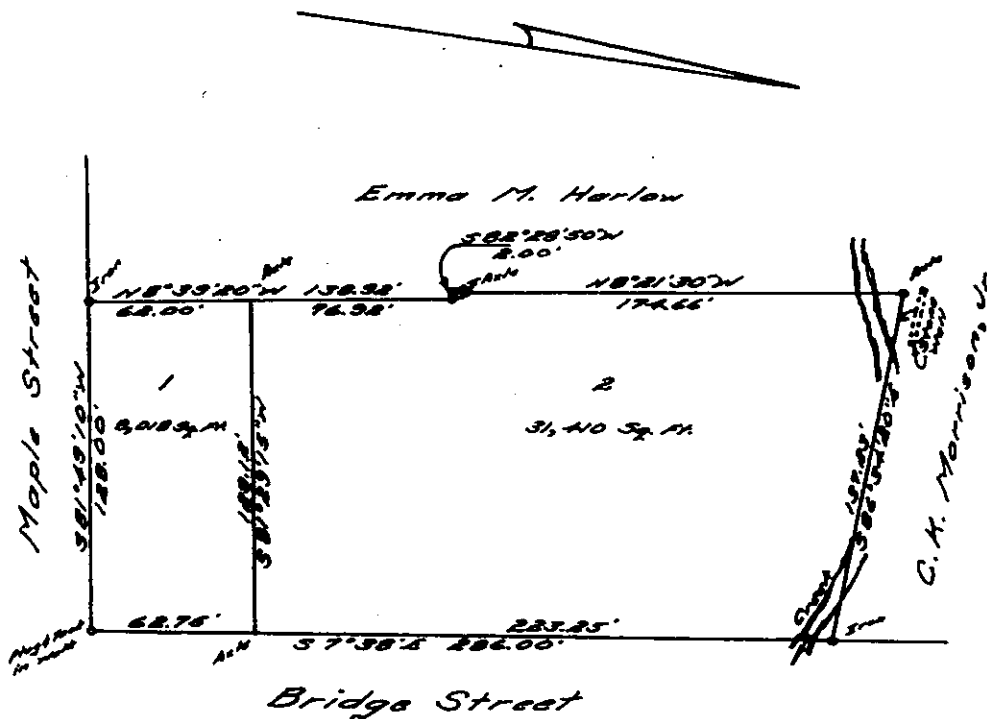
Date

Richard A. Farris

For City Council

11/23/71

Date



Plot of
Division of Property of
May S. Gregory
Staunton, Va.

Scale: 1" = 50'

Nov. 5, 1971

J. W. Harris, C.L.S.
Stuarts Draft, Va.

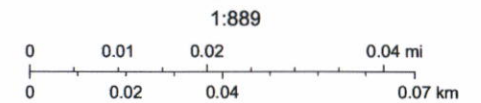
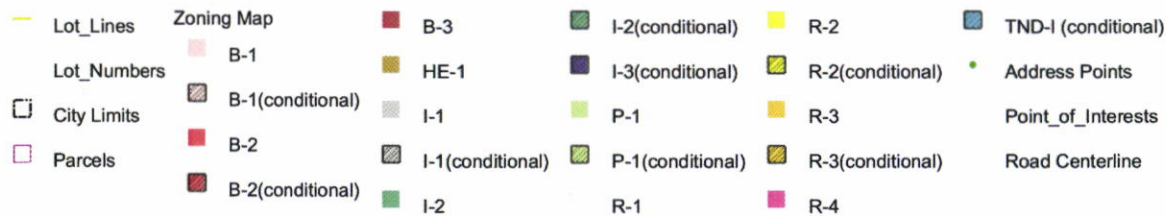


Original Copy - Please return to J. W. Harris, C.L.S.

Additional Map Layers



7/31/2020 3:18:29 PM



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

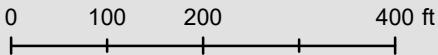
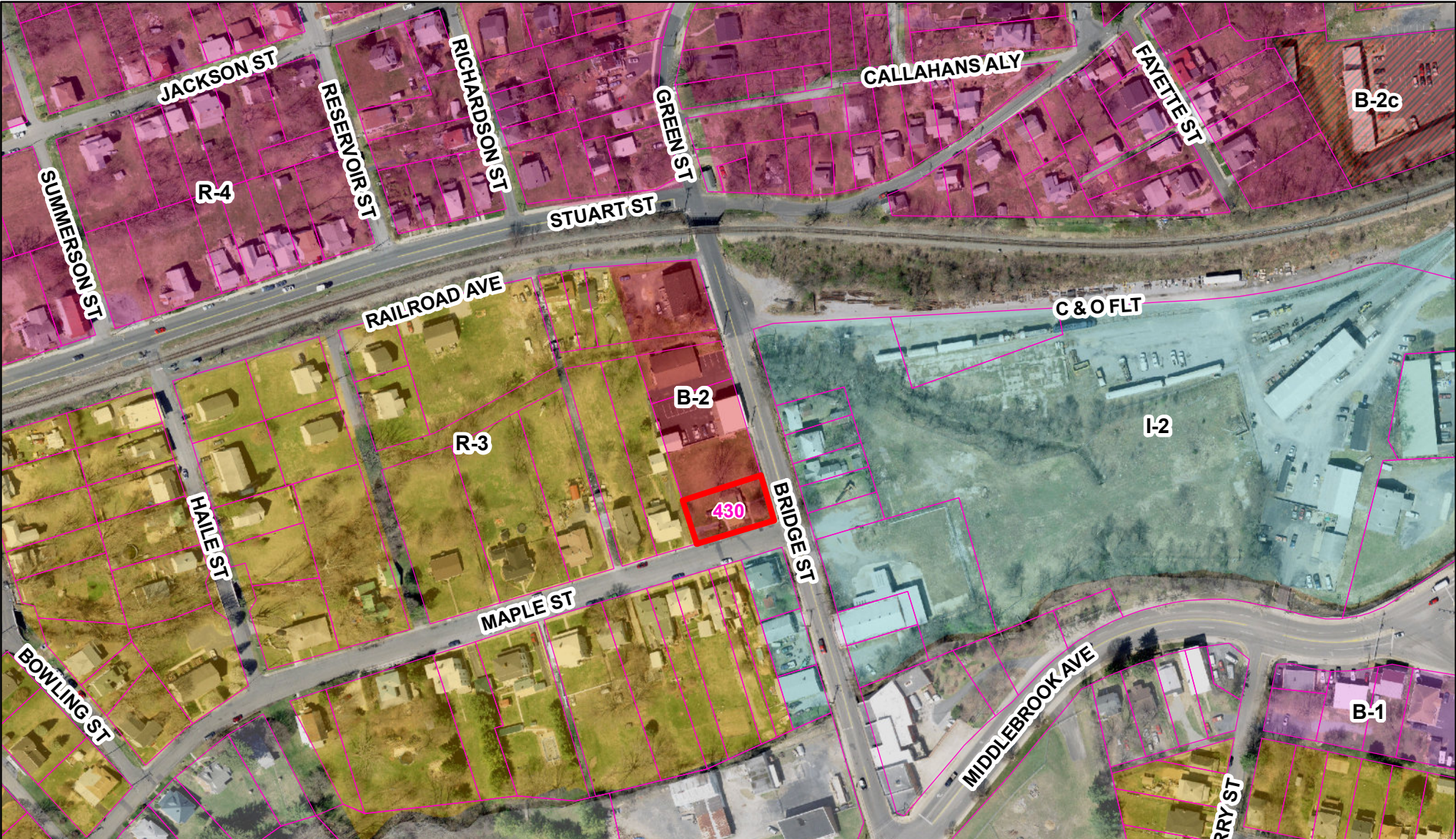
For Information Purposes Only. Data owned by the City of Staunton and ESRI.

Vicinity Map – 430 Bridge St.

Attachment 2



Current Zoning - 430 Bridge St.



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

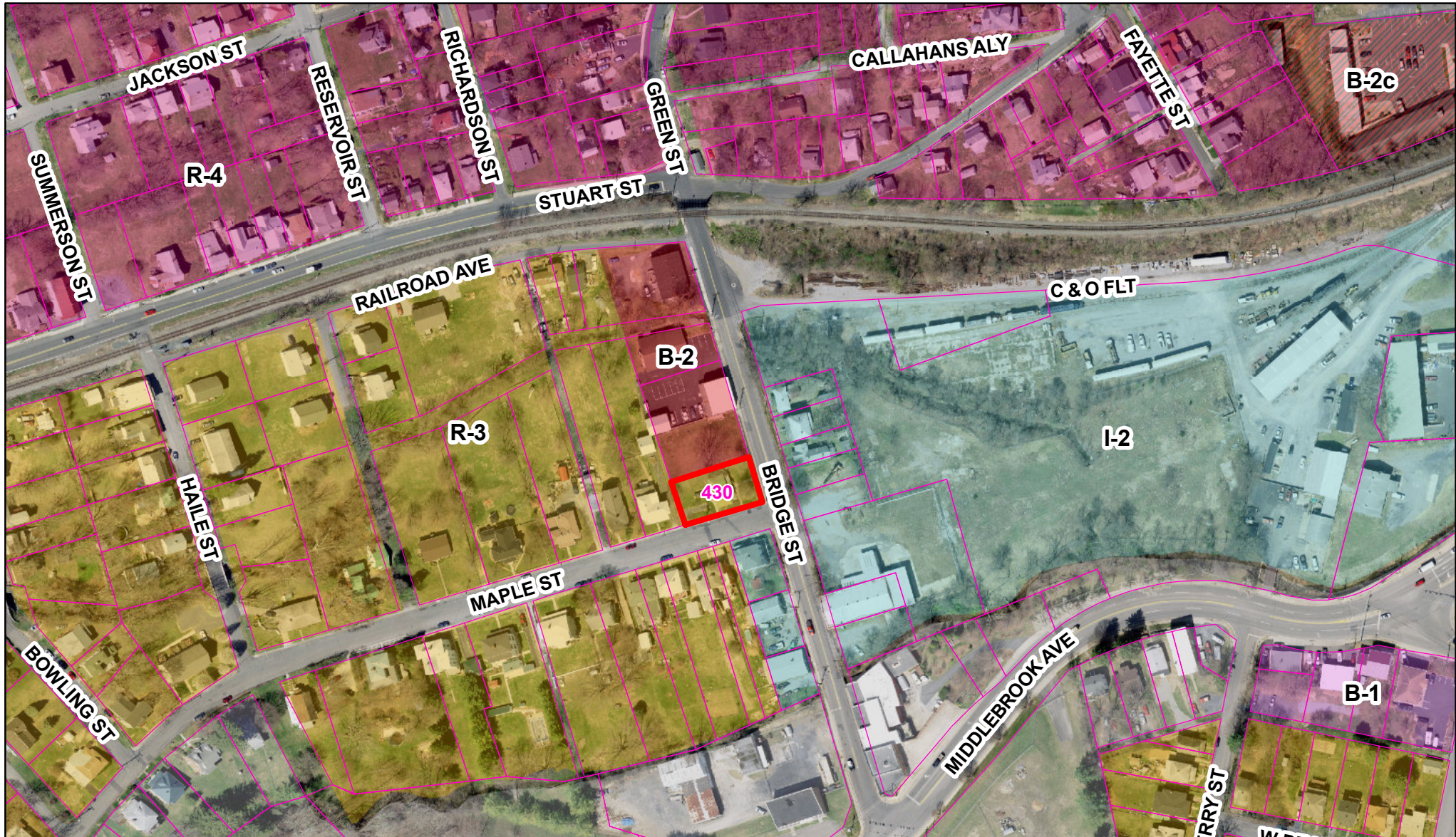
- R-2
- R-2(conditional)
- R-3
- R-3(conditional)
- R-4

Additional Layers

- Selected Property
- Parcels

Proposed Rezoning - 430 Bridge St.

Attachment 4



0 100 200 400 ft

Zoning

- B-1
- B-1(conditional)
- B-2
- B-2(conditional)

- B-3
- HE-1
- I-1
- I-1(conditional)
- I-2

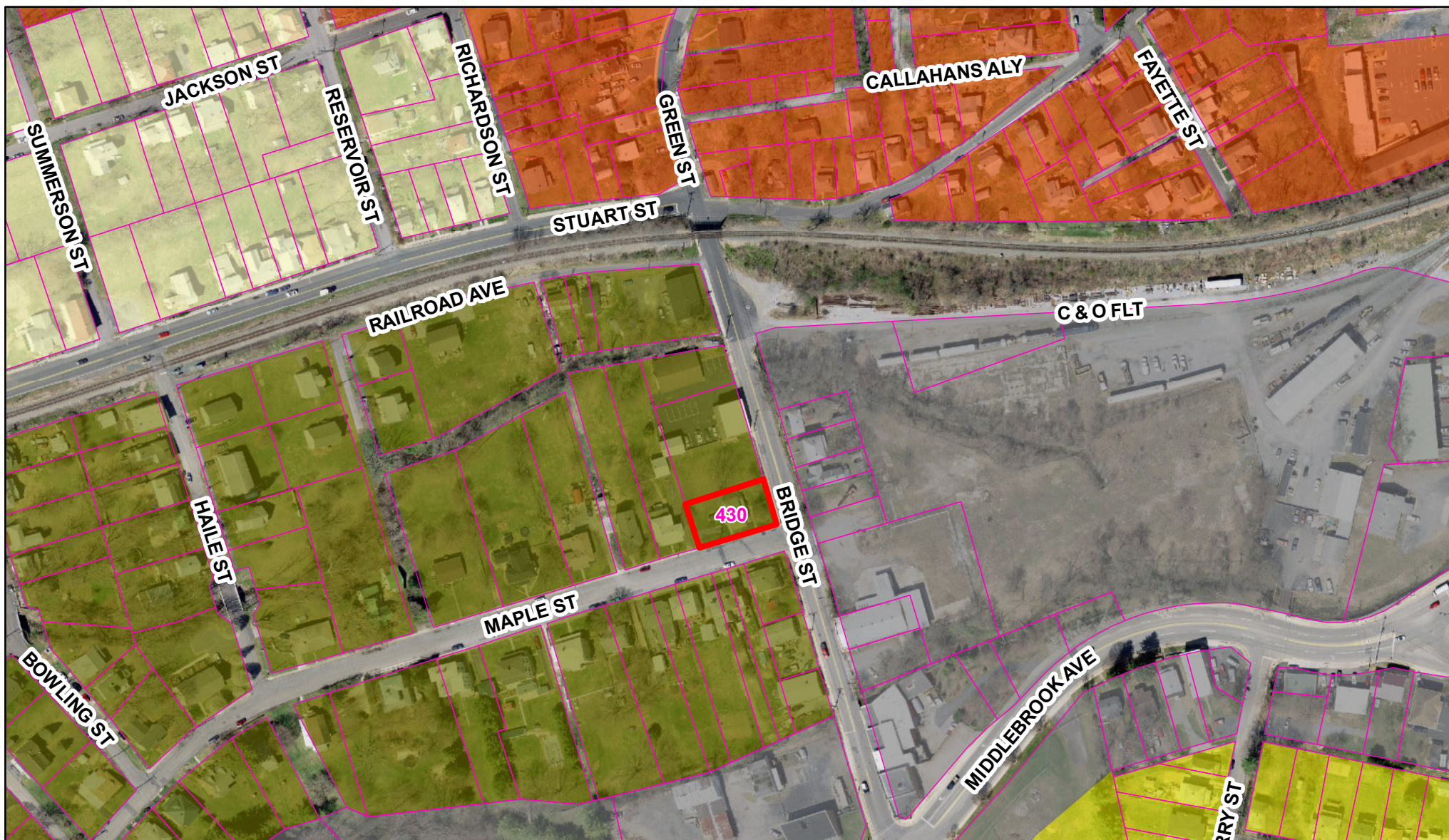
- I-2(conditional)
- I-3(conditional)
- P-1
- P-1(conditional)
- R-1

- R-2
- R-2(conditional)
- R-3
- R-3(conditional)
- R-4

Additional Layers

- Selected Property
- Parcels

Land Use - 430 Bridge St.



Future Land Use



- CONSERVATION/RECREATION/OPEN SPACE
- PLANNED FARM DEVELOPMENT
- PUBLIC/SEMI-PUBLIC

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY PLANNED RESIDENTIAL
- HIGH DENSITY RESIDENTIAL

- TRADITIONAL NEIGHBORHOOD DEVELOPMENT
- LOW DENSITY PLANNED RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- PROFESSIONAL

- PLANNED BUSINESS
- BUSINESS
- PLANNED INDUSTRIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL

Additional Layers

- Selected Property
- Parcels

0 100 200 400 ft

DRAFT 9.21.20

Ordinance No. 2020-____

**AN UNCODIFIED ORDINANCE REZONING
FROM B-2, GENERAL BUSINESS, TO R-3, MEDIUM DENSITY RESIDENTIAL,
THAT CERTAIN TRACT OR PARCEL OF LAND
LOCATED AT 430 BRIDGE STREET (PID 436), STAUNTON, VIRGINIA**

Recitals

A. It appears by deed dated March 10, 2016, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 160000696, that Robert H. Nutt, Sr. acquired from Stephen K. Christenson, P.C., and Brenda K. Stepp what is referenced in the deed as 430 Bridge Street (PID 436), with further description provided in the deed, a copy of which is annexed and incorporated by reference (**Exhibit A**);

B. Robert H. Nutt, Sr. has applied to the City of Staunton for a zoning classification change under the provisions of the Staunton City Code for 430 Bridge Street from B-2, General Business to R-3, Medium Density Residential;

C. The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, "Generalized Land Use and Development Guide," designates this area as Medium Density Residential and the proposed rezoning would be consistent with that designation;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval of the proposed rezoning on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the property known as 430 Bridge Street (PID 436), in the City of Staunton, Virginia, is **HEREBY REZONED** from B-2, General Business to R-3, Medium Density Residential on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice.

Introduced:

Adopted:

Effective Date:

Andrea W. Oaks, Mayor

ATTEST: _____
Suzanne F. Simmons
Clerk of Council

**VIRGINIA LAND RECORD COVER SHEET
FORM A - COVER SHEET CONTENT**

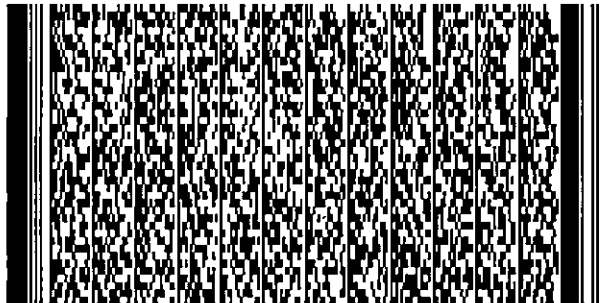
160000696

Instrument Date: 3/10/2016
 Instrument Type: DTF
 Number of Parcels: 1 Number of Pages: 3
☒ City ☐ County

STAUNTONTAX EXEMPT? VIRGINIA/FEDERAL LAW☒ Grantor: 58.1-811(C)(4)☐ Grantee: _____Consideration: \$58,600.00Existing Debt: \$0.00Actual Value/Assumed: \$58,600.00**PRIOR INSTRUMENT UNDER § 58.1-803(D):**Original Principal: \$0.00Fair Market Value Increase: \$0.00

(Area Above Reserved For Deed Stamp Only)

Original Book Number: _____ Original Page Number: _____ Original Instrument Number: _____

Prior Recording At: ☒ City ☐ CountyPercentage In This Jurisdiction: 100%**BUSINESS / NAME**1 ☒ Grantor: STEPHEN K. CHRISTENSON, P.C., SUB TR FOR VIRGINIA HOUSING DEVELOPMENT AUTHC2 ☐ Grantor: STEPP, BRENDA K1 ☐ Grantee: NUTT, ROBERT H. SR☐ Grantee: _____**GRANTEE ADDRESS**Name: ROBERT H. NUTT SRAddress: 506 EAST BEVERLEY STREETCity: STAUNTON State: VA Zip Code: 24401Book Number: _____ Page Number: _____ Instrument Number: 160000393Parcel Identification Number (PIN): 436 Tax Map Number: N/AShort Property Description: 430 BRIDGE STREETCurrent Property Address: 430 BRIDGE STREETCity: STAUNTON State: VA Zip Code: 24401Instrument Prepared By: STEPHEN K. CHRISTENSON, J Recording Paid By: NELSON, MCPHERSON, SUMMERS &Recording Returned To: THOMAS P. MCPHERSONAddress: NELSON, MCPHERSON, SUMMERS & S 12 NORTH NEW STREETCity: STAUNTON State: VA Zip Code: 24401

TRUSTEE'S DEED IN FORECLOSURE

THIS DEED, made this 10th day of March, 2016, by and between STEPHEN K. CHRISTENSON, P.C., SUBSTITUTED TRUSTEE, P.C., GRANTOR, party of the first part, and BRENDA K. STEPP, original GRANTOR, and ROBERT H. NUTT, SR., GRANTEE, party of the second part, whose mailing address is C/o Valley Feed Company, 506 East Beverly Street, Staunton, Virginia, 24401;

WITNESSETH THAT;

WHEREAS, by certain deed of trust dated June 27, 2008, and recorded in Instrument #080002255, modified in Instrument #140002701, among the land records of the City of Staunton, Virginia, Brenda K. STEPP granted and conveyed unto J. JUDSON MCKELLAR, JR. of Richmond, Virginia, and DONALD L. RITENOUR of Richmond, Virginia, Trustees, all of the hereinafter described lot or parcel of land, in trust to secure a certain negotiable promissory note fully described in said deed of trust; and

WHEREAS, by instrument duly recorded on February 26, 2016 in Instrument #160000393, among the land records of the City of Staunton, Virginia, party of the first part was substituted as Trustee under the aforesaid deed of trust, and

WHEREAS, the party of the first part by terms of said deed of trust, was empowered, upon default in the payment of said note, and upon request of the holder of the note to do so, to sell the hereinafter described land at public auction; and

WHEREAS, default was made in the payment of said note, and the holder thereof requested the party of the first part to sell said land pursuant to the terms of said deed of trust; and

WHEREAS, the party of the first part did advertise the time, place and terms of such sale in The News Leader, a newspaper published and having a general circulation in the City of Staunton, Virginia, in its issues of February 25, 2016 and March 3, 2016, the date of sale being fixed in said notice for March 10, 2016 at 11:30 o'clock a.m. , in front of the Circuit Court for the City of Staunton, 113 East Beverly Street, Staunton,

Prepared by: Stephen K. Christenson, P.C., VSB#14593
4160 Chain Bridge Road, Fairfax, VA 22030
Return to:
Title Company:

Grantee's Address: 506 East Beverly St., Staunton, VA 24401
Parcel ID# 436
Consideration: \$58,600.00
Value: 97,370.00
Recording Cost \$

Virginia; and

WHEREAS, the party of the first part, at said time and place did expose the hereinafter described property to sale at public auction to the highest bidder, for cash, in strict accordance with the terms of the aforesaid deed of trust, at which sale the party of the second part became the purchaser thereof for the sum of FIFTY EIGHT THOUSAND SIX HUNDRED and 00/100's DOLLARS (\$58,600.00), that being the highest bid therefore; and

WHEREAS, the purchase price has been paid in full; and

WHEREAS, the said Trustee has given written notice of the proposed sale by certified mail to the present owners of the property at their last known address as such ownership and address appears on the records of the party secured by mailing a copy of the advertisement more than 14 days prior to such sale in accordance with the provisions of Section 55-59.1 of the Code of Virginia, 1950 as amended; and

WHEREAS, the said Trustee has given written notice of the proposed sale to all other lien holders and associations entitled to such notice pursuant to and in accordance with the provisions of Section 55-59.1.A.(ii), (iii), (iv), (v) and (vi) of the Code of Virginia, 1950, as amended; and

WHEREAS, none of the parties in interest are in the military service of the United States, and are, therefore, not entitled to the Soldiers' and Sailors' Civil Relief Act with respect to this debt; and

NOW THEREFORE, in consideration of the premises and the sum of FIFTY EIGHT THOUSAND SIX HUNDRED and 00/100's DOLLARS (\$58,600.00) paid to the party of the first part by the party of the second part, at and before the sealing and delivery of this deed, receipt of which is hereby acknowledged, which said sum is to be appropriated and applied as provided in the aforesaid deed of trust, the party of the first part does hereby grant and convey the hereinafter described real property, with special warranty, unto the party of the second part, all of that certain lot or parcel of land located in the City of Staunton, Virginia, and more particularly described as follows:

All that certain lot or parcel of land, with improvements, together with all rights, privileges, appurtenances, easements and rights-of-way thereunto belonging or in anywise appertaining,

situate in the City of Staunton, Virginia, known as 430 Bridge Street and designated as PARCEL ONE (1) on APLAT OF DIVISION OF PROPERTY OF MAY S. GREGORY@, dated November 5, 1971 made by J. W. Harris, C.L.S., a copy of which is duly of record in the Clerk=s Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 182, page 63, said lot according to said plat containing 8,018 square feet, fronting 62.75 feet on the west side of Bridge Street and running back between lines parallel or nearly parallel a distance of 128 feet with Maple Street on the South and 129.18 feet with Parcel No. Two (2) on the North, and having a rear line adjoining Harlow of 62.00 feet.

STREET ADDRESS OF PROPERTY: 430 Bridge Street, Staunton, Virginia 24401

This conveyance is made subject to conditions and restrictions contained in the deeds forming the chain of title to said property.

IN WITNESS WHEREOF, Stephen K. Christenson, President of STEPHEN K. CHRISTENSON, P.C., SUBSTITUTED TRUSTEE, has affixed his signature and seal this 10th day of March, 2016.

Stephen K. Christenson, P.C., Substituted Trustee

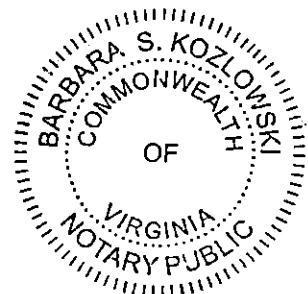
By: *Stephen K. Christenson*
Stephen K. Christenson, President

STATE OF VIRGINIA
COUNTY OF FAIRFAX, TO-WIT:

I, Barbara S. Kozłowski, a Notary Public in and for the County aforesaid, in the State of Virginia, whose commission expires on September 30, 2016, do certify that Stephen K. Christenson, President of STEPHEN K. CHRISTENSON, P.C., SUBSTITUTED TRUSTEE, whose name is signed to the foregoing Deed, bearing date on the 10th day of March, 2016, has acknowledged the same before me in my State and County aforesaid.

Given under my hand this 10th day of March, 2016.

Barbara S. Kozłowski
Notary Public ID #123439



INSTRUMENT #160000696
RECORDED IN THE CLERK'S OFFICE OF
STAUNTON ON
APRIL 1, 2016 AT 04:06PM

THOMAS E. ROBERTS, CLERK
RECORDED BY: DDM

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 8, 2020	Staff Members: Rodney Rhodes Tim Hartless
Item #	B	
Ordinance #		
Department:	Community Development — Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Public Hearing and Consideration of a Request by Yvana P. Griffith to Rezone 550 Calvert Street from B-2, General Business District to R-2, Low Density Residential District	

Background: Yvana P. Griffith is requesting a rezoning of 550 Calvert Street from B-2, General Business District, to R-2, Low Density Residential District. The property contains a 1,372 square foot single-family dwelling located on the west side of Calvert Street. City records do not indicate the age of the structure, but the house appears on the Sanborn Insurance Maps in 1909. The area was annexed by the City in 1905.

The structure appears to have been built as a single-family dwelling and has been zoned B-2 at least since the City's comprehensive rezoning of the late 1960s. This is not an area that was identified by Planning Commission for comprehensive rezoning during the update to the Comprehensive Plan in 2010. As a result, this area is not scheduled for any City-initiated rezonings in 2021. Ms. Griffith purchased the property in 2008. She is now in the process of selling the property, and the requested rezoning will help the purchasers obtain financing.

A current zoning map, proposed rezoning map, and recommended land use map of the requested area are attached.

Review: City staff conducted a review of the proposed rezoning, during which it did not identify any issues.

Calvert Street is a short street beginning at its intersection with East Gay Street and ending with its terminus in a cul-de-sac. The street was previously part of Greenville Avenue until improvements were made in the 1940s, and a new Greenville Avenue was built slightly to the west.

Surrounding zoning is all B-2, General Business District. The area contains several other non-conforming dwellings.

The “Generalized Land Use and Development Guide, Future Land Use Map” *Staunton, Virginia, Comprehensive Plan 2018 – 2040*, designates this area as Commercial. Obviously, the Commercial designation doesn’t support the proposed rezoning; however, this area, with multiple single-family dwellings, is a prime candidate for an amendment to the Future Land Use Map.

Planning Commission Recommendation: At the Planning Commission meeting on September 17, 2020, the Planning Commission considered the request. During the public hearing, no one spoke in opposition to the request. On a 5-0 vote, the Commission voted unanimously to recommend approval of the rezoning, concurring with staff’s recommendation.

Attachments:

Attachment 1—Application for Zoning Classification Change - Rezoning

Attachment 2—Vicinity Map - 550 Calvert St.

Attachment 3—Current Zoning - 550 Calvert St.

Attachment 4—Proposed Rezoning - 550 Calvert St.

Attachment 5—Land Use – 550 Calvert St. [showing 2018-2040 future land use for the area]

Attachment 6—Draft Ordinance of Rezoning

Suggested Motion (to be made after the public hearing is conducted): I move that Council approve the rezoning and adopt the ordinance, as presented, rezoning 550 Calvert Street from B-2, General Business District, to R-2, Low Density Residential District, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg



COMMUNITY DEVELOPMENT
Planning & Zoning Division

Rezoning

Applicant: Yuana P. Griffith Date: 8-17-2020

Address: 604 Chestnut St Union NJ 07083

Telephone #s: Primary: (908) 331-0903 Secondary: _____

Email address: griffithyuana@gmail.com

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: _____

Address: _____

Phone #: _____

Email address: _____

Location of property: 556 Calvert St. Staunton, VA 24401

Legal description of property: single family home

Purpose of request: to change the current zoning (B2) to Residential (R2)

Map Provided: ☒ YES ☐ NO

Present zoning classification of property: B2

Requested zoning classification: R1 R-2, amended by applicant

List permits pending approval of this rezoning: _____

Fee Paid (\$250) YES ☒ NO ☐ *check or cash only

Applicant must provide 19 copies of complete application

Signature of applicant: Yuana Griffith
(Owner / Agent)



Zoning Review
550 Calvert St
Staunton, VA 24401

August 18, 2020

To whom it may concern,

I purchased the property May 6, 2008. I renovated the property which has been used as a residence since 2008.

I am now selling the property. The bank under writer will not approve the loan since the property is zoned B2.

I would like to change the zoning to Residential (R₁) to allow it to be zoned as it is used.

Regards,

Yvana Griffith

A handwritten signature in black ink, appearing to read "Yvana Griffith", written in a cursive style.

FunkhouserGroup.com

401 University Boulevard, Harrisonburg, VA 22801 • 540.434.2400 office • 540.434.3644 fax
14016 Spotswood Trail, Elkton, Virginia, 22827 • 540.298.0280 office • 540.298.0284 fax
7 Campbell Street, Luray, VA 22835 • 540.743.4545 office • 540.300.7900 fax
1010 Ox Road, Woodstock, VA 22664 • 540.459.4002 office • 540.459.4012 fax

550 CALVERT ST

Location 550 CALVERT ST

Acct# 6641

Owner GRIFFITH IVANA P

Assessment \$88,800

PID 6641

Building Count 1

Legal Description (LOT 7 BLK CC)

Historic Dist

Zoning B2

Map Number 408

Subdivision NO SUBDIVISION

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$79,300	\$9,500	\$88,800

Owner of Record

Owner GRIFFITH IVANA P

Sale Price \$49,250

Co-Owner

Certificate

Address 995 W CHESTNUT ST
UNION, NJ 07083

Book & Page 080001467/0

Sale Date 05/06/2008

Instrument 01

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
GRIFFITH IVANA P	\$49,250		080001467/0	01	05/06/2008
CLEM JOHN A, V	\$50,580		080000443/0	01	02/20/2008
SHOWALTER O W	\$13,964		030001952/0	01	05/21/2003
GEARING DEBRA G	\$35,000		010001423/0	01	04/20/2001
ROBERTS ROY D	\$5,000		0226/0560	01	06/04/1979

Building Information

Building 1 : Section 1

Building Photo

Year Built: 0
Living Area: 1,372
Replacement Cost
Less Depreciation: \$85,200

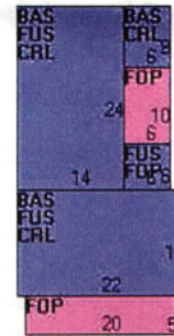
Building Attributes

Field	Description
Style	Two Story
Model	Residential
Grade:	E+ Level 8
Stories	
Occupancy	
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Comp Shingle
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Hot Air
AC Type:	Central
Total Bedrooms:	3
Total Bthrms:	2
Total Half Baths:	0
Extra Fixtures	
Total Rooms:	0
Bath Style:	Average
Kitchen Style:	Average
Basement Garage	
Framing	Wood Frame
SF Fin Bsmt	0
Fin Bsmt Qual	N/A
Foundation	Cinderblock
Bsmt Type	Crawl
Attic Type	N/A
Attic SF	0
Fireplaces	0
Usrflid 108	
SF Gar	0
SF Bsmt	588
Usrflid 100	



(<http://images.vgsi.com/photos/StauntonVAPhotos//00\00\49\60.JPG>)

Building Layout



(http://images.vgsi.com/photos/StauntonVAPhotos//Sketches/6641_6641.jr)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	692	692
FUS	Finished Upper Story	680	680
CRL	Crawl Space	692	0
FOP	Open Porch	196	0
		2,260	1,372

Usrflid 300

Usrflid 301

Extra Features

Extra Features

Legend

No Data for Extra Features

Land

Land Use

Use Code 101
Description Dwelling - 1 Fam
Zone B2
Neighborhood STATLER BLVD
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.14
Frontage
Depth
Assessed Value \$9,500

Outbuildings

Outbuildings

Legend

No Data for Outbuildings

Valuation History

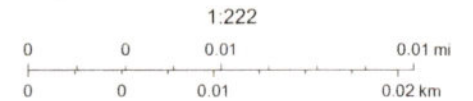
Valuation Year	Assessment		
	Improvements	Land	Total
2019	\$79,300	\$9,500	\$88,800
2018	\$71,700	\$9,500	\$81,200
2017	\$71,700	\$9,500	\$81,200

Additional Map Layers



8/18/2020, 11:50:29 AM

- Lot_Lines
- Parcels
- Road Centerline
- Lot_Numbers
- Address Points
- City Limits
- Point_of_Interests



Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

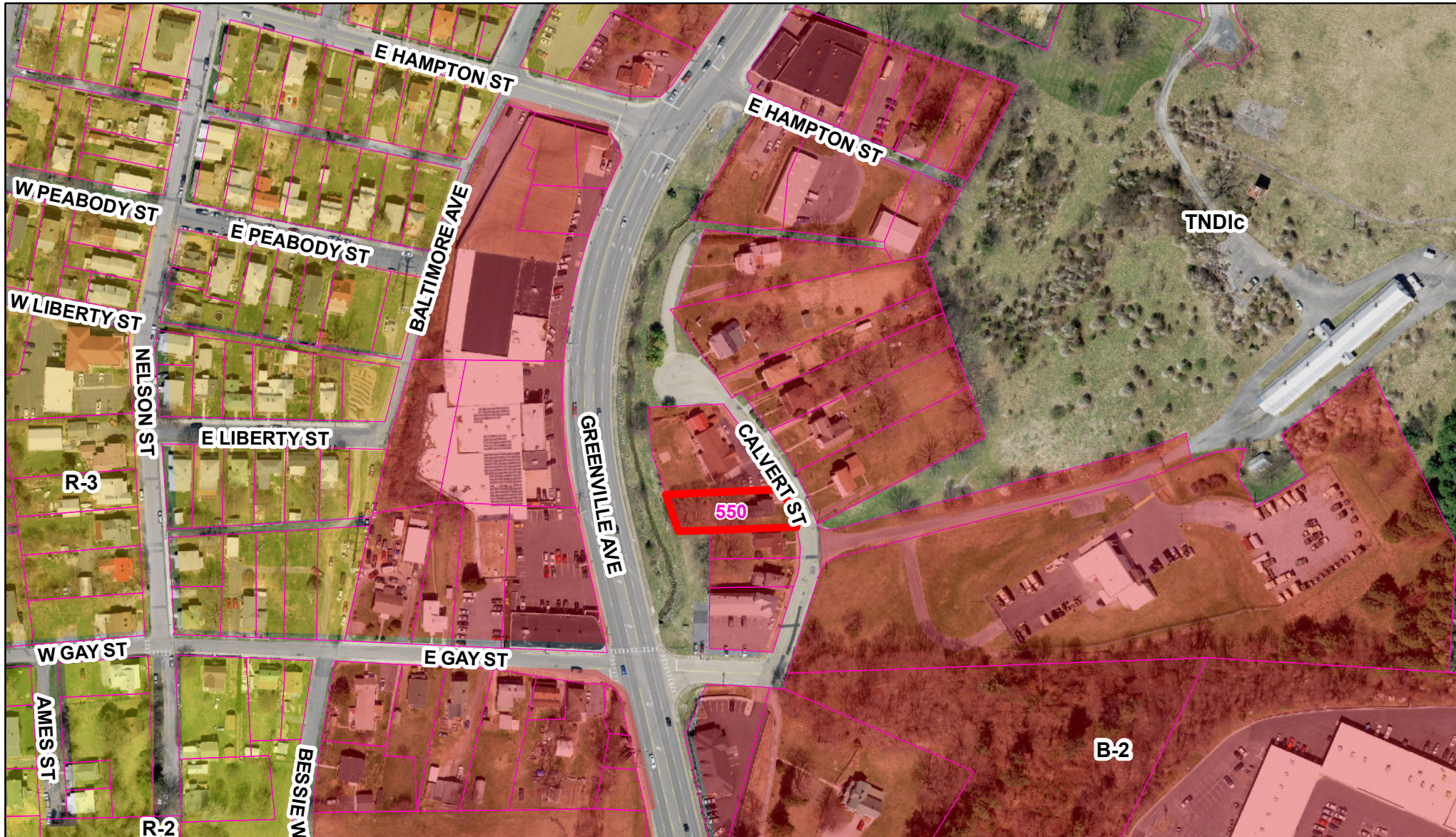
Vicinity Map – 550 Calvert St.

Attachment 2



Current Zoning - 550 Calvert St.

Attachment 3



0 100 200 400 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

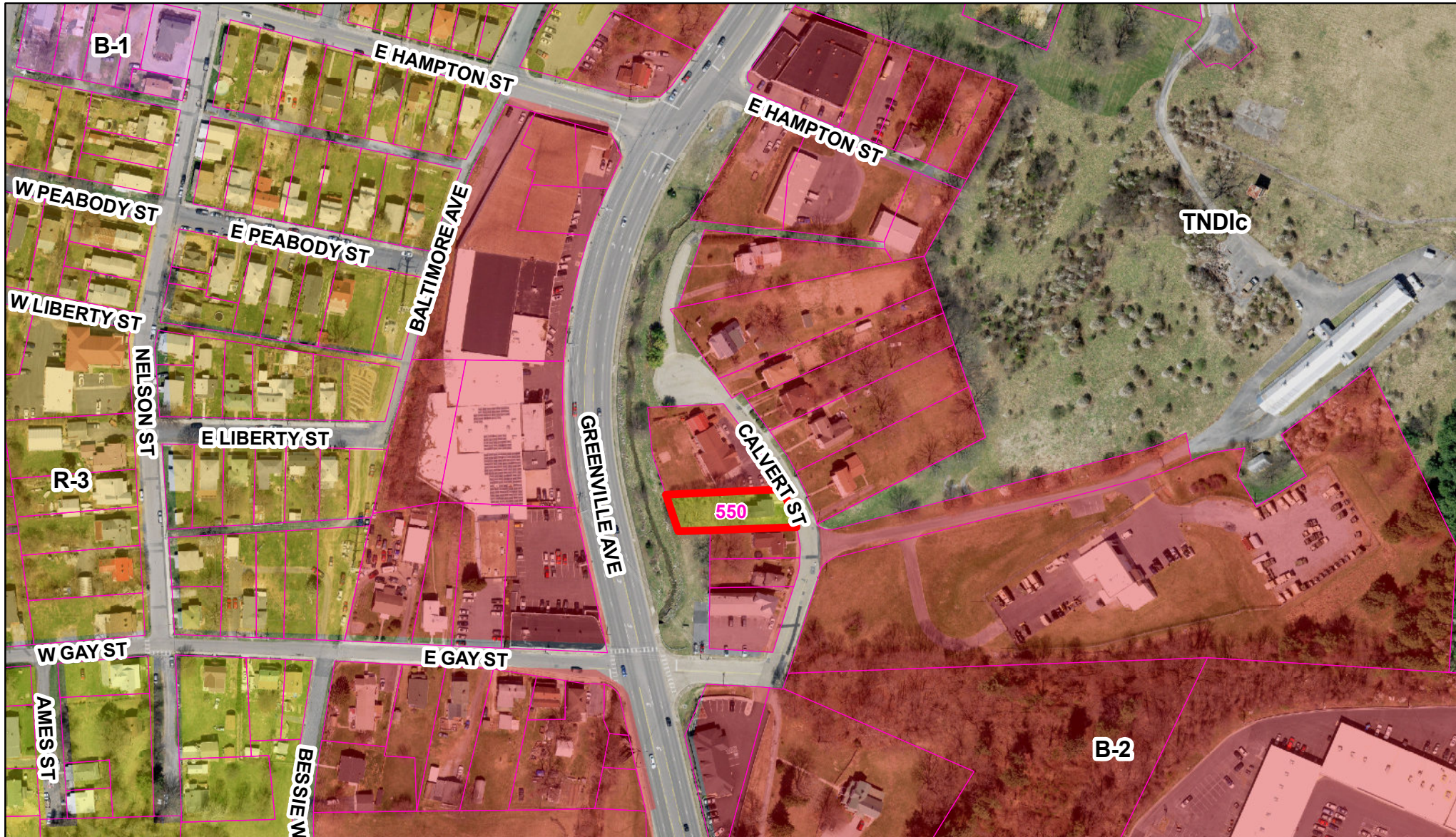
- R-2
- R-2(conditional)
- R-3
- R-3(conditional)
- R-4

Additional Layers

- Selected Property
- Parcels

Proposed Rezoning - 550 Calvert St.

Attachment 4



0 100 200 400 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

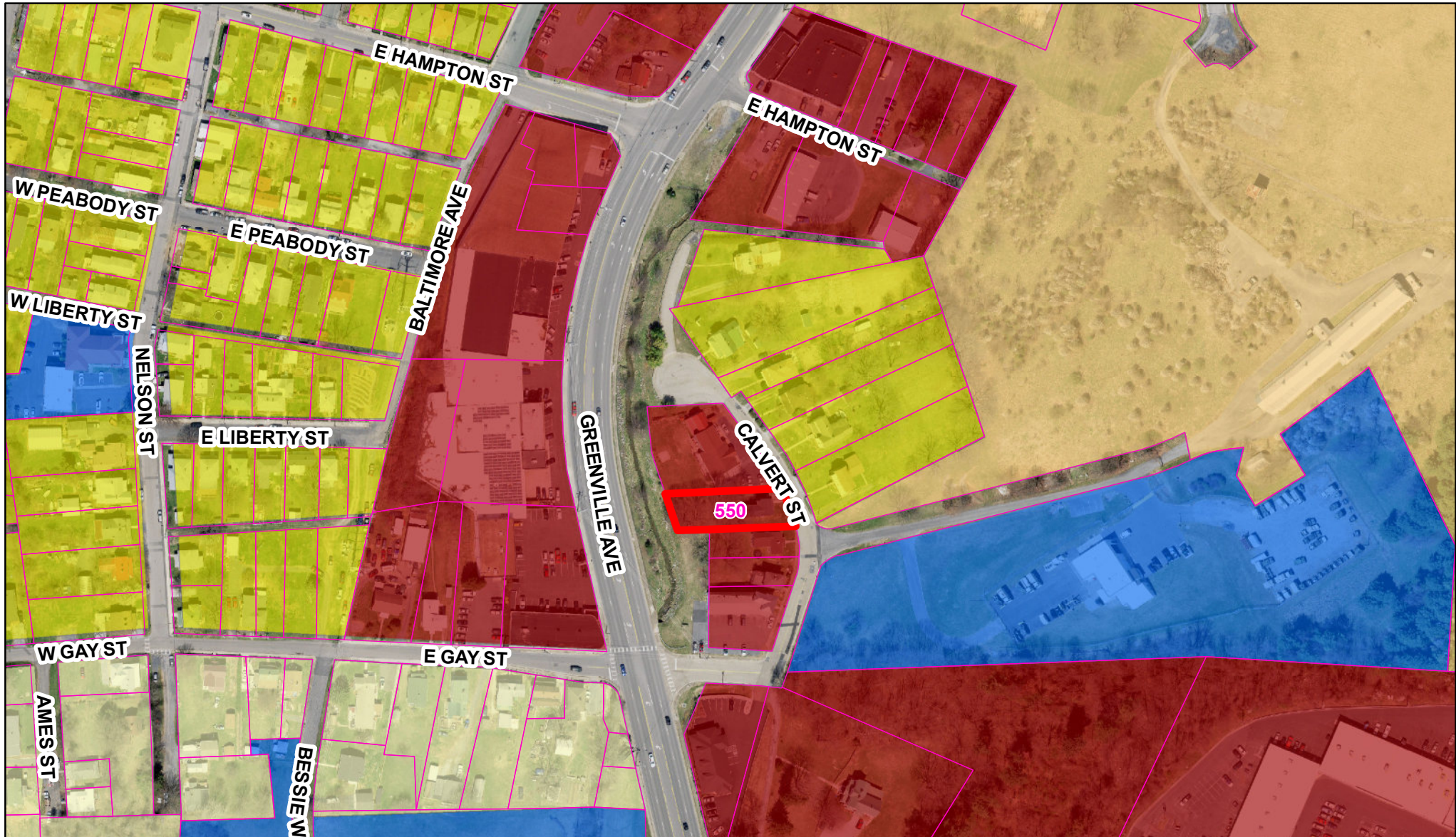
- R-2
- R-2(conditional)
- R-3
- R-3(conditional)
- R-4

Additional Layers

- Selected Property
- Parcels

Land Use - 550 Calvert St.

Attachment 5



Future Land Use



- CONSERVATION/RECREATION/OPEN SPACE
- PLANNED FARM DEVELOPMENT
- PUBLIC/SEMI-PUBLIC

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY PLANNED RESIDENTIAL
- HIGH DENSITY RESIDENTIAL

- TRADITIONAL NEIGHBORHOOD DEVELOPMENT
- LOW DENSITY PLANNED RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- PROFESSIONAL

- PLANNED BUSINESS
- BUSINESS
- PLANNED INDUSTRIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL

Additional Layers

- Selected Property
- Parcels

0 100 200 400 ft

DRAFT 9.21.20

Ordinance No. 2020-____

**AN UNCODIFIED ORDINANCE REZONING
FROM B-2, GENERAL BUSINESS, TO R-2, LOW DENSITY RESIDENTIAL,
THAT CERTAIN TRACT OR PARCEL OF LAND
LOCATED AT 550 CALVERT STREET (PID 6641), STAUNTON, VIRGINIA**

Recitals

A. It appears by deed dated May 1, 2008 recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 080001467, that Yvana P. Griffith acquired from John A. Clem V, what is referenced in the deed as 550 Calvert Street (PID 6641) with further description provided in the deed, a copy of which is annexed and incorporated by reference (**Exhibit A**);

B. Yvana P. Griffith has applied to the City of Staunton for a zoning classification change under the provisions of the Staunton City Code for 550 Calvert Street from B-2, General Business to R-2, Low Density Residential;

C. The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, "Generalized Land Use and Development Guide," designates this area as Commercial. Yet, the majority of the surrounding area is residential in use; Calvert Street is narrow and unsuitable for commercial traffic; Asylum Creek separates the area from Greenville Avenue and limits access to the property; and much of the area is a FEMA defined floodzone, making commercial use of this area arguably impractical;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval of the proposed rezoning on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the property known as 550 Calvert Street (PID 6641), in the City of Staunton, Virginia, is **HEREBY REZONED** from B-2, General Business to R-2, Low Density Residential on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice.

Introduced:

Adopted:

Effective Date:

Andrea W. Oaks, Mayor

ATTEST: _____

50
51

Suzanne F. Simmons
Clerk of Council

DRAFT

080001467

PG0035 MAY -6 08

Exhibit A

P.I.N.: 6641
Title insurance unknown
Consideration: \$49,250.00
Assessed Value: \$50,580.00

Please Return this Document to:
West View Title Agency, Inc.
370 Neff Avenue, Suite V
Harrisonburg, Virginia 22801

THIS DEED, made this 1st day of May, 2008, by and between John A. CLEM, V, party of the first part and Grantor, and Yvana P. GRIFFITH, party of the second part and Grantee, whose address is: 9707 Town Hall Rd., Mc Gaheysville, VA, 22840

-- WITNESSETH --

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, and other valuable consideration, paid by the party of the second part and Grantee to the party of the first part and Grantor, at and before the sealing and delivery of this deed, the receipt of which is hereby acknowledged, the said John A. Clem, V, party of the first part and Grantor, does hereby grant, bargain, sell and convey, WITH GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the said Yvana P. Griffith, party of the second part and Grantee, the following real estate, to-wit:

All that certain lot or parcel of land, together with all improvements thereon and all rights, privileges and appurtenances thereto belonging, situate in the southeastern portion of the City of Staunton, Virginia, known by present house numbering as 550 Calvert Street (formerly Greenville Avenue), said lot fronting 34 feet 9 inches on Calvert Street and running back between parallel lines to a point in the creek in the rear of said lot, LESS, HOWEVER, a .06 acre tract conveyed to the Commonwealth of Virginia by deed dated June 16, 1976, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 207, Page 496.

FOR THE SAME CONSIDERATION, the Grantor herein quitclaims, demises and sets over unto the Grantee herein all such interest as the Grantor may have in and to that portion of the premises not included in the foregoing General Warranty conveyance, described as follows:

GARRISON LAW
OFFICES, P.C.
Staunton, Virginia

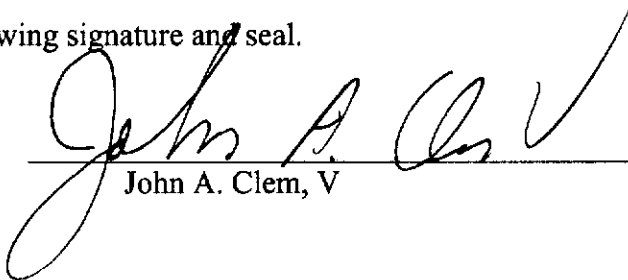
Being all of the property lying with the extension between parallel lines from the westerly or rear side of the property hereby conveyed with General Warranty, to the eastern edge of U. S. Route No. 11 (new Greenville Avenue) and running along Greenville Avenue between said parallel lines a distance of 34 feet and 9 inches.

This is the same property acquired by John A. Clem, V, by deed of Travis W.

Showalter, et al., dated February 19, 2008, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument 080000443.

This conveyance is made expressly subject to the easements, conditions, restrictions and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by a limitation of time contained therein or otherwise become ineffective.

WITNESS the following signature and seal.

 (SEAL)
John A. Clem, V

STATE OF VIRGINIA;
CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me this 2nd day of May, 2008, by John A. Clem, V.

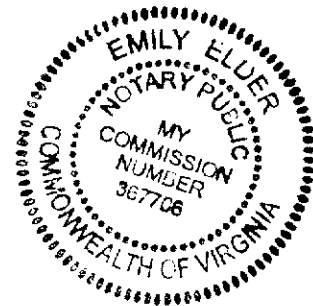
My commission expires:


Notary Public

GARRISON LAW
OFFICES, P.C.
Staunton, Virginia

INSTRUMENT #080001467
RECORDED IN THE CLERK'S OFFICE OF
STAUNTON ON
MAY 6, 2008 AT 12:12PM
\$51.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$25.50 LOCAL: \$25.50

THOMAS E. ROBERTS, CLERK
RECORDED BY: DDN 2



CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 8, 2020	Staff Member: Billy Vaughn
Item #	C	
Ordinance #		
Department:	Community Development	
Council Vision:	Built Environment	
Subject:	Consideration of a U.S. Environmental Protection Agency (EPA) Brownfields Grant Application	

Background: The U.S. Environmental Protection Agency (EPA) Brownfields Program has been instrumental in revitalizing communities across the Commonwealth of Virginia. The purpose of the program is to return vacant or underutilized properties to productive reuse by providing funds for initial assessments and planning that will serve to incentivize investment and jumpstart redevelopment and area-wide revitalization of communities.

While EPA offers multiple types of grants, the City has an opportunity to apply for a Community-Wide Brownfields Assessment Grant totaling \$300,000 which would be funded over a 3-year period. Funded activities include direct costs associated with:

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

- grant administration and required federal reporting.

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

At the November 14, 2019 Council work session, Lori Kroll, Community Resource Specialist with Draper Aden Associates, provided an overview of the program to City Council. Initially, Ms. Kroll recommended that the City apply for a Community-Wide Brownfields Assessment Grant totaling \$300,000, targeting the West Beverley Street corridor during the funding cycle with an application due date of December 3, 2019. However, as a result of a limited time to initiate community engagement efforts, Ms. Kroll subsequently suggested that the City delay submittal of a grant application until the next round.

At the February 27, 2020 Council work session, Ms. Kroll again provided an overview of the program and the community involvement process. Plans were shared to conduct three to four community meetings, beginning in March over a 6-month period, to gather input for the application. This approach was suggested to not only strengthen the application and the implementation should the city receive an award of grant funds, but to position the impacted community at the forefront as champions for these revitalization initiatives.

With the onset of the COVID-19 public health emergency in early March, the scheduled community meetings were postponed indefinitely. The effort restarted with an initial in-person community meeting on September 3, 2020. Ms. Kroll attended Council's work session on September 10, 2020, to provide an update to Council. A follow-up community meeting was held on October 1, 2020.

Ms. Kroll will attend Council's work session on October 8, 2020, to present an overview of the grant application and draft narrative proposal. The deadline for submittal of the FY2021 application and proposal is October 28, 2020. Grant awards are usually announced in the spring, followed by development and execution of a federal cooperative agreement over the summer. Funds would become available October 1, 2021. The 3-year grant cycle will end September 30, 2024.

Fiscal Impact: No direct cash match is required of the City for this grant. The implementation process would, however, require staff time for grant administration, monitoring, and reporting; community engagement coordination; and attending training sessions.

Attachment:

U.S. Environmental Protection Agency Community-Wide Brownfields Assessment Grant Proposal

City Manager's Recommendation: Recommend that Council authorize staff to apply for and accept, if awarded, a U.S. Environmental Protection Agency Community-Wide Brownfields Assessment Grant.

Suggested Motion: I move that City Council authorize application for and acceptance of, if awarded, a U.S. Environmental Protection Agency Community-Wide Brownfields Assessment Grant, as proposed.

City Manager: Steven L. Rosenberg

CITY OF STAUNTON, VIRGINIA
PROPOSAL FOR USEPA'S COMMUNITY-WIDE BROWNFIELDS ASSESSMENT GRANT
EPA-OLEM-OBLR-20-06 / CDFA No. 66.818
Section IV.E – Narrative / Ranking Criteria

FINAL DRAFT – SEPTEMBER 30, 2020

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION

1.a. Target Area and Brownfields

1.a.i. Background and Description of Target Area: The City of Staunton is an independent city at the southern end of the Shenandoah Valley in western Virginia at the crossroads of Interstates 81 and 64. As one of the oldest cities west of the Blue Ridge Mountains, her history spans three centuries. The City played a crucial role in the Colonial economy and contributed to the success of the American Revolution, even serving briefly as capital of Virginia. In 1902, Staunton became an independent city and, in 1908, created the nation's first city manager form of government.

Located along Valley Pike (now US Highway 11), Staunton developed as a trade, transportation and industrial center, particularly after the Virginia Central Railroad arrived in 1854. Factories made carriages, wagons, boots and shoes, clothing and blankets, and the town became an important supply depot during the Civil War. The City boasts six designated historic districts and 30 properties listed on the National Register of Historic Places, including one National Historic Landmark, the birthplace of President Woodrow Wilson. The Wilson Presidential Library and Museum is one of the many popular attractions in the City. Staunton is also considered an institutional crossroads as home to Western State Hospital, established in 1834 and among the oldest psychiatric facilities in the nation; the Virginia School for Deaf & Blind, founded in 1839; and Mary Baldwin University, founded as Augusta Female Seminary in 1842.

The primary target area for Staunton's proposed Brownfields Program is the entirety of the City's Opportunity Zone (OZ)¹, which lies in the westernmost quadrant of the City. Known locally as ***West End***, the area lies between Churchville Avenue on the north and Middlebrook Avenue on the south. Bisecting the two OZ census tracts is West Beverley Street, a once-thriving commercial corridor that begins near downtown at the historic Thornrose Cemetery and runs to the western city limits near the intersection of Woodrow Wilson Parkway/Route 262, a limited access by-pass that skirts the outer perimeter of the City. Ironically, though much of West Beverley is reminiscent of a past automobile economy, it was construction of this bypass in the 1970's that created a catch-22 for West End. While helping move traffic more efficiently around the City, the reroute negatively impacted local commercial traffic. West Beverley Street saw a 60% drop in through traffic, from roughly 13,000 to 7,900 vehicles per day, with the opening of the bypass. With lowered traffic counts, traditional commercial businesses have seen decline and struggle to maintain their properties, which has resulted in declining property values for the entire area.

1.a.ii. Description of Priority Brownfield Sites: During preliminary review, Staunton identified over 25 sites in West End with potential to change the blighted landscape and revitalize the stagnant economy in the target area. Sites range from small gas stations/convenience stores, used car lots and tire service/auto repair shops of an acre or less; 5- to 10-acre commercial sites including warehouses and multi-unit strip malls; and larger 25- to 50-acre industrial tracts. The priority sites identified herein were expressly selected due to their potential to catalyze additional investment and revitalization of West End, as well as to extend redevelopment opportunities.

The largest priority site, former ***Unifi Manufacturing*** on Morris Mill Road, lies south of Churchville Avenue, the City's northernmost target corridor. Opened in 1960 and originally known as Fiberspun, the plant was a state-of-the-art facility and at one time employed 500 locals. After 28 prosperous years, Fiberspun was sold to Unifi in 1988 and remained productive for 20 more years. The Unifi facility closed in 2008 when operations were consolidated with a more modern facility in North

¹ Census Tract IDs: 51790000200 and 51790000300, VA Department of Housing & Community Development:
<https://www.dhcd.virginia.gov/opportunity-zones-oz>

Carolina and remains vacant. Originally situated on about 50 acres, the facility included two plants totaling almost 420,000 SF. Impacts from historic textile production could include asbestos containing material (ACM) and lead based paint (LBP); petroleum and fuel; polychlorinated biphenyls (PCBs) and polycyclic aromatic hydrocarbons (PAHs); and solvents and hazardous substances from manufacturing synthetic yarns, particularly polyester, which is made from petroleum-based chemicals such as terephthalic acid (TA) and monoethylene glycol (MEG). These constituents of concern (COCs) pose serious health risks to fetuses, babies and children, who may suffer from developmental and neurological problems, and some are considered carcinogens with long-term exposure leading to cancer, blood, liver and kidney disorders. The site's proximity to schools and residences make it a high priority for investigation and redevelopment.

A priority site in the middle of the target area on West Beverley Street, the former **Chestnut Hills Shopping Center**, now sits vacant following the loss of its last tenant, Family Dollar Store, in June 2019. Originally built in 1971, Chestnut Hills clearly represents the demise of retail in the target area after construction of the Woodrow Wilson Parkway. Property value fell by 56% between 2018 and 2019. The 10-acre site, much of which is covered with cracked asphalt pavement, includes two structures totaling 91,500 SF. With leaking roofs, both buildings continue to deteriorate. The current owner, who doesn't want to spend money repairing the buildings without a clear path to redevelopment, has noted that homeless people appear to be living in parts of the buildings. Primary COCs include ACM, LBP and toxic mold that could worsen asthma and cause other respiratory issues. Additional COCs resulting from unregulated or unreported spills from past operations, as well as off-site impacts from nearby gas stations and auto repair centers, may be identified upon further investigation. **A portion of this site's parking lot along West Beverley also lies within Special Flood Hazard Area Zone AE (1% chance base flood or 100-year flood zone).**²

On the southerly side of the target area, near the gateway to downtown, a former light industrial area known as the C&O Flats lies in the vicinity of Middlebrook Avenue and Bridge Streets, where historic railroad and warehouse properties, including an active CSX maintenance facility, have been in use since the 1800's. A priority site in this vicinity is the former **National Biscuit Company (Nabisco) Warehouse** on Bridge Street constructed between 1909 and 1914. The property totals around an acre and includes a vacant 1-story historic office/warehouse building of approximately 7,000 SF, along with outbuildings and sheds associated with the **Rose Time Scrap and Metal Recycling** facility, a former salvage yard that occupied the site until 2011. During much of the site's operational history, environmental regulations were not in place and significant releases may have gone undetected or unreported. Due to past metals and electronics recycling and proximity to the adjacent active railyard on the north and east, COC's may exist that merit evaluation. Scrap processing can result in release of metals such as mercury and lead, PCBs, volatile organic compounds (VOCs), solvents, oils, and other chemicals that can lead to birth defects, neurological/developmental issues, cancer and lung, blood and liver disorders. **Most of this site lies within Flood Zone AE³, and its southern boundary fronts Lewis Creek, an impaired waterway.**⁴

1.b. Revitalization of the Target Area

1.b.i. Reuse Strategy and Alignment with Revitalization Plans: The latest **City of Staunton Comprehensive Plan 2018-2040**,⁵ adopted in July 2019, strives to "promote rehabilitation and conservation throughout the City by reuse of existing infrastructure and buildings, revitalization of blighted and vacant properties, and redevelopment in older, high density areas with existing utilities and infrastructure." Redevelopment of each of the priority sites will also help further one or more of City Council's goals identified in their latest 10-year visioning statement, **Vision 2030**⁶, and related **3-Year Priorities** list,⁷ including those related to the built environment, such as "implementation of policies that encourage improvement, development, or replacement of blighted properties," which is particularly appropriate to West End when combined with the availability of Opportunity Funds.

² FIRM Flood Panel 51015C03338D, September 2007

³ FIRM Flood Panel 51015C03339D, September 2007

⁴ EPA Water Body Report, 2018: https://mywaterway.epa.gov/waterbody-report/21VASWCB/VAV-B12R_LEW01A00/2018

⁵ City of Staunton Comprehensive Plan 2018-2040, adopted July 11, 2019: <https://www.ci.staunton.va.us/home/showdocument?id=6446>

⁶ Staunton City Council Vision for 2030, adopted June 13, 2019: <https://www.ci.staunton.va.us/home/showdocument?id=6254>

⁷ Staunton City Council 3-Year Priorities to Accomplish 2030 Vision, adopted June 13, 2019: <https://www.ci.staunton.va.us/home/showdocument?id=6256>

An initiative specifically focused on development of a **Preliminary Revitalization Plan for West End** was undertaken in early 2020 to advance the City's current EPA Brownfields Program application. A series of community meetings was planned to gather input from target area residents, businesses and community partners in a collaborative effort to identify a shared vision and strategy for the future and develop a plan to achieve it. Although delayed due to COVID-19 restrictions, it was kicked off in early September⁸ and several follow up meetings are planned through the fall and early winter with a goal to present a draft plan for City Council consideration in spring 2021. The resulting plan for the **West End Revitalization Initiative** will include a roadmap and actionable steps toward improvements to enhance economic development opportunities and quality of life in West End.

1.b.ii. Outcomes and Benefits of Reuse Strategy: Staunton will focus assessments and redevelopment of priority sites consistent with the City's latest Comprehensive Plan, community needs, and revitalization vision. Focus will be placed on projects that redevelop vacant and/or underutilized properties to create jobs and housing opportunities, enhance quality of life for residents by providing neighborhood services, and grow the economic vitality of West End.

Reuse of the former **Unifi** facility will likely remain light industrial. It is particularly well-suited for warehouse/distribution space due to its size and location near the crossroads of I-81 for north-south bound travel and I-64 for east-west bound travel with potential to reach over a third of the US population within 1 day. This industry is highlighted in the latest Comprehensive Economic Development Strategy (CEDS)⁹ prepared in 2018 by the Central Shenandoah Planning District Commission (CSPDC), which indicates a projected 9% increase in transportation, warehousing and distribution services for the region over the next 20-30 years. Unifi is also a priority for cleanup and reuse due to its proximity to schools and residential areas and opportunities to provide good paying jobs for nearby residents within an existing footprint adjacent to similar use (Federated Auto Parts).

Redevelopment of the **Chestnut Hills Shopping Center** located in West End's rough geographic center will focus on a mixed-use, village center incorporating office, retail, neighborhood services and community space. End uses, such as high-quality daycare, after school care, youth and senior services, co-working and maker space, and indoor farmers market, would work well with the City's vision to rejuvenate West End by attracting diverse young families, retirees and seniors by focusing on safe, affordable housing well suited to the existing housing stock and walkable neighborhoods linked by a local multi-use transportation network.

The **Nabisco/Rose Time** site near downtown and historic neighborhoods has potential to expand the City's nearby Wharf District, a regional arts and tourism destination. This area is already attractive for local artisans, such as Huss & Dalton Guitar Company, a local wholesale maker of high-end, handcrafted acoustic guitars and banjos, and Ballerino Creamery, an artisanal cheese shop that recently opened in the adjacent former dairy building. Due to its location within the 100-year flood plain adjacent to Lewis Creek, the site would make an ideal location to hold mobile music, arts and crafts events, a food truck/vendor court and/or passive recreation facilities to connect West End with other downtown amenities. Such use could also help improve upstream storm drainage issues in the Wharf District, which experienced two 1000-year flood events in August 2020.¹⁰

1.c. Strategy for Leveraging Resources

1.c.i. Resources Needed for Site Reuse: Staunton has multiple tools/resources available to help facilitate the revitalization of West End.

- West End's **OZ designation under the 2017 Tax Cuts and Jobs Act** provides multiple incentives to encourage long-term private investment, which may be particularly beneficial to incentivize significant capital investments needed to retool and reuse the former **Unifi** site.
- As a **Department of Housing and Urban Development (HUD) Entitlement Community** since 2019, approximately \$354,000 in annual funds are available to help meet **community development and infrastructure needs**, including revitalization of neighborhoods, economic development, and improvement of community facilities, infrastructure and services.

⁸ West End Community Meeting Announcement, August 2020: <https://www.ci.staunton.va.us/Home/Components/News/News/1795/71>

⁹ CSPDC CEDS, August 2018: https://www.cspdc.org/wp-content/uploads/2019/03/FINAL-CEDS-2018_CSPDC.pdf

¹⁰Staunton *News Leader*, August 23, 2020: <https://www.newsleader.com/story/news/2020/08/23/what-we-know-stauntons-second-major-flood-august/3423819001/>

- The ***Staunton Creative Community Fund (SCCF)*** is available to help facilitate reuse for sites like ***Nabisco/Rose Time*** and ***Chestnut Hills*** sites. SCCF helps small businesses by serving as a hub for entrepreneurial innovation, providing resources needed to grow a vibrant local economy, with low-interest small business loans ranging from \$1,000 to \$50,000.
- Funding specifically targeted for clean up and reuse of brownfields sites includes the ***Virginia Brownfields Assistance Fund (VBAF)*** administered by the ***Virginia Economic Development Partnership (VEDP)*** and ***Virginia Department of Environmental Quality (VDEQ)***. VBAF provides Planning and Assessment Grants of up to \$50,000 on a rolling basis and competitive Remediation Grants of up to \$500,000 annually to localities with viable, impactful reuse plans for existing brownfields sites. EPA brownfield grant funding may be used toward the required 100% match for these potentially game-changing state grants. ***VBAF has served as a tremendous redevelopment tool utilized by Staunton in the past for two critical projects as further detailed in Section 4.b.ii – Experience with Other Assistance Agreements.***

1.c.ii. Use of Existing Infrastructure: The City's latest Comprehensive Plan (2018) specifically focuses on brownfields redevelopment by emphasizing reuse of existing infrastructure and buildings, revitalization of blighted and vacant properties and redevelopment in older, high density areas with existing utilities and infrastructure. Full infrastructure is in-place throughout the target area with sufficient capacity for growth and area-wide redevelopment, including 3-phase electric, water, sewer, natural gas, and broadband services. Additionally, the City's Comprehensive Plan designates the target area as a ***Priority 1 Growth Stimulation Area***, which encourages development by focusing on extension or upgrade of services and facilities where needed. The City will work with owners and developers to address potential City infrastructure deficiencies through its capital improvement plan. Each of the priority sites have direct access to the target corridors, which are primary roadways under City maintenance and connect downtown to the Woodrow Wilson Parkway providing access to Interstates 81 and 64, making them desirable and suitable for redevelopment.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

2.a. Community Need

2.a.i. The Community's Need for Funding: With a stagnant economy over the last several decades, property values in West End have remained stationary or seen decline, in some cases by as much as 50%. Census Tract 2, the most southerly of the two OZ census tracts, has very low median household income (MHI) of \$34,271, just under 48% of the state MHI; high poverty rates; and the City's highest concentration of minorities at 26%. Census Tract 3 exhibits similar issues with lower MHI (around 70% of state MHI), along with the highest overall poverty rate (17.1%), highest poverty rate among persons under 18 (21.3%) and highest poverty among persons over 65 (13.2%) compared to the remainder of the City. Based on the latest available comparative population and economic data,¹¹ ***the population of West End would face extensive obstacles and challenges in facilitating assessment and redevelopment of brownfield sites*** without assistance per the following table:

CRITERIA	US	VA	STAUNTON	TRACT 2	TRACT 3
POPULATION	322,903,030	8,413,774	24,452	3,379	5,586
PERCENT UNDER 18	22.8%	22.2%	19.1%	20.9%	22.7%
PERCENT OVER 65	15.2%	14.6%	20.7%	14.1%	19.0%
PERCENT LIVING ALONE	27.7%	27.0%	36.6%	49.2%	28.5%
PERCENT MINORITY	38.9%	37.8%	18.9%	26.0%	15.5%
PERCENT OVER 65 REPORTING DISABILITY	35.0%	32.9%	37.0%	47.8%	39.5%
GRANDPARENTS RESPONSIBLE FOR CHILDREN	34.8%	35.1%	41.3%	72.6%	39.4%
MEDIAN HOUSEHOLD INCOME (MHI)	\$60,293	\$71,564	\$48,049	\$34,271	\$50,353
PERCENT OF STATE MHI	N/A	100.0%	67.1%	47.9%	70.4%
PERCENT IN POVERTY (ALL PERSONS)	14.1%	10.9%	13.7%	14.6%	17.1%
PERCENT IN POVERTY (UNDER 18)	19.5%	14.5%	19.0%	10.7%	21.3%
PERCENT IN POVERTY (OVER 65)	13.2%	7.6%	10.6%	11.4%	13.2%

¹¹ US Census Bureau, American Community Survey (ACS) 5-year Estimates, DP-03 & DP05, 2014-2018: <https://data.census.gov/acs/www/data/data-tables-and-tools/narrative-profiles/2018/reports>

2.a.ii. Threats to Sensitive Populations

(1) Health or Welfare of Sensitive Populations: The target area Census tracts include high percentages of the City's vulnerable population including older, poorer individuals and minorities with limited capacity to bring about economic change on their own. In Census Tract 2, almost 48% of persons over 65 report having a disability, and of grandparents living with grandchildren, 72.6% are responsible for the basic needs of their grandchildren, more than double that percentage nationwide (34.8%). These precarious households are much more likely to struggle with poverty and health issues than typical households.¹² Around 28.6% of all City residents were determined to be "food insecure," i.e., having run out of food and/or been worried about running out of food in the previous year, compared to 21.8% for the region, whereas almost 52% of low-income persons reported food insecurity, which is particularly troubling in West End due to marked disparities in MHI and higher poverty rates compared to the remainder of the City. To address this issue, the West End revitalization initiative will place specific focus on facilities and services for both youth (health and wellness activities, day care and after school care) and seniors (health, wellness, resources for aging in place and related support services) for those with limited resources.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions: ***Although Census Tract level health data are not available for the target area,*** according to the latest (2019) Community Health Needs Assessment (CHNA) by Augusta Health,¹³ Staunton reflects troubling trends toward multiple health disparities compared to the surrounding Staunton-Waynesboro-Augusta (SWA) region and state. Many of these issues are known to result from exposure to environmental contaminants, particularly higher incidences of cancer and chronic lower respiratory disease (CLRD), including asthma. Also, among SWA respondents, 58.3% of Staunton residents report having three or more chronic, potentially disabling, health conditions compared to 48.5% in the SWA region. These statistics generally increase with age and are more often reported among low-income households, such as those in West End.

CRITERIA	US	VA	STAUNTON	SWA AREA	BENCHMARK
HEART DISEASE	166.3	153.1	221.9	169.0	156.9
STROKE	37.5	37.9	50.4	36.7	34.8
ALL CANCER	155.6	156.1	197.9	162.5	161.4
LUNG CANCER	109	102.8	137.0	119.6	21.8
PROSTATE CANCER	60.2	58.9	73.6	65.4	45.5
CLRD, INCLUDING ASTHMA	41	35.5	57.9	48.2	N/A
LIVER DISEASE	10.8	9.5	26.5	14.9	8.2
DIABETES	21.3	21.2	32.0	25.5	20.5
KIDNEY DISEASE	13.2	16.5	24.1	18.0	N/A
ALZHEIMER'S DISEASE	30.2	26.7	56.7	39.4	N/A

*AGE ADJUSTED DEATHS PER 100,000 POPULATION, 2017-2017

The ***West End Revitalization Initiative*** and ***Brownfields Program*** will include efforts to ***address health disparities and the inequitable distribution of resources*** among vulnerable residents by directing reuse and redevelopment opportunities toward appropriate ***access to health care, physical activities, assistive support, wellness education, work opportunities, and social outlets.***

(3) Disproportionately Impacted Populations: The West End target area is among the poorest areas of the City as noted in ***Section 2.a.i*** with poverty rates exceeding those of the remainder of Staunton, the larger Central Shenandoah region and state. Much of this disparity is partly a result of the siting of historic railroad facilities and related industry and warehousing operations in this vicinity, which is evident by significant housing disparities noted in these Census Tracts. Tract 2 has the City's highest number of renters (61.1%) versus homeowners (38.9%), and a very high percentage of those renters (46.7%) are considered cost burdened with more than 30% of their household income dedicated to housing cost. According to the 2019 CHNA report, 16.2% of survey respondents in Staunton had ongoing problems with leaks, rodents, insects, mold, or other housing conditions that made living there unhealthy or unsafe as compared to 9.9% in the SWA region within

¹² "The Age of Grandparents Is Made of Many Tragedies." *The Atlantic*, June 1, 2018: <https://www.theatlantic.com/family/archive/2018/06/this-is-the-age-of-grandparents/561527/>

¹³ Augusta Health Community Health Needs Assessment, 2019: https://www.augustahealth.com/sites/default/files/documents/community-outreach/augusta_health_chna_report_-_2019.pdf

the preceding year. In short, the West End target area has suffered for decades from a disproportionate share of negative environmental impacts and an overall lack of private investment. Funding is not available for addressing brownfields sites with potential to promote new investment and economic development. Ultimately, the assessment and remediation of sites in the target area will bring new jobs, new residents, affordable housing opportunities, healthy alternatives and increased revenue to the benefit of all currently living and working in West End.

2.b. Community Engagement

2.b.i / 2.b.ii Project Involvement & Project Roles: Through the recently undertaken *West End Revitalization Initiative* a number of partner organizations have been identified to date that will continue to take active roles as Staunton's *Brownfields Redevelopment Advisory Group (BRAG)*:

Partner Name	Point of Contact / Email / Phone	Specific Role in Project
Central Shenandoah PDC 112 MacTanly Place	Elizabeth McCarty, Deputy Director Email: elizabeth@cspdc.org Phone: 540.885.5174	BRAG member, regional planning liaison, EDA / CARES Act grant coordination
Historic Staunton Foundation 20 South New Street	Frank Strassler, Executive Director Email: director@historicstaunton.org Phone: 540.885.7676	BRAG member, historic preservation liaison, research support, education and advocacy
Salvation Army 1700 W. Beverley Street	Kim Wentz, Regional Resource Development Dir. Email: kimwentz@uss.salvationarmy.org Phone: 800.400.5992	BRAG member, community outreach, education and advocacy
Staunton Augusta Family YMCA 708 N. Coalter Street	Josh Cole, Executive Director Email: josh@saymca.org Phone: 540.885.8089	BRAG member, youth services liaison, community outreach, education
Staunton Redevelopment/Housing Authority 900 Elizabeth Miller Gardens	Wanda Stevens, Executive Director Email: wstevens@stauntonrha.org Phone: 540.886.3413	BRAG member, housing services liaison, community education and advocacy
West End Farmers Market 2030 W. Beverley Street	Jean Reynolds, Farmers Market Coordinator Email: jeana113@comcast.net Phone: 720.308.5005	BRAG member, community outreach, education and advocacy
Staunton's West End Alliance 1614 W. Beverley Street	Betty Link Jordan, Manager Email: bkjor@comcast.net Phone: N/A	BRAG member, community outreach, education and advocacy
The Valley Mission 1513 W. Beverley Street	Susan Richardson, Executive Director Email: susanrichardson@valleymission.net Phone: 540.886.4673	BRAG member, homeless community liaison, community outreach and advocacy
West End Business Association 1416 Churchville Avenue	Kim Harris and Joe Mills Email: kpharris2@verizon.net Phone: 540.885.5013 / 540.294.5180	BRAG member, business community liaison, communication support and networking

Most notable among the project partners listed above, the *Staunton's West End Alliance* is a grassroots organization of target area residents and businesses with specific goals to improve the area's general infrastructure, visibility, and overall aesthetic to improve its economic viability. The *West End Business Association* is likewise a target area organization focused on developing direct contacts and partnerships with the business community to increase opportunities for economic growth and prosperity of all. Both of these partners are strongly committed to the preservation and revitalization of West End and will take an active role in leading the City's Brownfields Program.

2.b.iii. Incorporating Community Input: Staunton has long been committed to open, transparent communication and meaningful citizen involvement and regularly conducts citizen surveys to capture opinions about City services and quality of life. Most relevant to the proposed brownfields redevelopment program, the *West End Revitalization Initiative* began engaging the target community directly in early September 2020 to prepare the *Preliminary Revitalization Plan for West End* as further detailed in *Section 1.b.i*. Direct citizen input toward prioritization of brownfield sites and development of a true community-driven revitalization roadmap will be paramount to strategically planned neighborhood improvements. It is anticipated that most representatives involved in this initial outreach, including the partners listed above, will remain involved in the project as the City's *Brownfields Redevelopment Advisory Group (BRAG)* upon award and will continue to guide and champion the program, thereby providing direct community input into the

brownfields initiative. The BRAG will meet quarterly to assist City staff with in site selection and cleanup/reuse planning. City staff will update citizens of brownfields activities through social media, periodic updates at Council meetings, and direct meetings with those most directly affected by the project. The BRAG and City will involve representatives of neighborhoods most directly impacted by proposed redevelopment projects. Outreach efforts to be conducted throughout the target area will include educational seminars/workshops and design charrettes intended to garner input on existing assets and redevelopment needs. Staunton has successfully used socially distanced in-person meetings and virtual meeting platforms such as Zoom to conduct meetings during COVID-19. Meeting announcements will be distributed/posted throughout the target community and emailed to appropriate parties, and all gatherings will be publicly advertised via local print and electronic media. Partner organizations like the **Salvation Army** and **Valley Mission** will represent disadvantaged communities to communicate their needs and disseminate information, which will be beneficial for constituents with limited internet and/or phone access.

3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS

3.a. Description of Tasks/Activities and Outputs

Task 1 – Program Administration / Community Engagement	
i.	Project Implementation: Cooperative Agreement Oversight: Program and financial management to ensure compliance with grant requirements; PPFs and ACRES input/updates; brownfields training and conferences; and quarterly, annual, and final compliance reports. Community Engagement: Coordinating and conducting community meetings and preparing related materials. Grant-funded direct costs: Travel expenses, supplies, and contractual costs for assistance with reporting and maintaining interaction with stakeholders. Non-EPA funded activities: In-kind staff time for administration, monitoring, and reporting; community engagement coordination; and attending training/conferences.
ii.	Anticipated Project Schedule: Procure QEP per 4.a.iii: Months 1–3; Other activities: Months 1–36.
iii.	Task / Activity Lead: City management team with input/assistance from QEP and BRAG.
iv.	Outputs: RFP/QEP Contract (1); Quarterly Reports (12 Total - 4/Year); Annual Reports (3); Closeout Report (1); PPFs/ACRES Entries (10); BRAG Meetings (12); Community Meetings (4); Conferences (4); Brochures (1); Media Releases (3); Web Content (1); Advertisement, printing and supplies (4 events).
Task 2 – Inventory Mapping & Database, Site Prioritization, Eligibility & Access	
i.	Project Implementation: Staunton will begin with a brownfields site inventory and database for sites in the target area, including priority sites, which will be compiled, mapped, characterized, and prioritized by the BRAG and staff based on community vision and needs and a pool of sites will be selected for assessment. No assessments will be conducted prior to confirming eligibility with EPA and DEQ if applicable using Property Approval Questionnaires (PAQs). Grant-funded activities: Contractual costs to develop, maintain inventory/database and prepare PAQs. Non-EPA funded activities: In-kind staff time for oversight, site prioritization, and access coordination with property owners.
ii.	Anticipated Project Schedule: Develop initial inventory mapping/database: Months 3-6 for priority sites, additional sites added through Month 36; Prepare/submit PAQs: Month 3-36.
iii.	Task / Activity Lead: QEP to prepare/maintain inventory and PAQs with AOR oversight, assistance with site access and work product review/approval. BRAG will provide input for site selection/prioritization.
iv.	Outputs: Inventory/Database (1); Site Prioritization Matrix (1); New and/or Updated PAQs (16)
Task 3 – Environmental Site Assessments (ESAs)	
i.	Project Implementation: Upon receiving eligibility approval and access from property owners, approximately 10 Phase I ESAs will be conducted beginning with priority sites. The number of ESAs will be determined during the inventory process. Time and costs for Phase I ESAs are contingent upon property size, existing improvements, past uses, and extent of known or suspected Recognized Environmental Conditions (RECs). Based on Phase I ESA results, sites will be chosen for Phase II ESAs, which include (a) project work plans, i.e., generic Quality Assurance Project Plan (QAPP), site specific Health and Safety Plans (HASPs), and Sampling and Analysis Plans (SAPs); (b) soil and groundwater sampling; (c) lab analyses and data validation; and (d) summary reports with recommendations for further action, if warranted. Grant-funded activities: Contractual costs for assessments, work plans, and reports. Non-EPA funded activities: In-kind staff time for oversight, coordination with property owners, and review of work products prior to submittal to EPA.

ii. Anticipated Project Schedule: Phase I ESAs: Months 6 – 34; Phase II ESAs: Months 6 – 35
iii. Task / Activity Lead: QEP with AOR oversight, assistance with property owner coordination and review/approval of work products.
iv. Outputs: Phase I ESA Reports (10); Phase II ESA Reports (3); Phase II ESA Planning Documents (7 Total): Generic QAPP (1), HASPs (3) and SAPs (3)
Task 4 – Preliminary Planning for Remediation and/or Redevelopment
i. Project Implementation: For some sites addressed through Phase II ESAs, preliminary remediation plans (Analyses of Brownfields Clean-Up Alternatives or ABCAs) and associated cost estimates will be prepared to review alternatives for further environmental investigation and/or remediation, if warranted. Staff and QEP will also work with stakeholders to conduct preliminary redevelopment planning for selected target areas and/or specific sites to explore best reuse and economic potential of assessed sites. This may include reuse plans, marketing/feasibility studies, master plans, infrastructure evaluations, and conceptual development plans. Grant-funded activities: QEP costs for remediation and redevelopment plans. Non-EPA funded activities: In-kind staff time for oversight, coordination with property owners and community partners and review/approval of work products.
ii. Anticipated Schedule: Months 6 to 36.
iii. Task / Activity Lead: QEP with AOR oversight, assistance with property owner coordination and community input, and review/approval of work products.
iv. Outputs: Site-Specific ABCA (1); Site-Specific Redevelopment Plans / Studies for priority sites (3); Area-Wide Revitalization Plans / Study for target area (1)

3.b. Cost Estimates:

TASK ➡ CATEGORY ↓	1 Oversight / Community Engagement	2 Inventory / Prioritization / Access	3 Environmental Site Assessments*	4 Remediation / Redevelopment Planning	TOTAL
Travel	\$4,500	\$0	\$0	\$0	\$4,500
Supplies	\$500	\$0	\$0	\$0	\$500
Contractual	\$12,000	\$9,000	\$184,000	\$90,000	\$295,000
GRANT TOTAL	\$17,000	\$9,000	\$184,000	\$90,000	\$300,000

*Includes Phase I and II ESAs and Quality Assurance Documents / Work Plans (QAPP, HASPs, SAPs)

3.b.i. Development of Cost Estimates:¹⁴ Based on anticipated outputs for each task, cost estimates were developed on a per year, per quarter, per event or per site basis as follows:

Task 1 – Administration / Community Engagement – \$17,000 Total Budget:
(a) Travel – \$4,500 Total (Direct Expense) – Average travel expenses for 1 staff person to attend 2 national brownfields conferences @ \$1,500 per event (including registration, airfare, lodging and meals) and for 2 staff persons to attend 2 state or regional conferences @ \$375 per person per event (including registration, lodging and meals).
(b) Supplies – \$500 Total (Direct Expense) – Advertisement and printing for 4 community-wide and/or site-specific events estimated @ \$125 per event.
(c) Contractual – \$12,000 Total – QEP assistance estimated at \$500 per quarter (\$2,000 per year / \$6,000 total) for reporting/grant administration assistance and \$500 per quarter (\$2,000 per year / \$6,000 total) for community engagement assistance including development of communication materials.

¹⁴3.b.ii. – Application of Cost Estimates: Cost estimates provided are intended to achieve primary goals/outcomes of program. Direct costs are based on reasonable estimates for travel and supplies on a per event basis. Contractual costs are based on typical average costs for assistance provided by QEP with experience and expertise to carry out technical activities and prepare compliant reports/planning documents based on similar commercial and industrial sites in our geographic area.

3.b.iii – Funds Allocated Toward Environmental Site Assessments: Budget includes allocation of **>61% toward site assessments** and **30% toward remediation and redevelopment planning** (Threshold Criteria – Other Considerations Checklist).

Task 2 – Inventory / Prioritization / Access Coordination – \$9,000 Total – Contractual:
(a) Develop and maintain GIS brownfields site inventory mapping/database and prepare site prioritization matrix estimated @ \$3,000 total.
(b) Site access coordination assistance, preparation and submittal of new or updated PAQs @ \$500 per quarter (\$2,000 per year / \$6,000 total).
Task 3 – Environmental Site Assessments (ESAs) – \$184,000 Total – Contractual
(a) Phase I ESAs – Ten (10) @ \$5,000 average – \$50,000 Total
(b) Phase II ESAs – Three (3) @ \$40,000 average – \$120,000 Total
(c) Project Work Plans – Seven (7) plans – \$14,000 Total, as follows:
• Generic Quality Assurance Project Plan – 1 @ \$5,000
• Site-Specific Health and Safety Plans (HASPs)* – 3 @ \$1,500 average – \$4,500 Total
• Site-Specific Sampling and Analysis Plans (SAPs)* – 3 @ \$1,500 average – \$4,500 Total
*Note: HASPs and SAPs will be combined into single report submittal.
Task 4 – Remediation / Redevelopment Plans – \$90,000 Total – Contractual
Based on site conditions following assessment, Staunton anticipates completing approximately five (5) planning documents estimated as follows:
(a) Preliminary Site Remediation Plan (ABCA) – 1 @ \$15,000
(b) Site-Specific Redevelopment/Reuse Plans/Studies – 3 @ \$15,000 average – \$45,000 total
(c) Area-Wide Redevelopment Plans/Studies – 1 @ \$30,000

3.c. Measuring Environmental Results: To maintain progress throughout the grant period, the QEP will prepare *monthly reports to the City and BRAG* in compliance with the approved *EPA Cooperative Agreement Work Plan*, which will summarize activities, e.g., milestones achieved, issues encountered, and budget/schedule updates. These will be used to gauge progress, communicate with constituents and prepare quarterly performance reports. Updates will be reported upon implementation and completion of each site-related task in *EPA's ACRES database*, and the City will provide ongoing and post-grant information describing outcomes and benefits of the funding, including additional funds leveraged, jobs created, acres made ready for redevelopment, private investment and tax revenue generated through the program.

4. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

4.a. Programmatic Capability

4.a.i / 4.a.ii Organizational Structure / Description of Key Staff: The City has the organizational structure and staff capability to successfully administer the grant with key staff noted below:

AUTHORIZED ORGANIZATIONAL REPRESENTATIVE (AOR): William L. "Billy" Vaughn, Director of Community & Economic Development - With over 40 years of local and regional government experience, Billy has served as Director of Community & Economic Development since 2014, overseeing community development, economic development, engineering, building services and planning divisions. He has served on the Staunton School Board, the City Planning Commission, and the Shenandoah Valley Partnership, a regional development agency.
ECONOMIC DEVELOPMENT / PLANNING: Amanda DiMeo, Economic Development Specialist - A 2002 graduate of Mary Baldwin University in Staunton, Amanda has served with the City for over 16 years. She will assist Billy and the project team with grant administration, community outreach and education, events planning and overall program communications.
FINANCIAL: Phil M. Thayer, Chief Financial Officer (CFO) , will assist with project accounting and financial reporting. With over 32 years of public administration / financial experience, Phil is the City's principal budgetary control officer who oversees local tax collections, manages all City accounts and prepares Staunton's almost \$150 million annual budget.
TECHNICAL: John Glover, Building Official / Flood Plain Administrator will assist with technical reviews of environmental reports and redevelopment plans. John has been with the City for over 25 years, 20 years as building official, and has served as erosion and sediment control administrator, fire official and zoning administrator.

4.a.iii. Acquiring Additional Resources: Staunton will rely on a ***Qualified Environmental Professional (QEP)*** with appropriate expertise and resources to carry out the technical aspects of its program. To obtain high quality services at reasonable cost, the City will follow its competitive negotiation policies and procedures, which will be conducted in a fair and impartial manner in compliance with Federal Code 40 CFR 31.36 and the Virginia Public Procurement Act (VA Code, Chapter 43, Title 2.2) for QEP selection. Beginning with advertisement of a request for qualifications and proposals, followed by interviews with top candidates if needed, staff will score applicants and make recommendations to the City Council for approval to negotiate a contract with a qualified candidate. Applicable EPA solicitation clauses will be incorporated into the City's solicitation and contract executed with the selected QEP.

4.b. Past Performance and Accomplishments

4.b.ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non- Federal Assistance Agreements

(1) Purpose and Accomplishments: Staunton has managed assistance agreements from multiple federal, regional, and state resources, including HUD, Federal Highways (VDOT), VEDP, and VDEQ. As most representative of the current project, a multi-phased project to develop Staunton Crossing has been underway at the old Western State Hospital (WSH) campus since the City's acquisition of the site in 2009. Several activities necessary for the orderly development of the site have been accomplished including construction of Crossing Way, a 4-lane entrance boulevard (***\$1.8M VDOT Revenue Sharing Project, awarded in 2011***), which included relocation of a State Police building that stood near the entrance of the property. As a result, Phase I of the project, known as Staunton Crossing Center, was completed in 2017 and now features two new hotels opened in 2018 with plans for additional general commercial use fronting Richmond Road with food venues, retail, a gas station and office buildings. Phase II of Staunton Crossing provides for mixed-use with retail, office, and multi-family residential. Using an ***\$8.7 million VDOT SmartScale grant awarded in 2018***, the City will extend Crossing Way through the remainder of the site to complete Phase II, which includes a Park and Ride facility, electric vehicle charging stations, sheltered bus stop and multi-use path and is expected to be complete by 2025. Phase III is currently underway utilizing City capital plan funds to leverage a ***\$431,200 VBAF Remediation Grant awarded in 2019*** for asbestos abatement and demolition of several remaining large WSH buildings to ready the remaining 105 acres for light industrial and research and development use.

Staunton was also awarded a ***\$50,000 VBAF Assessment grant in 2012*** for the former Robert E. Lee High School property in West End, which was subsequently renovated and converted to a senior housing facility. Environmental studies associated with the project included Phase I and II ESAs to evaluate environmental conditions of the site and provide recommendations for management of impacted fill material near Peyton Creek prior to handling and removal. The environmental assessments were completed in August 2012. The school property was preserved through adaptive reuse as market-rate senior housing with transformation of former classrooms into 62 apartments and community spaces now serving as an epicenter of activity for the senior population.

(2) Compliance with Grant Requirements: As noted, the City has managed multiple federally funded projects and is fully capable of successfully completing all phases of work under this cooperative agreement. Under direction of the Finance Director, the City's Finance Department is responsible for administration and accounting of all grants received by the City. Primary responsibilities include administering and monitoring existing federal and state grants and grant expenditures. The City's Community and Economic Development staff will oversee grant administration and are familiar with and understand the necessity of developing work plans, creating and maintaining schedules, and assuring adherence to project terms and conditions. For the representative project identified above, all applicable site information, required administrative reports, design documentation, and final inspections were submitted in a timely manner and approved by funding and regulatory agencies with purview. Final project closeout was accomplished for these projects in compliance with all program requirements.