

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
April 8, 2021
5:00 p.m.**

- | | | |
|------------------|-------------------|--|
| 5:00 p.m. | | Mayor's Introductory Remarks |
| 5:05 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:10 p.m. | 2. | Joint Work Session—FY 2022 School Board Budget |
| 5:50 p.m. | 3. & D | Discussion of a Franchise Ordinance for Easement for Electrical Equipment and Facilities Across 500 North Augusta Street |
| 6:00 p.m. | | Break |
| 6:20 p.m. | 4. | Discussion of Authorization of Staunton Fire Marshal and Designee to Exercise Police Powers |
| 6:40 p.m. | 5. & E | Discussion of a Request by Staunton-Augusta-Waynesboro Habitat for Humanity for the Waiver of Fees Related to the Construction of Four New Homes on Stafford Street |
| 6:50 p.m. | 6. & F | Discussion of Uncodified Emergency Ordinance |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
April 8, 2021
7:30 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Dull

Mayor's Report

Proclamation—Child Abuse Prevention Month

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of March 25, 2021

Budget Work Session of April 1, 2021

REGULAR MEETING

- A. Public Hearing and Consideration of an Amendment to Allow Automobile Body Repair as a Use Permitted on Review in the B-2, General Business District***
- B. Public Hearing and Consideration of a Request for Special Use Permit to Allow Automobile Body Repair at 1310 Barterbrook Road***
- C. Public Hearing of an Ordinance to Establish a Budget for FY 2022 (July 1, 2021—June 30, 2022)***
- D. Public Hearing of a Franchise Ordinance for Easement for Electrical Equipment and Facilities Across 500 North Augusta Street***
- E. Consideration of a Request by Staunton-Augusta-Waynesboro Habitat for Humanity for the Waiver of Fees Related to the Construction of Four New Homes on Stafford Street**

- F. Consideration of Action Concerning Uncodified Emergency Ordinance**
- G. Discussion of Council Procedure Memoranda and Introductory Remarks Concerning Matters from the Public**

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.**

In addition, through 5:00 p.m. on Thursday, April 8, 2021, the public may also communicate comments to City Council by (i) emailing the Clerk of Council at publiccomment@ci.staunton.va.us, or (ii) calling the Clerk of Council at 540.332.3810. Voice mail messages are acceptable. A comment sent by email or voice mail must include full name and street address for the comment to be included in the public record.

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	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 Meeting, the addition/deletion of _____].

City Manager: Steven L. Rosenberg

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Rita S. Wilson Council Chambers
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CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	Dr. Garrett Smith Superintendent Steven L. Rosenberg City Manager
Item #	2	
Ordinance #		
Department:	City Council and School Board	
Council Vision:	Education Responsible, Efficient Government	
Subject:	Joint Work Session—FY 2022 School Board Budget	

Background: City Council and Staunton City School Board will meet in a joint work session to discuss the proposed FY 2022 Staunton City Schools budget. City Manager Steve Rosenberg, Assistant City Manager Leslie Beauregard, Chief Finance Officer Phil Trayer, Superintendent of Schools Garrett Smith, and Schools' Budget Manager Brad Wegner will also participate in the discussions.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	Staff Member: Lyle Hartt
Item #	3 & D	
Ordinance #		
Department:	Engineering	
Council Vision:	Responsive, Efficient Government Built Environment	
Subject:	Franchise Ordinance for Easement for Electrical Equipment and Facilities Across 500 North Augusta Street	

Background: The Central Avenue Streetscape Improvements Project is currently underway and will replace the existing concrete sidewalks with brick, add pedestrian safety improvements and historic-style lamp posts, and relocate the majority of overhead utilities to underground along North Central Avenue between West Frederick and Pump streets. At the northern end of the project, an existing utility pole at the northeast corner of Pump Street and North Central Avenue conflicts with proposed improvements and needs to be relocated. Virginia Electric Power Company (DBA Dominion Energy Virginia) (Dominion) owns this pole, and several utilities use it. To accommodate this pole relocation, Dominion has requested an easement across the corner of the property at 500 North Augusta Street, which is owned by the City of Staunton and was developed as and continues to be Fire Station 1. The proposed easement is approximately 55' in length and 30' wide.

The City has advertised and solicited bids for a potential 40-year easement to be granted to place electrical equipment and facilities across City-owned property located at 500 North Augusta Street as detailed in the attached franchise ordinance and form of right of way agreement (Attachment 1).

At Council's regular meeting, it is anticipated that, consistent with the provisions of Virginia Code §§ 15.2-2100 and 15.2-2101 (Attachment 2), the Mayor will open all bids, read them or a summary aloud, and conduct a public hearing, as properly noticed in *The News Leader* (Attachment 3). Council will then receive any preliminary recommendations from the staff relative to any bids. Bids will be further reviewed by staff subsequent to the regular meeting or as otherwise directed by Council. Council could adopt an ordinance, authorizing a franchise to the successful bidder, at the regular meeting or the next scheduled regular meeting.

Attachments:

Attachment 1—Draft Franchise Ordinance and Draft Right of Way Agreement

Attachment 2—Virginia Code §§ 15.2-2100 and 15.2-2101

Attachment 3—Notice of Invitation for and Public Opening of Bids and Public Hearing

City Manager's Recommendation: Recommend that, at the regular meeting, the Mayor (i) open all bids received for the easement franchise, (ii) read the bids or a summary of them, (iii) inquire if any other bids are offered, (iv) receive further bids if offered, (v) declare the bidding closed, (vi) conduct a public hearing, and (vii) award the franchise if only one bid is received or, alternatively, if more than one bid is received, take the matter under advisement until Council's next meeting on April 22, 2021.

Alternative Motions (to be made after the public hearing):

If only one bid is received:

I move that City Council adopt the franchise ordinance, as presented, granting to _____ a franchise for an easement to place electrical equipment and other facilities across City-owned property located at 500 North Augusta Street, as set forth in the ordinance and annexed franchise agreement.

If more than one bid is received: I move that Council continue this matter until its April 22, 2021 regular meeting, with staff to review the matter further for any other recommendations to Council to be made at that time when Council may adopt a proposed ordinance to grant the franchise under the conditions reflected in a finalized form of a franchise agreement.

City Manager: Steven L. Rosenberg

DRAFT 3.16.21

Ordinance No. 2021 - __

AN ORDINANCE

To grant to _____, a public service corporation doing business in the Commonwealth of Virginia (SCC# _____), its successors and assigns, under the Code of Virginia, the right, for the term and upon the conditions stated in this ordinance and incorporated agreement, an easement authorizing the placement and maintenance of its electrical equipment and facilities across 500 North Augusta Street, and for that purpose to use, erect, install, construct, repair, alter, add to, inspect, replace, reconstruct, maintain, or retain within the easement such poles, wires, cables, conductors, ducts, underground conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and, including but not limited to, above ground enclosures, markers, and concrete pads, or other related property, equipment, or fixtures as may be necessary, useful, or appurtenant to the electrical equipment and facilities, and to provide such services over the electrical equipment and facilities as may be lawfully allowed.

Recitals

A. By deed dated March 17, 1980, ("Deed") and recorded in Deed Book 231 Page 556, in the Clerk's Office of the Circuit Court of the City of Staunton, John A. Clem, III, Dorothy S. Clem, John A. Clem, IV, Lelia J. Clem, Richard C. Firebaugh and Kathryn A. Firebaugh conveyed unto the City of Staunton, a municipal corporation of the Commonwealth of Virginia all of that certain tract or parcel of land, together with all improvements thereon, and all rights, privileges and appurtenances thereunto belonging, situated in the City of Staunton, Virginia at the northwest corner of the intersection of North Augusta Street and Pump Street as shown and described on the "Map of L. Greif & Bro. Inc. Property" Staunton, Virginia, dated February 1, 1949, and revised April 21, 1949, made by W. A. Crawford, S.A.C., which map is recorded along with a document clarifying certain boundary lines, dated December 19, 1949 of record in the Clerk's office for the Circuit Court of the City of Staunton, Virginia in Deed Book 66, Page 379, and more particularly described in the Deed, a copy of which is annexed and incorporated by reference (**Exhibit A**).

B. The property was developed as and continues to be the location of Fire Station 1;

C. As work continues on the Central Avenue Streetscape Project through the Virginia Department of Transportation Enhancement Program, Virginia Electric and Power Company (DBA Dominion Energy Virginia) has requested a utility easement across a portion of City-owned property located at 500 North Augusta Street in the form of a Right of Way Agreement (Agreement), annexed and incorporated by reference (**Exhibit B**);

DRAFT 3.16.21

47 **D.** Consistent with Chapter II, Section 11, of the City Charter, Staunton City
48 Code § 2.10.180 and the provisions of Virginia Code Sections §§ 15.2-2100, 15.2-2101,
49 the City may grant easements for a period not longer than forty years;
50

51 **E.** Pursuant to § 15.2-2101(A) of the Code of Virginia, before granting any
52 franchise, privilege, lease or right of any kind to use any public property described in §
53 15.2-2100 or easement of any description, for a term in excess of five years, except in the
54 case of and for a trunk railway, the city or town proposing to make the grant shall advertise
55 a descriptive notice of the ordinance proposing to make the grant once a week for two
56 successive weeks in a newspaper having general circulation in the city or town;
57

58 **F.** This matter was properly advertised once a week for two successive weeks
59 in the *Staunton News Leader* on March 24, 2021 and March 31, 2021;
60

61 **G.** The Staunton City Council, at its April 8, 2021 meeting, conducted an
62 opening of any bid(s);
63

64 **H.** The Staunton City Council conducted a public hearing on April 8, 2021 on
65 the proposed ordinance and Agreement and any bid(s);
66

67 **I.** The provisions of Virginia Code § 15.2-2100 and Staunton City Code §
68 2.10.180 require a recorded affirmative vote of three-fourths of all the members elected to
69 Council to grant, lease, sell or otherwise dispose of public property;
70

71 **J.** These recitals are deemed an integral part of this ordinance.
72

73 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of
74 Staunton, Virginia, that it authorizes the grant and conveyance of the utility easement as
75 contemplated in the proposed Agreement, for a term not to exceed forty years; and
76

77 **BE IT FURTHER ORDAINED** that the City Manager of the City of Staunton,
78 Virginia, is authorized to make minor modifications to the Agreement and to execute such
79 proposed instrument on behalf of the City of Staunton, Virginia, as advised by the City
80 Attorney of the City of Staunton, Virginia, and take all other reasonable actions in
81 exchange for full execution by the other parties and receipt by the City of Staunton,
82 Virginia, in a form satisfactory as determined in the sole discretion of the City Attorney.
83

84
85 Introduced:

86 Adopted:

87 Effective Date:
88
89
90
91
92

Andrea W. Oakes, Mayor

DRAFT 3.16.21

93 ATTEST: _____
94 Morgan Smith
95 Interim Clerk of Council
96
97

DRAFT



Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this _____ day of _____, 2021, by and between

CITY OF STAUNTON VIRGINIA, A MUNICIPAL CORPORATION

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Energy Virginia, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon, above and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend THIRTY (30) feet in width across the lands of **GRANTOR**; and

1.2 to construct, operate and maintain a pole line including, without limitation, all wires, poles, attachments, ground connections, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time deem advisable, equipment, accessories and appurtenances desirable in connection therewith, including the right to increase or decrease the number of wires; the width of said non-exclusive easement shall extend THIRTY (30) feet in width across the lands of **GRANTOR**.

Initials: _____

This Document Prepared by Virginia Electric and Power Company and should be returned to:
Dominion Energy Virginia, 1719 Hydraulic Road Charlottesville VA 22901 .

(Page 1 of 5 Pages)

VAROW No(s). 82-20-0167

PIN 9153

Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in City of Staunton, Virginia, as more fully described on Plat(s) Numbered 82-20-0167, attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on and within the easement area, including but not limited to the airspace above the property controlled by **GRANTOR**, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: _____

(Page 2 of 5 Pages)

VAROW No(s). 82-20-0167

Right of Way Agreement

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE's** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE's** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE's** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE's** exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: _____

(Page 3 of 5 Pages)

VAROW No(s). 82-20-0167

Right of Way Agreement

11. **GRANTOR** covenants that it is seized of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that **Grantor** is a municipal corporation of the Commonwealth of Virginia and that he or she has been duly authorized to execute this easement on behalf of said **GRANTOR**.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, **GRANTOR** has caused its name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

City of Staunton, Virginia, a Municipal Corporation

By: _____

Name (print): _____

Title: _____

State of Virginia
City of Staunton, to-wit:

I, _____, a Notary Public in and for the State of Virginia at Large, do
hereby certify that this day personally appeared before me in my jurisdiction aforesaid

_____, _____, of the City of Staunton, Virginia, a
(Name of officer or agent) (Title of officer or agent)

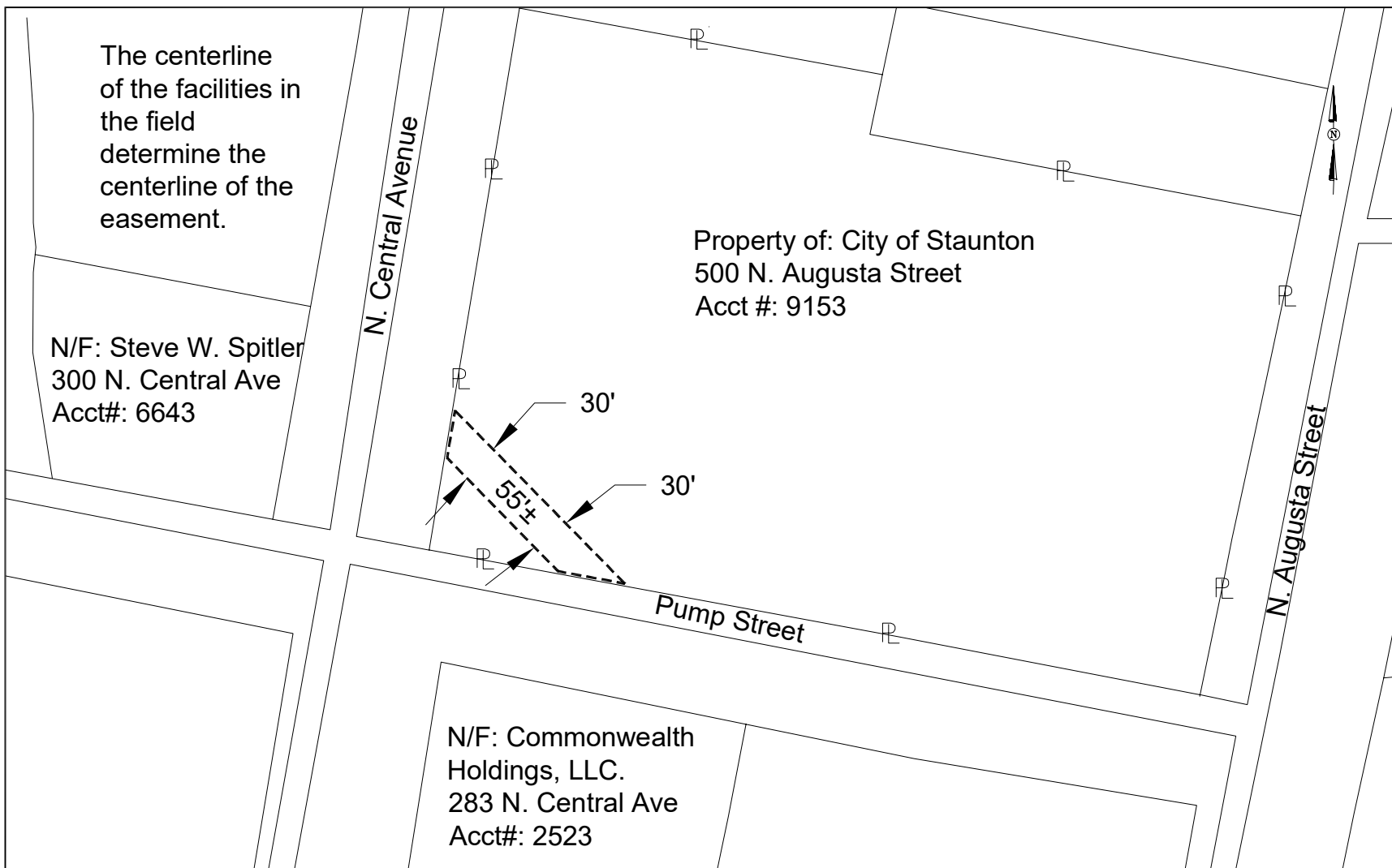
Municipal Corporation, whose name is signed to the foregoing writing, acknowledged the same before me
this _____ day of _____, 2021.

Notary Public (print name)

Notary Public (signature)

Virginia Notary Reg. No. _____

My Commission Expires: _____



LEGEND — — — Location of Boundary Lines of Right-of-Way 15'/30'in Width. — PL — Indicates Property Line is Right-of-Way Boundary.	District Blue Ridge		Scale NTS	PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia OWNER INITIALS _____	OH/UG Page 5 of 5	
	District-Township-Borough City of Staunton		County-City City of Staunton			State VA
	Office Blue Ridge		Plat Number 82-20-0167			
	Work Request Number 10328649		Grid Number F1031			
DATE 12/4/20	BY J. Bugg					

Code of Virginia

Title 15.2. Counties, Cities and Towns

Subtitle II. Powers of Local Government

Chapter 21. Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities

Article 1. Franchises; Sale and Lease of Certain Public Property

§ 15.2-2100. Restrictions on selling certain municipal public property and granting franchises

A. No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to the council, notwithstanding any contrary provision of law, general or special, and under such other restrictions as may be imposed by law. Notwithstanding any contrary provision of law, general or special, in case of a veto by the mayor of such an ordinance, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council to override the veto.

B. No franchise, lease or right of any kind to use any such public property or any other public property or easement of any description, in a manner not permitted to the general public, shall be granted for a period longer than forty years, except for air rights together with easements for columns for support, which may be granted for a period not exceeding sixty years.

Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor, in such manner as is provided by § 15.2-2102, and shall then act as may be required by law.

Such grant, and any contract in pursuance thereof, may provide that, upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation become the property of the city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise. Any such plant or property acquired by a city or town may be sold or leased or, if authorized by general law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for and shall make adequate provisions by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

C. Any additional restriction now required in any existing municipal charter relating to the powers of cities and towns in selling or granting franchises or leasing any of their property is hereby superseded; however, nothing herein contained shall be construed as affecting the term of any existing franchise, lease or right. The requirement of an affirmative three-fourths vote of council shall apply only to the sale of the listed properties and not to their franchise, lease or use.

D. The provisions of this section shall only apply to cities or towns and shall not apply to counties or other political subdivisions.

Code 1950, § 15-727; 1962, c. 623, § 15.1-307; 1971, Ex. Sess., c. 64; 1997, c. 587; 2001, c. 498.

The chapters of the acts of assembly referenced in the historical citation at the end of this

section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia

Title 15.2. Counties, Cities and Towns

Subtitle II. Powers of Local Government

Chapter 21. Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities

Article 1. Franchises; Sale and Lease of Certain Public Property

§ 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised

A. Before granting any franchise, privilege, lease or right of any kind to use any public property described in § 15.2-2100 or easement of any description, for a term in excess of five years, except in the case of and for a trunk railway, the city or town proposing to make the grant shall advertise a descriptive notice of the ordinance proposing to make the grant once a week for two successive weeks in a newspaper having general circulation in the city or town. The descriptive notice of the ordinance may also be advertised as many times in such other newspaper or newspapers, published outside the city, town or Commonwealth, as the council may determine. The advertisement shall include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the city or town council.

B. The advertisement shall invite bids for the franchise, privilege, lease or right proposed to be granted in the ordinance. The bids shall be in writing and delivered upon the day and hour named in the advertisement and shall be opened in public session and marked for identification by the person designated in the advertisement to receive such bids. The cost of the required advertisement shall be paid by the city or town which shall be reimbursed by the person to whom the grant is made. The city or town shall have the right to reject any and all bids and shall reserve this right in the advertisement.

Code 1950, §§ 15-728, 15-729; 1962, c. 623, §§ 15.1-308, 15.1-309; 1971, Ex. Sess., c. 64; 1983, c. 138; 1997, c. 587; 2001, c. 498.

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

DRAFT 3.16.21

1 NOTICE OF INVITATION FOR AND PUBLIC OPENING OF BIDS AND
2 PUBLIC HEARING FOR GRANT OF
3 UTILITY EASEMENT
4 IN THE CITY OF STAUNTON
5 TO PLACE ELECTRICAL EQUIPMENT AND OTHER FACILITIES
6 ACROSS CITY-OWNED PROPERTY
7
8
9

10 Notice is hereby given of the invitation for and the receipt and for the opening of bids and public
11 hearing on a potential 40-year easement to be granted by the following referenced ordinance to be
12 considered by the Staunton City Council at its regular meeting, in the Council Chambers on April 8, 2021
13 at 7:30 p.m. This notice is occasioned by the request of Virginia Electric and Power Company (DBA
14 Dominion Energy Virginia) to be granted a utility easement to place electrical equipment and other
facilities across City-owned property located at 500 North Augusta Street.

15 After the Mayor or other presiding officer of City Council receives and opens and reads aloud
16 such bids, the Council will proceed with the continued consideration of the granting of the proposed
17 easement in the mode prescribed by law and will conduct a public hearing.

18 All bids must be in writing and shall include reference to the City's preferred form of any
19 proposed agreement. All bids must be submitted by not later than 5:00 p.m., local time, April 7, 2021, to
20 the office of the Clerk of Council, 116 W. Beverley St., 1st Floor, Staunton, VA 24401. The right is hereby
21 expressly reserved to reject any and all bids and to proceed as prescribed by law, as may be permitted by
22 law. A descriptive notice of the proposed franchise ordinance, including the full text of this advertised
23 notice, includes the foregoing and following:

24 To grant to _____, a public service corporation doing business in
25 the Commonwealth of Virginia (SCC# _____), its successors and
26 assigns, under the Code of Virginia, the right, for the term and upon the conditions
27 stated in this ordinance and incorporated agreement, an easement authorizing the
28 placement and maintenance of its electrical equipment and facilities across 500 North
29 Augusta Street, and for that purpose to use, erect, install, construct, repair, alter, add
30 to, inspect, replace, reconstruct, maintain, or retain within the easement such poles,

DRAFT 3.16.21

wires, cables, conductors, ducts, underground conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and, including but not limited to, above ground enclosures, markers, and concrete pads, or other related property, equipment, or fixtures as may be necessary, useful, or appurtenant to the electrical equipment and facilities, and to provide such services over the electrical equipment and facilities as may be lawfully allowed.

The proposed ordinance is authorized by, among other considerations, the Staunton City Charter, Chapter II, Section 11; Staunton City Code § 2.10.180; and by Virginia Code Sections §§ 15.2-2100, 15.2-2101.

A true and complete copy of the proposed ordinance and form of agreement, including all of its terms and conditions, is on file and available for inspection during normal working hours at the office of the Clerk of Council.

All persons wishing to be heard at the public hearing are invited to attend. Persons with hearing loss or speech impairment desiring to attend the public hearing may contact the Interim Clerk of Council by email at smithmc@ci.staunton.va.us to request an interpreter.

This meeting, although to be conducted in-person, will also be conducted by Zoom, with virtual or remote participation of certain members of City Council and by telephone for remote participation by members and the public in the public hearing, 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 will be held consistent with City Council Ordinances 2020-04 and 2020-24, which can be accessed online at: www.staunton.va.us/cogord2020-04 and <https://www.ci.staunton.va.us/home/showdocument?id=9758> respectively. The proceedings will be streamed online at <http://streaming.ci.staunton.va.us:8000/> and broadcast on local cable channel 7.

***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.**

In addition, through 5:00 p.m. on Thursday, April 8, 2021, the public may also communicate comments to City Council by (i) emailing the Clerk of Council at publiccomment@ci.staunton.va.us, or (ii) calling the Clerk of Council at 540.332.3810. Voice mail messages are acceptable. A comment sent by email or voice mail must include full name and street address for the comment to be included in the public record.

Clerk of Council

Please publish twice on Thursday, March 25, 2021 and Thursday April 1, 2021 as a boxed ad in the classified “Legal Notice” section of the paper.

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	Vice Mayor Mark Robertson
Item #	4	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Authorization of Staunton Fire Marshal and Designee to Exercise Police Powers	

Background: At the request Vice Mayor Mark Robertson, this item has been added to Council's work session agenda for April 8, 2021, for discussion.

Under state law (see Attachment 1), City Council may authorize the City's fire marshal, and the fire marshal's designee, to exercise the same police powers as a sheriff, police officer or law-enforcement officer, including use of a firearm. State law requires that individuals so authorized complete a course for fire marshals with police powers, designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, and approved by the Virginia Fire Services Board.

With such authorization, the fire marshal and the fire marshal's designee would have all responsibility for the investigation and prosecution of:

- all offenses involving hazardous materials, fires, fire bombings, bombings,
- attempts or threats to commit such offenses,
- false alarms relating to such offenses, and
- possession and manufacture of explosive devices, substances and fire bombs.

Presently, responsibility is shared and coordinated between the Police Department and the Fire-Rescue Department, as described in the email attached as Attachment 2.

If Council desires to take action to grant such authority to the fire marshal and the fire marshal's designee, it would do so by adoption of a resolution in the form attached as Attachment 3. Additionally, it is contemplated that the Police and Fire-Rescue departments would enter into a memorandum of understanding addressing, among other issues, adherence of the authorized individuals to the use of force and reporting use of force policies of the Police Department.

Fire-Rescue Chief Scott Garber and Police Chief Jim Williams will be available during Council's work session to answer Councilmembers' questions. If Council indicates an intention to proceed, the matter could be briefed fully, with the resolution presented for Council consideration at its meeting on April 22, 2021.

Attachments:

Attachment 1— Virginia Code § 27-34.2:1

Attachment 2— Email dated January 22, 2021, from City Manager Steve Rosenberg to Vice Mayor Mark Robertson

Attachment 3— Draft Resolution Authorizing the Staunton Fire Marshal and Designees to Exercise Police Powers

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

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

§ 27-34.2:1. Police powers of fire marshals

In addition to such other duties as may be prescribed by law, the local fire marshal and those assistants appointed pursuant to § 27-36 designated by the fire marshal shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the same police powers as a sheriff, police officer or law-enforcement officer. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs shall be the responsibility of the fire marshal or his designee, if authorized by the governing body of the county, city or town appointing the local fire marshal. The police powers granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a course for fire marshals with police powers, designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which course shall be approved by the Virginia Fire Services Board.

In addition, fire marshals with police powers shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which courses shall be approved by the Virginia Fire Services Board.

1977, c. 209; 1979, c. 446; 1984, c. 779; 1986, c. 60; 1988, c. 65; 2000, cc. 39, 390.

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

Steve Rosenberg

From: Steve Rosenberg
Sent: Friday, January 22, 2021 4:20 PM
To: Mark A. Robertson
Cc: Amy G. Darby; Andrea W. Oakes; Brenda O. Mead; Carolyn W. Dull; Mark A. Robertson; Stephen W. Claffey; Terry Holmes; Leslie M. Beauregard; Jim Williams; Scott Garber; Douglas L. Guynn; Robin S. Wallace
Subject: Law Enforcement Authority of Fire Marshal

Mark:

Thank you for your inquiry concerning the law enforcement authority of the city's fire marshal. Given the likely interest of other council members in the subject, I have copied them on this email.

Your inquiry gave me a chance to review the issue and refresh my memory, and to consult with Fire Chief Scott Garber and Police Chief Jim Williams.

It seems to me the issue is addressed, at least partly, by Virginia Code § 27-34.2:1, which you can find at <https://law.lis.virginia.gov/vacode/title27/chapter3/section27-34.2:1/>. This state code provision authorizes city council to vest the local fire marshal with the same police powers as a sheriff, police officer or law enforcement officer (in addition to investigatory authority specific to a fire marshal).

With your inquiry, I scheduled a meeting with Chief Garber and Chief Williams. During our meeting, earlier this week, the chiefs recalled that the last significant discussion of this issue occurred some three years ago, when Steve Owen was city manager. At that time, Mr. Owen and the chiefs agreed to an arrangement, under which police personnel would receive training in fire investigations and make themselves available to assist the fire marshal with such investigations. This arrangement, it was understood, would eliminate any need to pursue law enforcement authority of the fire marshal.

I understand from Chief Williams that Sgt. Butch Shifflett subsequently attended an appropriate training program and has since provided investigatory assistance to the fire marshal. While Sgt. Shifflett has recently been reassigned from the police department's investigations unit to serve as the department's public information officer, he remains available to provide assistance and, also according to Chief Williams, may even have additional capacity with his change in duties. Further, Chief Williams intends to arrange for another police officer to receive the appropriate training.

Both chiefs expressed to me that the current arrangement—which leaves all city employees with law enforcement authority under the unified command of the police chief—essentially works well. We had an open dialogue concerning a couple of recent exceptions and agreed to make a renewed commitment to the current arrangement and the cooperation it requires.

With this background and review, at the present time, I do not believe it is operationally necessary to recommend action by city council to provide police powers to the fire marshal. If I become aware of a change in circumstances or reason to see this differently, I'd be pleased to have further conversations and to reconsider, and will so advise council.

Steve

Steve Rosenberg
City Manager
City of Staunton, VA

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

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON
AUTHORIZING THE STAUNTON FIRE MARSHAL AND DESIGNEES
TO EXERCISE POLICE POWERS**

Recitals

A. Pursuant to Virginia Code Section 27-34.2:1, the Staunton City Council is vested with the authority to grant the fire marshal the same police powers as a law-enforcement officer;

B. Virginia Code Section 27-34.2:1 provides that the fire marshal may designate assistant fire marshals to exercise the law-enforcement officer police powers authorized by the City Council;

C. Individuals may exercise police powers pursuant to Virginia Code Section 27-34.2:1 only upon satisfactory completion a course for fire marshals with police powers designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services and approved by the Virginia Fire Services Board; and

D. It would serve the City's and City Council's interests for City Council to authorize the Staunton Fire Marshal and the Fire Marshal's designees to exercise police powers.

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that on a continuing basis, without further action of City Council, it authorizes the Staunton Fire Marshal to exercise police powers upon the satisfactory completion of a course for fire marshals with police powers designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services and approved by the Virginia Fire Services Board.

AND, BE IT FURTHER RESOLVED that the Staunton Fire Marshal, with the concurrence of the Staunton City Manager, may designate assistant fire marshals to exercise law-enforcement police powers upon satisfactory completion of a course for fire marshals with police powers designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services and approved by the Virginia Fire Services Board.

Adopted this 25th day of March, 2021.

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Andrea W. Oakes, Mayor

Attest: _____
Morgan Smith
Interim Clerk of Council

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	Staff Members: Billy Vaughn Jeff Johnston
Item #	5 & E	
Ordinance #		
Department:	Community Development Public Works	
Council Vision:	Built Environment Inclusiveness	
Subject:	Request by Staunton-Augusta-Waynesboro Habitat for Humanity for the Waiver of Fees Related to the Construction of Four New Homes on Stafford Street	

Background: By electronic mail dated March 9, 2021 (attached), Staunton-Augusta-Waynesboro Habitat for Humanity ("Habitat") has requested the waiver of fees associated with the construction of four new single-family homes on lots at 18, 22, 26 and 30 Stafford Street. The houses will be built for low-moderate income families. Habitat homes are provided to families with a "no interest" or "zero equivalent" loan based on the appraised value of the home. This makes home-ownership affordable for many people in our community who would otherwise not be able to afford a conventional mortgage. The Habitat program relies on donations of time and materials, but also requires "sweat equity" from the families chosen for homes. Since Habitat's inception locally in 1993, the organization has built 76 new homes and completed critical home repairs on 42 homes in Staunton.

As set forth in the Staunton City Code Sections 13.15.060(1)(d), 13.40.030(1)(d) and 15.10.120(3), a single-family residential project may be considered by City Council on a case-by-case basis for exemption from water and sewer connection fees and building permit fees upon satisfaction of the following criteria:

- The project is on property in the city of Staunton, is owned by the organization, and the organization has a 501(c)(3) exemption recognized by the Internal Revenue Service;
- The project provides home ownership to residents within the City of Staunton, classified as low- and moderate-income individuals, as defined by current HUD Section 8 income standards; and
- The organization administering the program requires the homeowner(s) to contribute a minimum of 200 hours in the construction of the subject single-family residence or being constructed by the organization for others.

Having reviewed the applicable criteria, staff notes the following, in part based on submissions to the City by Habitat:

Habitat is recognized by the Internal Revenue Service (IRS) as a 501(c)(3) organization. The IRS determination letter is attached.

Habitat makes all reasonable efforts to serve families whose incomes do not exceed 60 percent of the area median income (AMI), as defined by the U.S. Department of Housing and Urban Development, but will accept applicants making up to 80 percent of AMI. Habitat performs appropriate due diligence in determining the applicant's ability to pay and creditworthiness through income verification, credit reporting, and assessment of all other household debt; projected utility costs; and other costs directly associated with the ownership of their home. Habitat's Director of Family Partnerships will always be a qualified loan originator and responsible for conducting these initial financial assessments. Providing there are no obvious disqualifiers, they will forward the application to Habitat's Family Partnership Committee for review and recommendation.

Habitat requires 200 hours of sweat equity per household adult, including 100 hours in construction. Appropriate and necessary accommodations are made for individuals with physical limitations in accordance with the Americans with Disabilities Act. These hours are ideally all completed before the homeowner closes on and moves into the home. If needs dictate, the Habitat executive director is authorized to amend the homeowner partnership agreement to move up to 50 hours of sweat equity to post purchase, if the homeowner agrees. If the homeowner does not agree to terms, all hours must be completed prior to closing, as stated in the standard agreement. Other examples of objective criteria used to measure a prospective homeowner's willingness to partner with Habitat include attending a program orientation (either group or one-on-one), completion and return of application by agreed-upon deadlines, acceptance of down payment and closing costs (according to affiliate requirements), and completion of required educational classes and workshops. Habitat will also allow accepted applicants to decline a particular housing opportunity twice before they are dismissed from the program on the grounds of "failure to partner."

Based on the foregoing information, staff has determined that the request meets the applicable criteria. Staff will be prepared to provide an estimate of total fees to be waived, in the aggregate, at Council's work session.

Attachments:

Attachment 1— Request from Habitat for Humanity for Fee Waiver
Attachment 2— Internal Revenue Service Determination Letter
Attachment 3— Plat Showing Boundary Line Adjustments Between Lots C, D, and E, Bagby Plat & Lots J and H, Stafford Plat and the Deletion of Lot E, Bagby Plat, dated February 2, 2021, and prepared by Balzer & Associates

City Manager's Recommendation: Recommend approval of the request.

Suggested Motion: I move that City Council, pursuant to Staunton City Code Sections 13.15.060, 13.40.030, 13, and 15.10.120, approve the waiver of City-imposed water and sewer connection fees and building permit fees associated with the construction by Staunton-Augusta-Waynesboro Habitat for Humanity of single-family homes on Lots, C, D, H and J, as shown on the attached subdivision plat entitled "Plat Showing Boundary Line Adjustments" dated February 2, 2021, which has been approved by the City's subdivision agent.

City Manager: Steven L. Rosenberg

Leslie M. Beauregard

From: Brad Arrowood <Barrowood@sawhfh.org>
Sent: Friday, March 26, 2021 12:00 PM
To: Leslie M. Beauregard
Subject: RE: Utility Fee Waivers for 22, 26, and 30 Stafford Street.

Follow Up Flag: Follow up
Flag Status: Flagged

Leslie,

I would put the current numbers at 76 new homes, and 42 critical home repairs. The critical repairs number is only for the larger projects, like roofs- doesn't include the hundreds of smaller repairs.

Also, this request is for four addresses- 18, 22, 26, and 30 Stafford Street. We're not breaking ground on 18 yet, as we are still determining the house plan.

Brad Arrowood
Chief Operations Officer
Habitat for Humanity, Staunton-Augusta-Waynesboro
"Building and restoring homes, lives and communities through faith."
Offices in Staunton: 700 West Beverley Street
Restore in Staunton: 434 Richmond Ave
ReStore in Waynesboro: 252 Arch Ave.
Mailing: P.O. Box 3188, Staunton VA 24402-3188
Phone: 540-292-1998
sawhfh.org



If this email is acknowledging a gift, no goods or services were provided by the charity for this donation unless specified in this letter. All contributions are tax deductible to the extent allowable by law. We are a public charity and registered as a 501(c) 3 non-profit organization, EIN 54-1648901 HFHI Partner ID: 1458-7066. This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential and protected by law from unauthorized disclosure. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Leslie M. Beauregard <beauregardlm@ci.staunton.va.us>
Sent: Friday, March 26, 2021 11:37 AM
To: Brad Arrowood <Barrowood@sawhfh.org>
Cc: Leslie M. Beauregard <beauregardlm@ci.staunton.va.us>
Subject: FW: Utility Fee Waivers for 22, 26, and 30 Stafford Street.

Brad, would you please review this briefing? The part in yellow I would ask you to also update please.

Thanks!

Leslie Beauregard

Assistant City Manager, ICMA-CM
City of Staunton
116 W. Beverley St.
Staunton, VA 24401
(540) 332-3812

Web: www.staunton.va.us

Facebook: [City of Staunton](#)

Twitter: [@StauntonCityVA](#)



From: Leslie M. Beauregard <beauregardlm@ci.staunton.va.us>
Sent: Friday, March 26, 2021 11:29 AM
To: Leslie M. Beauregard <beauregardlm@ci.staunton.va.us>
Subject: FW: Utility Fee Waivers for 22, 26, and 30 Stafford Street.

From: Brad Arrowood <Barrowood@sawhfh.org>
Sent: Tuesday, March 9, 2021 3:05 PM
To: Leslie M. Beauregard <beauregardlm@ci.staunton.va.us>
Subject: Utility Fee Waivers for 22, 26, and 30 Stafford Street.

Leslie,

We are about to start work on new houses at 22, 26, and 30 Stafford Street. There is a plat going through the city right now, and I am going to submit building permit applications later this week. Could you please add us in to a Council meeting for this request?

I'm not sure about chapter and verse, but the fee waiver requirements are part of the Staunton City Code. You and I discussed it in an email thread around November 14th, 2019, if you still have the exchange.

Thank You

Brad Arrowood
Chief Operations Officer
Habitat for Humanity, Staunton-Augusta-Waynesboro
"Building and restoring homes, lives and communities through faith."
Offices in Staunton: 700 West Beverley Street
Restore in Staunton: 434 Richmond Ave
ReStore in Waynesboro: 252 Arch Ave.
Mailing: P.O. Box 3188, Staunton VA 24402-3188
Phone: 540-292-1998
sawhfh.org



If this email is acknowledging a gift, no goods or services were provided by the charity for this donation unless specified in this letter. All contributions are tax deductible to the extent allowable by law. We are a public charity and registered as a 501(c) 3 non-profit organization, EIN 54-1648901 HFHI Partner ID: 1458-7066. This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential and protected by law from unauthorized disclosure. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.



Help build it!

April 13, 2018

Staunton-Augusta-Waynesboro HFH
PO Box 3188
Staunton, VA 24402-3188

RE: 501(c)(3) Letter for Staunton-Augusta-Waynesboro HFH, Partner ID# 1458-7066

Dear Affiliate Leader:

This letter will confirm that Staunton-Augusta-Waynesboro HFH, with employer identification number 54-1648901, is considered a subordinate under the group tax exemption umbrella of Habitat for Humanity International, Inc. ("HFHI") under Section 501(c)(3) of the Internal Revenue Code.

The group exemption number assigned to HFHI by the IRS is 8545. This number may be provided to prospective donors, foundations and other grant organizations as they request it and is required on certain IRS forms.

Enclosed is a copy of the determination letter dated February 23, 2018, provided by the IRS as evidence of HFHI's tax exempt status as well as its group exemption. The determination letter, together with this letter, confirms Staunton-Augusta-Waynesboro HFH's subordinate status and provides evidence of its tax exempt status under Section 501(c)(3) of the Code.

In partnership,

Beverly Huffman

Director, US/Canadian Support Services Center
Habitat for Humanity International 877-434-4435

USSupportCenter@habitat.org · habitat.org | **Habitat. We build.**

Enclosure

Internal Revenue Service
P. O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: February 23, 2018

HABITAT FOR HUMANITY INTERNATIONAL INC.
HABITAT FOR HUMANITY INTRNL PARENT
% MICHAEL E CARSCADDON
270 PEACHTREE ST NW STE 1300
ATLANTA, GA 30303

Person to Contact: #0196814
Ms. Benjamin
Employer Identification Number:
91-1914868
Group Exemption Number:
8545

Dear Sir or Madam:

This is in response to your request dated January 10, 2018 for information about your tax-exempt status.

Our records indicate we issued a determination letter to you in January 1987, and that you're currently exempt under Internal Revenue Code (IRC) Section 501(c)(3).

We also recognized the subordinates on the list you submitted as exempt from federal income tax under IRC Section 501(c)(3).

For federal income tax purposes, donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106 and 2522.

Because IRC Section 170(c) describes your subordinate organizations, donors can deduct contributions they make to them.

Please refer to www.irs.gov/charities for information about filing requirements. Specifically, IRC Section 6033(j) provides that, if you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked on the filing due date of the third required return or notice.

In addition, each subordinate organization is subject to automatic revocation if it doesn't file a required return or notice for three consecutive years. Subordinate organizations can file required returns or notices individually or as part of a group return.

For tax forms, instructions, and publications, visit www.irs.gov or call 1-800-TAX-FORM (1-800-829-3676).

If you have questions, call 1-877-829-5500 between 8 a.m. and 5 p.m., local time, Monday through Friday (Alaska and Hawaii follow Pacific Time).

Sincerely yours,



Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements

IRS Group Exemption FAQs

The IRS refers to “central” or “parent” organizations, as well as “subordinate” organizations? What does these terms mean?

An organization that has been granted a 501(c)(3) group exemption by the IRS is referred to as the central or parent organization. The central organization generally supervises many affiliates or chapters, called subordinate organizations. The subordinate organizations have similar structures, purposes, missions and activities.

- ❖ In Habitat’s case, HFHI is the central organization and each Affiliate is a subordinate organization.

What is the reason for group exemptions vs individual exemptions?

Group exemptions are an administrative convenience for both the IRS and organizations with many affiliated organizations. Subordinates in a group exemption do not have to file, and the IRS does not have to process, separate applications for exemption. Instead, the IRS allows the central organization to include its subordinate organizations under its tax exempt “umbrella.”

- ❖ Group exemptions are more convenient because only one central organization (HFHI) needs to be checked for tax exempt status.

Who determines if a subordinate organization may be included under the central organizations’ group exemption?

The central organization, not the IRS, determines who is exempt under its 501(c)(3) umbrella. The IRS does not approve or deny a subordinate’s inclusion on HFHI’s roster of exempt subordinates. It is solely at the discretion of the central organization holding the 501(c)(3) designation as long as the subordinate is similar in mission, purpose, structure and activities. The IRS leaves it up to the central organization to police its own list of subordinate entities and to report any changes. Failure to monitor the list in accordance with the rules set forth by the IRS may result in the central organization having its 501(c)(3) status revoked.

- ❖ HFHI is the final determiner of whether Affiliates are on its group exempt list. The IRS will not issue a letter with regard to an individual Affiliate.

How does a donor verify that an organization is included as a subordinate in a group exemption ruling?

The central organization which holds the group exemption (rather than the IRS) determines which organizations are included as subordinates under its group exemption umbrella. Therefore, a donor should verify that an organization is a subordinate eligible to receive tax deductible donations by requesting a copy of a letter provided by the central organization to the subordinate confirming the subordinate entity's inclusion on its roster of exempt subordinates. This letter, coupled with a copy of the central organizations 501(c)(3) determination letter provides adequate proof of the entity's tax exempt status.

- ❖ Affiliate should provide donors a copy of the confirmation letter (with the HFHI IRS determination letter attached) that HFHI provides to each Affiliate on an annual basis.
- ❖ Donors should be told that the IRS determination letter will not reference the Affiliate by name.

How do donors verify that contributions are deductible with respect to a subordinate organization in a section 501(c)(3) group exemption ruling?

Many donors are accustomed to consulting the IRS database known as EOS Select Check to confirm that donations to a specific organization are tax deductible. This works well for organizations that have an individual tax exemption; however, it creates a bit of confusion when it comes to organizations with a group tax exemption status.

The EOS Select Check database does NOT list all subordinate entities. It lists the central organization because the central organization is the entity that applied for, and was granted, a 501(c)(3) designation. Many times donors become alarmed when they do not see the individual Affiliate listed in the database. It is important to explain to your donor that providing HFHI's group exemption number (GEN) along with a confirmation letter from HFHI, as the central organization, is sufficient proof of the subordinate entity's tax exempt status. Donors may rely upon central organization verification with respect to deductibility of contributions to subordinates covered in a section 501(c)(3) group exemption ruling.

- ❖ Explain to your donors early the procedure so that they will not be surprised when the Affiliate is not referenced on the EOS database.

Employer Identification Number (EIN) vs Group Exemption Number (GEN)

The Employer Identification Number (EIN) is a nine-digit number that is unique to each business and generally appears in the following format: XX-XXXXXXX. Its role for a business is similar to that of the Social Security number for an individual. The number includes information about which state the corporation is registered in. This unique identification number is assigned to a business entity so that they can easily be identified by the Internal Revenue Service. The EIN is also known as a Federal Identification Number (FIN) or Tax ID.

This number is apart and separate from a company's group exemption number (GEN). The EIN identifies the specific organization. The GEN identifies the entity's further designation as a tax exempt organization.

The GEN number is a number assigned by the IRS which identifies the central organization who was granted the group exemption. The GEN number is a 4 digit number that should be supplied to donors when they make a donation. This number allows the donor to make a tax deduction based on the donation to the tax exempt entity.

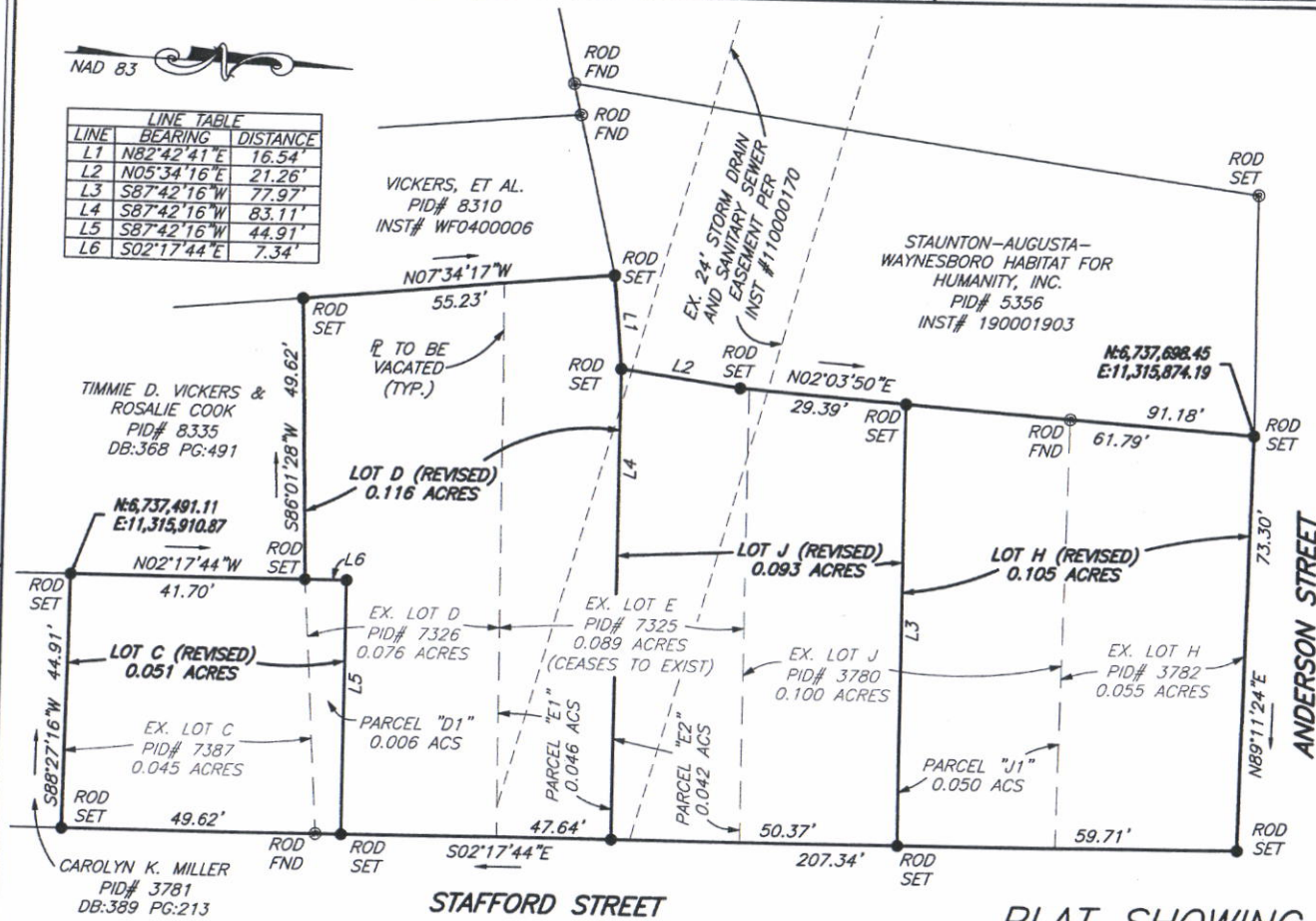
- HFHI's GEN is 8545. This should be given to your donors.
- Do not use HFHI's EIN in your Affiliate's tax return and other documents. This will cause the IRS to confuse your Affiliate with HFHI (including accidentally holding you responsible HFHI's payroll taxes, misreporting on Form 990, etc.)

❖ HFHI's GEN is 8545. This should be given to your donors.

❖ Do not use HFHI's EIN in your Affiliate's tax return and other documents. This will cause the IRS to confuse your Affiliate with HFHI (including accidentally holding you responsible HFHI's payroll taxes, misreporting on Form 990, etc.)

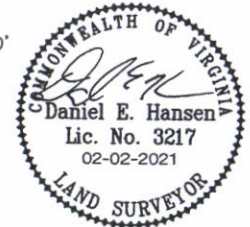
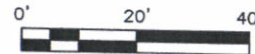
NAD 83

LINE	BEARING	DISTANCE
L1	N82°42'41"E	16.54'
L2	N05°34'16"E	21.26'
L3	S87°42'16"W	77.97'
L4	S87°42'16"W	83.11'
L5	S87°42'16"W	44.91'
L6	S02°17'44"E	7.34'



NOTES:

- 1) THIS PLAT REPRESENTS A CURRENT FIELD SURVEY.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.
- 3) THERE ARE NO BUILDINGS ON SUBJECT PROPERTIES.
- 4) PROPERTY IS LOCATED IN FEMA DEFINED ZONE "X" COMMUNITY PANEL NO.: 51015C0339E EFFECTIVE DATE: JANUARY 06, 2010
- 5) IT IS THE INTENTION OF THIS PLAT TO ADJUST 0.006 ACRES (SHOWN AS PARCEL "D1") FROM PID# 7326 INTO PID# 7387. THE RESULTANT IS TO BE TREATED AS ONE PARCEL.
- 6) IT IS FURTHER THE INTENT TO ADJUST 0.046 ACRES (SHOWN AS PARCEL "E1") FROM PID# 7325 INTO PID# 7326. THE RESULTANT IS TO BE TREATED AS ONE PARCEL.
- 7) IT IS FURTHER THE INTENT TO ADJUST THE REMAINING 0.042 ACRES (SHOWN AS PARCEL "E2") FROM PID# 7325 INTO PID# 3780. THE RESULTANT IS TO BE TREATED AS ONE PARCEL. AS A RESULT, PID# 7325 WILL CEASE TO EXIST.
- 8) IT IS FURTHER THE INTENT TO ADJUST 0.050 ACRES (SHOWN AS PARCEL "J1") FROM PID# 3780 INTO PID# 3782. THE RESULTANT IS TO BE TREATED AS ONE PARCEL.
- 9) **OWNER INFORMATION:**
STAUNTON-AUGUSTA-WAYNESBORO HABITAT FOR HUMANITY, INC.
PID# 7387, 7326, 7325, 3780, AND 3782
INST# 190001903



Deborah S. Charles 3-12-2021
CITY OF STAUNTON
SUBDIVISION AGENT
DATE

DATE: 02-02-2021
SCALE: 1" = 20'
JOB: 35200029.00
DRAWN BY: FJE

***IF THIS PLAT IS NOT RECORDED WITHIN 6 MONTHS, THE SUBDIVISION AGENT APPROVAL IS VOID.

PLAT SHOWING
BOUNDARY LINE ADJUSTMENTS BETWEEN
LOTS C, D, AND E, BAGBY PLAT & LOTS
J AND H, STAFFORD PLAT AND THE
DELETION OF LOT E, BAGBY PLAT

CITY OF STAUNTON, VIRGINIA
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY / STAUNTON / HARRISONBURG / LYNCHBURG
1661 Commerce Road, Suite 401 / Verona, Virginia 24482 / Phone (540) 248-3220 / www.balzer.cc



CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	Steven L. Rosenberg City Manager
Item #	6 & F	
Ordinance #		
Department:	City Manager	
Council Vision:	Responsive, Efficient Government	
Subject:	Uncodified Emergency Ordinance	

Background: In response to the Novel Coronavirus (COVID-19) emergency and disaster, the City Manager, in his capacity as Director of Local Emergency Management, declared a local emergency on March 16, 2020. By such a declaration, the City positioned itself to undertake measures in response to the emergency and disaster. Subsequently:

- At its March 18, 2020, special-emergency called meeting, 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, ratifying 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.
- At its September 24, 2020, regular meeting, City Council adopted Ordinance No. 2020-24, extending until January 15, 2021, the emergency procedures to ensure continuity of government.
- At its January 14, 2021, regular meeting, City Council adopted Ordinance No. 2021-04, extending until April 9, 2021, the emergency procedures to ensure continuity of government.

- At its February 11, 2021, regular meeting, City Council adopted Ordinance No. 2021-06, regarding additional conditions for use of electronic communications in meetings of City public bodies until April 9, 2021.

Dr. Kornegay will attend Council's work session to brief Council concerning current conditions. Additionally, attached are emails from Senior Planner Rodney Rhodes, Library Director Sarah Skrobis, Tourism Director Sheryl Wagner and Blue Ridge Court Services Director Meagan Roane. The emails provide details concerning the ongoing use of electronic communications platforms utilized by the board and commissions they staff by them. Council may use Dr. Kornegay's guidance and the additional details concerning boards and commissions to determine whether current conditions merit a further extension of the emergency procedures, in whole or in part—given the continuing emergency and disaster—to ensure continuity of government.

Attachment 6 includes four documents for Council's review, each of which addresses, in a different manner, the possible extension of the previously adopted procedures:

- The first ordinance provides for an extension to a date determined by Council of all procedures presently in effect for all City public bodies, including Council.
- The second ordinance provides for the termination of all procedures presently in effect for all City public bodies, including Council.
- The third ordinance provides for an extension to a date determined by City Council of all procedures presently in effect for all City public bodies, excluding Council.
- The fourth ordinance, provides for an extension to a date determined by Council of only those procedures that permit alternative arrangements for public access to meetings of City public bodies and for public comments.

Attachments:

Attachment 1— March 16, 2020 Declaration of Local Emergency by the City of Staunton Local Director of Emergency Management

Attachment 2— March 18, 2020 Resolution of the Council of the City of Staunton, Virginia Consenting to and Confirming Declaration of a Local Emergency and Also Declaring a Disaster Due to Novel Coronavirus (COVID-19)

Attachment 3— March 24, 2020 Uncodified Emergency Ordinance of the Council of the City of Staunton 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 this Ordinance

Attachment 4— September 24, 2020 Uncodified Emergency Ordinance Ratifying, Confirming and Affirming Uncodified Emergency Ordinance 2020-04

Attachment 5— January 14, 2021 Uncodified Emergency Ordinance Ratifying, Confirming and Affirming Uncodified Emergency Ordinance 2020-04 and Extending the Time of Reenactment

Attachment 6— February 11, 2021 Uncodified Emergency Ordinance Regarding Additional Conditions for Use of Electronic Communications in Meetings of City Public Bodies;

Attachment 7— Four Draft Uncodified Emergency Ordinances

Attachment 8— Emails from City Employees Who Staff Boards and Commissions

City Manager's Recommendation: Consider whether to adopt an ordinance extending the continuity of government provisions, in whole or in part, or an ordinance repealing such provisions, and provide guidance and direction to staff.

Suggested Motion: To be provided.

City Manager: Steven L. Rosenberg

**DECLARATION OF LOCAL EMERGENCY
BY THE CITY OF STAUNTON
LOCAL DIRECTOR OF EMERGENCY MANAGEMENT**

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared novel coronavirus a public health emergency of international concern;

WHEREAS, on March 11, 2020, the WHO characterized COVID-19 as a pandemic;

WHEREAS, 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;

WHEREAS, on March 13, 2020, the President of the United States issued a proclamation declaring a national emergency concerning the novel coronavirus (COVID-19) outbreak;

WHEREAS, exigent circumstances exist;

WHEREAS, the occurrence and/or threat of COVID-19 virus will or may result in substantial injury or harm to the population and/or substantial damage to or loss of property and/or natural resources, all as broadly construed, and may involve governmental action beyond that authorized or contemplated by existing law because governmental inaction for the period required to amend the law to meet the exigency would work immediate and irrevocable harm upon the citizens or the environment of the Commonwealth or some clearly defined portion or portions thereof, such as the City of Staunton, including but not limited to injury and/or harm to the public health or safety of persons in the City of Staunton, the fiscal, financial, and/or budgetary interests of the City of Staunton, and of the City of Staunton's constituents or of affiliated or associated personnel of other public bodies of the City of Staunton, public services in the City of Staunton, and operational and decision-making functions in the City of Staunton, all constituting an emergency under the application of the provisions of Virginia Code § 44-146.16;

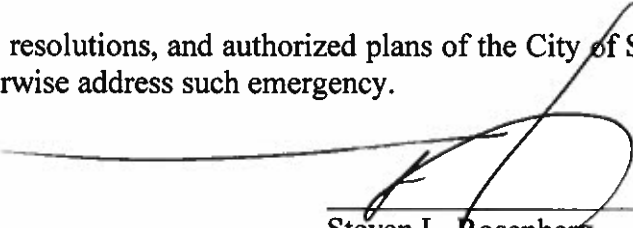
WHEREAS, such conditions and considerations necessitate the declaration of the existence of a local emergency, to the fullest extent permitted by law; and

WHEREAS, these recitals are an integral part of this declaration.

NOW, THEREFORE, pursuant to Virginia Code § 44-146.21, subject to confirmation by the Council at its next regularly scheduled meeting or at a special meeting within fourteen (14) days of this declaration, whichever occurs first, Steven L. Rosenberg, City Manager and Emergency Management Director for the City of Staunton, Virginia, **DECLARES** the existence of a **LOCAL EMERGENCY** in the City of Staunton, to the fullest extent permitted by law; and

IT IS FURTHER DECLARED AND ORDERED that, to the fullest extent permitted by law, during the existence of such emergency the powers, functions, and duties of the Local Emergency Management Director and local emergency services planning organization or committee and City of Staunton staff and others shall be those prescribed by state and other law

and the ordinances, resolutions, and authorized plans of the City of Staunton in order to mitigate the effects and otherwise address such emergency.



Steven L. Rosenberg,
City Manager and
Emergency Management Director

Date: March 16, 2020

Time: 1:30 p.m.

Attest: 
Suzanne F. Simmons, Clerk of Council

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
CONSENTING TO AND CONFIRMING DECLARATION OF A LOCAL
EMERGENCY AND ALSO DECLARING A DISASTER DUE TO NOVEL
CORONAVIRUS (COVID-19)**

Recitals

- A. Virginia Code § 44-146.21 authorizes the declaration of a local emergency;
- B. Section 11 of the Charter of the City of Staunton also grants broad powers to City Council;
- C. Steven L. Rosenberg, the City Manager and Director of Emergency Management of the City of Staunton, Virginia, declared a local emergency as provided in the March 16, 2020, declaration issued and attached and incorporated by reference; and
- D. These recitals are an integral part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Virginia Code § 44-146.21 and such other applicable laws, including but not limited to the powers granted by the Charter of the City of Staunton, Virginia, that the Council of the City of Staunton, Virginia, **CONSENTS** to and **CONFIRMS** the March 16, 2020 declaration of a local emergency throughout the City of Staunton, Virginia; and

BE IT FURTHER RESOLVED, pursuant to Virginia Code § 44-146.16 and such other applicable laws, that the Council of the City of Staunton, Virginia, **DECLARES** the anticipated effects of COVID-19, a communicable disease of public health threat, constitute a disaster; and

BE IT FURTHER CONFIRMED, RESOLVED, DECLARED AND ORDERED that during the existence of such emergency and disaster, the powers, functions, and duties of the Local Emergency Management Director and local emergency services planning organization or committee and City staff shall be those prescribed by Virginia law and the ordinances, resolutions, and approved plans of the City of Staunton in order to mitigate and otherwise address the effects of such emergency and disaster; and

BE IT FURTHER RESOLVED that Council **CONSENTS** to and **RATIFIES** and **AFFIRMS** that all City officials are granted such authority, pursuant to extant law, in such circumstances to take all actions, to the fullest extent permitted by law, to prevent or alleviate the damage, loss, hardship or suffering threatened or caused or being caused by such local emergency and disaster.



Carolyn W. Dull, Mayor

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

Ordinance No. 2020-04

**AN UNCODIFIED EMERGENCY ORDINANCE 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 THIS ORDINANCE**

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;

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

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

H. City Council also continues to recognize, confirm, affirm, and find that emergency and disaster conditions and effects existed and continue to exist and the occurrence and/or threat of COVID-19 merited and continues to merit and even

necessitates action by City Council to provide for methods to help assure continuity in local government as to the City and its related public bodies and officials;

- I. This matter has been properly heard and considered; and
- J. These recitals are deemed an integral part of this ordinance.

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

1. It **RERATIFIES AND REAFFIRMS** the Declaration of a Local Emergency and disaster due to COVID-19 made on March 16, 2020 by the City Manager and Emergency Management Director, Steven L. Rosenberg, ratified at its special-emergency meeting held on March 18, 2020, making its own declaration of an emergency and disaster, effective retroactively to and including March 16, 2020;

2. It **ACKNOWLEDGES, CONFIRMS, AND AFFIRMS** that the Declaration of Local Emergency empowers the Director of Emergency Management to have and exercise special authority and duties, such as authority and duties as may be defined by the laws, rules, regulations and plans of the United States of America, the Commonwealth of Virginia and the City of Staunton, Virginia, including but not limited to those under § 44-146.21 of the Code of Virginia;

3. It **ACKNOWLEDGES, CONFIRMS, AND AFFIRMS** that when, in the judgment of Council, all needed emergency actions have been taken, appropriate action by the Director of Emergency Management or by Council to end the declared local emergency and disaster will be taken, with public notice of such action given;

4. The nature of COVID-19 and its actual and potential catastrophic effects, as may be discerned upon continuing review, make it unsafe to necessarily assemble always a quorum of Council, other City public bodies, and officials in a single location, or to assemble members of the public in a single location, making it impracticable or unsafe as circumstances may exist at the time for Council and the City's other public bodies and officials to conduct meetings in accordance with normal practices and procedures. In accordance with the provisions of § 15.2-1413 of the Code of Virginia, notwithstanding any contrary provision of law, general or special, including but not limited to the City's Charter or the City Code, the following emergency procedures are **AUTHORIZED AND ADOPTED** to ensure **CONTINUITY OF GOVERNMENT** during the pendency of the emergency and disaster created or occasioned by COVID-19 or by its actual or potential effects, including but not limited to its effects as to Staunton citizens, other persons, commerce, businesses, and City-related functions, officers, personnel, employees, and City FY20 and FY21 fiscal and financial matters, processes, decision-making, and planning at all levels of City government and for City public bodies and officials;

4.1. Any process, procedure, or matter which requires the physical presence of the public in or about a City-owned or controlled building, facility, or property that the City Manager has declared or designated or may in the future declare or designate, by whatever means whether formal or informal or written or electronic or verbal, to be closed to the public is hereby **SUSPENDED**;

4.2 Meetings of the Council and other City public bodies, including but not limited to the School Board and those for which operations are jointly or cooperatively governed or managed, are **AUTHORIZED** and may be held through electronic communication means without a quorum of members physically present in a single location, provided that notice of such meetings is still given in accordance with applicable laws;

4.3 Such meetings are **AUTHORIZED** to be and may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of the Council or other City public bodies and members and officials so long as alternative arrangements for public access to such meetings are made as may be appropriate under the circumstances. Such alternative public access may be electronic, including but not limited to audio, telephonic, video or internet-web broadcast or stream, a City social media platform, or any other similar means;

4.4 For any matter requiring a public hearing by law, it is **DIRECTED** that public comment will, at least, be solicited and received via written or electronic means, including email or social media, or audio or voice message prior to the vote on such matter. Public comments may also be solicited and, if so solicited, then received via electronic and/or other means, including through the City's or other City public body's social media platform, or during the actual public hearing if possible and practicable, as determined in the discretion of the City Manager or Mayor. All such comments will be provided to or their essence or themes, if any, summarized to the members of the public body and made a part of the record of such meeting;

5. The provisions of Section 4 of this ordinance **SHALL BE IN EFFECT**, until repealed by Council, for a period not exceeding six months or, as may be permitted by law then in effect for such longer period from the effective date of declaration of local emergency, to and including March 16, 2020. Upon repeal or expiration of the provisions of Section 4 of this ordinance, the matters referenced therein shall resume operation in accordance with the normal practices and procedures, with the Director of Emergency Management to give public notice of such;

6. The actions of the City Manager taken or communicated by whatever means beginning March 16, 2020 and continuing, in the best interest of the City as determined in the exercise of discretion by the City Manager, are **RATIFIED AND AFFIRMED**;

7. If and to the extent that applicable law is enacted to extend the authority or time permitted for the operation of this or a similar ordinance, this ordinance shall be **AUTOMATICALLY AMENDED EFFECTIVE THEN IMMEDIATELY** to incorporate such changes without further action of Council; and

8. The City Manager is **AUTHORIZED** to take all reasonable and necessary actions, as determined in the City Manager's exercise of discretion, to implement fully the provisions of this ordinance.

9. The Clerk of Council is **DIRECTED** to have posted a copy of this ordinance at the usual places and on the City's website.

10. To the extent that any provision of this ordinance is found or determined to be invalid or void, the other provisions of this ordinance shall remain in effect without further action of this Council.

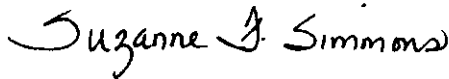
Adopted: March 24, 2020

Effective Date: March 16, 2020

Expiration Date: As provided



Carolyn W. Dull, Mayor



ATTEST:

Suzanne F. Simmons, Clerk of Council

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;

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

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

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

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

J. On March 24, 2020, City Council adopted uncodified emergency Ordinance 2020-04 (the "Emergency Ordinance"), 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;

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

K. This matter has been properly heard and considered; and

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

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

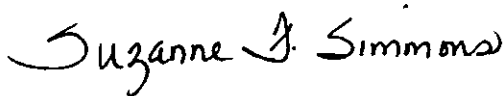
1. All actions of Council in the Emergency Ordinance and the provisions of such ordinance are **RATIFIED, CONFIRMED AND AFFIRMED**, including without limitation, the **CONTINUITY OF GOVERNMENT** provisions of such ordinance, which are expressly reenacted until January 15, 2021, in accordance with, and subject to, § 15.2-1413 of the Code of Virginia; and

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

Adopted: September 24, 2020
Effective Date: September 24, 2020
Expiration Date: As provided



Andrea W. Oakes, Mayor



ATTEST: _____
Suzanne F. Simmons, Clerk of Council

Ordinance No. 2021 – 04

**AN UNCODIFIED EMERGENCY ORDINANCE
RERATIFYING, RECONFIRMING AND REAFFIRMING
UNCODIFIED EMERGENCY ORDINANCE 2020-04
AND
EXTENDING THE TIME OF REENACTMENT**

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;

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

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

H. The U.S. Centers for Disease Control and Prevention reports that since January 21, 2020, there have been over 15,000,000 COVID-19 cases in the United States, with the number of deaths continuing to increase;

I. The Central Shenandoah Health District has reported a sharp increase in COVID-19 cases locally, with an increase from an average prior to Thanksgiving of 700-800 cases per week to an average in mid-December of 2,000 cases per week, and a correlated increase in local hospitalizations;

J. Outbreaks of COVID-19 cases are occurring in both community and congregant settings, with an additional peak expected beginning in January due to travel and gatherings during the holiday season;

K. The increase in cases subsequent to Thanksgiving resulted in the implementation of new measures by the Governor and advice by public health professionals to continue mitigation measures (e.g., face coverings, distancing and hand washing);

L. Though in December the state embarked on the delivery of vaccinations, because it is estimated that 70% participation will be required to develop herd immunity and it is unclear whether the vaccination will protect from transmission, those vaccinated are encouraged to continue to observe mitigation measures;

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

N. On March 24, 2020, City Council adopted uncodified emergency Ordinance 2020-04 (the “Emergency Ordinance”), 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;

O. On September 24, 2020, City Council adopted uncodified emergency Ordinance 2020-24, ratifying, confirming and affirming uncodified emergency Ordinance 2020-04 and reenacted the continuity of government provisions of such ordinance until January 15, 2021;

P. The Health Director of the Central Shenandoah Health District has communicated to the City Manager her endorsement, given current and expected conditions, of the continuation of authority to conduct electronic communications meetings until the middle of calendar year 2021;

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

R. This matter has been properly heard and considered; and

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

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

1. All actions of Council in the Emergency Ordinance and the provisions of such ordinance are **RATIFIED, RECONFIRMED AND REAFFIRMED**, including without limitation, the **CONTINUITY OF GOVERNMENT** provisions of such ordinance, which are expressly reenacted until April 9, 2021, in accordance with, and subject to, § 15.2-1413 of the Code of Virginia; and

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

Adopted: January 14, 2021
Effective Date: January 14, 2021
Expiration Date: As provided



Andrea W. Oakes, Mayor



ATTEST:

Suzanne F. Simmons, Clerk of Council

Ordinance No. 2021 - 06

**AN UNCODIFIED EMERGENCY ORDINANCE
REGARDING ADDITIONAL CONDITIONS FOR USE OF ELECTRONIC
COMMUNICATIONS IN MEETINGS OF CITY PUBLIC BODIES**

Recitals

A. Staunton City Council has adopted a series of ordinances to ensure the continuity of government related to the COVID-19 pandemic, including: Ordinance 2020-04; Ordinance 2020-24; and Ordinance 2021-04;

B. At its January 14, 2021 regular meeting, City Council engaged in a discussion about possibly requiring public body member use of any available video feature in any meeting held using an electronic communications platform as well as about the possible remote attendance of City Council members who desire to observe meetings of City Council's committees both in open and closed meetings;

C. City Council believes that it is consistent with transparency and accountability in the use of electronic communications for meetings of City Council, to include additional conditions that relate to a Council member's utilization of available video features of any electronic communications platform, especially during a closed meeting so that there is added assurance no other person is remotely accessing the closed meeting;

D. City Council also believes it is consistent with transparency and accountability to allow a Council member who is not a member of a committee of Council, to observe such committee meetings, including closed meetings of any such committee;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia (Council), to the fullest extent permitted by law under these circumstances, that:

1. As an additional condition of City Council's use of any electronic communications platform that includes available video features, all members of Council, during City Council meetings, shall at all times activate and keep activated the available video feature of any electronic communications platform, such as Zoom, so that the Council member is seen at all times during Council's meetings except during recesses of Council and brief, intermittent periods due to unanticipated technical difficulties or unexpected other circumstances; and if such conditions are not honored by a Council member, the presiding officer shall caution the member twice during any meeting and,

absent compliance in yet a third instance of non-compliance, shall direct that the meeting continue without the presence of the non-compliant member; and

2. Council members who are not members of a committee of Council may observe such committee's meetings, including closed meetings, using an electronic communications platform, and such committee will facilitate such observation by a Council member using an electronic communications platform, with support to the extent necessary from City staff and the Clerk of Council; and

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

Adopted: February 11, 2021

Effective Date: February 11, 2021

Expiration Date: April 9, 2021



Andrea W. Oakes, Mayor

ATTEST: Suzanne F. Simmons
Suzanne F. Simmons, Clerk of Council

Ordinance No. 2021 - ____

**AN UNCODIFIED EMERGENCY ORDINANCE
RERATIFYING, RECONFIRMING AND REAFFIRMING
UNCODIFIED EMERGENCY ORDINANCE 2020-04**

AND

UNCODIFIED EMERGENCY ORDINANCE 2021-06

AND

EXTENDING THE TIME OF REENACTMENT OF SUCH ORDINANCES

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;

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

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

H. The U.S. Centers for Disease Control and Prevention reports that since January 21, 2020, there have been over 30,000,000 COVID-19 cases in the United States, with the number of deaths continuing to increase;

I. The Central Shenandoah Health District has reported a flat plateau in COVID-19 cases locally; however, there has not been a marked decrease in cases, and the area is still experiencing moderate transmission levels;

47 **J.** In December the state embarked on the delivery of vaccinations and the
48 Central Shenandoah Health District is reporting that approximately 38% of the Staunton
49 area population has received at least the first dose of the vaccine; however, it is estimated
50 that 70% participation will be required to develop herd immunity and those vaccinated are
51 strongly encouraged to continue to observe mitigation measures;

52
53 **K.** The increase in cases subsequent to spring break vacations has resulted in
54 public health professionals advising to continue mitigation measures (e.g., face coverings,
55 distancing, hand washing, and limiting crowd sizes);
56

57 **L.** § 15.2-1413 of the Code of Virginia authorizes any locality to, by ordinance,
58 provide a method to assure continuity in its government in the event of a disaster;
59

60 **M.** On March 24, 2020, City Council adopted uncodified emergency Ordinance
61 2020-04 (the “Emergency Ordinance”), reratifying and reaffirming the declaration of a
62 local emergency and disaster due to novel coronavirus; implementing emergency
63 procedures to ensure continuity of government; ratifying and affirming the city manager’s
64 authority and exercise of authority and discretion in taking actions in the best interest of
65 the City; and authorizing the city manager to take actions to implement the provisions of
66 the ordinance;
67

68 **N.** On September 24, 2020, City Council adopted uncodified emergency
69 Ordinance 2020-24, ratifying, confirming and affirming uncodified emergency Ordinance
70 2020-04 and reenacted the continuity of government provisions of such ordinance until
71 January 15, 2021;
72

73 **O.** On January 14, 2021, City Council adopted uncodified emergency
74 Ordinance 2021-04, reratifying, reconfirming and reaffirming uncodified emergency
75 Ordinance 2020-04 and reenacted the continuity of government provisions of such
76 ordinance until April 9, 2021;
77

78 **P.** On February 11, 2021, City Council adopted uncodified emergency
79 Ordinance 2021-06, regarding additional conditions for use of electronic communications
80 in meetings of City public bodies until April 9, 2021;
81

82 **Q.** The Health Director of the Central Shenandoah Health District has
83 communicated to the City Manager her endorsement, given current and expected
84 conditions, of the continuation of authority to conduct electronic communications meetings
85 until the middle of calendar year 2021;
86

87 **R.** City Council continues to recognize, confirm, affirm, and find that
88 emergency and disaster conditions and effects existed and continue to exist and the
89 occurrence and/or threat of COVID-19 continues to merit and even necessitates action by
90 City Council to provide for methods to help assure sustained continuity in local government
91 as to the City and its related public bodies, officials and others, and proceedings;
92

DRAFT 4.1.21

S. This matter has been properly heard and considered; and

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

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

1. All actions of Council in the Emergency Ordinances and the provisions of such ordinances are **RATIFIED, RECONFIRMED AND REAFFIRMED**, including without limitation, the **CONTINUITY OF GOVERNMENT** provisions of such ordinances, which are expressly reenacted until _____, 2021, in accordance with, and subject to, § 15.2-1413 of the Code of Virginia; and

2. The Clerk of Council is **DIRECTED** to have posted a copy of this ordinance (together with the previously enacted Emergency Ordinances) at the usual places and on the City's website and public places and to provide a copy to the Chair of each City-related public body, including but not limited to the School Board, the Economic Development Authority, the Planning Commission, and the Historic Preservation Commission.

Adopted:

Effective Date:

Expiration Date: As provided

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council

DRAFT 4.1.21

Ordinance No. 2021 -

AN UNCODIFIED EMERGENCY ORDINANCE
PARTIALLY RERATIFYING, RECONFIRMING AND REAFFIRMING
THE CONTINUITY OF GOVERNMENT PROVISIONS OF
UNCODIFIED EMERGENCY ORDINANCE 2020-04;
RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
REPEALING SECTION 4 OF
UNCODIFIED EMERGENCY ORDINANCE 2020-04 ;
AND
REPEALING
UNCODIFIED EMERGENCY ORDINANCE 2021-06
IN ITS ENTIRETY

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;

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

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

H. On March 24, 2020, City Council adopted uncodified emergency Ordinance 2020-04 (the "Emergency Ordinance"), reratifying and reaffirming the declaration of a

DRAFT 4.1.21

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;

I. On September 24, 2020, City Council adopted uncodified emergency Ordinance 2020-24, ratifying, confirming and affirming uncodified emergency Ordinance 2020-04 and reenacted the continuity of government provisions of such ordinance until January 15, 2021;

J. On January 14, 2021, City Council adopted uncodified emergency Ordinance 2021-04, reratifying, reconfirming and reaffirming uncodified emergency Ordinance 2020-04 and reenacted the continuity of government provisions of such ordinance until April 9, 2021;

K. On February 11, 2021, City Council adopted uncodified emergency Ordinance 2021-06, regarding additional conditions for use of electronic communications in meetings of City public bodies until April 9, 2021;

L. With the increased vaccination capacity and health metrics trending downward, Virginia Governor Ralph Northam amended Executive Order Number Seventy-Two and further eased commonsense surge restrictions due to COVID-19, effective April 1, 2021;

M. Governor Northam's Executive Order Number Seventy-Two increased the number of individuals permitted to gather together indoors from a limit of ten (10) to a limit of fifty (50);

N. The Governor's Executive Order expressly does not limit the operation of government;

O. City Council believes it is now safe for Council and other City public bodies to assemble together as a quorum in a single location and to conduct meetings in accordance with normal practices and procedures; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia (Council), to the fullest extent permitted by law under these continuing extraordinary, even unprecedented circumstances, that, in accordance with, and subject to, § 15.2-1413 of the Code of Virginia:

1. All actions of City Council in the Emergency Ordinances and the provisions of such ordinances are partially RATIFIED, RECONFIRMED AND REAFFIRMED,

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including the **CONTINUITY OF GOVERNMENT** provisions of such ordinances, which
are expressly reenacted until _____, 2021; and

~~NOW, THEREFORE, BE IT RESOLVED~~ by the Council of the City of
Staunton, Virginia (Council),

~~2. that~~ The provisions of Section 4 of Uncodified Emergency Ordinance No. 2020-04 and Uncodified Emergency Ordinance No. 2021-06 are hereby **REPEALED**.

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council

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Ordinance No. 2021 - ____

**AN UNCODIFIED EMERGENCY ORDINANCE
PARTIALLY RERATIFYING, RECONFIRMING AND REAFFIRMING
THE PROVISIONS OF
UNCODIFIED EMERGENCY ORDINANCE 2020-04
AND
UNCODIFIED EMERGENCY ORDINANCE 2021-06, INCLUDING
THE CONTINUITY OF GOVERNMENT PROVISIONS
OF SUCH ORDINANCES,
AS THEY APPLY TO ALL PUBLIC BODIES EXCEPT CITY COUNCIL;
AND
EXTENDING THE TIME OF REENACTMENT OF SUCH ORDINANCES**

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;

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

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

H. On March 24, 2020, City Council adopted uncodified emergency Ordinance 2020-04 (the "Emergency Ordinance"), 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

DRAFT 4.1.21

47 authority and exercise of authority and discretion in taking actions in the best interest of
48 the City; and authorizing the city manager to take actions to implement the provisions of
49 the ordinance;

50
51 **I.** On September 24, 2020, City Council adopted uncodified emergency
52 Ordinance 2020-24, ratifying, confirming and affirming uncodified emergency Ordinance
53 2020-04 and reenacted the continuity of government provisions of such ordinance until
54 January 15, 2021;

55
56 **J.** On January 14, 2021, City Council adopted uncodified emergency
57 Ordinance 2021-04, reratifying, reconfirming and reaffirming uncodified emergency
58 Ordinance 2020-04 and reenacted the continuity of government provisions of such
59 ordinance until April 9, 2021;

60
61 **K.** On February 11, 2021, City Council adopted uncodified emergency
62 Ordinance 2021-06, regarding additional conditions for use of electronic communications
63 in meetings of City public bodies until April 9, 2021;

64
65 **L.** With the increased vaccination capacity and health metrics trending
66 downward, Virginia Governor Ralph Northam amended Executive Order Number
67 Seventy-Two and further eased commonsense surge restrictions due to COVID-19,
68 effective April 1, 2021;

69
70 **M.** Governor Northam's Executive Order Number Seventy-Two increased the
71 number of individuals permitted to gather together indoors from a limit of ten (10) to a
72 limit of fifty (50);

73
74 **N.** The Governor's Executive Order expressly does not limit the operation of
75 government;

76
77 **O.** City Council believes it is now safe to once again assemble together as a
78 quorum in a single location and to conduct meetings in accordance with normal practices
79 and procedures;

80
81 **P.** This matter has been properly heard and considered; and

82
83 **Q.** These recitals are deemed an integral part of this ordinance.

84
85 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of
86 Staunton, Virginia (Council), to the fullest extent permitted by law under these continuing
87 extraordinary, even unprecedented circumstances, that, in accordance with, and subject to,
88 § 15.2-1413 of the Code of Virginia:

89
90 **1.** All actions of City Council in the Emergency Ordinances and the provisions
91 of such ordinances are partially **RATIFIED, RECONFIRMED AND REAFFIRMED**,
92 including the **CONTINUITY OF GOVERNMENT** provisions of such ordinances, which

DRAFT 4.1.21

are expressly reenacted until _____, 2021, and all such provisions shall continue to apply to all public bodies except Council;

2. City Council will resume assembling as a quorum in a single location for all meetings convened subsequent to April 9, 2021, and Council shall thereafter be excluded from the operation and effect of Uncodified Emergency Ordinance No. 2020-04 and Uncodified Emergency Ordinance No. 2021-06;

3. In accordance with Uncodified Emergency Ordinance No. 2020-04, all other City public bodies are **AUTHORIZED** to determine separately whether to resume in-person meetings, and the provisions of Section 4 of Uncodified Emergency Ordinance No. 2020-04 and Uncodified Emergency Ordinance No. 2021-06 shall remain in force and effect as applied to all City public bodies other than Council; and

4. The Clerk of Council is **DIRECTED** to have posted a copy of this ordinance (together with the previously enacted Emergency Ordinances) at the usual places and on the City's website and public places and to provide a copy to the Chair of each City-related public body, including but not limited to the School Board, the Economic Development Authority, the Planning Commission, and the Historic Preservation Commission.

Adopted:

Effective Date:

Expiration Date: As provided

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council

Ordinance No. 2021 - ____

**AN UNCODIFIED EMERGENCY ORDINANCE
PARTIALLY RERATIFYING, RECONFIRMING AND REAFFIRMING
THE PROVISIONS OF
UNCODIFIED EMERGENCY ORDINANCE 2020-04, INCLUDING WITHOUT
LIMITATION, SECTIONS 4.3 AND 4.4;
REPEALING SECTIONS 4.1 AND 4.2 OF
UNCODIFIED EMERGENCY ORDINANCE 2020-04;
EXTENDING THE TIME OF REENACTMENT;
AND
REPEALING UNCODIFIED EMERGENCY ORDINANCE 2021-06
IN ITS ENTIRETY**

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;

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

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

H. On March 24, 2020, City Council adopted uncodified emergency Ordinance 2020-04 (the "Emergency Ordinance"), 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

DRAFT 4.1.21

47 authority and exercise of authority and discretion in taking actions in the best interest of
48 the City; and authorizing the city manager to take actions to implement the provisions of
49 the ordinance;

50
51 **I.** On September 24, 2020, City Council adopted uncodified emergency
52 Ordinance 2020-24, ratifying, confirming and affirming uncodified emergency Ordinance
53 2020-04 and reenacted the continuity of government provisions of such ordinance until
54 January 15, 2021;

55
56 **J.** On January 14, 2021, City Council adopted uncodified emergency
57 Ordinance 2021-04, reratifying, reconfirming and reaffirming uncodified emergency
58 Ordinance 2020-04 and reenacted the continuity of government provisions of such
59 ordinance until April 9, 2021;

60
61 **K.** On February 11, 2021, City Council adopted uncodified emergency
62 Ordinance 2021-06, regarding additional conditions for use of electronic communications
63 in meetings of City public bodies until April 9, 2021;

64
65 **L.** With the increased vaccination capacity and health metrics trending
66 downward, Virginia Governor Ralph Northam amended Executive Order Number
67 Seventy-Two and further eased commonsense surge restrictions due to COVID-19,
68 effective April 1, 2021;

69
70 **M.** Governor Northam's Executive Order Number Seventy-Two increased the
71 number of individuals permitted to gather together indoors from a limit of ten (10) to a
72 limit of fifty (50);

73
74 **N.** The Governor's Executive Order expressly does not limit the operation of
75 government;

76
77 **O.** City Council believes it is now safe to once again assemble together as a
78 quorum in a single location and to conduct meetings in accordance with normal practices
79 and procedures;

80
81 **P.** This matter has been properly heard and considered; and

82
83 **Q.** These recitals are deemed an integral part of this ordinance.

84
85 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of
86 Staunton, Virginia (Council), to the fullest extent permitted by law under these continuing
87 extraordinary, even unprecedented circumstances, that, in accordance with, and subject to,
88 § 15.2-1413 of the Code of Virginia:

89
90 **1.** Except as provided below, the provisions of Uncodified Emergency
91 Ordinance No. 2020-04, including without limitation, Sections 4.3 and 4.4 and the
92 **CONTINUITY OF GOVERNMENT** provisions thereof, are **RATIFIED**,

DRAFT 4.1.21

RECONFIRMED AND REAFFIRMED, and expressly reenacted until _____,
2021;

2. Sections 4.1 and 4.2 of Uncodified Emergency Ordinance No. 2020-04 and
Uncodified Emergency Ordinance No. 2021-06 in its entirety are hereby **REPEALED**;
and

3. The Clerk of Council is **DIRECTED** to have posted a copy of this
ordinance (together with the previously enacted Emergency Ordinances) at the usual places
and on the City's website and public places and to provide a copy to the Chair of each City-
related public body, including but not limited to the School Board, the Economic
Development Authority, the Planning Commission, and the Historic Preservation
Commission.

Adopted:

Effective Date:

Expiration Date: As provided

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council

Leslie M. Beauregard

From: Leslie M. Beauregard
Sent: Monday, March 22, 2021 4:36 PM
To: Steve Rosenberg; John C. Blair
Cc: Leslie M. Beauregard
Subject: FW: Advisory Board Meetings

Follow Up Flag: Follow up
Flag Status: Flagged

To discuss as we prepare for that item on 4/8.

Leslie Beauregard

Assistant City Manager, ICMA-CM
City of Staunton
116 W. Beverley St.
Staunton, VA 24401
(540) 332-3812

Web: www.staunton.va.us

Facebook: [City of Staunton](#)

Twitter: [@StauntonCityVA](#)



From: Sarah A. Skrobis <skrobissa@ci.staunton.va.us>
Sent: Monday, March 22, 2021 3:06 PM
To: Leslie M. Beauregard <beauregardlm@ci.staunton.va.us>
Subject: Advisory Board Meetings

Hi Leslie,

Our Advisory Board is prepped for the possibility that the emergency ordinance will not be renewed, but they are curious what their options are. They would be comfortable meeting outside, plus our meeting room space is still appropriated for other needs right now! I think after this past year, I could also do with some clarification as I try to guide them through this transition.

If they resume in-person meetings, we can go back to the usual, pre-pandemic procedures, correct? We wouldn't be required to broadcast it if the ordinance expires, would we (we never did before)? For instance: could we reserve a park shelter that's handicap-accessible, post the information about the meeting in advance, and be good to go without special technology? Thanks!

Sarah Skrobis
Director of Library Services
Staunton Public Library

City of Staunton, VA

Library: 540.332.3902

Web: www.StauntonLibrary.org

Facebook: [Staunton Public Library](#)

Leslie M. Beauregard

From: Megan S.Roane
Sent: Wednesday, March 31, 2021 10:52 AM
To: Steve Rosenberg; Leslie M. Beauregard
Subject: BRCJB Meetings

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning! I wanted to express my thoughts related to the continuation of virtual meetings. The Blue Ridge Criminal Justice Board is a large board that consists of twenty-seven members. We had thirty-one individuals, consisting of both members and guests, at our February meeting. I am concerned that if we are not able to continue to meet virtually that we will have a very difficult time finding a location that will allow us to properly social distance. Thank you for taking this into consideration, and I hope you both have a great Wednesday!

Megan S. Roane
Blue Ridge Court Services
White Star Mill
125 South New Street
Staunton, VA 24401

(540)886-1008, Ext. 4203
roanems@ci.staunton.va.us

Leslie M. Beauregard

From: Rodney S. Rhodes
Sent: Wednesday, March 31, 2021 12:05 PM
To: Steve Rosenberg; Leslie M. Beauregard; Billy Vaughn
Subject: In Person Meetings

We have not heard from all of our Commissioners and committee members, but here is what appears to be the current situation:

No issue with Planning Commission with in person meetings. They have been meeting in person since July except when individual members were quarantined.

It may be an issue to have in person meetings indoors with the BPAC; however, they could conduct their meetings outdoors during the spring and summer.

The HPC is a greater concern. One voting member and another vital participant are not comfortable meeting in person. Could the nonvoting participant call in if virtual wasn't an option?

Thanks,
Rodney

Getting ready to unload last U-hall truck load! See you tomorrow.

Sent from my Sprint Samsung Galaxy S9.

Leslie M. Beauregard

From: Steve Rosenberg
Sent: Monday, March 29, 2021 2:48 PM
To: Sheryl S. Wagner
Cc: Leslie M. Beauregard
Subject: RE: TAB Zoom meetings

Thanks, Sheryl. Note additional seating is available in the city hall lobby, which is wired for sound.

Steve

Steve Rosenberg
City Manager
City of Staunton, VA

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

From: Sheryl S. Wagner <WagnerSS@ci.staunton.va.us>
Sent: Monday, March 29, 2021 2:47 PM
To: Steve Rosenberg <rosenbergsl@ci.staunton.va.us>; Leslie M. Beauregard <beauregardlm@ci.staunton.va.us>
Subject: TAB Zoom meetings

Steve & Leslie,

Per the request at Management Team this morning, below are my thoughts concerning TAB Zoom meetings.

The Tourism Advisory Board has been meeting monthly via the Zoom platform since May 2020. We currently have 14 TAB members and three staff that attend our meetings. As our meetings are open to the public, we typically have 20-25 people in attendance. I am not certain that City Council Chambers will allow for that many people to attend our meetings with social distancing measures in place. An option may be for Board members to attend in person, should they feel safe to do so, and members of the public to attend via Zoom.

Please let me know if you have any questions.

Thank you,
Sheryl

Sheryl Wagner
Director of Tourism
Visit Staunton
116 W. Beverley St.
Staunton, VA 24401

Office: 540.332.3865
www.visitstaunton.com



CITY OF STAUNTON, VIRGINIA

Proclamation

Child Abuse Prevention Month April, 2021

- WHEREAS,** preventing child abuse and neglect is a solution that requires involvement among people throughout the community; and
- WHEREAS,** child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and
- WHEREAS,** in 2020 there were 151 valid reports of child abuse or neglect in the City of Staunton; and
- WHEREAS,** there are 54 Staunton children currently in foster care; and
- WHEREAS,** the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and
- WHEREAS,** all citizens should become involved in supporting families in raising their children in a safe, nurturing environment, and there are 53 foster/adoptive families in our area; and
- WHEREAS,** effective child abuse prevention programs succeed because of partnerships created among Shenandoah Valley Social Services, the Valley Children's Advocacy Center, Blue Ridge Court Appointed Special Advocates, the Central Shenandoah Valley Office on Youth, schools, faith communities, civic organizations, law enforcement agencies and the business community; and

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that April, 2021, is hereby designated as

Child Abuse Prevention Month

in the City of Staunton, and Staunton City Council calls upon all citizens, individually and through organizations with which they are affiliated, to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Adopted this 8th day of April, 2021.

Andrea Oakes, Mayor

ATTEST: _____

Clerk of Council

City Council
WORK SESSION
March 25, 2021
5:00 p.m.

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

Mayor Oakes called the meeting to order: Mayor Oakes called the meeting of Staunton City Council to order. Mayor Oakes noted that the meeting was being broadcast over the City's cable channel and streamed live on the City's website so that members of the public may hear the meeting. The meeting was 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. Mead	aye
Vice Mayor Robertson	aye	Mr. Claffey	aye
Mr. Holmes	absent	Ms. Darby	aye
Ms. Dull	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 Mead and Dull were participating on the Zoom platform.

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, as extended by City Council Ordinance No. 2021-06."

Mayor Oakes requested citizens to wear a mask while in City Hall and Council Chambers.

Mr. Holmes arrived at 5:02 p.m.

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 as presented.

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

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

2. Introduction of an Ordinance Proposing a Budget for Fiscal Year 2022

City Manager Steve Rosenberg presented the proposed FY2022 Budget. He stated that two primary factors influenced the development of the proposed budget. First was that the City continues to operate in a COVID-19 environment, which will continue to affect the City's revenues into the next fiscal year. Second, staff anticipates approximately \$1.1 million in additional, uncontrollable—and in many cases, mandated—expenses in comparison to FY2021. Those expenses include contributions to the Middle River Regional Jail and the Shenandoah Valley Juvenile Center operating costs, increases in health care costs, and salaries of firefighters previously funded by an expiring grant from the federal government.

Total proposed budget is \$131,353,978 for all funds, which is a 14.9% increase over FY2021. General Fund proposed budget is \$61,969,377 which is a 9.9% increase over FY2021. Like many localities, Staunton experienced declines in revenues, staffing and vacancy freezes, and use of reserves to balance the FY2021 budget. The budget is still in transition, there is a necessity to take the long view, recognize the pressure on expenditure, maintain a conservative approach and continue to support employees and city services.

The FY2022 budget is built on a reduction of the real estate tax rate. There will be a new citywide recycling model. The City is taking steps into diversity, equity and inclusion work. The City is helping to fund the new Afton Express. There are improvements to Gypsy Hill Golf Course operations and a proposed 2% increase for employees as of January 1, 2022 and other salary adjustments.

The top four total revenues for all funds are:

- 26.6% from the Commonwealth of Virginia
- 21.2% from general property taxes
- 16.2% transfers from the general fund
- 11.5% other local taxes

The top four total revenues for the General Fund are:

- 44.9% general property taxes
- 24.4% other local taxes
- 20.7% Commonwealth of Virginia
- 3.0% current service charges

City staff proposed a decrease in the Real Estate Tax Rate from \$.95/\$100 to \$.93/\$100 of assessed value. City Council was reminded that every cent is equivalent to \$215,392 in revenue. Staff recognizes that there was a significant increase in assessments (9.4% not including new construction) and the burden that causes on property owners during this time of economic uncertainty. There are no other tax or fee changes in the proposed budget.

The top four total expenditures for all funds are:

- 32.3% personal services
- 14.9% transfers between funds
- 13.2% fringe benefits
- 9.5% other

The top four total expenditures for the General Fund are:

- 21.6% transfer to the Education Fund
- 22.0% public safety
- 12.4% health and welfare
- 10.0% public works

Expenditure details for personnel include a 2% cost of living increase for all full time and part time City employees effective January 1, 2022; health insurance costs because of an increase of 8.8% for the City and employee paid premiums; two and a half new positions; and salary adjustments for sworn officers in the Police Department and Sheriff's Office. There is no change in the Virginia Retirement System contributions.

Staff proposed a transfer from the City to the Education fund totaling \$13.4 million, or 21.6%, of the City's General Fund Budget. The School Board adopted a budget of \$40.5 million, an increase of \$2.2 million over FY2021. The City's contribution in the proposed budget is \$443,750 less than that included in the School Board's adopted budget.

Included in the FY2022 proposed budget is diversity, equity and inclusion training for directors and managers to build a common vocabulary and understand issues around diversity, equity and inclusion. The City will be partnering with the Virginia Center for Inclusive Communities—a group that has worked with Staunton City Schools for a number of years—in this first step toward diversity, equity and inclusion training.

Staff proposes that the City's recycling program move from curbside collection to a central deposit location that will allow for the recycling of plastics. This change will result in less expensive operations and the refuse and recycling fees will remain level in FY2022. This would establish a more agile and responsive system that can better respond to future changes in the industry.

Budget balancing considered City Council's priorities, sound financial management principles and experience. There are \$3.2 million in new department requests that remain unfunded. They include

\$237,742 in new personnel and salary requests and \$2.7 million in operational expenses requests. The balanced budget also uses a fund balance of \$1.2 million.

Mr. Rosenberg stated that while there were a number of accomplishments during FY2021, he wanted to focus on a few. First, under the leadership of Assistant City Manager Leslie Beauregard and Chief Finance Officer Phil Trayer, staff effectively allocated and managed over \$4.3 million in CARES Act Funding. Among those allocations were transfers to the Economic Development Authority and the Community Foundation of the Central Blue Ridge to fund grant programs for small businesses and nonprofit organizations and assistance to individuals in need. As well as a transfer to Staunton City Schools to support its mission in the midst of the pandemic. Second, the City commenced the long-awaited Central Avenue Streetscape improvement project, scheduled for completion in summer 2022. Third, City staff, including employees of the Public Works, Fire and Rescue, Police and Parks and Recreation departments joined with individuals and organizations throughout the community to respond to and recover from not only one, but two devastating floods—all in the midst of a pandemic.

Mr. Rosenberg closed his presentation saying, “I’d like to express my deep appreciation to each and every employee of the City of Staunton. In what has been a difficult year for us all, they have risen to every challenge and continue to provide the very best of themselves to this community. Truly, they have served the public.”

Mayor Oakes reminded the public that this was the initial presentation of the budget by the City Manager and that the next budget work session will be at 5 p.m. on April 1. She then asked if Council had any questions or comments.

Vice Mayor Robertson asked how assured staff was that the City will receive the 3.7% from the federal government and the 26.6% from the State of Virginia. Mr. Trayer responded that staff is confident and that although there have been some minor variations, the figures in the proposed budget are consistent with historical trends.

Mr. Claffey asked where the \$1.2 million fund balance was coming from. Mr. Trayer explained that the \$1.2 million is basically comprised of two pieces. Staff had stated in the CIP process that the City was going to plan on utilizing \$500,000 in carryover to supplement the Middle River Regional Jail costs and that the additional \$700,000 is going to come from reserves that are in the fund balance at this time and that the City is expecting some additional carryover during the course of FY2021. Staff believed based on the current expenditure rate and the level of revenues that the City is receiving, that the City will be able to fund the balance. Mr. Claffey then asked how the \$1.2 million compared to previous years. Mr. Trayer responded that the City has not used fund balances in recent years. In FY2021 the City did have to dip into reserves to bring back some expenditures in health insurance to balance FY2020.

Council members did not have any further questions.

3. Discussion of Effective Real Property Tax Rate Increase

Mr. Trayer stated that a public hearing regarding the setting of the FY 2022 Real Estate Tax Rate during the Regular Meeting.

State statute requires a locality to advertise an equalized tax rate if, in the year of reassessment, valuation exceeds 1% of prior year's assessed value. It also requires the locality to advertise a public hearing, at least thirty days in advance of the hearing date in the local newspaper. In addition, the public hearing on the tax rate cannot occur on the same date as the public hearing for the budget. The public hearing for the tax rate is scheduled for this evening and the public hearing for the budget is scheduled for April 8, 2021.

The advertisement for the public hearing must contain the following four elements:

- a) The ad must include the percentage of the assessment increase which this year equals 9.4% in FY2022
- b) It needs to state the lower tax rate to offset the increase in assessments which this year equals \$.88 cents. (while \$.88 cents is the overall equalized rate, some individual properties may experience increases or decreases in their real estate tax billing at that rate.)
- c) The advertisement needs to state the effective Rate Increase which is the difference between the equalized rate and the advertised rate which. This year it equals \$.07 cents per \$100 of assessed value, (\$.95 current rate less the equalized rate of \$.88) or a 7.4% increase.
- d) Finally, the Proposed Total Budget Increase must be stated in the advertisement which in this case we have advertised a ceiling of 10.5% of the general fund budget.

The \$.95 cent Real Estate tax rate and the general fund percentage increase of 10.5% represents ceilings and Council may lower, but not exceed these rates and ratios as advertised. Council is not scheduled to vote on this rate until April 22, 2021.

Mr. Trayer stated that Mr. Haney was available to assist with any questions.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

4. Presentation by Mary Baldwin University

This presentation will be rescheduled for a future meeting.

5. Update on Clerk of Council Search

Jon Venn, Chief Human Resources Officer, provided an update on the process for the recruitment of a Clerk of Council. He reminded Council that the Clerk of Council position was advertised on March 12. The job has been posted on the Virginia Association of Counties, the Virginia Clerk's Association, ICMA, Indeed, the City's website and the City's Facebook page. Typically, positions like these are advertised for a least a month, but at this time the position is set to close April 2. Mr. Venn asked if Council would like to extend the deadline to Friday, April 16.

Mayor Oakes asked if Council had any questions or comments.

Mr. Holmes asked if there were only four applicants so far. Mr. Venn responded that there have been fewer than 10.

Ms. Mead asked if Mr. Venn had any ideas as to why the response had been so “anemic.” Mr. Venn stated that he honestly did not have an answer, but that he hoped with extending the deadline and branching out to use radio or television to post the position, that the City is still on track to have someone in the position by May. Mr. Holmes stated that he is also having issues having people apply for positions.

Council members did not have any questions.

City Council agreed that the deadline for the position should be extended to Friday, April 16.

6. **Closed Meeting for Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Pertaining to the Performance and Evaluation of the City Manager**

Mr. Claffey moved to enter a closed meeting for consultation with legal counsel for necessary legal-related advice and discussion pertaining to the performance and evaluation of the City Manager, pursuant to Virginia Code §§ 2.2-3711(A)(1) and 2.2-3711(A)(8).

The motion was seconded by Mr. Holmes.

Ms. Mead objected to the premise under which the closed session is purported to be taking place. The sections of code referenced in the motion include discussion, consideration or interviews of prospective candidates, so Ms. Mead believed that the section did not apply. Assignment, appointment promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body is the other section of code. Ms. Mead stated that the Mayor told her specifically that this closed session was not about Mr. Rosenberg’s performance.

Mayor Oakes asked Ms. Mead to respect the confidentiality of the closed meeting. Ms. Mead replied that it was about the discussion related to the motion. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter. She stated that if the discussion was not about the specific performance of Mr. Rosenberg and simply about the process of evaluation a city manager, then entering into a closed session is not necessary.

Mayor Oakes asked the City Attorney John Blair if he would like to comment. Mr. Blair stated that the topics that have been identified in the motion are the discussion of the performance of the city manager and for legal consultation concerning the performance of the city manager. He also stated that Ms. Mead is within her rights to vote no to go into closed session. He reiterated that once the discussion was over, the Mayor could call for a vote to go into closed meeting.

Ms. Dull asked Mayor Oakes for clarification whether or not she told Ms. Mead that this close meeting was simply about the process of evaluation. Mayor Oakes responded that without going into the details of a closed meeting a public setting, that this closed session is to discuss the evaluation process. Mayor Oakes affirmed that the closed meeting was about process and the contract. Ms. Dull responded that she was confused since the contract is public, so does not see a need for a closed meeting. Mr. Blair stated that although the contract is public record there can be legal questions and legal advice related to the interpretation of the document that is proper subject for a closed meeting.

292
293 Mayor Oakes requested that Ms. Smith call the roll and the motion passed as follows:
294

295	Mr. Claffey	aye	Vice Mayor Robertson	aye
296	Ms. Dull	no	Ms. Mead	no
297	Ms. Darby	aye	Mr. Holmes	aye
298	Mayor Oakes	aye		

299

300 Mr. Holmes moved that Council reconvene in an open meeting and certify to the best of each
301 member's knowledge that only lawfully exempted public business matters were discussed
302 and that only public business matters as identified in the closed meeting motion were heard,
303 discussed or considered in the meeting.
304

305 The motion was seconded by Vice Mayor Robertson and passed as follows:
306

307	Vice Mayor Robertson	aye	Ms. Dull	no
308	Ms. Mead	no	Ms. Darby	aye
309	Mr. Holmes	aye	Mayor Oakes	aye
310	Mr. Claffey	aye		

311
312

313 The work session adjourned at 7:29 p.m.
314
315
316

317 _____
318 Morgan C. Smith
Interim Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, March 25, 2021****7:30 p.m.****Rita S. Wilson Council Chambers**

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

ALSO PRESENT: **Steven Rosenberg, City Manager**
 Leslie Beauregard, Assistant City Manager
 John Blair, City Attorney
 Morgan C. Smith, Interim Clerk of Council

Mayor Oakes called the meeting to order: Mayor Oakes called this meeting of Staunton City Council to order. Mayor Oakes noted 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 the 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	absent	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 participating on the Zoom platform were council members Mead and Dull and four Mary Baldwin University students, Defne "Dee Dee" Kahraman, Angie Contreras, Tyrell Knight and Elizabeth Lopez.

Mr. Holmes returned at 7:32 p.m.

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 is a time 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, as extended by City Council Ordinance No. 2021-06."

Mayor Oakes then asked that everyone wear a mask while in City Hall and Council Chambers. She reminded the public that there were hand sanitizing stations in the hall, sanitizing wipes at the podium and that everyone should remember to socially distance.

The Pledge of Allegiance was recited in unison.

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

MAYOR'S REPORT

Mayor Oakes read the following proclamation in honor of the life and work of Bruce A. Elder:

WHEREAS, Bruce A. Elder, 63, a successful Staunton businessman, member of the Staunton Economic Development Authority, and beloved former Staunton City Councilmember, succumbed on February 2, 2021 after several valiant battles with a cruel disease; and

WHEREAS, in 1989, Bruce and his wife Cathy moved their growing family to Staunton, Virginia, where he relocated and expanded Bruce A. Elder Antique and Classic Automobile into the 1911 Beverley Garage Building, located at 114 South New Street; and

WHEREAS, in almost 50 years in the antique business, Bruce used his encyclopedic knowledge to sell cars to enthusiasts in 41 states and 17 countries, with

vehicles as diverse as an extremely rare 1966 Shelby GT350H presented to film director Steven Spielberg by actor Tom Cruise, to a 1940 Chevy pickup truck for William Shatner, to the actual Chitty Chitty Bang Bang, to NASCAR racecars driven by Richard Petty and Darrell Waltrip, along with scores of Packards, LaSalles, Chevys, Pontiacs, Hudsons, Buicks, Fords, Studebakers, Plymouths, Woody station wagons and Nash Ramblers; and

WHEREAS, Bruce provided classic vehicles for several Hollywood movies, including *Hearts of Atlantis* filmed in Staunton, and a Harley Davidson motorcycle ridden by Morgan Freeman, playing none other than God, in *Evan Almighty*; and

WHEREAS, wanting to make a larger contribution to his beloved city, Bruce campaigned for and won a seat on the Staunton City Council, taking office on July 1, 2006; and

WHEREAS, while on City Council, with his ever-friendly and kind demeanor, sound judgment, superb business skills, personal magnetism, and keen intellect, Bruce served with distinction in many capacities, including liaison to various local and regional organizations, Virginia Municipal League legislative committees, and championed a long, hard, and ultimately successful battle against predatory lending in the Commonwealth of Virginia; and

WHEREAS, Bruce served two, four-year terms on Council, stepping down in 2014, with the intention to run against an incumbent for the 6th District seat in Congress, when cancer abruptly ended his political career; and

WHEREAS, Bruce was a tireless warrior for small business, historic preservation, the disenfranchised, the downtrodden and the marginalized, regularly listening to and assisting anyone who needed a helping hand, an ear, a blanket, advice, a job, food, or money; and

WHEREAS, Bruce made the City of Staunton and the Commonwealth of Virginia better for all.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council that that we so honor the life, legacy, courage, memory, and lasting impact of

Bruce A. Elder

and express our deepest and heartfelt sympathies to his family. And **BE IT FURTHER PROCLAIMED,** that the Clerk of Council is directed to forward a copy of this Proclamation to the Elder family.

/s/Andrea W. Oakes
ANDREA W. OAKES, MAYOR

138
139 ATTEST: /s/Morgan C. Smith

140 **INTERIM CLERK OF COUNCIL**
141
142

143 Mr. Elder's widow Cathy, and son Andrew, were in attendance to receive the proclamation.
144

145 Mayor Oakes stated that the loss of Mr. Elder was a loss not only for the Staunton City Council
146 but a loss for the entire City. She also said that the City of Staunton, and even the Commonwealth
147 of Virginia, would forever be in his debt. She asked if any other Council members would like to
148 make any comments.
149

150 Ms. Mead added that Mr. Elder had terrific vision for the City of Staunton. As a member of the
151 Economic Development Authority, he believed that Staunton Crossing was a big part of the City's
152 future.
153

154 Ms. Dull pointed out that Mr. Elder was a wonderful addition and that he also liked to remind her
155 that he was a "come here." She then reminded everyone that some of the City's best citizens are
156 "come heres." She stated that she appreciated every second that she worked with him and that she
157 will miss him.
158

159 Mr. Holmes said that Mr. Elder would always make a person laugh. He was always there to tell a
160 joke or share a story that might go on for two days. Mr. Holmes stated that Mr. Elder is the reason
161 that Mr. Holmes is on City Council.
162

163 Vice Mayor Robertson opined that he considered Mr. Elder a friend as they were both car guys.
164 He stated that he grieves for the Elder family.
165

166 Mayor Oakes also read the following proclamation about Local Government Education Week,
167 April 1-7, 2021:
168

169 **WHEREAS,** since the colonial period, the Commonwealth of Virginia has closely held
170 the institutions of local government; and

171 **WHEREAS,** local governments throughout the Commonwealth provide valuable
172 services to the citizens of the communities they serve; and

173 **WHEREAS,** citizen services, such as law enforcement, public health and safety,
174 recreational opportunities, and educating local children, are most often
175 delivered at the local level; and

176 **WHEREAS,** in recognition of the work performed by local governments, the Virginia
177 General Assembly, on February 29, 2012, designated the first week in April
178 as Local Government Education Week in Virginia; and

179 **WHEREAS,** April 2, 1908 was the date of establishment of the Council-Manager form
180 of government in the City of Staunton, thereby making the first week in
181 April appropriate for this designation; and

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that April 1–7, 2021, is hereby designated as

Local Government Education Week

in the City of Staunton, and that Staunton City Council will promote civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

Adopted this 25th day of March, 2021.

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Morgan C. Smith

INTERIM CLERK OF COUNCIL

Dr. Laura van Assendelft, Professor and Department Chair for Political Science at Mary Baldwin University, thanked City Council for the proclamation. She stated that she had 58 students this semester taking State and Local Politics. She opined that in a normal year her students would be at every Council meeting, but this year students have been all across the state tuning in to the City of Staunton and their own local governments. She then thanked Council and other City officials for taking the time to answer questions from the students.

Four of Dr. van Assendelft's students called in via Zoom:

Dee Dee Kahraman stated that she had a lot of fun learning about the different policies in Staunton and that it has been interesting to learn more about the town that she will call home for the next few years or so.

Angie Contreras thanked Ms. Mead for answering so quickly. She was reassured that reaching out to her representatives and having them answer was an achievable goal.

Tyrell Knight also said that it was nice to understand the politics and everything going on in the place that is his home for at least another year.

Elizabeth Lopez thanked Council for their support and stated that she believed she took this course at the perfect moment in history in regards to politics.

Vice Mayor Robertson asked the students what their goals were after graduation. Ms. Kahraman stated that she would be enlisting in the United States Coast Guard with the ultimate goal of being a history professor. Ms. Contreras said that she would like to be a community organizer as she loves connecting people to opportunities. Mr. Knight stated that he would like to go in to forensic science. Ms. Lopez said that she was currently in the Army National Guard so would like to join active duty after she graduates.

Dr. van Assendelft followed up with a story about a student, Kit Schultz, who is an active skateboarder and patron of Gypsy Hill Park's Skateboard Park. As his assignment for this class, he reached out to Director of Parks and Recreation Chris Tuttle. Mr. Schultz was impressed that

Mr. Tuttle not only wrote back, but asked him and fellow skateboarders to participate in providing ongoing feedback to Parks and Recreation.

Ms. Dull stated that she had fun answering the large quantity of emails that she received from Dr. van Assendelft's students.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Mead shared that she worked with a group of Mary Baldwin University students, including some from the Program for the Exceptionally Gifted, to plant trees with the Shenandoah Green Tree Project. They were able to plant 12 trees in the Johnson Street area. Representatives from Shenandoah Green also asked her to share that nearly 400 trees were planted over two weekends with the assistance of Mary Baldwin students, YMCA and a variety of other volunteers.

APPROVAL OF MINUTES

Mr. Holmes moved to approve the Work Session and Regular Meeting Minutes of March 11, 2021 with a correction to the Regular Meeting minutes on line 856 changing "concerning" to "in opposition to."

The motion was seconded by Vice Mayor Robertson 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		

REGULAR MEETING

A. Public Hearing of Effective Real Property Tax Rate Increase

Phil Trayer, Chief Finance Officer, stated that a public hearing regarding the setting of the FY2022 Real Estate Tax Rate is requested.

As he reported in the work session, Virginia Code requires a locality to advertise an equalized tax rate if, in the year of reassessment, valuation exceeds 1% of prior year's assessed value. It also requires the locality to advertise a public hearing, at least thirty days in advance of the hearing date in the local newspaper. In addition, the public hearing on the tax rate cannot occur on the same date as the public hearing for the budget. The public hearing for the budget is scheduled for April 8, 2021.

The advertisement for the public hearing must contain the following four elements:

- a) The ad must include the percentage of the assessment increase which this year equals 9.4% in FY2022

- b) It needs to state the lower tax rate to offset the increase in assessments which this year equals \$.88. (He also noted that while \$.88 is the overall equalized rate, some individual properties may experience increases or decreases in their real estate tax billing.)
- c) The advertisement needs to state the effective Rate Increase which is the difference between the equalized rate and the advertised rate which. This year it equals \$.07 cents per \$100 of assessed value, (\$.95 current rate less the equalized rate of \$.88) or a 7.4% increase.
- d) Finally, the Proposed Total Budget Increase must be stated in the advertisement which in this case there is an advertised a ceiling of 10.5% of the general fund budget.

The \$.95 cent Real Estate tax rate and the general fund percentage increase of 10.5% represents ceilings and Council may lower, but not exceed these rates and ratios as advertised. Council is not scheduled to vote on this rate until April 22, 2021.

Mr. Trayer reiterated that City Assessor Charley Haney was available to assist in any questions that Council may have.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

The public hearing was opened.

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

B. Introduction of an Ordinance Proposing a Budget for Fiscal Year 2022

Mr. Trayer stated that the proposed Budget Ordinance for FY 2022 was to be formally introduced.

The FY22 Budget Ordinance Totals \$131,353,978 and consists of the following:

• General Fund	\$61,939,366
• Debt Service Fund	\$5,683,314
• CIP Fund	\$981,050
• Blue Ridge Court Services	\$1,229,541
• Water Fund	\$11,596,225 (which includes the Gardner Springs Project)
• Sewer Fund	\$3,957,500
• Parking Fund	\$512,081
• Stormwater Fund	\$1,656,650
• Environmental Fund	\$3,252,385
• Education Fund	\$35,253,498
• Cafeteria Fund	\$1,696,314
• Textbook Fund	\$276,735
• School CIP	\$100,000
• School State Operated Program	\$3,189,978

This ordinance includes a Real Estate Tax decrease of \$.02 which lowers the tax rate from \$.95 per \$100 of assessed value to \$.93 per \$100 of assessed value. While the actual rate has decreased, in reality, this does increase the effective tax rate by \$.05 per \$100 of assessed value as the equalized rate calculated as a result of the increase in assessments equals \$.88 per \$100 assessed value.

This Budget also includes the following:

- Water Fund Rates – No change
- Sewer Fund Rates – No change
- Environmental Fund Rates – No change
- Parking Fund Rates – No change

Budget work sessions are scheduled for April 1, April 8 and April 15. The budget is scheduled for approval on April 22. The public hearing is set for April 8.

The City Manager recommends this ordinance be introduced as presented.

Mayor Oakes asked Council members if they had any questions.

Ms. Mead noted that on page 52 of the budget, in the definitions section, a proprietary fund was defined as a fund established to account for specific operations that are financed through user fees for a specific public service. The definition then states that the City of Staunton has six proprietary funds, including the Golf Fund. Ms. Mead stated the reason she was bringing that up was because she had heard from numerous Staunton citizens that have requested that a Golf Fund be reinstated. Mr. Trayer apologized for the mistake as the Golf Fund was reabsorbed into the General fund at the end of the 2018 fiscal year. He said the bond counsel recommended reabsorption of the fund because at the time there were a number of transfers from the General Fund back to the Golf Fund. He then stated that he had planned to recommend to Council that he update them quarterly on the Golf Course, however if Council wanted him to again establish a proprietary Golf Fund, he would make that happen. Ms. Mead thanked Mr. Trayer for his response and his commitment to keeping Council informed about the Golf Course. She then noted that she saw where staff proposed a discontinuance of curbside recycling so that the City could again offer the recycling of plastics. She asked how that was cost effective. Mr. Rosenberg responded that Director of Public Works Jeff Johnston would be able to go into more detail at an upcoming work session. He also stated that staff has learned that the primary issue of recycling plastics is the contamination of the products that the City provides to the processors. The purpose behind a central deposit location which would be staff by City employees, would be so that they could monitor the incoming materials and educate citizens on what materials are and are not acceptable for recycling purposes. Ms. Mead's final question was whether the City could impose taxes or fees on single use plastic bags now that the Commonwealth of Virginia has passed a law that says localities can do so. Mr. Trayer stated that he and Mr. Johnston would get together and find out those details.

Mr. Holmes asked if water and sewer hookup fees had gone up. Mr. Trayer replied that those fees have remained flat. Mr. Holmes then asked if some parking fees would be reinstituted to help offset some of the costs of repairs. Mr. Trayer stated that parking revenue took a hit during the pandemic and has put the Parking Fund in jeopardy. But staff is hoping that with the assumption of normal operations, the Fund will be fine.

Ms. Dull stated that she looked forward to hearing more about the recycling change. And she hoped that there were provisions in place for people who do not own a car or who are elderly or disabled, would not lose the ability to participate in recycling. Mayor Oakes concurred.

Council members did not have any further questions.

Vice Mayor Robertson moved to introduce the Fiscal Year 2022 Budget Ordinance for the City of Staunton and to schedule a public hearing on the proposed ordinance during Council's regular meeting on April 8, 2021.

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

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

C. Ordinance to Appropriate an Additional 20% of the FY2021 Adopted Budget

Mr. Trayer stated that in response the uncertainty of the pandemic, the City's budget was appropriated at a level of 60% to allow staff to access the impact the pandemic was having on revenue as the fiscal year unfolded. In December 2020 Council appropriated an additional 20% of the FY2021 adopted budget bringing the total appropriation up to 80% at that time. As reported at Council's last meeting, revenues continue to flow into the City at a level to meet FY2021 budget requirements.

Given the overall positive revenue variances staff feels comfortable with appropriating the final 20% of the FY2021 budget at this time bringing the total FY2021 adopted budget appropriation to 100%.

This final request equals \$22,858,124 and does not requires a public hearing as one was held during the budgeting process for the full budget amount.

City portion of this budget appropriation = \$15,417,704

School portion of this budget appropriation = \$7,440,420

Mr. Trayer provided information regarding local taxes of interest.

- Meals Tax through January down \$313,000 to same time last year, but are \$317,000 above budget projections
- Sales Tax through December are up \$32,000 to same time last year, and are \$645,000 above budget projections
- Lodging Tax through January are down \$223,000 to same time last year, and \$104,000 below budget projections
- Real Estate, Personal Property Tax and Business Occupational are all set to meet budget projections

410
411 Mayor Oakes asked Council members if they had any questions.

412
413 Council members did not have any questions.

414
415 Mr. Claffey moved to adopt an ordinance amending the fiscal year 2021 budget by adding an
416 additional twenty percent (20%) of the FY2021 adopted budget in an amount equal to \$22,858,124,
417 as presented.

418
419 The motion was seconded by Ms. Darby.

420
421 Ms. Mead stated that the means of providing a budget for the City in increments over the year of
422 uncertainty has been a great example of excellent financial management of the City. She thanked
423 the City Manager and his staff for the wise approach to budgeting.

424
425 Ms. Dull thanked Mr. Rosenberg, Mr. Trayer and all the finance staff for the demonstrated success
426 of the Finance Department.

427
428 The motion carried as follows:

429				
430	Ms. Darby	aye	Mr. Holmes	aye
431	Mr. Claffey	aye	Ms. Mead	aye
432	Vice Mayor Robertson	aye	Mayor Oakes	aye
433	Ms. Dull	aye		
434				

435 **(SEE ATTACHMENT A – BUDGET ORDINANCE 2021-09)**

436
437
438 **MATTERS FROM THE CITY MANAGER**

439
440 Mr. Rosenberg introduced the City's new Communications Manager Michelle Bixler. He stated
441 that she came to the City of Staunton most recently from the Town of Strasburg where she was the
442 Community Development Director. She has a background in communications and public
443 information that started in the City Manager's Office in Eugene, Oregon.

444
445 Mr. Rosenberg also make Council aware that the Central Shenandoah Health District conducted a
446 vaccination clinic for City employees on March 24.

447
448 In response to an email from City Council, Mr. Rosenberg wanted to let Council and the public
449 know that City pools will be operating this summer, scheduled to open on Memorial Day weekend
450 as they normally would. In addition, Camp Staunton, the Parks and Recreation summer program,
451 will operate this summer, but will be modified in accordance with the standards established by the
452 Commonwealth of Virginia for those types of activities.

453
454 Mr. Rosenberg shared with Council that the permit for Shop and Dine Out in Downtown was
455 issued to the dozen or so restaurants that participate in the initiative. Shop and Dine Out in
456 Downtown will begin the first weekend in April and is scheduled to continue through the end of

October. Beverley Street will close down each Friday at 4 p.m. and will reopen early Monday morning.

Finally, Mr. Rosenberg shared that on March 24, 2021 Staunton became the fourth locality in the State of Virginia to switch to the next generation 911 system, which is the matter in which callers and texters communicate with dispatchers.

MATTERS FROM THE PUBLIC

Mayor Oakes read the following statement:

“This part of City Council’s agenda is entitled ‘matters from the public.’ It is a time that Council sets aside to hear from citizens and others about a wide variety of subjects. Before we begin, I’d like to share five basic ground rules that we ask you to respect as you make your remarks:

1. Please come to the podium, identify yourself, and complete your remarks within 5 minutes. The Mayor will let you know when you’ve reached your 5 minutes. So we ask that you please give your name, your address, and then keep your remarks at 5 minutes or less.
2. This is a time for us as a Council simply to listen to your remarks. In an effort to encourage and maintain orderly conduct, we will not engage in give and take debate. If you are seeking information, you may mention it during your remarks and the City Manager or his staff may get in touch with you in the days ahead.
3. We ask that you direct your comments to Council as a whole and not to identify members of Council or to an individual employee of the City. If you want to take up an issue with an individual member of Council or an employee, please speak with us before or after the meeting. We are also accessible by phone, mail or email. Again, we ask that you direct your comments to the Council as a whole.
4. We expect every speaker to be civil and courteous. Using profanity, making personal attacks on an individual, and doing anything that is disruptive to the orderly conduct of this meeting will not be tolerated.
5. Finally, as the presiding officer, it is my duty to remind you that if you choose not to abide by these ground rules, I may find that you are out of order and will ask you to withdraw from the podium. We certainly do not want to reach that point and even beyond, so we respectfully ask for your full cooperation in observing these guidelines.

When you reach 5 minutes, I will let you know. If you continue to speak, I will ask you to step away from the podium, and a third time I will ask you to please stop speaking and step away from the podium. Otherwise, you may be charged with disorderly conduct

under Virginia Code Section 18.2-415(A)(2)

If you wish, you may obtain a copy of the ground rules from our Interim Clerk of Council, Ms. Smith. And now, we welcome all speakers. The podium is now available for matters from the public.”

Ms. Mead asked that Mayor Oakes add that the Virginia Code Section 18.2-415(A)(2) provides for a year in jail and a \$1,000 fine. She stated that she thought it was important for people to understand the full consequences of violating the stated rules. Mayor Oakes deferred to City Attorney John Blair. Mr. Blair stated it would be required for Council to make a vote if Ms. Mead wanted to add that particular aspect to the statement read by the Mayor. Ms. Mead asked Mr. Blair if she was correct that the penalty for violation of the code was up to one year in jail or a \$1,000 fine. She stated that a Class One Misdemeanor is up to one year in jail or he believes a maximum fine of \$2,500.

Ms. Dull interjected to clarify that Council never voted on the rules read by Mayor Oakes.

Mayor Oakes stated that it had been the practice of the Council and that previous mayors had read the rules. She then asked if anyone from the audience would care to speak.

There was no one to speak in person.

Callers on the line included:

Baldwin Jennings, 332 Sharon Lane, reiterated that there needs to be landscaping at the entrance signs for the City. Especially the entrance sign on 250 coming into Staunton.

Sheila Ahmadi, College Park, stated that although she is not privy to the human resources matters of the City, she trusted that the closed session on the City Manager performance evaluation is equivalent to the self-analysis of performance that Council does daily. She continues to stand in opposition to the Middle River Regional Jail expansion. She also stands in opposition to the use of spending \$200,000 of taxpayers' money on the Golf Course.

Unknown Caller, North Madison Street, was glad to hear that there would be a quarterly accounting of the Golf Course. The caller also strongly disagreed with the Middle River Regional Jail expansion. The caller stated the 911 technology sounds interesting but would like more detail.

Deborah Kushner, 1311 North Augusta Street, commented on City staff moving on or retiring as well as the number of closed sessions. She appreciates the upcoming quarterly updates on the Golf Course. She also commented that the guidelines to speak during Matters of the Public was not a part of the procedural memoranda on the website. She also went on to share that ideas and or comments shared from the citizens of Staunton have gone unanswered.

There were no other callers on the line.

Mayor Oakes stated that Council would then need to take a 15-minute recess at the request of Mr. Blair.

Once Council was back in open session Mr. Blair thanked Council for the recess. He stated that the Freedom of Information Act required that when a certification motion is read to come out of a closed meeting if any member votes no on the certification of that meeting, statute requires that they state on the record why they voted no.

Ms. Dull stated that while Mr. Blair provided legal advice, she believed the advice could have been provided in an opening meeting. There was nothing in terms of process to decide how to do evaluations on the City Manager that warranted a closed meeting. That is why she voted no.

Ms. Mead stated that the cited Virginia Code Section 2.2-3711(A)(8) which reads “consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by counsel.” Although Mr. Blair did provide legal advice the code goes on further to say that “nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.” That is why she voted no.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:02 p.m.

Morgan C. Smith
Interim Clerk of Council

Ordinance No. 2021-09

**CITY OF STAUNTON, VIRGINIA
FY 2021 ADOPTED BUDGET ADDITIONAL APPROPRIATION**

GENERAL FUND**ANTICIPATED REVENUE**

General Property Taxes	\$ 5,072,150
Other Local Taxes	2,592,900
Commonwealth of Virginia	2,519,778
Current Service Charges	360,667
Federal Revenue	256,995
Recovered Costs	232,375
Licenses and Permits	47,080
Use of Money and Property	49,300
Fines and Forfeitures	46,400
Miscellaneous	97,296
Total Revenue	<u>\$ 11,274,940</u>

APPROPRIATIONS

Transfer to Education Fund	\$ 2,408,882
Public Safety	2,408,704
Health and Welfare	1,472,476
Public Works	1,194,353
General Government Administration	1,220,092
Transfer to Debt Service Sinking Fund	968,883
Parks, Recreation, Library, and Cultural	734,044
Judicial Administration	447,951
Community Development	417,755
Transfer to the City CIP Fund	-
Educational Agency Contributions	1,800
Total Appropriations	<u>\$ 11,274,940</u>

DEBT SERVICE SINKING FUND**ANTICIPATED REVENUE**

Transfer from the General Fund	\$ 968,883
Total Revenue	<u>\$ 968,883</u>

APPROPRIATIONS

Debt	\$ 968,883
Total Appropriations	<u>\$ 968,883</u>

CAPITAL IMPROVEMENTS PROJECT FUND**ANTICIPATED REVENUE**

Transfer from the General Fund	\$0
Total Revenue	<u>\$0</u>

APPROPRIATIONS

Capital Improvements	\$0
Total Appropriations	<u>\$0</u>

BLUE RIDGE COURT SERVICES FUND**ANTICIPATED REVENUE**

Non Capital Grants/ Contributions	\$ 158,941
Miscellaneous	23,574
Charges for Services	36,080
Total Revenue	<u>\$ 218,595</u>

APPROPRIATIONS

Operations	\$ 218,595
Total Appropriations	<u>\$ 218,595</u>

WATER FUND**ANTICIPATED REVENUE**

Charges for Service	\$	927,245
General Revenues		82,117
Total Revenue	\$	1,009,362

APPROPRIATIONS

Operations	\$	689,143
Debt		204,219
Capital		116,000
Total Appropriations	\$	1,009,362

SEWER FUND**ANTICIPATED REVENUE**

Charges for Services	\$	781,000
General Revenues		131,479
Total Revenue	\$	912,479

APPROPRIATIONS

Operations	\$	481,180
Debt		282,241
Capital		149,058
Total Appropriations	\$	912,479

PARKING FUND**ANTICIPATED REVENUE**

Charges for Services	\$	89,100
General Revenues		18,924
Total Revenue	\$	108,024

APPROPRIATIONS

Operations	\$	64,741
Debt		35,683
Capital		7,600
Total Appropriations	\$	108,024

STORMWATER FUND**ANTICIPATED REVENUE**

Charges for Services	\$	157,000
General Revenues		101,463
Total Revenue	\$	258,463

APPROPRIATIONS

Operations	\$	76,483
Capital		181,980
Total Appropriations	\$	258,463

ENVIRONMENTAL FUND**ANTICIPATED REVENUE**

Charges for Services	\$	641,729
General Revenues		24,000
Non Capital Grants/ Contributions		1,230
Total Revenue	\$	666,959

APPROPRIATIONS

Operations	\$	539,558
Capital		127,401
Total Appropriations	\$	666,959

EDUCATION FUND**ANTICIPATED REVENUE**

Commonwealth of Virginia	\$	3,196,898
Transfer from the General Fund		2,408,882
Federal Government		510,971
Charges for Services		184,397
General Revenues		193,147
Total Revenue	\$	6,494,295

APPROPRIATIONS

Administration and Operation of Schools	\$	6,494,295
Total Appropriations	\$	6,494,295

CAFETERIA FUND

ANTICIPATED REVENUE

Operating Grants	\$	251,542
Charges for Service		37,726
General Revenues		5,074
Total Revenue	\$	294,342

APPROPRIATIONS

Operations	\$	294,342
Total Appropriations	\$	294,342

SCHOOL TEXTBOOK FUND

ANTICIPATED REVENUE

Commonwealth of Virginia	\$	33,955
General Revenues		21,500
Total Revenue	\$	55,455

APPROPRIATIONS

Operations	\$	55,455
Total Appropriations	\$	55,455

SCHOOL CAPITAL IMPROVEMENTS PROJECT FUND

ANTICIPATED REVENUE

General Revenues		\$0
Total Revenue		\$0

APPROPRIATIONS

Capital Improvements		\$0
Total Appropriations		\$0

STATE OPERATED PROGRAMS

ANTICIPATED REVENUE

Operating Grants	\$	506,802
General Revenues		89,527
Total Revenue	\$	596,329

APPROPRIATIONS

Operations	\$	596,329
Total Appropriations	\$	596,329

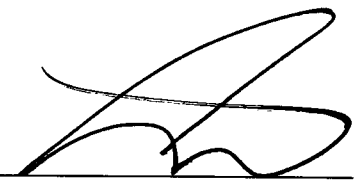
Grand Total Revenues	\$	22,858,124
Grand Total Expenditures	\$	22,858,124

INTRODUCED: March 11, 2021

Approved this 25th day of March 2021

Effective Date: March 25, 2021

ATTEST: 
Morgan C. Smith
Interim Clerk of Council

CERTIFIED: 

Andrea Oakes
Mayor of Council

City Council
BUDGET WORK SESSION
April 1, 2021
5:00 p.m.

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

Mayor Oakes called the meeting to order: Mayor Oakes called the meeting of Staunton City Council to order. Mayor Oakes noted that the meeting was being broadcast over the City's cable channel and streamed live on the City's website so that members of the public may hear the meeting. The meeting was 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. Mead	absent
Vice Mayor Robertson	aye	Mr. Claffey	aye
Mr. Holmes	absent	Ms. Darby	aye
Ms. Dull	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 Mead and Dull were participating on the Zoom platform.

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. Since this meeting includes a work session, there will be no opportunity for public comment.

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, as extended by City Council Ordinance No. 2021-04."

Ms. Mead arrived at 5:04 p.m.

Mr. Holmes arrived at 5:15 p.m.

Budget Discussion

View the proposed budget online at www.staunton.va.us/budget.

City Manager Steve Rosenberg thanked City Council for sending questions over the course of the week and asks that they continue to do so throughout the budget process. He then introduced Phil Trayer, Chief Finance Officer to present more detail on the City's budget.

Mr. Trayer stated that he would like to provide a quick review of what was done last year to balance the City's budget followed by a brief update as to FY 2021 trend lines in recorded revenue.

In response to the pandemic the City made significant reductions in the FY 2021 budget in order to balance its budget. The goal at the time was to reduce costs in a way that would allow the City to weather the storm while maintaining structure for long term support of its citizens. The budget adoption date was postponed to May 14, 2020, one day before the City was required by state code to provide the schools an adopted budget. Even with this extra time, the City did not even have one month of trend data to base its revised budget forecasts on. The following measures were taken to close a \$4.2 million gap and balance the FY 2021 budget:

- The elimination of a 2% salary increases scheduled for January 1, 2021 netting \$183,000 in savings
- The local transfer to schools per traditional revenue share produced \$1.7 million in savings
- Deferral of CIP Expense funding netted \$941,000
- Reduction of non-comp and part time labor produced \$434,000 in savings
- Personnel actions in the way of frozen open positions and furlough days produced \$944,000 in savings

Local taxes of interest to report at this time:

- Meals Tax thru January down \$303,000, or 10.6%, to same time last year, but are \$326,000 above budget projections
- Sales Tax thru December are up \$32,000 or 1.3%, to same time last year, and are \$645,000 above budget projections
- Lodging Tax thru January are down \$223,000 or 37.5%, to same time last year, and \$104,000 below budget projections
- Property Tax thru March are down \$184,000 or 3.3%, and \$36,000 above budget projections
- Real Estate tax thru March are up \$84,000 or 1.7%, above same time last year and \$337,000 above budget projections

While the overall revenue picture in FY 2021 is quite positive in relation to the FY 2021 budget, it is still below FY 2020 levels. The FY 2022 budgeted revenues are based upon the assumption revenues will not be fully recovered in FY 2022. As such, our local revenues are budgeted to reflect the City being in recovery mode while property taxes are budgeted to reflect an increase in assessments resulting in an effective increase in taxes of \$.05.

On the expense side the City has had to absorb a tremendous amount of additional, uncontrollable expenditures which are far outpacing the influx of additional revenues.

98
99
100 **Use of Fund Balance**
101

102 The FY 2022 Budget does incorporate \$1,188,378 in fund balance reserves to balance. The reason
103 for this is the City is still in the recovery mode and is expected to climb out during the course of
104 the 2022 fiscal year. Local revenues such as meals and transient occupancy remain significantly
105 under pre-pandemic levels with double digit losses to the prior fiscal as of this date. Keep in mind
106 FY 2020 experienced its own losses and the FY 2022 budget has these lines budgeted down by
107 5% and 4%, respectively, to FY2020 levels.
108

109 The math is straight forward, the City is absorbing an additional \$2.7 million in additional, mostly
110 uncontrollable and mandated expenses being offset by \$1.5 million in revenues. Again, the City is
111 hoping to be in a position to grow out of this current situation which is unsustainable as it currently
112 stands.

113 **Fund Balance Policy**
114

115 This can also be found on page 44 of budget book and it starts with the calculation of the safety
116 net reserve which 15.5% of the subsequent year budget which again for June 30 it was calculated
117 at \$56,374,701 X 15.5% = \$8,738,079.
118

119 It also prescribes the following:

- 120 1) All major funds are to have a safety net reserve of 15.5%.
121 2) Major funds are defined as General Fund, Water, Sewer, Environmental and Stormwater.
122 3) Funds are to be used in the event of natural disaster, State and Federal mandates, Court
123 decisions and acts of terrorism provided these expenses exceed \$100,000. If used, these
124 funds must be formally appropriated by Council.
125 4) The Safety Net Reserve is not to be used in the event of economic downturns, revenues
126 and expenses are to be adjusted accordingly.
127 5) Item 5 restates that use of the funds must be authorized by City Council.
128 6) Item 6 states that if the City utilizes any amount of the fund balance, it is to be restored
129 within 36 months.

130 Finally, any amounts exceeding the Safety Net Reserve, General Fund Contingency, and other
131 restricted balances must be considered for CIP first.
132

133 The City has five different Fund classifications and they include:

- 134 • Committed Fund Balance – These funds can only be used for specific purposes subject to
135 Council discretion. Includes the Safety Net Reserve.
- 136 • Assigned Fund Balance – These funds are assigned for specific purposes. CFO oversees
137 these balances. Includes employee liability and encumbrances.
- 138 • Restricted Fund Balance – These funds are restricted by external sources such as creditors,
139 grantors, donors or other government agencies. These include donations and grants.
- 140 • Non-Spendable Funds – These are generally not in a spendable form which includes
141 prepaids, advances, inventory or reserves.

- Unassigned Funds – Amounts that are within the funds but are specifically restricted or committed. All other amounts not assigned above falls into this category including the \$250,000 operating reserve established to address unexpected loss of revenues or unexpected expenses.

These are classifications within the funds themselves and do not represent separate funds.

Total General Fund Balance as of June 30, 2020 equals \$17,623,694. Of this amount \$11,447,228 is restricted for reserves as follows:

- Safety Net reserves of \$8,738,079, calculated at 15.5% of the subsequent general fund year budget. For this year it equals \$56,374,701 X 15.5% = \$8,738,079 (Committed Funds)
- Employee Leave = \$1,747,761, liabilities for accrued sick and vacation plans (Assigned Funds)
- Encumbrances = \$368,391, open requisitions / obligations at the end of the fiscal year (Assigned Funds)
- Operating Reserve = \$250,000 used to offset unexpected declines in budgeted revenue or unanticipated emergency expenditures as per City policy. (Unassigned Funds)
- Restricted Donations = \$242,949 the majority of which amount is made up of Police Forfeiture Assets = \$101,000, Fire Program Funds = \$102,000 (Restricted Funds)
- Prepaid amounts of \$100,048 which include prepaid software licenses for Microsoft and Tyler Technologies which is our accounting software. (Non-Spendable Funds)

Additional mandated expenditures the City has had to incur since it's last reassessment year. Expenses include:

- Middle River Regional Jail – \$974,861 Current budget calls for an additional \$525,000 in expenses, this will most likely finish a little lower than what is currently budgeted in FY 2022 but we need to keep in mind the trend line for this jail is not good.
- Economic Development Agreements provide an additional \$380,655 in expenses. These agreements are designed to fluctuate with the level of additional tax dollars flowing into the City. In FY 2020, the revenues were properly accounted for but the projected expense was significantly understated, thus the \$380,000 variance.
- Mandated Virginia Retirement System (VRS) increases, first incurred in FY 2021 has impacted the budget by \$285,000 since 2020.
- The FY 2020 budget was balanced with SAFER Firefighter Grant funding of \$177,786. These monies are no longer available.
- Children's Services Act/Department of Social Services increases equal \$96,750.
- In the Commonwealth Attorney's office, an additional \$63,874 associated with mandated, 100% locally funded body cam position plus two additional Comp Board positions which were not in the FY 2020 Budget.
- Health insurance increases equal 8.8% for an additional \$123,000 versus FY 2020 budget and \$225,000 based on current health insurance enrollments.
- Animal Control staff have estimated \$25,500.
- Shenandoah Valley Juvenile Center, with the potential loss of federal funding, projecting an increase of \$232,426.
- In FY 2022 incorporated a 2% increase effective on January 1, 2022.

Balancing Needs

- 1) Budget staff is trying to find the balance between the right tax rate structure to sustain current services for the long term while allowing the City to grow out of its current economic down turn.
- 2) Expenses listed in the previous slide are not going away, in fact in the case of the jail, they are most likely to continue to grow significantly.
- 3) This increase in mandated expenditures has put pressure on all City departments and Staunton City Schools.
- 4) Staunton City Schools are faced with a situation where children had the rug pulled out from them at the end of the school year in FY 2020. Children have had to work through 100% remote learning in the first half of FY 2021 and a hybrid plan the second half of FY 2021. Recovery, from a student knowledge basis, will take multiple years and significant resources.

The Middle River Regional Jail (MRRJ) is the most significant cost driver on the City's budget. As can be seen the City of Staunton has increased 83.1% in five years compared to the population increase of 5% between 2010 and 2019 as reported by the U.S. Census.

The MRRJ proposed budget information highlights the difference between the FY 2021 \$22.4 million budget and FY 2022's \$25.4 budget and the makeup of the \$3 million variance. This information was incorporated at the request of Ms. Dull asked for a breakout to be provided to Council. As expected, half of the increase is salary related (\$1,434,591), followed by materials and supplies of \$775,000 which actually includes an addition \$750,000 in bed rental expense and CIP related projects of \$387,000. Actual capital expenditures are budgeted at \$721,000 but when compared to FY 2021's budget there is a variance of \$387,000.

There were additional positions budgeted by MRRJ that were awarded during FY 2021 and were not a part of their budget. Positions include 18 officers, two nurses, one deputy superintendent, one accounting tech, and one tech admin. The jail budgeted for 10 of these positions to be vacant in FY 2022.

The proposed **General Fund Budget** equals \$61,969,366 versus FY 2021's adopted \$56,374,701 for a variance of \$5,594,665 or 9.9%. As a comparison, the difference between the FY 2020 budget equals \$2,694,366 or 4.5%.

Other variances between FY 2021 to FY 2022 include:

- Debt Service Fund = \$838,899 or 17.3%
- Blue Ridge Court Services = \$136,568 or 12.5%
- City Capital = \$981,050

Proprietary Funds

- Water = \$6,549,415 for a percentage increase of 129%. This does include the Gardner Springs Project
- Sewer = (\$604,893) or -13.3%
- Environmental = (\$82,408) or -2.5%
- Stormwater = \$364,334 or 28.2%
- Parking Fund = (\$28,039) or -5.2%

The FY 2022 proposed revenue equals \$61,969,366 or \$2.7 million over FY 2020's adopted budget and \$5.6 million over FY 2021's adopted budget.

FY 2022's Property Tax Revenues

- General Fund Revenues

- Total General Property Taxes in FY 2022 = \$27,800,455 this is a \$2,439,705 increase over FY 2021 and \$1.4 increase over FY 2020.
 - Real Estate = \$20,382,755 which is a \$2,170,255 increase, this is due to the equivalent of a 5-cent real estate effective rate increase and a reduced the delinquency factor for FY 2022. It's fair to say real estate projections have been pushed hard. (After adjustment \$215,000 per cent)
 - \$2,500 public service corporation's real property value increase per trend
 - interest and penalty a \$10,000 decrease due to historical trends
 - \$1,250 increase in Downtown Service District tax increases in assessments being offset by a projected 4% delinquency factor assigned to FY 2022's proposed budget of \$120,000
- Personal Property = \$308,000 increase
 - FY 2022's Personal Property Tax budget (base budget plus delinquencies) equals \$5,525,000, which was an increase of \$308,000 over FY 2021 due to valuation increases and the reduction of delinquency factors. (roughly \$19,051 per one cent of personal property tax)
 - Personal Property Interest increase of \$10,000 is reflective of recent trends in this line-item FY 2020 actual = \$85,811 and FY 2021 YTD = \$48,751
 - (\$36,000) decrease in machinery and tools as taxable value downward trends to decline. Since FY 2018 staff has seen declines and this is reflective of that trend.

Local Taxes

- Total Local Taxes equals \$15,150,500 which is up \$2,186,000 over FY 2021 adopted budget and \$356,000 less than FY 2020's adopted budget. Line by line detail include:
 - Business, Professional and Occupational License Tax – \$390,000 increase over FY 2021 budget; the budget of \$2,040,000 is down from FY 2020 actuals of \$2.4 million. Concerns of ongoing economic impact particularly when the stimulus monies begin to dry up.
 - Utility taxes for Water and Electric are flat and gas has been slightly reduced. All reflect current trends.
 - Sales Tax are budgeted at \$4,662,500 for an increase of \$1,268,750 over FY 2021's adopted budget as these taxes have been resilient throughout FY 2020 and FY 2021. Still, staff have concerns about potential downturns of the economy and this line item is budgeted about 4% less than FY 2020 actuals.
 - Bank stock, recordation and cigarette taxes are budgeted based on recent trends. Down at total of (\$18,000) between the three.
 - Lodging Tax is budgeted with a (\$76,000) decrease to FY 2021 as revenue declines budgeted in FY 2021 did not properly reflect the nearly 40% decline experienced. Still, staff expect some recovery and have budgeted accordingly. The FY 2022 budget is about 3% below FY 2020 actuals

- Meals Tax equals \$4.3 million and are budgeted \$737,500 over FY 2021's adopted. The 2022 budget is down by approximately 4% to FY 2020 actuals but as a comparison, FY 2021's year to date postings are down about 11% to FY 2020 same time last year. Again, staff are cautiously budgeting for some recovery in the area in FY 2022.
- Probate tax of \$7,000 is flat to FY 2021 and FY 2020.
- Local Communications Tax – (\$111,250) decrease to reflect recent trends of \$1,158,936 in FY 2020 and a slightly less trend line developing in FY 2021. (To date, \$69,000 behind last year)
- Short Term Rental - \$3,000 decrease due to usage

Other Revenues

In FY2022, Other Revenues are projected to be \$19,018,411 which includes the \$1.2 million in the use of Fund Balance.

- Licenses & Permits – (\$27,000) decrease. All follow trend lines
 - Building/mechanical permits – (\$29,000) decrease (high school finished)
 - Police fees – \$3,000 increase
 - Dog Licenses – (\$1,000) decrease
- Fines & Forfeitures – are flat because of the impact of the pandemic and the closure of the Courts we do not have a good recent trend line in this area to alter previously established trend lines. So, no change in this area.
 - Circuit Court Fines – Flat based upon FY 2020 history
 - Court Recording Fees – Flat based upon FY 2020 history
- Use of Money – down (\$111,000) to reflect FY 2021 trends
- Current Service Charges – up \$52,568, this is largely driven by allocation credits as calculated by the City's auditors for water, sewer, environmental, parking and stormwater. Projections were provided by the Golf Committee. Staff anticipate offsetting reductions in Swimming and Recreation Trip Fees as anticipate some slippage due to the pandemic.
- State Revenues – total \$12,815,367 which is an increase of \$216,475 over FY 2021 adopted budget and \$411,000 over FY 2020's budget.
 - Health and Welfare – \$151,700 increase over FY 2021, this based on service levels/programs.
 - Children's Services Act (CSA) – \$20,000 increase due to caseload
 - Street Maintenance – \$75,318 increase
 - Constitutional Officers – \$29,321 compensation increases
 - HB599 Law Enforcement – \$0, no increase to reflect current funding
 - Public Facilities Tax – Down (\$55,000) due to current trend lines
 - Recordation Down (\$25,000) to reflect current trends.
- Federal funds total \$1,363,629 which is \$78,656 over FY 2021 and \$80,000 over FY 2020's adopted budget
 - Fire SAFER Grant – (\$56,569) decrease;
 - FY 2021 was final year of support, which, as anticipated, has declined over last three years
 - Health and Welfare – Up \$129,225 to reflect projections by Social Services

Finally, there is the Fund Balance Transfer of \$1,188,378, this year to draw down on health insurance or CIP reserves.

Expenses

General Fund expenses equal \$61,969,366 or \$5.6 million over FY 2021 and \$2.7 million over FY2020.

- Debt Service Expense of \$5.7 million does track with the amortization schedules.
- Blue Ridge Court services added 1.5 positions, 100% grant funded.
- CIP Transfer. FY 2021 variance is simple, staff cut all transfers last year. FY 2020's variance of \$140,000 is \$40,000 in additional Fire Equipment, \$200,000 MRRJ, and a reduction of \$100,000 School CIP transfers.

Comparison for budgeted salaries and wages for FY 2020, FY 2021 and FY 2022 Proposed

Full Time Salaries. FY 2020 to FY 2022 Variance equals \$450,000

- 1% Increase – \$150,000
- Clerk Position – \$56,000
- Commonwealth's Attorney – Body Cam/Comp Board Allocation adjustment – \$90,000 FY 2020 was under budget by two positions plus one Body Cam position
- Clerk of Court position – added \$40,000 funded by additional Court Recorder fees collections by the Clerk's Office
- Sheriff – one extra position costing \$36,000 funded by Temporary Comp Board funds which are actually permanent
- Sheriff adjustment – \$28,000
- Police adjustment – \$27,800 (FY 2022 funded by one time grant monies from the State)
- Assessor \$6,000 adjustment

VRS rate increase in FY 2021 plus additional positions reference above and salary increases of \$150,000 brings this area up \$285,000 over FY 2020 and \$109,000 over FY 2021.

Part Time Salaries. Up \$50,000

- \$20,000 Fire Department
- \$2,000 Police Department
- \$30,000 funded through increase in courtroom security fees

Health Insurance – Real FY 2020 to FY 2022 variance equals \$123,273 as \$50,000 Other Post-Employee Benefits reduction, health insurance is up 8.8% in FY 2022 or \$225,000 based on most recent FY 2021 base enrollments.

Overtime. \$71,000

- \$8,300 Sheriff via courtroom security fees
- Fire \$22,000
- Police \$20,000
- Parks and Recreation \$7,000

Workers Comp – budget adjusted to reflect current rates

Life Insurance – slight rate adjustment VRS group life insurance rates

Line of Duty – rates adjusted in FY 2021 to reflect increasing costs

Total FY 2022 proposed expenditures equal \$61,969,366 versus FY 2021's adopted budget of \$56,374,701 and FY 2020's budget of \$59,275,000 giving us variances of \$5.6 million and \$2.7 million respectively.

General Government FY 2022 Totals \$6,583,210 proposed expense variances between FY 2020's budget of \$3.4 million and FY 2021's budget of \$6.1 million for variances of \$483,000 and \$201,000 respectively.

Departments in this area include: City Council, Clerk of Council, City Manager, Human Resources, City Attorney, Communications, Finance, Assessor, Commission of Revenue, Treasurer, Information Technology and Electoral Board.

Judicial Administration totals \$2,551,898 compared to FY 2021's budget of \$2,239,756 and FY 2020's budget of \$2,050,032 million, variances of \$312,000 and \$502,000 respectively.

This area includes Circuit Court, General District Court, Magistrate, Juvenile Domestic Court, Clerk of Court, Sheriff, Victim Witness and Commonwealth's Attorney.

Public Safety. The proposed FY 2022 section totals \$13,616,584 versus FY 2021's and FY 2020's adopted budget of \$12,043,521 and \$12,087,308 respectively. For variances of \$1.5 million in both years.

This area includes Police, E911, Fire and Rescue, Juvenile Detention, MRRJ, Office of Youth, Building Inspections, Animal control and Medical Examiner.

Major drivers in these variances include MRRJ \$954,000; VRS \$84,000; Juvenile Detention Center \$252,000; Wage increase \$57,000; Police adjustment, \$36,000.

Public Works. The proposed FY 2022 Public Works budget equals \$6.2 million which is an increase of \$254,000 over FY 2021 and (\$63,000) less than FY 2020. The majority of the FY 2021-2022 increase comes from the Streets and Highway department where staff budgeted for one open position in FY 2021 plus furlough days. Add to that are health insurance increases and a \$50,000 increase in maintenance and repairs which equals an increase of \$229,000 in Streets and Highways expenses.

The Public Works area includes: Engineering, Public Works Administration, Streets and Highways, Traffic Engineering, Traffic Signals, Building Maintenance and Equipment Maintenance.

Health and Welfare totals \$7.7 million and includes the Central Shenandoah Health District, Valley Community services Board, CSA, Social Services Tax Relief for Elderly and Community Welfare assistance.

Expenses in this area are \$594,000 above FY 2020 levels and \$320,000 above FY 2021 levels. The majority of this variance is associated with Social Services and this can be a little deceiving in that the City is supplemented with addition reimbursements from the state and federal government. When the additional revenue reimbursements are factored in the increase in expenditures since 2020 is actually less than \$100,000. The increases in expenses are case load driven.

Parks and Recreation and Library. Overall, expenses in this area have been declined since FY2020's budget by \$66,000. All areas saw reductions except Horticulture and Golf which posted increases of \$7,000 and \$17,000 respectively. In Horticulture staff added some equipment which have been previously cut but will add to the department's productivity. In Golf there is an increase for marketing and tree removal from the course.

Community Development. The total budget equals \$2,237,636, and as a whole, an increase of \$300,000 since 2020. The main drivers in this area are Economic Development agreements which in FY 2020 expenses were under projected. As mentioned earlier, these agreements are projected to be \$380,000 over the FY 2020 budget. Reduction within the economic development department, Planning and Development, and formula reductions in tourism agreements have helped to mitigate the expenditure impact of economic development agreements.

Transfers. Transfers are down \$304,000 from FY 2020 as School Transfers have been reduced by \$444,000, and CIP transfers up \$140,000. Variance to FY 2021 equals \$2,342,890. A \$1,361,840 increase to schools and \$981,050 to CIP.

Federal Funds. On the City side we have received a total \$4,809,368 with \$1.6 million being transferred to the Schools to support remote technology requirements as well as personnel protection, sanitation equipment as well as sanitation supplies.

CARES Funding. \$4.3 million expenditure highlights include \$1.6 to the schools; \$500,000 to Staunton Cares Business Opportunities; \$300,000 for Non-Profit Support; \$250,000 for mortgage assistance, child care scholarships and costs, utility assistance, and assistance to the homeless; \$200,000 for Technology upgrades in the Rita S. Wilson Council Chambers and the Caucus Room; \$238,000 in Fire Turnout Gear; Middle River Regional Jail \$117,000; \$57,000 Auto Pulse Equipment for Fire; three law enforcement vehicles (two police, one sheriff); and emergency personnel wages. Elections – \$31,406 used to support the November elections in a socially distant way. Monies went towards staffing, postage, absentee ballot, drop box. Utility Assistance – \$94,794 used to assist citizens with arrearages which have occurred during the pandemic and whose households are adversely affected by the pandemic. To date only one-third of these funds have been used. Currently the City has 346 delinquent accounts and unclaimed monies to assist.

HUD Entitlement Funds – Total \$332,726 and these funds are to be used for:

- Subsistence payments (Rent, Utilities, and Mortgage Assistance)
- Shelter Operations
- Food Banks
- Health and Legal Services

Police COVID-19 Supplemental, \$16,912 and was primarily used air purifiers and security during downtown dining. Blue Ridge Court Services – \$16,157 to facilitate virtual therapy.

Staunton City Schools have received and spent roughly \$3.1 million.

City Cares Funds – \$1.6 million as previously discussed, transferred to the Schools to support remote technology requirements as well as personnel protection and sanitation equipment as well as sanitation supplies. Coronavirus Relief Funds (CFR) of \$467,163 were used to purchase two school buses and two used cars to help socially distance school children during their most confined

times of the school day which is transportation, outdoor learning spaces as well as other protective equipment and sanitation supplies. Elementary & Secondary School Relief Funds (ESSR) Funds – \$618,478 These funds were used to retain staff in FY 2021's budget. Vision Technology Grants – \$350,137 to enhance technology equipment in the schools including one year of T Mobile Hot Spots costs which allow all students to participate in remote learning.

New Funds – \$2.8 million

ESSR II – \$2,786,686 These are new funds, have not been budgeted, and usage rules are loosely written allowing funds to be used in flexible way, very similar to the ESSR I monies.

Recently the City has become aware of additional federal funding being allocated to the City through the American Rescue Plan. The exact amount is not certain at this time but will be least as large as the initial CARES Funding of \$4.3 million, probably more. Language concerning usage appears to be less restrictive and will allow localities to replace qualified revenue shortfalls associated with the pandemic as well as utility infrastructure work. Funds will need to be spent by December 31, 2024. Staff believe some of these funds can be used reduce the level of required Fund Balance in FY 2022. Part of the funding is expected to be received as early as May and staff are awaiting further guidance from the Treasury Department and will work with the City's auditors to ensure compliance.

Staunton City Schools are expected to receive significant funding as well from the America Rescue Plan. The exact amount and allowable expenditures have yet to be communicated. Previous school funds received have been far less restrictive than with the City.

Major Proprietary Funds:

- Water – \$11,596,225
- Sewer – \$3,957,500
- Environmental – \$3,252,385
- Stormwater – \$1,656,650
- Parking – \$512,081
- Total – \$20,974,841

Previously Reported:

- The Golf Proprietary Fund was dissolved at the end of FY 2018 at the advice of the City's bond consultant.
 - Annual transfers from the general fund to support the operations of golf fund weakened the City's bond rating, the reason why the City rolled the Golf Fund into the General Fund in FY 2019.
- Given the interest in the performance of the operations of the Gypsy Hill Golf course, and as a compensatory control, staff will incorporate a separate operational summary of the financial performance of the golf course with quarterly financial updates to Council.
- This will accomplish the transparency of the performance of the Gypsy Hill Golf Course while allowing the City to optimize its bond rating.

Golf data through February 2021. YTD Revenue = \$115,236

- Golf Rounds – YTD through February = 6,496

- Membership through February = 5 with all but three days closed in February.

Water Fund

- Total FY 2022 Water Fund expenditures equal \$11.6 million compared to FY 2021 budget of \$5.0 million.
- Year on year variance of \$6.5 million is directly linked to the Gardner Spring water infrastructure project of \$6.9 million. Expenses in this area was mitigated by a reduction of \$400,000 in debt service as amortization of the Water Plant Upgrade Bonds have dropped off.
- Currently, the issuance of bonds is scheduled to provide the funding for Gardner Springs.
- As the Gardner Springs design specifications approaches completion within the next 120 to 150 days, staff believes the City can take advantage of lower interest rates available now thus reducing the amount of projected debt service required to fund major water projects.
- Funds from the American Recovery Plan may come into play as initial language specifically allows these funds to be used for water projects.
- The FY 2022 Budget has recommended water rates to remain flat at \$3.86 per 100 cubic feet.
 - Prior recommendations to Council dating back to the FY 2020 budget process called for rate increases of 5% to occur over each of the next four to five years.
- Additional rate increases may be required in future years but will depend on funding sources of our future infrastructure projects.
- Because the current debt interest rates are low, rates can be held level for at least one more year and staff will revisit during next year's budget process.
- Current projections call for rate increases of 5% in Fiscal Years 2023 to 2025.
 - Assumes a 3.5% interest rate for debt associated with Phase 1 of the North River pipeline project amortized over 18 years.
- Richmond Avenue water line upgrade is scheduled to begin in FY 2024. This project will require bond funding as well and could impact water rates in FY 2025 or FY 2026.
- Again, rate increases will depend on the level of infrastructure needs as well as their funding sources.

Water Fund CIP Projects

In FY 2021 the City added the Clear Well Tank Project of \$1.5 million to be funded from Fund Balance reserves; the \$6.9 Gardner Springs and \$6.5 for Phase I of North River Pipeline project are both currently scheduled for bond issuances.

Water Fund Balance as of June 30, 2020:

- Start off with total cash in the bank of \$6.6 million less current liabilities of \$473,000 which provide \$6,178,909 for CIP and reserve provisions.
- In FY 2021 the City used \$255,000 in prior years' balances to support the FY 2021 budget
- There is \$161,913 reserved for year end encumbrances.

- Utility Connection Fees of \$2.8 million are to be utilized for present and future CIP projects. This year the City will dip into this reserve to address the water seepage at the Clear Well tank. This project is in the \$1.5 million range.
- Safety Net Reserve of 15.5% of the next year budget for \$782,256.
- This leaves a balance of \$2.1 million.

Sewer Fund

- Total FY 2022 Sewer Fund expenditures equal \$4.0 million compared to FY 2021 budget of \$4.6 million.
- Year on year variance of \$600,000 million is primarily the result of long-term debt related to Middle River Waste Water Treatment Plant and New Hope Road sewer projects dropping off of the amortization schedule.
- Rates are \$4.88 per 100 cubic feet and are not scheduled to increase in FY 2022
 - Future rate increases will be highly dependent on the timing and magnitude of capital projects at the Middle River Wastewater Treatment facility.
- The Sewer Fund is projected to be completely self-sufficient in FY 2022.

Sewer Fund Balance

- Total cash in the bank of \$3.9 million less current liabilities of \$243,000 which leaves us with \$3,708,997 for CIP and reserve provisions.
- In FY 2021 the City used \$330,000 in prior years' balances to support the FY 2021 budget.
- \$2,350 reserved for year end encumbrances.
- The Utility Connection Fees are reserved at \$3.9 million.
- One project which looms on the horizon as a possible use is the Lewis Creek at Greenville Avenue upgrade which has a placeholder of \$2 million and is currently in the unfunded unscheduled portion of the CIP.
- Safety Net Reserve of 15.5% of the next year budget for \$707,171 as addressed in the code.
- This leaves a balance of \$2.7 million.

Stormwater Fund

- Total FY 2022 Stormwater Fund expenditures equal \$1.6 million compared to FY 2021 budget of \$1.3 million. The variance of \$364,000 is driven by the rescheduling of the Gypsy Hill stream restoration.
- Stormwater fees remain flat at \$3.20 per 3,400 square feet of impervious area, unchanged since February 2010.
- All Stormwater projects are pushed back one year as staff await the results of the flood study which is expected to be returned to the City this spring.
 - Once the results of the study have been received staff will report back to Council with revised project recommendations.

Stormwater Fund Balance

- Total cash in the bank of \$2.4 million less current liabilities of \$170,000 which leaves \$2.3 million for CIP and reserve provisions.
- In FY 2021 the City used \$497,000 in prior years' balances to support the FY 2021 budget.

- There are \$201,000 in outstanding encumbrances.
- Safety Net Reserve of 15.5% of the next year budget \$1,292,316 which equals \$200,309.
- Available fund balance of \$1,378,128.

Parking Fund

- Total FY 2022 Parking Fund expenditures equal \$512,000 compared to FY 2021's budget \$540,000.
- Much like the Stormwater Fund, all capital projects in the Parking Fund have been moved back one year as credit card compatibility issues, staff turnover and COVID-19 closures have impacted the Parking Fund.
- Parking access equipment is anticipated to be advertised for the New Street Garage within the next 60 days.
 - With this, the City will be a position to experience an increase in the revenue capture rate for the New Street Garage which will help to sustain the fund with positive cash flows.

Staff know the fund balance will be completely depleted by the end of this year. Staff feel that there will be some opportunities coming with the America Recovery Plan which will allow for the replenishment of lost revenue funds. In the meantime, depending on the timing of the federal funds, the City may be in a position of having the General Fund loan the Parking Fund monies to sustain cash balances.

Environmental Fund

- Total FY 2022 Environmental Fund expenditures equal \$3.3 million or \$82,000 less than FY 2021 budget.
- Current rates of \$20.88 for residential refuse service is scheduled to remain flat in FY 2022 and increase by 5% in years 2023 and 2024 for a total increase of 10% over the next four years.
 - Previous rate projections called for a 10% increase in FY 2022 and a 15% increase in FY 2023 for a total increase of 25% in the next two fiscal years.
 - These increases have been reduced as a result of savings achieved by a newly proposed recycling program and capital project scheduling adjustments at the regional landfill.
 - Like the Sewer Fund, future rate increases will be heavily dependent on the magnitude of CIP requirements.

Landfill CIP. Major projects include Phase 5 Construction of \$3.6 in FY 2023 and the Relocation of the scales in FY 2024 for \$1.5 million. Staunton's share equals 20.41%.

Environmental Fund Balance

- Total cash in the bank of \$1.7 million less current liabilities of \$285,000 which leaves \$1.4 million for CIP and reserve provisions.
- In FY 2021 the City used \$100,000 in prior years' balances to support the FY 2021 budget.
- Safety Net Reserve of 15.5% of the next year budget for \$516,893 as addressed in the code.
- Available fund balance of \$802,407.

Proposed Changes to City Recycling Program

Director of Public Works Jeff Johnston noted that the City has been able to cut FY 2021 expenditures and recycling from \$270,000 to \$141,000. Not make those cuts, would actually cause the costs to go up 26.5%. Mr. Johnston states that the recycling proposal that he is going to present was him trying to find a way to get the City back in to plastic recycling, not cutting costs. Mr. Johnston emphasized that this would be a pilot program and is based on two big items. One is a switch from curbside recycling to a customer drop off system and two is getting back in to recycling plastics. The two are inexorably linked. Mr. Johnston reiterated that since this is a pilot program, no equipment will be released, so it will be a simple switch to go back to curbside recycling if necessary.

The City used to collect mixed paper, steel cans, aluminum cans, cardboard, glass and mixed plastics until April 2019 when Sonoco Recycling—with whom the City sells its recycling—said that it would no longer take glass and mixed plastics. At the time, and even now, there are no other mixed plastic vendors available in the region. The landfill agreed to accept the City's glass to be used as a cover material on the landfill.

In 2020, the City of Staunton put out 638 tons of recycling, or as Mr. Johnston demonstrated, six space shuttles worth of material. The majority of the material recycled was mixed paper and glass as the heavier items create the bulk of the weight. He then pointed out that the 638 tons of recycling is only 2.5% of the overall refuse collected by the City. Everything that the City recycled in 2020 represents less than one half of 1% of what went into the landfill in 2020. However, everything that does not go into the landfill is a good thing. Working with Landfill staff, Mr. Johnston was able to determine that the half a percent that was diverted represents about an \$8,000 reduction in the City's share of the operational and capital costs.

Mr. Johnston estimates that the City is paying \$25 a ton to get rid of mixed paper, so that is roughly \$5,300 out of pocket. Steel cans and aluminum makes a little profit, so collection is about \$7,200. Cardboard brings in about \$1,200. Glass has no revenue stream so only costs the drive from the City to the landfill. Recycling is not meant to be a revenue stream; recycling should be a service that the City provides to its citizens.

The recycling program that Mr. Johnston is proposing is a system that is going to be resilient in the future. The City needs a program that can work through the current bad market for recycling materials and then expand when necessary. The City's current program is fragile especially because of the personnel issues. If someone is out sick, the first task is to make sure that garbage is picked up. That often means there is no way to put both recycling trucks on the road and on those days the recycling goes to the landfill.

The market for plastics is still there, but no longer for mixed plastics. The market is for high quality homogenous plastics. All number ones, all number twos, the kind of items that a broker like Sonoco can buy and sell. There are only two ways to get quality material, a processing facility or when customers sort their materials voluntarily at a tended facility. The second way of getting materials is the gold standard for that material. Citizen who come to the tended facility tend to be people who really care about recycling and are making a dedicated effort to do it.

Research has led Mr. Johnston to find Dave's Recycling in Harrisonburg as a source for plastics 1 and 2 and POP Plastics here in Staunton for plastics 4 and 5. He is also looking into the plastic bag recycling business.

The proposal is to put a fenced collection center at Gypsy Hill Park that will be attended and will have set hours. Someone will always be there to help answer questions, make sure citizens are providing the kind of materials that the City can market. Mr. Johnston stated that one of the benefits of having a central recycling center is if there's a market that opens up for certain items, the City can start collecting those items. There are pros and cons to this proposal. One of the pros is that the City can defer fee increases. Another is the City will be getting back to recycling plastics, also that the program will become resilient. Shenandoah Green and Friends of the Middle River told Mr. Johnson that a recycling center is also a place for volunteer and educational opportunities. Also, those interested in recycling can recycle at their own convenience and are not held captive to the Public Works calendar.

Mr. Johnston is concerned about getting education out to the citizens regarding what the City will be doing and why. Also, there will be a decrease in access for the elderly and those with disabilities. He is certain that there are volunteers and service organizations that will help those who need help and that the City of Staunton can help direct its citizens to those organizations and volunteers. Shenandoah Green has offered to help the City match up people who need help getting their items to the recycling center and volunteers.

Another con is that without curbside pickup many of the businesses may not be able to sustain recycling as having to haul their items to a collection center may not be feasible. An item that is a pro and also a con, is that the center will likely attract materials from outside the City. Staff will have to keep a close watch on how much recycling is coming in so that the City does not get inundated with, and have to pay for, recycling materials from non-Stauntonians. Mr. Johnston is hoping that a success with the recycling center will encourage the City of Waynesboro to create a similar program.

Mayor Oakes asked if Council had any questions or comments.

Vice Mayor Robertson asked if the recycling center would be located where the previous collection center had been located in the Gypsy Hill Park, near the football stadium. Mr. Johnston confirmed that that would be location so that there would be no impact to established parking. There will be a fence installed to go around the bins.

Mr. Holmes asked if the recycling center would be manned and have set hours. Mr. Johnson stated that it would be manned and that it would be open during a set schedule and on the weekends.

Vice Mayor Robertson asked if the staff member would be full time and would they be trained to be able to know what kind of materials were recyclable, etc. Mr. Johnston confirmed that the person would be trained and that the City was borrowing those training materials from the City of Harrisonburg until Staunton had developed its own standard operating procedures.

Mr. Claffey asked where the materials would be stored when a bin is filled. Mr. Johnston replied that staff could use the City's recycling trucks for storage. They would still be available and already have compartments. Also, the containers at the facility will be removeable, so can be pulled away and stored when full with a new container replacing it.

Mr. Holmes asked if there would be signage for each dumpster identifying what items can be recycled in that space. Mr. Johnston confirmed that not only would there be signage, there will be an education and communication plan far in advance of the rollout to make sure that all citizens are aware of how to properly recycle at the facility. He stated that he plans on speaking at as many public forums as possible to make it as difficult as possible to miss the news of what the new recycling plan will be and how citizens can participate. Mr. Johnston opined that there are individual quality requirements for each item, so there will be information provided how to recycle properly. Mr. Holmes asked if the City could do a mailing of some sort. Mr. Johnston stated that there will be a multifaceted communication plan to get the word out.

Mr. Claffey asked if the glass recycling has to be sorted by color. Mr. Johnston replied that the City still will not be recycling glass, it will be collected and sent to the landfill for reuse. Mr. Claffey followed up with a question regarding the number of containers that will be at the facility. Mr. Johnston said that it would depend on whether or not steel and aluminum cans will be separate. There will be four containers for plastic, one for glass, one for cardboard, one for mixed paper and one or two for the steel and aluminum cans.

Mayor Oakes asked if the City was going to be eliminating refuse fees. Mr. Johnston said there would be no increase to the fees, not an elimination. However, if curbside recycling is to continue, there would be a refuse fee increase. Mayor Oakes opined that she will hear complaints from citizens regarding still having to pay a fee although collection is no longer curbside. She also stated that since the City will not be checking for IDs there is no way of seeing if folks from outside of our area are contributing. So, shouldn't the City charge those outside individuals to utilize a center that Staunton citizens are paying for? Mr. Johnston confirmed that there would be no ID checks and that is why outside materials is both a pro and a con. That is yet another reason why staff will be looking at the figures closely because if Staunton is going above and beyond historical numbers, staff will have to make sure the program is still running efficiently and cost effectively.

Mr. Holmes stated that wouldn't it be better for people in Waynesboro to come and recycle at our facility rather than have those materials go to the landfill or in the river. Mr. Johnston agreed, but reiterated that the marketing of the facility will be that it is a Staunton facility not an area facility.

Mayor Oakes stated that Mr. Johnston mentioned elderly people and those with disabilities having issues being able to participate. She stated that Mr. Johnston had compared it to snow removal and how Stauntonians are good neighbors and help each other out, and while she most definitely agreed, snow only happens a couple of times, but recycling is a year-long project. Mr. Johnston agreed, but he also stated that while recycling is regular and recurring, it can be schedule. Someone can help their neighbor by reaching out and saying "I'm going to be going down every other Saturday, I'll swing by your house and pick up your recycling," or someone might say "I'll give you a call when I go." Mr. Johnston said he was also going to work with Shenandoah Green to create and help facilitate a strong volunteer base to help with the program. Those interested in volunteering can sign up when they're at the facility and those needing help can reach out to Public Works/City Hall and the City can get them in touch with those volunteers. Mayor Oakes agreed that Shenandoah Green is a great organization that does a phenomenal job, but it's a matter of consistency and commitment to Staunton citizens with disabilities and senior citizens that are not able to make it out as easily as others to the center. Mr. Johnston said that Shenandoah Green will provide the enthusiasm and the City would provide the structure.

Mr. Claffey asked Mr. Johnston what number plastic was the bottle on the lectern. Mr. Johnston replied that he thought it was a 2. Mr. Claffey asked for a quick description of plastics 1 through 5. Mr. Johnston replied that 1s and 2s are primary consumer plastics and 4s and 5s are high density plastics, like detergent bottles.

Mr. Holmes asked about styrofoam and wax boxes. Mr. Johnston replied that styrofoam is still not recyclable and that, yes, no wax boxes. Pizza boxes are not cardboard.

Mr. Holmes followed up with a question as to whether or not the bottles are turned back into sand at the landfill. Mr. Johnston said that they are ground up, though not as small as sand, but that it's pulverized as a dirt alternative. Mr. Holmes stated that the glass would not break down. Mr. Johnston confirmed that it would not break down and that when the glass goes to the landfill, it doesn't go across the scale. It does not impact the City's share of operational costs. It doesn't generate a revenue but it does have a positive impact. It's not technically recycled, it's being reused within the hierarchy of Reduce, Reuse and Recycle, it is actually a more impactful environmental action than recycling.

Mr. Claffey asked how Staunton compared in recycling to our neighboring cities like Charlottesville and Waynesboro. Mr. Johnston said he would get those figures to Council.

Mr. Holmes asked how many open positions Mr. Johnston had in his department. Mr. Johnston stated that they were down at least six people. He stated that it was not only due to the hiring freeze and a market hiring freeze that the City can't control, but also because Public Works depended on work release from MRRJ. He is hoping to go away from depending on work release in the future, since that can go away with one phone call. Mr. Holmes asked if the MRRJ workers weren't being provided to the City because it's outside work. He is aware that they are doing work release to Purdue and plants like that.

Mr. Venn, Chief Human Resources Officer, stated that the administration at the jail told him that the workers going into the poultry plants were making significantly more money and they're indoors, not on the back of a refuse truck. He reiterated what Mr. Johnston said, that it's a workforce that the City should not rely on.

Ms. Dull provided Mr. Trayer with some items that she would like detail on. She asked that the bond counsel send a written description explaining how the Golf Fund remaining a proprietary fund would negatively impact the City's bond rating. She would like to have the number Staunton residents are using the Golf Course included in Mr. Trayer's quarterly presentation. She would also like that to not only be a monthly count but a year-to-date count. On the expense side of the Golf Course, she would like to know if an expense is an allocation, such as mowing hours, she would like to know those details. She then asked Mr. Trayer why MRRJ didn't include CIP items in their expansion. Mr. Trayer responded that he asked that same question at the last MRRJ finance committee and that he had not heard back as of yet. He said that the jail has created a new CIP reserve, which will hopefully make the budget a little more predictable than what it has been. Ms. Dull followed up with a question as to whether City staff would reach out to the Commonwealth's Attorney in regards to eliminating cash bonds and that the City of Staunton should be encouraging home electronic monitoring so as to reduce Staunton's share of the operating costs. Mr. Trayer opined that it would require the five localities to get together and meet with their prospective judges and Commonwealth's Attorneys to see what programs they can all agree are most effective. She also stated that she thinks the five localities need to get together have a meeting with all the elected

officials and that they all need to band together and insist that the state take their prisoners. Ms. Dull's asked about more detail on the increase at the juvenile detention center. Mr. Trayer answered that the increase was the potential federal funding that could be lost. That will be determined in the next three or four weeks. She stated that she had been surprised by the increase because she knew City usage in that area had been trending down for some time. She stated that perhaps the City needed to look at alternatives, either taking in other localities or them taking Staunton's or something. She said it doesn't seem very cost effective for the amount that Staunton uses the facility, particularly if federal funds go away. Ms. Dull then asked confirmation of the correct one cent taxable value. Mr. Trayer stated that \$215,000 would be the value with the revised assessment and that does include some provisions for tax relief for the elderly and veterans and factors associated with delinquencies.

Vice Mayor Robertson asked if the Richmond Avenue water project could possibly be funded by federal dollars. Mr. Trayer confirmed that although language is still coming together on these new federal funds, utility infrastructure, particularly water lines were mentioned.

Ms. Dull stated that there were other projects in the water fund that would necessitate bond issuance and that would possibly necessitate an increase in the water rate. But if the City could get federal funding for some of those, perhaps they would not have to increase it as much. Or perhaps all the funding could go toward the 100-year-old pipes. Mr. Trayer said that the City would have until December 31, 2024 to spend those funds so perhaps Gardner Springs would be a project if Council decided to utilize some of those funds for water. That way the rates would be sustainable to absorb the North River pipeline without a utility rate increase.

Vice Mayor Robertson also asked Mr. Trayer to look at the budget again and see if it would be possible to get the tax rate down to \$0.92 or \$0.91. He stated on pg. 28 there is funding from FY 2021 budget amendments \$200,000 provision for the Middle River Regional Jail expansion. She stated that if the expansion doesn't occur, there's a couple hundred grand there. Mr. Trayer replied that those funds are already redirected to offset the operational debt and operational costs of MRRJ. He said that when the City gets a bill it's two parts, operations and debt service expenses for capital. So, the intent is to mitigate the jail impact, so that \$200,000 is already built into the FY 2022 budget. Vice Mayor Robertson then asked about the \$250,000 in unassigned funds listed as operating funds established to address unexpected loss of revenue. Mr. Trayer said that the City hasn't dipped into the \$250,000 but that the fund is a one-time fund and that the goal of the whole budget is to minimize the impact of the taxes with the real estate taxes. But the City is up against the additional costs with MRRJ and the juvenile center, coupled with the additional costs for health insurance and VRS. Mr. Trayer said that there isn't anywhere to go expect to dismantle structure and to reduce service. Service includes Parks and Recreation, the library, the police, the fire department, and operations within City Hall. The City can always reduce, but it will have some impact. He stated that he can run those scenarios for City Council, but that he can't dip into reserves any farther because he's emptied them. Vice Mayor Robertson then asked about unpaid taxes, can the City collect on those. Mr. Trayer said that he would have to talk to the City Treasurer about that. He stated that with interest and penalties, the City will eventually get that money when the property transfers. The Treasurer is not keen on throwing out people who might be elderly or out of work, so he tends to work with individual property owners and actively reaches out to them. Mr. Trayer stated that he knows the City just sold about 10 properties at auction and that another round of sales is coming.

Mr. Claffey asked when the flood report would be presented to City Council and whether those funds would come from the Sewer Fund or the Water Fund or federal money. Mr. Rosenberg stated that the report should be to staff in April and Mr. Trayer responded that once the report was in hand, staff would take a look at what was required and then they would be able to determine where the funds would be coming from. Mr. Claffey asked if the new federal funds mention water, would it be strictly to get drinking water to people or is it water control. Mr. Trayer said that the final language should be coming soon and that once he's had the City's auditors take a look at it, he'll be able to report to Council regarding options.

Mr. Holmes commented that Mr. Trayer said they might cancel the stream restoration project and Mr. Holmes thought that the project was to help how water got Downtown. Mr. Trayer responded that there is a placeholder in the FY 2022 budget for that, but until the report comes back, staff does not have any recommendations. Mr. Holmes opined that there were a number of projects coming, a new police station and some repair to the fire station. And there are a lot of projects that keep getting pushed back. He feels like Public Works seems to get the short end of the stick when it comes to funding. They always seem to be an easy place to cut, but the City has a lot of water breaks and there is a lot of work that needs to be done. He is not against leaving the tax rate where it is, but the Council should consider some of those projects coming and how the City is going to fund them. Ms. Dull commented that she thought the Gypsy Hill Park stream project had something to do with one of the City's MS4 requirements. Mr. Trayer confirmed that the project was, but that he was not as versed in the details as Billy Vaughn, Director of Economic and Community Development. He did think that once the study is in and staff can see what's recommended, perhaps there is a substitute project that can regain those same credits.

Mayor Oakes thanked staff for their work on presenting the budget and reminded citizens that Council will continue to discuss the budget at the next meeting. She reiterated that the recycling center is considered a pilot program and that if Council did decide to go that way the program would be monitored for success and sustainability.

Mr. Holmes asked if there were any grants available to help getting the recycling program started. Mr. Johnston stated that he was not aware of any, but he would look.

Council members did not have any further questions.

The work session adjourned at 7:23 p.m.

Morgan C. Smith
Interim Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	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 an Amendment to Allow Automobile Body Repair as a Use Permitted on Review in the B-2, General Business District	

Background: Currently, the zoning code allows automobile body repair only in Industrial districts. Recently, the Planning Division was contacted by Caliber Collision, which is interested in opening an automobile body repair shop at 1310 Barterbrook Road, the former Elliot Collision Center. Elliot Collision Center has been closed for more than two years and as a result the property has lost its nonconforming status and can no longer be used for auto body repair. Caliber Collision is making application for an amendment to Chapter 18.60 of the zoning code to allow automobile body repair in the B-2, General Business District so that it can reestablish the auto body repair use on the property.

Review: Staff has considered the request and generally supports the proposal. Staff has worked with the applicant to craft the proposed language for the amendment. At its February 18, 2021 meeting, Planning Commission directed staff to proceed with the amendment and schedule a public hearing on the matter for March 18, 2021. The Commission identified some areas of concern and noted a preference for adding the use in the B-2, General Business District, with a Special Use Permit. Staff and the applicant worked to address those concerns with specific language in the amendment. The proposal includes provisions for screening, requirements for a sealed surface for parking and driveways, consideration of compatibility with surrounding uses, and limits to outdoor lighting. The applicant has also subsequently applied for a Special Use Permit, per the direction of the Planning Commission.

Planning Commission Recommendation: At its meeting of March 18, 2021, the Planning Commission conducted a public hearing on the matter and considered the request. During the public hearing no one spoke in opposition. On a 4-0 vote, the Commission unanimously voted to recommend approval of the proposed amendment.

Attachments:

Attachment 1—Application for Zoning Text Amendment

Attachment 2—Draft Ordinance

Suggested Motions (to be made after the public hearing is conducted): I move that Council approve the amendment to Chapter 18.60 of the Zoning Code, to allow automobile body repair in the B-2, General Business District with a Special Use Permit, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg



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

ZONING TEXT CHANGE REQUEST

Applicant: CC Staunton VA, LLC/ Andrew Cherner Date: 2/9/2021
 Address: 8550 Leesburg Pike, Vienna, VA 22182
 Phone #: 202-438-3150
 Email Address: acherner@cherner.com

Present Zoning Regulation: B-2 general business district

(2) Auto, manufactured home or truck parking, storage, service and repair shop, or sales lots;
provided, that all manufactured homes are in a state of good repair and dismantled or junked cars or
trucks unfit for operation on the highways shall not be stored therein. All cars or trucks stored shall
have met the most recent state inspection and display the inspection certificate.

Proposed Zoning Amendment:

2) Auto, manufactured home or truck parking, storage, service and repair shop, including automobile
painting, body and fender works provided that vehicle awaiting repair shall be screened by adequate
ornamental fencing or evergreen planting and screening shall not be required in excess of seven feet in
height, or sales lots; provided, that all manufactured homes are in a state of good repair and dismantled or
junked cars or trucks unfit for operation on the highways shall not be stored therein. All cars or trucks
stored shall have met the most recent state inspection and display the inspection certificate.

Purpose of Request:

Convert the former Elliott Collision Center into a Caliber Collision at 1310 Barterbrook Rd, Staunton,
VA 24401

<https://calibercollision.com/about-us>

Ordinance Provided ☒ Yes ☐ No

**Please Provide An Electronic Copy of Proposed Ordinance to the Planning Department*

Fee Paid (\$250.00) ☒ Yes ☐ No **check or cash only*

Signature of Applicant:

A handwritten signature in black ink, appearing to read "A Cherner", is written over a horizontal line.

Ordinance No. 2021-____

**AN ORDINANCE AMENDING SECTION 18.60.070,
USES PERMITTED ON REVIEW, OF CHAPTER 18.60, B-2, GENERAL
BUSINESS DISTRICT,
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE
TO ADD AUTOMOBILE BODY REPAIR AS A USE PERMITTED ON REVIEW
IN THE B-2, GENERAL BUSINESS DISTRICT**

Recitals

A. CC Staunton VA, LLC, the perspective buyer of 1310 Barterbrook Road (PID 1162), has requested an amendment to Section 18.60.070, Uses Permitted on Review, of Chapter 18.60, B-2, General Business District, of Title 18, Zoning, of the Staunton City Code (SCC);

B. 1310 Barterbrook Road is presently zoned B-2, General Business District, and is the location of what was formerly an existing nonconforming automobile body repair establishment;

C. CC Staunton VA, LLC, wishes to reestablish the use of the property as an automobile body repair shop; however, the current regulations of SCC 18.60.020, Permitted Uses and 18.60.070, Uses Permitted on Review, do not allow for automobile body repair as a permitted use;

D. The purpose of the proposed amendment is to add automobile body repair shops as a use permitted on review by special use permit, so that automobile body repair can be conducted on the property;

E. City Staff have reviewed the request and are in support of the proposed amendment;

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 18.60.070, Uses Permitted on Review, of Chapter 18.60, B-2, General Business District, of Title 18, Zoning, of the Staunton City Code, is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

18.60.070 Uses permitted on Review

(1)....

(2)....

....

(6) Automobile Body Repair Shops including painting, upholstering, rebuilding, reconditioning, body and fender work. This proposed use shall use the following factors as a guide:

(a) All parking and storage of vehicles awaiting repair must be within an area fully screened by adequate ornamental fencing or a combination of fencing and evergreen planting; provided, however, that screening shall not be required in excess of seven feet in height. When a combination of fencing and evergreen plantings are used, the plantings shall consist of a single row of evergreen trees planted and spaced to the satisfaction of the City Horticulturalist.

(b) All of the driveway used for ingress and egress and all of the area used for parking and/or storage of vehicles must be constructed of a sealed surface so that dust will not be created from continued use.

(c) All automobile parts must be stored within an enclosed building.

(d) Compatibility with adjacent uses that conform to their respective zoning districts.

(e) When adjacent zoning districts include residential uses, consideration should be given to limiting hours of operation to normal daytime business hours.

(f) Exterior lighting shall be limited to that which is necessary for security and shall be wholly contained within the boundaries of the property. Full cut-off or equivalent fixtures shall be used.

In all other respects, the provisions of Chapter 18.60, B-2, General Business District, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:

Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____

Morgan C. Smith
Interim Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	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 for Special Use Permit to Allow Automobile Body Repair at 1310 Barterbrook Road	

Background: Currently, the zoning code allows automobile body repair only in Industrial districts. Recently, the Planning Division was contacted by Caliber Collision which is interested in opening an automobile body repair shop at 1310 Barterbrook Road, the former Elliot Collision Center. Elliot Collision Center has been closed for more than two years and as a result the property has lost its nonconforming status and can no longer be used for auto body repair. Caliber Collision is requesting a special use permit (pending Council adoption of a related text amendment to the zoning ordinance, also on the regular meeting agenda as Item A) to reestablish the use of the property for automobile body repair.

Review: Staff has considered the request and has identified no issues. The subject property is located at 1310 Barterbrook Road, adjacent to CVS Pharmacy, near the intersection of Barterbrook Road and Greenville Avenue. The property is also adjacent to the boundary between the City and Augusta County boundary. Staff has shared the application with Augusta County, as required by the Code of Virginia, and County staff had no comments or concerns. An attached map (Attachment 3) shows the surrounding zoning of the area. All surrounding zoning within the City is B-2, General Business District. Adjacent zoning in the County includes General Business and Multi-family. The adjacent single-family dwelling to the south, which is split by the jurisdictional boundary, is zoned General Business in both localities. The portion of the Staunton Mall property adjacent to this site has recently been rezoned from General Business to Multi-family.

Staff has conducted a review of the application using the criteria proposed in the accompanying zoning text amendment for 18.60.070 for auto body shops.

- a) *All parking and storage of vehicles awaiting repair must be within an area fully screened by adequate ornamental fencing or a combination of fencing and evergreen planting; provided, however, that screening shall not be required in excess of seven feet in height. When a combination of fencing and evergreen plantings are used, the plantings shall consist of a single row of evergreen trees planted and spaced to the satisfaction of the City Horticulturalist.*

Screening does not currently exist on this site. The installation of appropriate screening has been added as a condition of approval.

- (b) *All of the driveway used for ingress and egress and all of the area used for parking and/or storage of vehicles must be constructed of a sealed surface so that dust will not be created from continued use.*

The current parking lot, and all ingress and egress has a sealed surface (asphalt).

- (c) *All automobile parts must be stored within an enclosed building.*

The applicant has noted its intent to store all automobile parts within the building. Requiring the storage of automobile parts within an enclosed building has been added as a condition of approval.

- (d) *When evaluating applications, consideration should be given to compatibility with adjacent uses when they conform to their respective zoning districts.*

The proposed use is compatible with the surrounding commercial uses. All adjacent uses conform to the General Business zoning of the area except for the single-family dwelling to the south which is nonconforming in the County and the City.

- (e) *When adjacent zoning includes residential, consideration should be given to limiting hours of operation to normal daytime business hours.*

None of the adjacent property is zoned residential.

- (f) *Exterior lighting shall be limited to that which is necessary for security and shall be wholly contained within the boundaries of the property. Full cut-off or equivalent fixtures shall be used.*

Existing lighting onsite consists of fixtures mounted on poles and wall packs mounted on the building. The existing fixtures are a mixture of cutoff and non-cutoff. The applicant has stated that it intends to upgrade all lighting to current City standards. Requiring appropriate lighting has been included as condition of approval.

Planning Commission Recommendation: At its meeting of March 18, 2021, the Planning Commission conducted a public hearing on the matter and considered the request. During the public hearing no one spoke in opposition. On a 4-0 vote, the Commission unanimously voted to recommend approval of the Special Use Permit with the following conditions:

1. Adequate ornamental fencing or a combination of fencing and evergreen plantings; shall be provided, however, screening shall not be required in excess of seven feet in height. Screening shall be reviewed and approved by City Staff.
2. All automobile parts must be stored within an enclosed building.
3. Lighting shall be wholly contained within the site and shall not shine or reflect onto the public

- right-of-way or any other property. All exterior light fixtures shall be full cut-off or equivalent.
4. Failure to comply with these conditions or with any provision of 18.60.070 (6) will result in immediate revocation of the Special Use Permit

Attachments:

- Attachment 1—Application for Special Use Permit and supporting documentation
Attachment 2—Vicinity Map - 1310 Barterbrook Rd
Attachment 3—Current Zoning - 1310 Barterbrook Rd
Attachment 4—Future Land Use Map - 1310 Barterbrook Rd
Attachment 5—1310 Barterbrook Rd – Adjacent Uses

Suggested Motions (to be made after the public hearing is conducted): I move that Council approve the Special Use Permit for 1310 Barterbrook Road, with the conditions as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg



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

APPLICATION FOR SPECIAL USE PERMIT

DATE: 2/26/2021

NAME OF APPLICANT: Jonathan Ackaoui

ADDRESS OF APPLICANT: 8550 Leesburg Pike

PHONE #: 412-760-0432

E-MAIL ADDRESS: j.ackaoui@cherner.com

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

LOCATION OF PROPERTY: 1310 Barterbrook Road, Staunton, VA

MAP PROVIDED: YES ☒ NO ☐ SITE PLAN PROVIDED: YES ☐ NO ☒

FEE PAID: YES ☒ NO ☐ *check or cash only

PRESENT ZONING OF THE PROPERTY: B-2

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON REVIEW:
Pending zoning text amendment

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

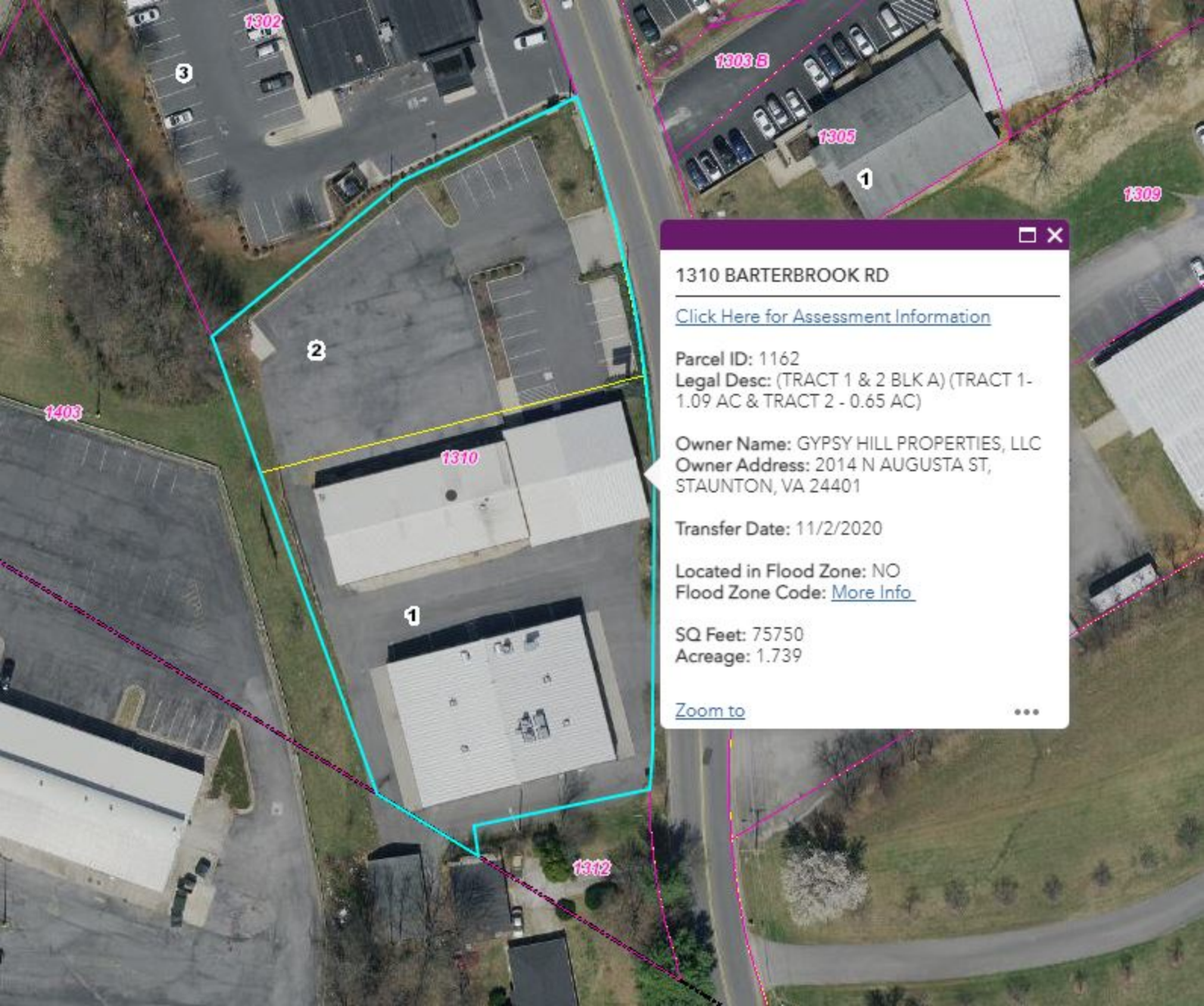
Yes

(TRACT 1 & 2 BLK A)-(TRACT 1-1.09 AC & TRACT-2 - 0.65 AC)

LEGAL DESCRIPTION OF PROPERTY: Parcel ID: 1162 Map Number 508

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

SIGNATURE: Jonathan Ackaoui



1310 BARTERBROOK RD

[Click Here for Assessment Information](#)

Parcel ID: 1162

Legal Desc: (TRACT 1 & 2 BLK A) (TRACT 1-
1.09 AC & TRACT 2 - 0.65 AC)

Owner Name: GYPSY HILL PROPERTIES, LLC
Owner Address: 2014 N AUGUSTA ST,
STAUNTON, VA 24401

Transfer Date: 11/2/2020

Located in Flood Zone: NO
Flood Zone Code: [More Info](#)

SQ Feet: 75750
Acreage: 1.739

[Zoom to](#)

...

REAL ESTATE CONTRACT

12/30/2020

THIS REAL ESTATE CONTRACT ("Contract") is made this ____ day of December, 2020 (Effective Date") by and between CC Staunton VA, LLC or assigns (hereinafter referred to as "Purchaser") and Gypsy Hill Properties L.L.C. (hereinafter referred to as "Seller").

W I T N E S S E T H:

WHEREAS, Seller is the owner of certain real property in Staunton, Virginia containing a 15,350 square foot building on approximately 1.78 acres as identified on the attached Exhibit A, attached hereto and incorporated herein by reference, and generally referred to herein as:

- 1310 Barterbrook Road, Staunton, VA 24401

WHEREAS, CC Staunton VA, LLC is a Virginia limited liability company; and,

WHEREAS, Gypsy Hill Properties L.L.C. is a Virginia limited liability company; and

WHEREAS, Purchaser desires to purchase and Seller desires to sell the Property identified and described in Exhibit A (referred to as the "Property") together with all improvements, appurtenances, rights, privileges, and easements benefiting, belonging or pertaining thereto on the terms set forth in this Contract.

NOW THEREFORE, in consideration of the covenants and undertakings provided for herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follow:

1. AGREEMENT OF SALE AND PURCHASE. Seller agree to sell and convey the Property to Purchaser, and Purchaser agrees to purchase the Property from Seller, upon the terms and conditions set forth below.

2. DEPOSIT.

2.1 Deposit. Purchaser shall deliver to Protas, Spivok & Collins, LLC (“Escrow Agent”), within five (5) business days after the full execution of this Contract, a deposit made payable to Escrow Agent, in the amount of \$25,000.00 (the “Deposit”).

2.2 Interest. Escrow Agent shall place the Deposit in a federally insured non-interest-bearing account.

2.3 Disputes. The Deposit shall be distributed in accordance with the terms of this Contract, but if there is any dispute between Seller and Purchaser with respect to the disposition of the Deposit, the Escrow Agent shall maintain the proceeds thereof in escrow, in a federally insured, non-interest-bearing account, until such dispute is resolved by a court of competent jurisdiction or the mutual agreement of Seller and Purchaser.

2.4 Credit at Settlement. The Deposit, shall be credited against the Purchase Price at settlement hereunder as set forth in Section 5.1 below.

2.5 Conflicting Demands. Except for a demand by Purchaser made pursuant to the termination of the Contract during the Feasibility Period, if either party shall make written demand upon Escrow Agent for delivery of the Deposit, Escrow Agent shall give written notice to the other party of the demand. If Escrow Agent shall not receive a material written objection from the other party within ten (10) business days after the giving of such notice, Escrow Agent is hereby authorized to and shall (i) refund or return the Deposit to Purchaser, in the case of a demand from Purchaser, or (ii) deliver the Deposit to Seller, in the event of a demand from Seller. If Escrow Agent shall receive a written objection from the other party within such ten (10) business day period, Escrow Agent shall continue to hold the Deposit, pursuant to the terms hereof, until otherwise directed by written instructions signed by both Purchaser and Seller, or entry of a final order of a court of competent jurisdiction, and the expiration of all appeal periods applicable in respect thereof. Escrow Agent shall be

completely entitled to rely on written instructions that it believes in good faith were issued by a party hereto or such party's duly authorized counsel or representative.

2.6 Liability of Escrow Agent. Escrow Agent shall incur no expense or liability in connection with its duties as Escrow Agent, and the parties hereto shall indemnify and hold harmless Escrow Agent from and against any loss, expense or liability in performing its duties, including reasonable attorney's fees and court costs, except in the following cases: (a) fraud or willful malfeasance of the Escrow agent, or (b) wrongful refusal or failure to present the letter of credit for payment and maintain the proceeds thereof in escrow or deliver the proceeds thereof to Seller in accordance with this Contract. Escrow Agent is joining in the execution of this Contract to evidence its consent to, and acceptance of, this escrow. The parties hereto further agree that the Escrow Agent shall not be liable for failure of the depository. No claim shall be made by the Seller or Purchaser against Escrow Agent except for the Deposit remaining in its hands and undisposed of, and claims for the Escrow Agent's own gross negligence or willful default hereunder. Escrow Agent shall be protected in acting upon any notice, request, consent, demand, statement, note or other paper or document believed by it in good faith to be genuine and to have been signed by the party or parties purporting to sign the same.

2.7 Waiver of Conflict. The parties acknowledge and agree that (i) Escrow Agent shall be mutually selected upon the agreement of both Purchaser and Seller with respect to this contract, (ii) they waive any conflict they may have in connection therewith, and (iii) neither such relationship nor any good faith act of Escrow Agent shall disqualify it from representing the parties in connection with any matter arising out of this Contract or the transactions contemplated hereby.

3. PURCHASE PRICE. The Purchase Price for the Property shall be:

\$ [REDACTED]

4. FEASIBILITY AND INSPECTION PERIOD.

4.1 The Feasibility and Inspection Period ("Feasibility Period") shall commence on the execution of this Agreement by all parties and shall terminate at 5:00 p.m. on the date that is sixty (60) days from the full execution of the Contract. During the Feasibility Period, Purchaser is hereby granted the right, at its sole cost and expense, to enter upon the Property and to cause such boring, engineering, environmental, water, percolation, absorption, storm sewer, traffic, utilities, topographic, and/or other tests, investigations, market studies and/or other studies as Purchaser may determine to make. In the event that any of such tests, investigations and/or studies indicate, in Purchaser's sole discretion, that Purchaser's intended use of the Property would not be economically feasible or otherwise prudent, then, and in that event, Purchaser shall have the right, at its option, at any time prior to the expiration of the Feasibility Period, to terminate this Contract by giving written notice to Seller (in the manner specified in Paragraph 17 hereof), whereupon, both parties shall be released from any further liability or obligation to each other. In the event the Closing Date shall occur prior to the expiration of the Feasibility Period, Purchaser shall have the right to proceed to Closing and the Feasibility Period shall be accelerated and terminate upon Closing.

4.2 Purchaser shall coordinate its entry onto the Property with Seller, and shall provide at least twenty-four (24) hour notice to the Seller prior to entering the Property. Purchaser shall take no invasive action (such as the removal of trees) on the Property without Seller's approval, which approval shall not be unreasonably withheld. Purchaser shall be responsible for any damage that may result from such entry onto the Property and shall indemnify and hold Seller harmless from and against any loss, liabilities, costs and expenses,

including reasonable attorney's fees, arising out of or with respect to such entry onto the Property. Purchaser shall, at the conclusion of any tests conducted during the Feasibility Period, restore the Property to substantially the condition that it was in prior to such entry.

4.3 Purchaser shall deliver to Seller, free of charge, any engineering, marketing, environmental, architectural and other plans or reports as and when developed or obtained by Purchaser relating to the Property during the term hereof and Seller shall have the right to the use thereof without charge for any of its purposes and for the use of others interested in purchasing the Property if the Purchaser terminates this Agreement or defaults hereunder.

5. PAYMENT OF THE PURCHASE PRICE.

5.1 The Base Purchase Price shall be paid in full at Closing, by certified or cashier's check, or by wire transfer of immediately available funds.

6. INSPECTION OF DOCUMENTS. Seller has delivered to Purchaser, information in Sellers' possession relating to the environmental/soils condition, valuation, and tax status, and land/use, maintenance, service or utility agreements affecting the ownership or use of the Property, building plans and permits, engineering data, boundary surveys, title reports, and appraisals ("Data"). Seller makes no representation as to the accuracy or completeness of the Data or that Purchaser has the right to rely on such information. Purchaser shall have the right to confirm the Data during the Feasibility Period.

7. TITLE.

7.1 During the Feasibility Period, Purchaser shall examine the status of title to the Property. If the examination of title discloses that title to the Property is not in a condition acceptable to Purchaser in its sole discretion, Purchaser shall have the right during the Feasibility Period, (i) to terminate this Contract, by written notice to Seller, prior to the

expiration of the Feasibility Period whereupon all parties shall be relieved and discharged of any rights, liabilities or obligations hereunder, except as provided in Paragraph 22 hereon or (ii) to give notice to Seller of Purchaser's title objections, as hereinafter set forth. If Purchaser does not notify Seller of any title problems within the Feasibility Period, the title shall be deemed "clean" for purposes of section 9.2(a) herein except for any liens or encumbrances which may now exist or are hereafter placed against the Property.

7.2 In the event that title is not acceptable to Purchaser, and Purchaser elects option (ii) in Paragraph 7.1 above, Purchaser shall notify Seller of its specific objections to title ("Purchaser's Title Objections") within the Feasibility Period. The failure of Purchaser to notify Seller of Purchaser's Title Objections prior to the end of the Feasibility Period shall be deemed approval of the state of the title to the Property, and Purchaser shall have no further right to object to the condition of title, except for matters arising after the effective date of Purchaser's title examination. (The exceptions to which Purchaser has no further right to object pursuant to the terms of this contract, are collectively herein referred to as the "Permitted Exceptions"). Within fifteen (15) days after receipt of Purchaser's Title Objections, Seller shall deliver written notice to Purchaser identifying those matters contained in Purchaser's Title Objections that Seller shall endeavor to cure, or not to cure, prior to Settlement ("Seller's Election"). If Seller shall fail to deliver Seller's Election within such fifteen (15) day period, Seller shall be deemed to have elected not to cure Purchaser's Title Objections. If Seller shall elect not to cure any or all of Purchaser's Title Objections, Purchaser shall, within fifteen (15) days after receiving Seller's election, notify Seller as to whether Purchaser shall elect to (i) terminate this Contract or (ii) waive its objections to those matters identified in Purchaser's Title Objections that Seller shall not have affirmatively elected to endeavor to cure, in which event such uncured title matters shall be deemed

Permitted Exceptions. If Purchaser shall fail to deliver its written election to Seller within the fifteen (15) day period set forth in the preceding sentence, Purchaser shall be deemed to have elected option (i) (termination of this Contract) whereupon the parties shall have no further liability hereunder except as provided in Paragraph 22 hereof, or except as otherwise expressly provided. Seller covenant and agrees, at its expense, to promptly take such action, or make such payment, as shall be reasonably necessary as determined by the Seller to cure such of Purchaser's Title Objections as Seller shall have elected to endeavor to cure by the Settlement Date herein specified. However, Sellers' failure to cure any of Purchaser's Title Objections which Seller has elected to endeavor to cure, as set forth above, shall not create a default under this Contract and shall not result in liability or obligation to Seller but shall only give Purchaser the right to terminate his Contract.

8. SETTLEMENT COSTS.

8.1 Purchaser will order, the examination of title and Purchaser shall be responsible for title insurance premiums, and title charges, if any, associated with the settlement. Sellers' attorney shall prepare the General Warranty deed of conveyance, which shall be in form and substance reasonably satisfactory to Purchaser. Seller and Purchaser shall each pay their own attorney's fees with respect to preparation of this Contract.

8.2 Seller shall pay the grantor's tax which is payable to the Clerk of Court upon the recordation of the Deed. Buyer shall pay all other recording costs to the Clerk of Court upon the recordation of the Deed. Purchaser and Seller shall each be responsible for its own counsel fees.

9. CLOSING.

9.1 Closing ("Closing or Settlement as it may be used herein") shall occur not later than thirty (30) days after the expiration or the Feasibility and Inspection period

except as otherwise mutually agreed by the Parties.

9.2 Conditions of Closing. The obligation of Purchaser under this Contract to purchase the Property is subject to the fulfillment by the parties or waiver thereof by Purchaser of the following (herein referred to as the “Purchaser’s Closing Conditions”):

a. Seller shall deliver title to the Property as provided in Paragraph Section 7 hereof at Closing.

b. Effective on the execution of this Agreement, no new leases will be executed for the Property. Any existing lease shall not have an expiration date beyond Closing.

9.3 Intentionally deleted.

10. ADJUSTMENTS.

Rents, taxes, water, and operating charges are to be adjusted to the date of Closing. Taxes, general and special, are to be adjusted to the date of Closing, according to a statement of taxes issued by the collector of taxes. In the event that a partial tax parcel is to be conveyed in any settlement, Purchaser shall pay Seller at Closing the pro-rata amount of taxes that will become due prior to the end of the calendar year. Assessments or notations thereof for improvements completed prior to the Effective Date, whether assessment therefore has been levied or not, shall be currently paid by Seller and assumed by Purchaser at Closing. Annual benefit charges and assessments, if any, payable on an annual basis are to be adjusted to the date of Closing and, thereafter, assumed by Purchaser.

11. DEFAULT.

11.1 Purchaser’s Default. Purchaser shall be deemed to have defaulted under the terms of this Contract upon the occurrence of any of the following, at Sellers’ option:

11.1.1 If Purchaser should fail to close on the purchase of the Property for any reason other than Sellers' default, failure of a condition to Purchaser's obligation to close that has not been waived or terminated, or the exercise by Purchaser of an express right of termination granted herein and such failure continues for a period of five (5) business days after written notice of such failure is given by Seller to Purchaser (a "Purchase Default").

11.1.2 If, at any time following the Closing hereunder, Purchaser fails to comply with any provision of this Contract, other than a Purchase Default, and such failure continues for a period of thirty (30) days after written notice of such failure to comply is given by Seller to Purchaser, or, if such cure is not capable of completion within such thirty (30) day period, within a reasonable time thereafter, provided that Purchaser has commenced and is diligently pursuing the cure thereof (a "Purchaser's Covenant Default").

11.2 Remedies Upon a Purchase Default.

11.2.1 Remedy for Purchase Default. Sellers' sole and exclusive remedy in the event of a Purchase Default shall be as follows:

11.2.1.1 To terminate this Contract, and receive Purchaser's Deposit, in which event neither party shall have any further obligation to the other except as otherwise expressly set forth herein; or

11.3 Sellers' Default.

11.3.1 Seller Default. If all of the conditions to Sellers' obligation to convey the Property have been satisfied or waived in writing by Purchaser and if Seller shall fail to consummate this transaction for any reason other than Purchaser's default,

failure of a condition to Sellers' obligation to close that has not been waived or terminated, or the exercise by Seller of an express right of termination granted herein (a "Seller Default"), Purchaser's sole and exclusive remedies shall be as follows:

11.3.1.1 To terminate this Contract, in which event neither party shall have any further obligation to the other except as otherwise expressly set forth herein; or

11.3.1.2 To sue Seller for and obtain specific performance of Sellers' obligations under this Contract.

12. Risk of Loss. The risk of loss to the Property by fire or other casualty until settlement is assumed by Seller.

13. Violations of Governmental Orders. The Seller shall comply with any violations of municipal orders or violations of municipal requirements noted or issued by any department or governmental body having jurisdiction, or action in any Court on account hereof, against or affecting the Property at Closing under this Contract.

14. Intentionally Deleted.

15. REPRESENTATIONS AND WARRANTIES.

15.1 By Seller. Seller represents and warrants to Purchaser that:

15.1.1 Seller is not now a debtor in any bankruptcy proceeding, whether voluntary or involuntary. Seller has full power and authority to enter into this Contract and to consummate the transaction described herein, without obtaining any approvals or consents. To the best of Seller's knowledge there are no legal actions, suits or other legal or administrative proceedings pending or threatened against the Property, and Seller is unaware of any facts which might result in any such action, suit or other proceeding.

15.1.2 There exists no option, right of first refusal, or other contract or legal right of any kind, giving any party (other than the Purchaser or the Seller) the right to purchase any of the Property (other than leases) and the property shall be delivered vacant. This section shall not preclude the Seller from entering into a “backup” contract for the sale of the Property contingent upon the termination of this Contract.

15.1.3 After the date of this Contract, Seller shall not execute any easements, covenants, conditions or restrictions, except as provided in this Contract, with respect to the Property without first obtaining Purchaser’s prior written consent, which consent shall not be unreasonably withheld or delayed.

15.1.4 At Closing the Property shall have water and sewer service, 3 phase electrical service with a separate electric meter if such does not currently exist or be provided within 30 days.

15.1.5 Intentionally deleted.

15.1.6 Neither the execution of this Contract nor the consummation of the transactions contemplated hereby will:

(i) Conflict with or result in a breach of the terms, conditions or provisions of, constitute a default under, any agreement or instrument to which the Seller are a party;

(ii) Violate any restriction to which the Seller are subject;
or

(iii) Constitute a violation of any applicable code, resolution, law, statute, regulation, ordinance, rule, judgment, decree or order.

15.1.7 No circumstances exist, or with the giving of notice would exist, which would constitute a default under the Contract by either Seller or the other

parties to the Contract.

Unless the Seller provides prior notice to the contrary, all of the representations and warranties contained herein are true and correct in all material respects as of the date hereof and shall be true and correct at Closing with the same force and effect as though such representations and warranties had been made on and as of the such date, and shall be repeated, if requested, in the form of a written certificate executed by Seller on the settlement date. Seller shall promptly notify Purchaser should Seller have notice of, or reason to believe that, any of the foregoing warranties are not true and correct. Between the date of this Contract and the settlement dates, Seller will notify Purchaser of any events which occur or any facts of which it becomes aware which would make any of Sellers' representations and warranties false or inaccurate. Provided that if Purchaser becomes aware of any representation or warranty that is not correct during the term of this Agreement, it shall have no right or claim related thereto against Seller. If at Closing any of the foregoing representations and warranties are not true in any material respect, Purchaser shall notify Seller thereof, whereupon Seller shall use their best efforts to take such action as is required to correct any such representation and warranty. In the event that, despite such efforts, the representation and warranty remain false or inaccurate at the end of a thirty (30) day period following Purchaser's notice, Purchaser shall have the right to (i) terminate this Contract by written notice to Seller and the parties shall have no further liability hereunder, except as provided in Paragraph 22 hereof, or (ii) proceed to settlement, waiving its objection to the falsity of such representation or warranty.

15.2 By Purchaser. Purchaser represents and warrants to Seller that:

15.2.1 CC Staunton VA, LLC is a Limited Liability Company duly

organized, validly existing and in good standing under the laws of the Commonwealth of Virginia, and has fully authorized the execution and performance of this Contract and such execution and performance will not violate any material term of its certificate of incorporation or by-laws.

15.2.2 Purchaser is acting as principal in this transaction with authority to close the transaction.

15.2.3 No petition in bankruptcy (voluntary or otherwise), assignment for the benefit of creditors, or petition seeking reorganization or arrangement or other action under Federal or State bankruptcy laws is pending against or contemplated by Purchaser.

15.2.4 By the expiration of the Feasibility Period, Purchaser will have, to the extent it has wished to do so, inspected the property fully and completely at its expense and will have ascertained to its satisfaction the extent to which the Property complies with applicable zoning, building, environmental, health and safety and all other laws, codes and regulations.

15.2.5 Purchaser will not use the assets of an employee benefit plan as defined in Section 3(3) of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), and covered under Title I, Part 4 of ERISA or Section 4975 of the Internal Revenue Code of 1986, as amended, in the performance or discharge of its obligations hereunder, including the acquisition of the Property. Purchaser shall not assign its interest hereunder to any person or entity that does not expressly make this covenant and warrant for the benefit of Seller. This covenant shall survive the Closing indefinitely.

15.2.6 Any contractors, subcontractors, laborers and materialmen performing work upon or furnishing labor and materials to improve or benefit the Property

at Purchaser's request have been, or will be, paid in full by Purchaser in the ordinary course of business. Purchaser will execute the necessary affidavits and indemnities required to affirm that Purchaser has paid all of its expenses relevant to the Property.

Unless the Purchaser provides prior notice to the contrary, all the representations and warranties contained herein are true and correct as of the date hereof and shall be true and correct on and as of each settlement date under this Contract with the same force and effect as though such representations and warranties had been made on and as of such date, and shall be repeated, if requested, in the form of a written certificate executed by Purchaser on the settlement date. Purchaser will notify Seller immediately should Purchaser have notice of, or reason to believe that, any of the foregoing warranties are not true and correct. Between the date of this Contract and the settlement dates, Purchaser will notify Seller of any events which occur or any facts of which it becomes aware which would make any of Purchaser's representations and warranties false or inaccurate. In the event that on the date scheduled for any settlements any of the foregoing representations and warranties are not true, Seller shall notify Purchaser thereof, whereupon Purchaser shall use its best efforts to take such action as is required to make such representation and warranty true. In the event that, despite such efforts, the representation and warranty remains false or inaccurate at the end of a thirty (30) day period following Sellers' notice, Seller shall have the right to (i) terminate this Contract by written notice to Purchaser, whereupon the parties shall have no further liability hereunder, except as provided in Paragraph 22 hereof, or (ii) proceed to settlement, waiving its objection to the falsity of such representation or warranty.

16. CONDEMNATION. In the event that, at the time of settlement, more than 15% of the Property is acquired, or is about to be acquired, by authority of any

governmental agency in the exercise of its power of eminent domain or by private purchase in lieu thereof (or in the event that at such time there is any threat or imminence of any such acquisition by any such governmental agency and equivalent density credit is not granted in consideration for the taking), Purchaser shall have the right, at its option, by written notice to Seller, to terminate this Contract and the parties shall have no further obligations under this Contract, except as provided in Paragraph 22 hereof.

17. NOTICE. All notices, demands or communications (“Notices”) permitted or required to be given hereunder shall be in writing and either mailed by certified mail, return receipt requested or, sent by Federal Express. All Notices shall be deemed given on the date of actual receipt. Notices shall be addressed to Sellers, or the Purchaser, as the case may be at the address shown below, or to such other address as either party shall notify the other in accordance with the provisions hereof.

If addressed to Purchaser:

CC Staunton VA, LLC
Attn: Andrew M. Cherner
c/o Cherner Automotive Group
8550 Leesburg Pike
Vienna, VA 22182

With a copy to:

Philip J. Collins, Esquire
Protas, Spivok & Collins, LLC
4330 East-West Hwy, Suite 900
Bethesda, MD 20814

If addressed to Seller:

Gypsy Hill Properties, L.L.C.
c/o Mark Bowles
2014 N Augusta Street
Staunton, VA 24401

With a copy to:

John I. Hill, Esquire
PoindexterHill, PC

404 South Wayne Ave
Waynesboro, VA 22980

18. GOVERNING LAW. It is the intention of the parties hereto that all questions with respect to the construction of the Contract and the rights and liabilities of the parties hereunder shall be determined in accordance with the laws of the Commonwealth of Virginia.

19. COMMISSIONS. Seller hereby warrants and represents to the Purchaser that it has not contracted with, contacted, engaged or dealt with any broker, agent or finder regarding this sale, and agrees to hold harmless the Purchaser against any claim, including reasonable attorney's fees, for brokerage or finder fees resulting from a breach of this representation and warranty. Seller hereby warrants and represents that it has not engaged a broker in connection with this transaction.

20. DISPUTE RESOLUTION. In the event any litigation is commenced between the parties hereto concerning the Property, this Contract, or the rights and duties of either in relation thereto, the party prevailing in such litigation shall be entitled, in addition to such other relief granted, to reasonable costs and a reasonable sum as and for attorney's fees in such litigation, to be determined by the Court in such litigation or in a separate action brought for that purpose.

21. MISCELLANEOUS PROVISIONS.

21.1 If any term, covenant or condition of this Contract, or its application to any person or circumstances, shall be invalid or unenforceable, the remainder of this Contract, or the application of such term or provisions to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected, and each term

shall be valid and enforceable to the fullest extent permitted by law.

21.2 This Contract contains the entire agreement among the parties regarding the subject matter of this Contract. There are no promises, agreements, conditions, undertakings, warranties or representations, oral or written, express or implied, among them, relating to this subject matter, other than as herein set forth. This Contract is intended by the parties to be an integration of all prior or contemporaneous promises, agreements, conditions, negotiations and undertakings between them. This Contract may not be modified orally or in any manner other than by an agreement in writing signed by all the parties, or their respective successors in interest. This Contract may be executed in several counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument.

21.3 The parties to this Contract mutually agree that it shall be binding upon them, and each of their respective successors and assigns.

21.4 Whenever reference herein is made to “days” the same shall mean “calendar days” unless “business days” are specified. Any date specified in this Contract which is a Saturday, Sunday or legal holiday shall be extended to the first regular business day after such date which is not a Saturday, Sunday or legal holiday.

21.5 Notwithstanding any other provisions of this Contract or any agreements, contracts or obligations which may derive therefrom, nothing contained herein shall be construed to make the parties hereto partners or joint venture, or to render either party liable for any of the debts or obligations of the other, it being the intention of this Contract to merely create the relationship of Seller and Purchaser regarding the Property to be conveyed hereby.

21.6 The paragraph headings used herein are for reference and convenience only, and

shall not enter into the interpretation hereof. Wherever herein the singular number is used, the same shall apply to the plural, and the masculine gender shall include the feminine and neuter genders, and vice versa, as the context may require.

21.7 Intentionally deleted

21.8 Seller and Purchaser covenant and agree to do any and all further acts, not otherwise inconsistent herewith, and to execute and acknowledge, seal and deliver, any and all other and further instruments and documents, not otherwise inconsistent herein, in order to consummate the transactions contemplated hereby. The parties hereto shall cooperate with each other in every reasonable manner, other than pecuniary, in order to fulfill each party's obligations hereunder.

21.9 Purchaser and Seller each reserve the right to waive any of the terms and conditions of this Contract which benefit the party waiving the same, and to purchase or sell the Property in accordance with the terms and conditions of this Contract which have not been so waived. Any such waiver must be in writing, signed by the party waiving the same.

21.10 The parties agree that this Contract or Memorandum thereof shall not be recorded amongst the land records of the City/County where the property is situated or elsewhere.

22. SURVIVAL. Except with respect to Sections 2.7, 4.2, 11, 15.1, 15.2, 19, 20, 21.10, all of which shall survive for a period of twelve (12) months after Closing, all other provisions of this Contract shall merge with the documents of conveyance.

23. ASSIGNMENT. Seller hereby agrees that Purchaser may assign all of its right, liabilities and obligations hereunder. Any such assignment shall be in writing and

shall provide for the assumption by such assignee of Purchaser's obligations under the Contract. Purchaser shall provide Seller and any other person entitled to notice hereunder with a copy of said assignment together with an address and facsimile number for the assignee. Upon receipt by Seller of such assignment Purchaser shall be relieved from any and all rights, liabilities and obligations hereunder.

24. Intentionally deleted

25. As-Is Condition. The parties recognize and agree that Purchaser is acquiring the Property in "as-is, where-is" condition, with all faults and not subject to any existing leases. Purchaser hereby acknowledges that it shall be acquiring the Property in reliance solely upon its own investigations, studies and due diligence. Without limiting the foregoing, Purchaser stipulates and agrees that it shall purchase the Property without any representation, indemnification or warranty whatsoever by Seller relating to the Property, including but not limited to the expressed warranties of merchantability and fitness for a particular purpose. Notwithstanding the above, Purchaser will obtain roof inspection during Feasibility Period to identify if any roof deficiencies exist. If the results of such inspection are unsatisfactory to Purchaser, Purchaser shall provide Seller, within 3 business days of receiving the results of said inspections, a copy of said reports and a written statement stating why Purchaser is not satisfied with the reports. In that event Seller shall have the option to correct said condition(s) at Seller's expense or to terminate this Contract in which event the Deposit shall be returned to Purchaser. Seller must notify Purchaser in writing of his decision within 3 business days of receiving said report from Purchaser. Failure of Purchaser to comply by the date indicated shall be deemed a waiver of this contingency. If Seller fails to respond or states Seller's intent not to correct the condition(s), Purchaser may terminate this Contract, in which event the Deposit shall be

returned to Purchaser. If Seller elects to terminate this Contract, Purchaser, within 3 business days after receiving notice of termination, shall have the right to reinstate the Contract by relieving Seller of any obligations to correct said condition(s).

26. EXPIRATION OF OFFER. Seller shall have until December 24th, 2020 to execute this Contract and return it to Purchaser. Should Seller fail to execute this Contract and return it to Purchaser by this date, then Purchaser's offer shall be deemed withdrawn, and this Contract shall be of no further force and effect.

27. CONFIDENTIALITY. The parties agree that the terms of this transaction and contract are confidential and shall not be disclosed to third parties other than the parties attorneys and accountants or unless under a validly issued subpoena issued by a court of competent jurisdiction.

28. TIME IS OF THE ESSENCE. Time is of the essence with respect to this Contract.

29. COVENANTS. From and after the Effective Date of this Agreement, Seller and Buyer covenants and agrees that:

29.1 Seller nor Purchaser shall not take or fail to take any action, or permit any action to be taken, which would result in any of the statements, representations and warranties set forth in paragraph 15 hereof not being and remaining true and correct through the Settlement/Closing Date.

29.2 result in any of the covenants set forth in this Agreement not having been performed by Seller or Purchaser, and

29.3 result in any of the conditions precedent to the obligations of Purchaser under this Agreement not having been satisfied.

29.4 Seller shall not engage in any activity or effect any transaction with

respect to the Property which is outside of the normal and ordinary course of business.

29.5 Seller shall furnish to Purchaser copies of any and all notices which it receives from any party or any governmental agency with respect to the Property or any portion thereof within five (5) days after Seller's receipt thereof.

29.6 Seller shall not enter into any agreement to sell or otherwise dispose of its interest in the Property, or any portion of the Property except as maybe permitted under section 7.3.

29.7 Seller shall not dispose of any of the fixtures or other items which are part of the Property to be conveyed to Purchaser under this Agreement. Seller shall continue to manage and operate the Property in the manner (or better than the manner) in which it has been managed and operated as of the Effective Date and deliver the Property to Purchaser on the Closing Date in substantially the same condition as it is in on the Effective Date.

29.8 All bills and claims for labor performed and services and materials furnished to or for the benefit of the Property prior to the Closing Date will be paid by Seller, and there shall not be any mechanic's liens or materialmen's liens on or affecting the Property or unpaid utility bills which could result in interrupted utility service to the Property.

29.9 Copies of all notices, of any kind, and all real property tax bills received from any governmental agency with respect to ownership, use, operation, occupancy, or taxation of the Property or any portion thereof for the period commencing on Seller's ownership of the Property shall be delivered to the Purchaser.

29.10 Construction. No provision of this Contract shall be construed in favor of, or against, Seller or Purchaser by reason of any presumption with respect to the

drafting of this Contract; both Seller and Purchaser, being represented by legal counsel, having fully participated in the negotiation of this Contract.

29.11 Counterparts. This Contract may be executed in several counterparts and such executed counterparts shall be considered an original and, when taken together, shall constitute one and the same instrument.

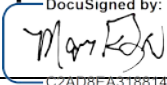
29.12 Facsimile or PDF Signature. A facsimile or PDF signature for the purchaser on this Contract shall be deemed to be an original and shall bind the signing party.

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IN WITNESS WHEREOF, the parties have executed this Real Estate Contract on the date
set forth below:

SELLER:

Gypsy Hill Properties LLC

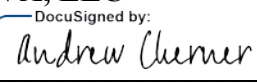
By:  DocuSigned by:
CZAD8EA3188148E...

Name: GYPSY HILL PROPERTIES L.L.C.

Title: owner

PURCHASER:

CC Staunton VA, LLC

By:  DocuSigned by:
14466DF5D6434E1...

Name: Andrew Cherner

Title: Managing Member

EFFECTIVE DATE: The last party executing the Real Estate
Contract hereby certifies that the date of such execution is December 12/30/2020,
2020.

EXHIBIT A – LEGAL DESCRIPTION

(TRACT 1 & 2 BLK A)-(TRACT 1-1.09 AC & TRACT-2 - 0.65 AC)

Parcel ID: 1162

Map Number

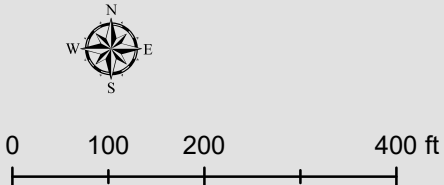
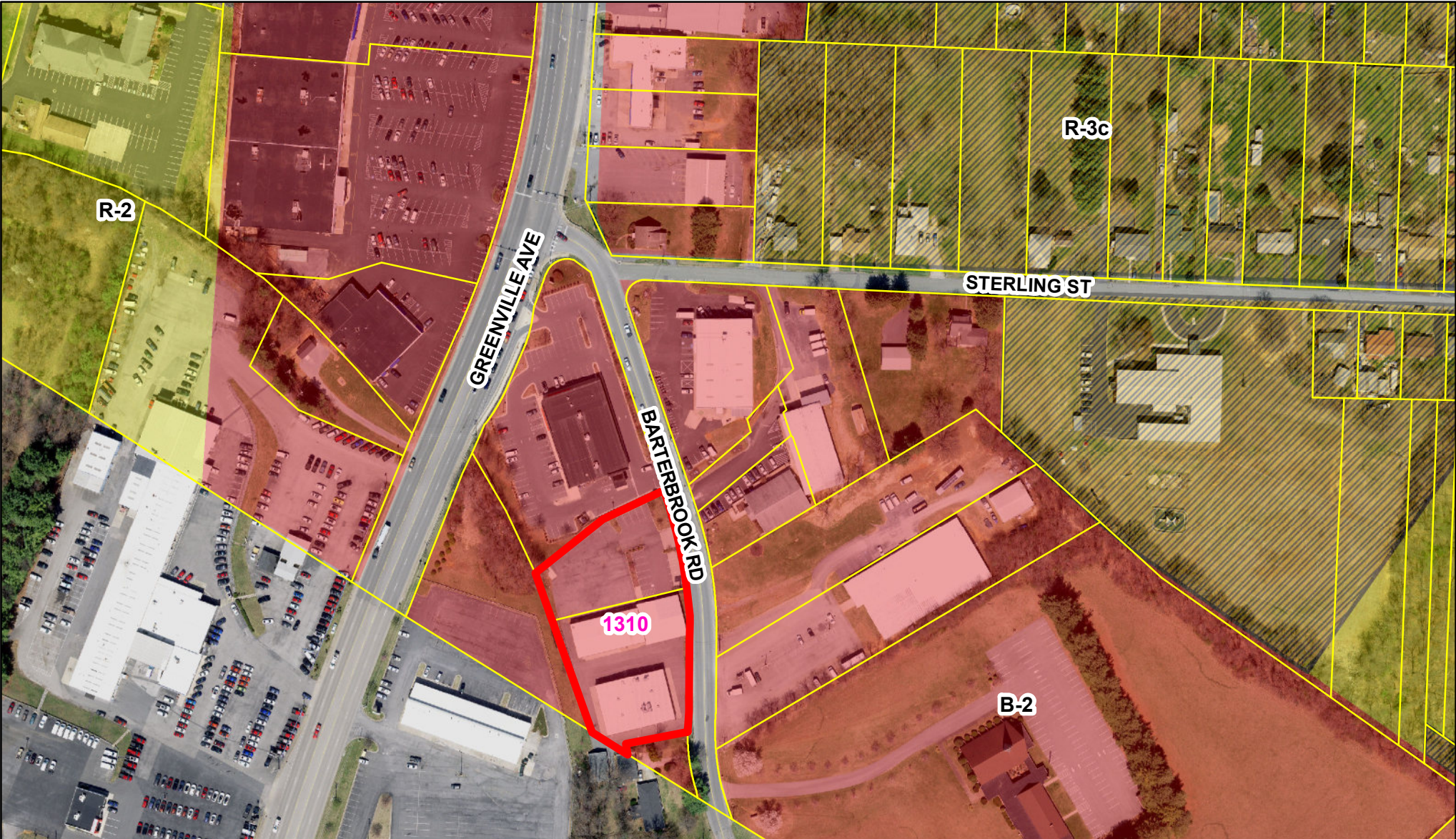
508

Vicinity Map – 1310 Barterbrook Rd

Attachment 2



Current Zoning - 1310 Barterbrook Rd Attachment 3



Zoning

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

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

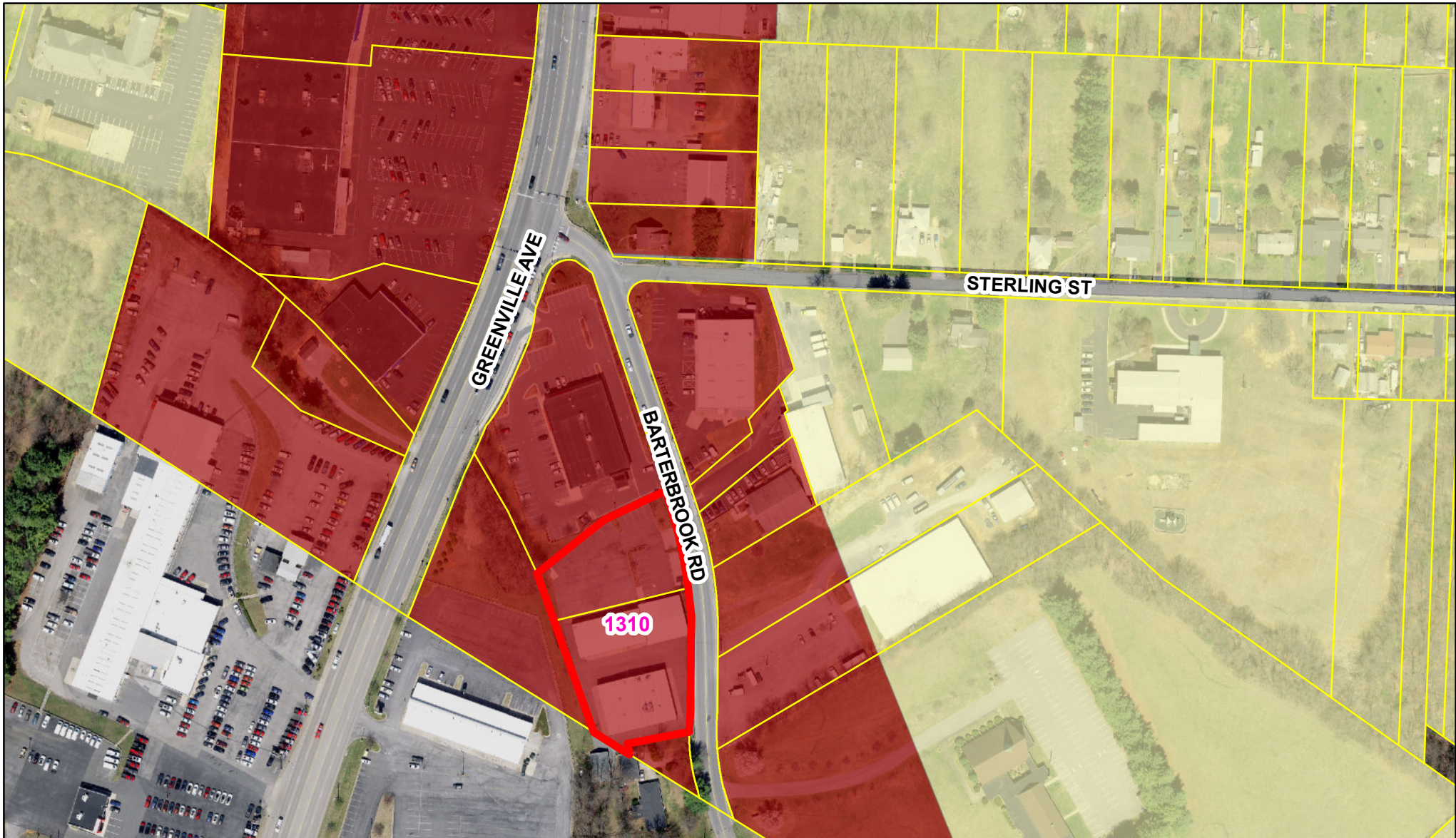
- I-2(conditional)
- I-3(conditional)
- P-1
- P-1(conditional)
- R-1

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

Additional Layers

- Selected Property
- Lots

Future Land Use - 1310 Barterbrook Rd **Attachment 4**



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

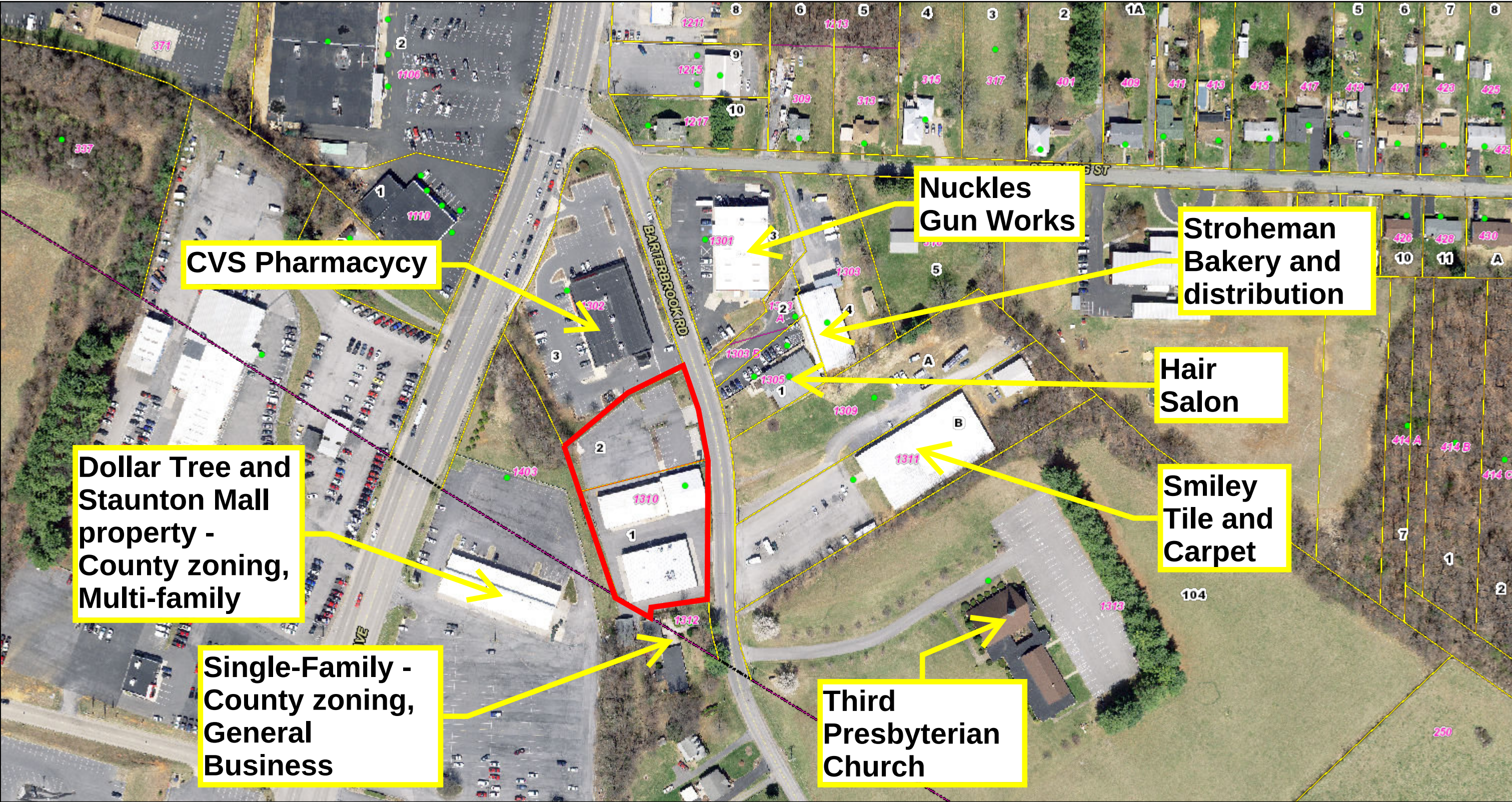
- TRADITIONAL NEIGHBORHOOD DEVELOPMENT
- LOW DENSITY PLANNED RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- PROFESSIONAL

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

Additional Layers

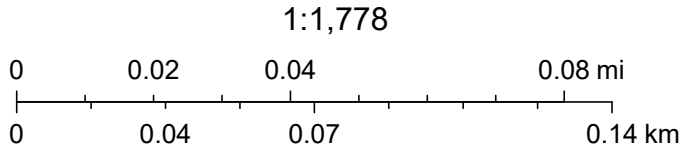
- Selected Property
- Lots

1310 Barterbrook Rd - Adjacent Uses



3/9/2021, 8:01:29 AM

- Lot_Lines
- Parcels
- Road Centerline
- Green: Band_2
- Lot_Numbers
- AddressPoints
- 2018Image.tif
- Blue: Band_3
- City Limits
- Point_of_Interests
- Red: Band_1



CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	Steven L. Rosenberg City Manager Leslie Beauregard Assistant City Manager Phil Trayer Chief Finance Officer
Item #	C	
Ordinance #		
Department:	City Manager Finance Department	
Council Vision:	Responsive, Efficient Government	
Subject:	Public Hearing of an Ordinance to Establish a Budget for FY 2022 (July 1, 2021—June 30, 2022)	

Background: The City Manager's proposed FY 2022 budget was presented at the regular meeting on March 25, 2021. The attached FY 2022 budget ordinance was introduced at the same meeting. A public hearing is scheduled for the regular meeting on April 8, 2021. Notice of the public hearing, attached, was advertised in *The News Leader* on April 8, 2021.

Attachments:

Attachment 1—FY2022 Budget Ordinance

Attachment 2—Notice of Public Hearing

City Manager's Recommendation: Conduct the public hearing.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

**CITY OF STAUNTON, VIRGINIA
FY 2022 PROPOSED BUDGET**

GENERAL FUND

ANTICIPATED REVENUE

General Property Taxes	\$	27,800,455
Other Local Taxes		15,150,500
Commonwealth of Virginia		12,815,367
Current Service Charges		1,855,902
Federal Revenue		1,363,629
Recovered Costs		1,190,235
Licenses and Permits		208,400
Use of Money and Property		135,500
Fines and Forfeitures		232,000
Miscellaneous		<u>1,217,378</u>
Total Revenue	\$	61,969,366

BUDGET

APPROPRIATIONS

Transfer to Education Fund	\$	13,406,250
Public Safety		13,616,584
Health and Welfare		7,682,954
Public Works		6,225,741
General Government Administration		6,583,210
Transfer to Debt Service Sinking Fund		4,844,415
Parks, Recreation, Library, and Cultural		3,830,628
Judicial Administration		2,551,898
Community Development		2,237,636
Transfer to the City CIP Fund		981,050
Educational Agency Contributions		<u>9,000</u>
Total Appropriations	\$	61,969,366

DEBT SERVICE SINKING FUND

ANTICIPATED REVENUE

Transfer from the General Fund	\$	5,683,314
Total Revenue	\$	<u>5,683,314</u>

APPROPRIATIONS

Debt	\$	<u>5,683,314</u>
Total Appropriations	\$	5,683,314

CAPITAL IMPROVEMENTS PROJECT FUND

ANTICIPATED REVENUE

Transfer from the General Fund	<u>\$981,050</u>
Total Revenue	<u>\$981,050</u>

APPROPRIATIONS

Capital Improvements	<u>\$981,050</u>
Total Appropriations	<u>\$981,050</u>

BLUE RIDGE COURT SERVICES FUND

ANTICIPATED REVENUE

Non Capital Grants/ Contributions	\$	915,672
Miscellaneous		138,869
Charges for Services		<u>175,000</u>
Total Revenue	\$	1,229,541

APPROPRIATIONS

Operations	\$	<u>1,229,541</u>
Total Appropriations	\$	1,229,541

WATER FUND**ANTICIPATED REVENUE**

Charges for Service	\$	4,615,725
General Revenues		80,500
Proceeds from Debt Issuance		6,900,000
Total Revenue	\$	11,596,225

APPROPRIATIONS

Operations	\$	3,445,715
Debt		720,510
Capital		7,430,000
Total Appropriations	\$	11,596,225

SEWER FUND**ANTICIPATED REVENUE**

Charges for Services	\$	3,905,000
General Revenues		52,500
Total Revenue	\$	3,957,500

APPROPRIATIONS

Operations	\$	2,684,568
Debt		922,526
Capital		350,406
Total Appropriations	\$	3,957,500

PARKING FUND**ANTICIPATED REVENUE**

Charges for Services	\$	372,600
General Revenues		139,481
Total Revenue	\$	512,081

APPROPRIATIONS

Operations	\$	333,662
Debt		178,419
Total Appropriations	\$	512,081

STORMWATER FUND**ANTICIPATED REVENUE**

Charges for Services	\$	771,000
General Revenues		885,650
Total Revenue	\$	1,656,650

APPROPRIATIONS

Operations	\$	456,650
Capital		1,200,000
Total Appropriations	\$	1,656,650

ENVIRONMENTAL FUND**ANTICIPATED REVENUE**

Charges for Services	\$	3,183,643
General Revenues		58,742
Non Capital Grants/ Contributions		10,000
Total Revenue	\$	3,252,385

APPROPRIATIONS

Operations	\$	2,794,809
Capital		457,576
Total Appropriations	\$	3,252,385

EDUCATION FUND**ANTICIPATED REVENUE**

Commonwealth of Virginia	\$	18,435,908
Transfer from the General Fund		13,406,250
Federal Government		1,998,086
Charges for Services		876,379
General Revenues		536,875
Total Revenue	\$	35,253,498

APPROPRIATIONS

Administration and Operation of Schools	\$	35,253,498
Total Appropriations	\$	35,253,498

CAFETERIA FUND

ANTICIPATED REVENUE

Operating Grants	\$ 1,584,649
Charges for Service	2,400
General Revenues	109,265
Total Revenue	<u>\$ 1,696,314</u>

APPROPRIATIONS

Operations	<u>\$ 1,696,314</u>
Total Appropriations	<u>\$ 1,696,314</u>

SCHOOL TEXTBOOK FUND

ANTICIPATED REVENUE

Commonwealth of Virginia	\$ 169,445
General Revenues	107,290
Total Revenue	<u>\$ 276,735</u>

APPROPRIATIONS

Operations	<u>\$ 276,735</u>
Total Appropriations	<u>\$ 276,735</u>

SCHOOL CAPITAL IMPROVEMENTS PROJECT FUND

ANTICIPATED REVENUE

General Revenues	\$100,000
Total Revenue	<u>\$100,000</u>

APPROPRIATIONS

Capital Improvements	\$100,000
Total Appropriations	<u>\$100,000</u>

STATE OPERATED PROGRAMS

ANTICIPATED REVENUE

Operating Grants	\$ 2,735,887
General Revenues	453,432
Total Revenue	<u>\$ 3,189,319</u>

APPROPRIATIONS

Operations	<u>\$ 3,189,319</u>
Total Appropriations	<u>\$ 3,189,319</u>

Grand Total Revenues	\$ 131,353,978
Grand Total Expenditures	\$ 131,353,978
Balance	<u>(\$0)</u>

INTRODUCED: March 25, 2021

Approved this _____ day of _____ 2021

Effective Date: _____

ATTEST: _____
Morgan C. Smith
Interim Clerk of Council

CERTIFIED: _____
Andrea Oakes
Mayor of Council

PLEASE RUN THIS AD: THURSDAY, April 1, 2021

City of Staunton

PROPOSED FISCAL YEAR (FY) 2022 (2021-2022) BUDGET

**NOTICE OF PUBLIC HEARING OF STAUNTON CITY COUNCIL
ON THE PROPOSED FY 2022 BUDGET FOR THE
CITY OF STAUNTON AND STAUNTON CITY PUBLIC SCHOOLS**

Pursuant to Virginia Code Section 15.2-2506, the public is hereby given notice of a meeting of the Staunton City Council to conduct a **PUBLIC HEARING** on the proposed FY 2022 budget as presented by the City Manager. The public hearing will be held on Thursday, April 8, 2021, at 7:30 p.m.

Following is a brief synopsis of the proposed FY 2022 Budget:

<u>City Governmental Funds:</u>	Revenues	Expenditures
General Fund	\$61,969,366	\$61,969,366
Debt Service Sinking Fund	\$5,683,314	\$5,683,314
City Capital Improvements Fund	\$981,050	\$981,050
Blue Ridge Court Services Fund	\$1,229,541	\$1,229,541
<u>City Proprietary Funds:</u>		
Water Fund	\$11,596,225	\$11,596,225
Sewer Fund	\$3,957,500	\$3,957,500
Environmental Fund	\$3,252,385	\$3,252,385
Storm Water Fund	\$1,656,650	\$1,656,650
Parking Fund	\$512,081	\$512,081
<u>School Operating Funds:</u>		
Education Fund	\$35,253,498	\$35,253,498
State Operated Programs	\$3,189,319	\$3,189,319
Cafeteria Fund	\$1,696,314	\$1,696,314
School Capital Improvements Fund	\$100,000	\$100,000
School Textbook Fund	\$276,735	\$276,735
Total All Funds	\$131,353,978	\$131,353,978

Proposed Property Tax Rates:

	Current Tax Rates as of January 1, 2021	Proposed Tax Rates for January 1, 2022
Real Estate	\$0.95	\$0.95
Personal Property –motor vehicles	\$2.90	\$2.90
Personal Property – business tangible property	\$2.90	\$2.90
Personal Property – machinery and tools	\$1.24	\$1.24

After holding its own public hearing, the Staunton School Board approved and proposes to Council, pursuant to Virginia Code Section 22.1-92, a public schools budget totaling \$40,515,866. Council is required to prepare and approve an annual budget for the educational purposes by May 15 or within thirty days of the receipt by the City of the estimates of state funds, whichever is later, in accordance with Virginia Code Section 22.1-93.

A copy of the City Manager's recommended FY 2022 budget is available for public review in the office of the City Manager and is available on the City's website at www.staunton.va.us/budget.

The public is strongly encouraged to participate in the budget process. The City Council shall permit citizens desiring to be heard an opportunity to attend and state their views thereon during the public hearing within such reasonable time limits as determined by the Mayor or other presiding officer. The meeting will also be audio streamed live on Cable Channel 7 and on the City's internet site at <https://www.ci.staunton.va.us/government/city-council>. Specific guidelines for participation, including in-person participation, can be found at <https://www.ci.staunton.va.us/government/city-council/access-city-council-meetings>.

Through 5:00 p.m. on Thursday, April 15, 2021, the public may also communicate comments concerning the proposed budget by (i) sending an email to publiccomment@ci.staunton.va.us, or (ii) calling the Interim Clerk of Council at 540.332.3810. Voice mail messages are acceptable. A comment sent by email or voice mail must include full name and street address for the comment to be included in the public record.

Morgan Smith
Interim Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 8, 2021	City Council
Item #	G	
Ordinance #		
Department:	City Council	
Council Vision	Responsive, Efficient Government	
Subject:	Council Procedure Memoranda and Introductory Remarks Concerning Matters from the Public	

Background: These items both concern Council procedures. At the request of Mayor Andrea Oakes and Councilmember Brenda Mead, respectively, they have been added to Council's work session agenda for April 8, 2021, for discussion.

Council's procedure memoranda, adopted at Council's organizational meeting on July 1, 2020, and the current version of introductory remarks concerning Matters from the Public are attached for reference.

Attachment:

Attachment 1—Council Procedure Memoranda Nos. 1 through 15

Attachment 2—Introductory Remarks Concerning Matters from the Public

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

COUNCIL PROCEDURE MEMORANDA

Council Procedure Memorandum No. 1	Communication between City Council, the City Manager and Staff
Council Procedure Memorandum No. 2	Boards and Commissions – Applications and Appointments
Council Procedure Memorandum No. 3	Agendas for City Council Meetings; Council Member Remote Participation for City Council Meetings
Council Procedure Memorandum No. 4	Speakers Appearing Before Council During Regular Meetings and Public Hearings
Council Procedure Memorandum No. 5	Grant Applications
Council Procedure Memorandum No. 6	Abstention from Casting Vote
Council Procedure Memorandum No. 7	Adoption of Ordinances
Council Procedure Memorandum No. 8	Procedure for Refusal or Reduction of Council Pay Increases
Council Procedure Memorandum No. 9	Non-budgeted Money Request
Council Procedure Memorandum No. 10	Travel by Council Members
Council Procedure Memorandum No. 11	Staff Liaison to Outside Agencies that receive Capital Improvement Appropriations from the Staunton City Council
Council Procedure Memorandum No. 12	Spending Generally; Spending Authority for the Mayor
Council Procedure Memorandum No. 13	Requests for Funding Organizations
Council Procedure Memorandum No. 14	Naming of Public Facilities
Council Procedure Memorandum No. 15	Consent Agenda

COUNCIL PROCEDURE MEMORANDUM NO. 1

SUBJECT: Communication between City Council, the City Manager, and Staff

1. As provided in Sections 3, 14 and 15 of the Charter of the City, the government of the City is vested in the Council and its administration in the City Manager.
2. When the public duties of Council necessitate contact with the administrative officers or employees of government, the following procedure will apply:
 - a. The normal channel will be to the City Manager who will respond to the member of Council with information, explanation, or action as appropriate. The City Manager may determine that action should be taken, if at all, after formal consideration and vote of Council.
 - b. Since it is important that Council members show interest in the various departments of government, visits are encouraged to city offices for observation, familiarization and getting acquainted overall with City employees. However, such visits will be made after notification to the office of the City Manager and will conform to paragraph c below.
 - c. No requirements of any kind or requests for information will be levied directly upon the various employees of city government, except to Council appointees, by any member of Council, including through written or electronic means. Requests, requirements or tasks desired by Council will be communicated directly to the City Manager and from the latter, as summarized and interpreted, to the appropriate office. It will be the City Manager's responsibility to assure that appropriate response is provided and that as to any matter of general application or interest, all members of Council are informed.

REAFFIRMED AS MODIFIED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 2

SUBJECT: Boards and Commissions — Applications and Appointments

1. The Nominations Committee will review periodically the Community Leadership Resource Bank form for the purpose of adding areas of interest and deleting those no longer applicable.
2. Application forms will be available in the Clerk of Council's office and on the City's website to any resident who wishes to be considered for appointment to a City board, commission or committee. Applications will be filed with and maintained in the Clerk of Council's office.
3. When an appointment is forthcoming on a board, commission, or committee, the Clerk's office will post a description of responsibilities approximately 60 days prior to the date of appointment on the City's website to encourage the submission of additional applications.
4. The Nominations Committee will review all applications as part of its deliberations in the process of selection of appointees. A report from the Nominations Committee will be sent to Council, with the agenda materials, prior to the Council meeting.
5. When possible, appointments will be made approximately 30 days prior to the expiration of the term of current members to permit orientation of new appointees and continuity of responsibilities.

REAFFIRMED AS MODIFIED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 3

SUBJECT: Agendas for City Council Meetings; Council Member Remote Participation for City Council Meetings

Agendas:

Anyone wishing to appear before City Council at a regularly scheduled meeting shall contact the City Manager to determine whether or not the item shall be placed on the agenda. If the Clerk of Council is contacted for this purpose, the Clerk shall relay the inquiry to the City Manager. The Manager will review all requests before deciding which items will be placed on the agenda. Each person shall be informed of the opportunity to appear before Council during "Matters from the Public."

At each work session, the first agenda item will be "Approval of Agendas" for both the work session and the regular session meetings of Council. The Mayor or other presiding officer will entertain a motion for Council to approve the proposed work session and regular session agendas, with or without modification as identified in the motion. The Clerk of Council will poll each Council member on such vote and, if necessary, successive votes will be taken until there is Council approval of both agendas. With a vote for approval of modification, Council may amend its regular session agenda at the beginning of the regular session, again with the Clerk of Council conducting an individual poll on the vote of each member of Council.

At each regular meeting of Council, the first agenda item will be an "Invocation/Moment of Silence." Such an invocation or moment of silence will be on a rotating basis, with each Council member electing which to observe and whether to defer to the next Council member in the rotation. Any invocation will be directed to Council and may be offered consistent with applicable controlling law. Any moment of silence may be introduced by the Council member with reference to a remembrance or thought of current or historic events.

There will be an agenda for each and every Council meeting, including work sessions, and no matters which are not on the approved agendas will be discussed unless deemed an emergency. Notwithstanding any prior action of Council to the contrary, Council members may contact the City Manager with any items desired to be on the agenda, if necessary. The proposed agenda items cut-off time will be at noon on the Friday two weeks preceding the Thursday City Council meeting, and the proposed agendas and back-up materials will be transmitted to Council members by Friday afternoon prior to the meeting, absent special circumstances.

Agenda materials shall be compiled and delivered to the Clerk of Council by 12 noon on the Friday preceding the scheduled Council meeting for duplication and distribution, by whatever means as determined by Council (i.e., paper copies, electronically, etc.).

Member Remote Participation for City Council Meetings:

1. **Purpose and Applicability.** It is the policy of the City Council under this memorandum that individual members of the Council may participate remotely in Council meetings by electronic means as permitted by Virginia Code Section 2.2-3708.2, even in the absence of the Governor having declared a state of emergency, when there is a quorum physically assembled at one primary or central meeting location. For circumstances when the Governor has declared a state of emergency, such as has existed with COVID-19, the requirements of Virginia Code Section 2.2-3708.2(A)(3) must be satisfied. The purpose of this policy is to comply with the requirements of Section 2.2-3708.2 of the Code of Virginia to allow for and govern remote participation by one or more Council members in Council meetings by electronic communication means in general, outside of an extraordinary situation involving a Governor-declared state of emergency. All City Council proceedings pursuant to this policy shall be conducted in accordance with Virginia Code Section 2.2-3708.2 as that statute, a part of the Virginia Freedom of Information Act, may hereafter be amended. This policy shall apply to the entire City Council membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
2. **Quorum and Setting Required.** The City Council may consider a member's individual request for remote participation by electronic communication means only if a quorum of the Council is physically assembled at one primary or central meeting location, and there is an arrangement for the voice of the remotely participating Council member to be heard by all persons at such primary or central meeting location.
3. **Notice and Permissible Reasons for Electronic Participation.** Council member participation remotely under this policy shall only be allowed if: on or before the day of the meeting, the Council member notifies the Mayor or other presiding officer that the member's inability to attend is due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or due to a personal matter and the Council member identifies with specificity the nature of the personal matter; the Council member has not exceeded the limitation of remote participation of two meetings each calendar year; and the remotely participating Council member identifies the remote location.
4. **Approval.** Individual participation from a remote location shall be approved unless such participation would violate this policy or applicable law. City Council shall vote whether to allow such participation and, if approved, the Council's meeting minutes shall reflect the following: the remote location from which the member participated, even though the remote location need not be open to the public; if the basis for the remote participation is disability or medical condition, the fact of such; and, if the basis for the remote participation is a personal matter, the specific nature of the personal matter. Upon adoption of a motion to approve the Council member's participation by electronic communication means, the Council member shall be allowed to fully participate in the meeting by electronic communication means.
5. **Disapproval.** If the City Council votes to disapprove the Council member's remote participation because such participation would violate this policy or applicable law, such

disapproval shall be recorded in the Council's minutes with specific reasons cited under this policy and/or under applicable law for the disapproval.

REAFFIRMED AS MODIFIED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 4

SUBJECT: Speakers Appearing Before Council During Regular Meetings and Public Hearings

It shall be the policy of the City Council to require all speakers from the floor to come forward and speak into the microphone and give their names and addresses. Each speaker will be limited to 5 minutes. This announcement shall be made at the beginning of each Council meeting, when necessary.

Also, in a public hearing, the following procedure will be followed:

1. An applicant's presentation shall be limited to 5 minutes.
2. All persons speaking for or against shall be limited to 5 minutes and allowed to speak only if the point has not previously been made.
3. There shall only be one rebuttal by the applicant, limited to 5 minutes.
4. After the public hearing is closed, no person in the audience may speak again on the item.

A majority vote of Council may waive any of the limits set for the speakers.

REAFFIRMED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 5

SUBJECT: Grant Applications

The City Manager or designee shall review all applications on behalf of the City for state, federal or private grants. The City Manager shall have the authority to approve and submit grant applications on behalf of the City, subject to the review and approval of City Council.

REAFFIRMED AS MODIFIED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 6

SUBJECT: Abstention from Casting Vote

Section 2.10.120 of the Code of Staunton provides that every member of Council present shall vote upon all questions on which a vote must be taken, unless excused by the Council (unless the member has an immediate personal or financial interest in the matter). Requests by a member to abstain from voting or to announce the intention not to vote because of personal or other financial interest shall be made to the presiding officer of Council prior to the placing of the matter before Council for vote. Council need take no further action to allow the abstention in the case of a member's personal or other financial interest in the matter, consistent with the requirements of the Virginia State and Local Government Conflict of Interests Act, but Council shall consider the request for abstention for other reasons and may grant the request if a majority of the members present (excluding the member requesting) vote in favor of granting the request.

REAFFIRMED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 7

SUBJECT: Adoption of Ordinances

It shall be the policy of the City Council that ordinances, subject to particular circumstances generally, shall be presented to Council for its consideration in the following manner:

1. The ordinance may be introduced at the Council meeting having such ordinance on the agenda. If the ordinance is so introduced it shall be placed on Council's next agenda (or a designated Council agenda at a subsequent meeting) for consideration for final adoption.
2. If a majority of the members of Council (four) support a motion to adopt an ordinance upon its introduction and such ordinance is not subject to other requirements before introduction and adoption as provided by the Code of Virginia, The Code of the City of Staunton or the Charter of the City of Staunton, the ordinance may be so adopted without the necessity of consideration at a subsequent meeting.

REAFFIRMED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 8

SUBJECT: Procedure for Refusal or Reduction of Council Pay Increases

1. No City Council member shall be required to accept a pay increase in whole or in part if opposed to its enactment, morally opposed to accepting compensation for services, or feels the performance as a Council member does not justify that amount of compensation, or for any other reason.
2. If the Council member concerned does not desire to accept such an increase in whole or in part, the member shall:
 - a. Immediately notify the City Manager of the decision to refuse the pay increase or such part of it as he/she desires; and
 - b. Request continuance of the present pay or, if applicable, the amount of the pay increase to be accepted; and
 - c. Execute such waiver of increased compensation as may be required by law or deemed necessary by the City.
3. The waiver of pay increase or part thereof shall remain in effect from the time of its submission until it shall be revoked in writing by the Council member concerned. At such time, the revocation will be made available as public information.

REAFFIRMED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 9

SUBJECT: Non-Budgeted Money Request

It shall be the policy of the City Council not to accept any request for money outside of the budget process, except those requests which could not reasonably be anticipated by the applicant during the budget process.

Requests for Staunton-based projects will be submitted to the Director of Finance in accordance with the City Manager's budget calendar each budget year. These requests will then be evaluated along with other requests during the budget review. Approved requests for sports, organizations, youth, etc. will only be paid after staff has been satisfied that the project has been or will be completed.

REAFFIRMED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 10

SUBJECT: Travel by Council Members

It shall be the policy of the City Council to approve travel by members of the Council at City expense, prior to the conference, seminar, meetings (except VML appointed committee meetings) or other event.

The member of Council shall present the proposed travel to the majority of Council during a work session or Council meeting and receive approval of Council prior to making arrangements or incurring City expense.

REAFFIRMED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 11

**SUBJECT: Staff Liaison to Outside Agencies that Receive Capital
Improvement Appropriations from the Staunton City Council**

It shall be the formal policy of Staunton City Council to consider each appropriation of capital and/or operating funds (where appropriate) to an outside agency (i.e., one that does not report to the City Manager) to determine if periodic and regular reports on the progress of this capital and/or operating funding are required. Should such a periodic reporting be appropriate, the Council will direct the City Manager to appoint a staff liaison to the outside agency. Such a staff liaison will be responsible to monitor the activities relating to this capital and/or operating appropriation and report to City Council on a periodic and regular basis. Council will review each appropriation to determine how often it requires such a report. The City Manager will be directed to provide that report during a Council meeting or work session in accordance with Council's requirements.

The City Manager will be responsible for the assignment of a staff liaison, if so directed, within thirty days of the approval of capital funding and/or operating funding for use by an outside agency. Status reports regarding these capital improvements and funds will be prepared in accordance with Council's direction at the discretion of the City Manager. Should for any reason Council require an additional report, the City Manager will be so directed and said report will be provided to Council at the earliest possible convenience.

REAFFIRMED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 12

SUBJECT: Spending Generally; Spending Authority for the Mayor

1. No dues or fees of civic organizations shall be paid for a membership of the City, City Council or individual members of City Council.
2. It shall be the policy of City Council to authorize the Mayor to incur expenses up to \$250.00 per transaction on behalf of the City when in the Mayor's judgment the expense is in the City's best interest. Such expenses shall be incurred and contracted within the parameters of any applicable procurement laws and policies of the City. All such expenses will be charged to the operating budget of City Council.
3. Any expenses exceeding the \$250.00 limit established by Council shall require the approval of the majority of a quorum of Council prior to being incurred.

REAFFIRMED AS MODIFIED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 13

SUBJECT: Requests for Funding Organizations

It shall be the policy of City Council to require each organization requesting funds from the City to furnish to the City Manager and City Council a financial statement and/or a budget prior to Council acting upon the request. The purpose of this policy is to afford Council a better understanding of the organizational needs prior to entertaining such requests.

REAFFIRMED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 14

SUBJECT: Naming of Public Facilities

It shall be the policy of City Council to receive and approve requests to name public facilities as hereafter specified:

1. The naming of a public facility shall be in honor of an individual, group, business or organization that has made an exceptional contribution to the City of Staunton, the Commonwealth of Virginia or the United States. This would include:
 - A. Individuals, groups, businesses or organizations that have made a major donation of land or funds for the facility equal to at least 50% of the total cost of the project.
 - B. Individuals, still living, who have, through dedicated and unpaid service, made a significant contribution to the quality of life of Staunton residents.
 - C. Individuals who have been deceased at least two years and who have made significant contributions to the quality of life of Staunton residents, or significant contribution to the Commonwealth of Virginia or the United States.
2. A public facility shall include any building, park, place, street, trail, etc.
3. Generally, a facility shall be named in a manner that describes its function (e.g. Landes Park, Booker T. Washington Community Center).
4. Any individual, group, business or organization may petition the City Council to name a public facility.
5. A petition made to the City Council to name a public facility shall include the following information:
 - A. The full name of the individual, group, business or organization making the nomination.
 - B. The full name of the individual, group, business or organization being nominated.
 - C. If the nomination is for a deceased individual, the date of birth and death.

- D. The association, if appropriate, with the public facility or place to be named.
 - E. A brief biography of the individual or a description of the group, business or organization, including all other information relevant to the nomination.
 - F. Any recommendation for the installation of a permanent memorial or plaque may be included with the above information.
- 6. The City Council may, at its discretion, designate or change a name for a new or existing public facility, consistent with the requirements of this policy, and may withdraw the name or rename a facility at any time.
 - 7. Official names of facilities, places, parks, etc. shall be used in all City communications, maps, plans, documents, signs and other means of identification.

REAFFIRMED AS MODIFIED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 15

SUBJECT: Consent Agendas

It shall be the policy of City Council to have the City Manager place routine, non-controversial items on a Consent Agenda. A briefing for the Consent Agenda shall be prepared in the manner and format of regular business items on the agenda. All matters listed under the consent agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of the items. If discussion is desired, the item may be removed from the Consent Agenda at the request of a member of City Council and considered separately.

The Consent Agenda shall be adopted by a motion “to approve the consent agenda and listing each individual item included therein,” and shall be considered by the Council as a single item. Any business item so included on the consent agenda shall be described in sufficient detail in the Consent Agenda Briefing to provide the public with an appropriate understanding of such item. Upon objection by any member of Council to including an item, that item shall be removed from the consent agenda and placed on the regular agenda for Council’s consideration.

Consent agenda items may include, but are not limited to:

- Minutes
- Nominations Committee Reports
- Resolutions
- Proclamations
- Financial Reports
- Application and acceptance of grant funds

REAFFIRMED: July 1, 2020

Matters From the Public (Script)

This part of City Council's agenda is entitled "matters from the public." It is a time that Council sets aside to hear from citizens and others about a wide variety of subjects. Before we begin, I'd like to share five basic ground rules that we ask you to respect as you make your remarks:

1. Please come to the podium, identify yourself, and complete your remarks within 5 minutes. The Mayor will let you know when you've reached your 5 minutes. We ask that you please give your name, your address, and then keep your remarks at 5 minutes or less.
2. This is a time for us as a Council simply to listen to your remarks. In an effort to encourage and maintain orderly conduct, we will not engage in give and take debate. If you are seeking information, you may mention it during your remarks and the City Manager or his staff may get in touch with you in the days ahead.
3. We ask that you direct your comments to Council as a whole and not to identify members of Council or to an individual employee of the City. If you want to take up an issue with an individual member of Council or an employee, please speak with us before or after the meeting. We are also accessible by phone, mail or email. Again, we ask that you direct your comments to the Council as a whole.
4. We expect every speaker to be civil and courteous. Using profanity, making personal attacks on an individual, and doing anything that is disruptive to the orderly conduct of this meeting will not be tolerated.
5. Finally, as the presiding officer, it is my duty to remind you that if you choose not to abide by these ground rules, I may find that you are out of order and will ask you to withdraw from the podium. We certainly do not want to reach that point and even beyond, so we respectfully ask for your full cooperation in observing these guidelines.

When you reach 5 minutes, I will let you know. If you continue to speak, I will ask you to step away from the podium, and a third time I will ask you to please stop speaking and step away from the podium. Otherwise, you may be charged with disorderly conduct under Virginia Code § 18.2-415.A.2.

If you wish, you may obtain a copy of the ground rules from our Interim Clerk of Council, Ms. Smith. And now, we welcome all speakers. The podium is now available for matters from the public.