

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
April 22, 2021
5:00 p.m.**

- | | | |
|------------------|-------------------|---|
| 5:00 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:05 p.m. | 2. & A | FY 2022 Budget Work Session |
| 5:55 p.m. | 3. | Update on the Staunton Crossing Economic Development Business Plan |
| 6:10 p.m. | | Break |
| 6:30 p.m. | 4. | Discussion of Municipal Elections in November |
| 6:45 p.m. | 5. | Closed Meeting for Discussion of Prospective Candidates for the Position of Clerk of Council |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
April 22, 2021
7:30 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Holmes

Mayor's Report

Proclamation—Arbor Day

Proclamation—Bike Month

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of April 8, 2021

Budget Work Session of April 15, 2021

REGULAR MEETING

- A. Consideration of an Ordinance to Establish a Budget and Appropriation for Fiscal Year 2022, July 1, 2021—June 30, 2022**
- B. Blue Ridge Community College Annual Presentation**
- C. Review of Entrance Corridor Overlay District**

Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 22, 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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Staunton City Council
Rita S. Wilson Council Chambers
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Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 22, 2021	Steven L. Rosenberg City Manager Leslie Beauregard Assistant City Manager Phil Trayer Chief Finance Officer
Item #	2. & A	
Ordinance #		
Department:	City Manager Finance	
Council Vision:	Responsive, Efficient Government	
Subject:	Ordinance to Establish a Budget for Fiscal Year 2022, July 1, 2021—June 30, 2022	

Background: The City Manager presented the FY2022 budget at the March 25 Council meeting. The FY2022 Budget Ordinance was also introduced at the March 25 meeting and was built on a real estate tax rate of \$.93 per \$100 of assessed value. The public hearing for the real estate tax rate was advertised on February 23, 2021 in *The News Leader* and conducted at the March 25, 2021 Council meeting. The public hearing for the budget was advertised on April 1, 2021 in *The News Leader* and conducted at the April 8, 2021 Council meeting. Council held budget discussions on the proposed budget on March 25, April 1, April 8, April 15, and April 22 for the City and School Proposed Budgets.

Since the initial budget presentation, Council has discussed several changes, including the possibility of altering the real estate tax rate up to \$.95 per \$100 of assessed value or down to \$.92 per \$100 of assessed value, providing additional funds to the City Schools, as well as retaining the current curbside pickup of recycling which would result in a 15% increase in residential refuse rates.

At the April 15 work session, Council asked staff to prepare ordinances and motions for these various scenarios. Staff will be prepared to address each scenario associated with a real estate tax rate of \$.95, \$.93, or \$.92 per \$100 of assessed value, and maintaining or ending curbside collection of recycling at each real estate tax rate. Staff will present the associated motions and budget ordinances as needed. Included in each scenario/motion is an increase of at least \$220,000 to the Staunton City Schools allocation, as discussed during the work session on April 15. The School Division has indicated it is satisfied with this approach.

Depending on the scenario approved, the total budget ordinance could range from \$132,170,555 if Council approves a tax rate of \$.95 per \$100 of assessed value and retains curbside pickup of recycling, to \$131,138,586 if Council approves a \$.92 tax rate and centralized recycling. A chart of possible funding scenarios appears below:

Tax Rate	0.95		0.93		0.92		0.95		0.93		0.92	
	Centralized Recycling		Centralized Recycling		Centralized Recycling		Curbside Recycling		Curbside Recycling		Curbside Recycling	
	FY2022		FY2022		FY2022		FY2022		FY2022		FY2022	
CITY GOVERNMENTAL FUNDS	\$.95 Scenario		PROPOSED		\$.92 Scenario		\$.95 Scenario		\$.93 Scenario		\$.92 Scenario	
General Fund	\$	62,400,150	\$	61,969,366	\$	61,753,974	\$	62,400,150	\$	61,969,366	\$	61,753,974
Debt Service Sinking Fund		5,683,314		5,683,314		5,683,314		5,683,314		5,683,314		5,683,314
Blue Ridge Court Services Fund		1,229,541		1,229,541		1,229,541		1,229,541		1,229,541		1,229,541
City Capital Improvement Fund		981,050		981,050		981,050		981,050		981,050		981,050
Total Governmental Funds	\$	70,294,055		69,863,271	\$	69,647,879	\$	70,294,055	\$	69,863,271	\$	69,647,879
CITY PROPRIETARY FUNDS												
Water Fund	\$	11,596,225	\$	11,596,225	\$	11,596,225	\$	11,596,225	\$	11,596,225	\$	11,596,225
Sewer Fund		3,957,500		3,957,500		3,957,500		3,957,500		3,957,500		3,957,500
Environmental Fund		3,252,385		3,252,385		3,252,385		3,638,178		3,638,178		3,638,178
Stormwater Fund		1,656,650		1,656,650		1,656,650		1,656,650		1,656,650		1,656,650
Parking Fund		512,081		512,081		512,081		512,081		512,081		512,081
Total Proprietary Funds	\$	20,974,841	\$	20,974,841	\$	20,974,841	\$	21,360,634	\$	21,360,634	\$	21,360,634
Total City Budget	\$	91,268,896	\$	90,838,112	\$	90,622,720	\$	91,654,689	\$	91,223,905	\$	91,008,513
STAUNTON SCHOOL BOARD												
Education Fund	\$	35,253,498	\$	35,253,498	\$	35,253,498	\$	35,253,498	\$	35,253,498	\$	35,253,498
State Operated Programs		3,189,319		3,189,319		3,189,319		3,189,319		3,189,319		3,189,319
Cafeteria Fund		1,696,314		1,696,314		1,696,314		1,696,314		1,696,314		1,696,314
School Textbook Fund		276,735		276,735		276,735		276,735		276,735		276,735
School Capital Improvements Fui		100,000		100,000		100,000		100,000		100,000		100,000
Total Education Funds	\$	40,515,866	\$	40,515,866	\$	40,515,866	\$	40,515,866	\$	40,515,866	\$	40,515,866
Grand Total All Funds	\$	131,784,762	\$	131,353,978	\$	131,138,586	\$	132,170,555	\$	131,739,771	\$	131,524,379

- Provides \$9,807,744 in funding for capital equipment for all funds.
- Provides no water rate increase.
- Provides no sewer rate increase.
- Provides no storm water rate increase.
- Provides no refuse/recycling rate increase and includes centralized collection of recycling.

City Manager Recommendation: Not applicable.

Suggested Motion: Staff will provide motions consistent with Council's April 15 guidance. The motions will address proposed real estate tax rates at \$.92, \$.93 and \$.95 as well as revised budget totals. In addition, if refuse rates are changed, a separate ordinance will be prepared and presented to Council for consideration.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 22, 2021	Staff Members: Billy Vaughn Amanda DiMeo
Item #	3	
Ordinance #		
Department:	Economic Development	
Council Vision:	Economic Development	
Subject:	Update on the Staunton Crossing Economic Development Business Plan	

Background: During Council's work session on April 22, 2021, staff will provide an update on the City's more recent efforts to implement the recommendations in the Staunton Crossing Economic Development Business Plan. Staff will focus on site preparation efforts in furtherance of the plan.

Demolition: On January 4, 2021, the City, on behalf of the Staunton Economic Development Authority (EDA), entered into a contract with Commonwealth Excavating, Inc. for the demolition project at Staunton Crossing. The project involves the razing of 19 buildings, the abatement of hazardous materials, the removal and disposal of 18 above and underground storage tanks, and the salvage of equipment and building materials. This effort will facilitate the redevelopment of the site and move the site closer to qualifying as a Tier 4 site under the Virginia Business Ready Sites Program, making it more marketable. The contractor has 12 months to complete the demolition project.

Brownfields Grant: To assist with the demolition costs, the City received a Virginia Brownfields Grant totaling \$432,000 from the Virginia Economic Development Partnership Authority. Funds will be used for the safe removal and disposal of hazardous materials, and the removal and disposal of existing above and underground storage tanks.

As of the date of this report, hazardous materials have been remediated in 11 buildings, which have been certified and approved for demolition by the independent third-party testing agency. Demolition of four of those buildings has been completed.

Crossing Way Extension: The project, funded by Virginia Department of Transportation (VDOT) under its SMART SCALE program, involves the design and construction of a new 4,000 linear-foot spine road connecting Richmond Avenue to Valley Center Drive. When completed, the \$8.78 million road project will make the property fully accessible and provide another step towards being ready for development. To advance the project, right-of-way must be dedicated by the EDA to VDOT for the construction of the new road. It is anticipated that the EDA will consider this matter at its June 2021 meeting. Following EDA's consideration, the matter will be presented to the Planning Commission for review and recommendation, with final consideration of the plat by Council. According to VDOT, construction is scheduled to begin the second quarter of 2022.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 22, 2021	Councilmember Brenda Mead
Item #	4	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Municipal Elections in November	

Background: At the request Councilmember Brenda Mead, this item has been added to Council's work session agenda for April 22, 2021, for discussion.

Article VII, Section 5 of the Constitution of Virginia authorizes the General Assembly to establish the date of city and town council elections.

Virginia Code Section 24.2-222 was enacted by the General Assembly to establish city and town council elections on the first Tuesday in May. In 2000, the General Assembly enacted Virginia Code Section 24.2-222.1 which provided a voluntary option for town and cities to move their council elections to November.

Staunton currently conducts its council elections in May pursuant to Virginia Code Section 24.2-222 and the Staunton City Charter.

This session of the General Assembly adopted Senate Bill 1157 (SB1157), and Governor Northam signed the legislation on March 12, 2021.

SB 1157 requires that all city or town elections be conducted in November beginning with elections held after January 1, 2022. The legislation overrides the provisions of Virginia Code Sections 24.2-222 and 24.2-222.1 and the Staunton City Charter.

SB 1157 mandates that the Staunton City Council enact an ordinance moving its city council elections from May to November beginning in 2022.

The legislation states that councilmembers elected in a May election shall have their terms extended until January 1 of the following year when the councilmembers elected in November will commence their terms. Therefore, Councilmembers Dull, Holmes, and Mead will see their current terms in office extended until December 31, 2022 rather than concluding on June 30, 2022. Mayor Oakes, Vice Mayor Robertson and Councilmembers Claffey and Darby will see their current terms in office extended until December 31, 2024 rather than concluding on June 30, 2024.

SB 1157 will also affect the Staunton City School Board. Virginia Code Section 24.2-223 requires that school board elections be conducted to coincide with city council elections. Additionally, the Staunton City Council enacted an uncodified ordinance on April 27, 1995, which established a May election date for the school board. The recently enacted legislation will require the Staunton City School Board elections occur in November.

The legislation will require the Council to adopt an ordinance establishing municipal elections in November beginning with the November 2022 elections. Additionally, the Council will need to repeal the April 27, 1995 uncodified ordinance establishing Staunton City School Board elections in May.

City Attorney John Blair will be available during Council's work session to answer Councilmembers' questions.

Attachments:

Attachment 1—Article VII, Section 5 of the Constitution of Virginia

Attachment 2—Virginia Code Sections 24.2-222 and 24.2-222.1

Attachment 3—Staunton City Charter Section 4.1

Attachment 4—Acts of Assembly, Chapter 103 (SB 1157)

Attachment 5—Uncodified ordinance adopted April 27, 1995

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

Constitution of Virginia

Article VII. Local Government

Section 5. County, city, and town governing bodies

The governing body of each county, city, or town shall be elected by the qualified voters of such county, city, or town in the manner provided by law.

If the members are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. When members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law. Whenever the governing body of any such unit shall fail to perform the duties so prescribed in the manner herein directed, a suit shall lie on behalf of any citizen thereof to compel performance by the governing body.

Unless otherwise provided by law, the governing body of each city or town shall be elected on the second Tuesday in June and take office on the first day of the following September. Unless otherwise provided by law, the governing body of each county shall be elected on the Tuesday after the first Monday in November and take office on the first day of the following January.

§ 24.2-222. Election and terms of mayor and council for cities and towns

The qualified voters of each city and town shall elect a mayor, if so provided by charter, and a council for the terms provided by charter. Except as provided in § [24.2-222.1](#), and notwithstanding any other provision of law, general or special: (i) any election of mayor or councilmen of a city or town whose charter provides for such elections at two-year or four-year intervals shall take place at the May general election of an even-numbered year and (ii) any election of mayor or councilmen of a city or town whose charter provides for such elections at one-year or three-year intervals shall take place at the general election in May of the years designated by charter. The persons so elected shall enter upon the duties of their offices on July 1 succeeding their election and remain in office until their successors have qualified.

Code 1950, §§ 24-160, 24-168; 1970, c. 462, § 24.1-90; 1971, Ex. Sess., c. 119; 1972, c. 747; 1993, c. 641; 2000, c. [1045](#).

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.

§ 24.2-222.1. Alternative election of mayor and council at November general election in cities and towns

A. Notwithstanding the provisions of § 24.2-222, and notwithstanding any contrary provisions of a city or town charter, the council of a city or town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date of any cycle as designated in the ordinance, for terms to commence January 1. No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.

B. Alternatively, the registered voters of a city or town may file a petition with the circuit court of the city or of the county within which the town is located asking that a referendum be held on the question of whether the city or town should elect the mayor, if an elected mayor is provided for by charter, and council members at the November general election date of any cycle as designated in the petition. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the city or town on the January 1 preceding the filing.

The court, pursuant to § 24.2-684, shall order the election officials on a day fixed in the order to conduct a referendum on the question, provided that no such referendum shall be scheduled between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein. The clerk of the court shall publish notice of the referendum once a week for the three consecutive weeks prior to the referendum in a newspaper having general circulation in the city or town, and shall post a copy of the notice at the door of the courthouse of the city or county within which the town is located. The question on the ballot shall be:

"Shall the (city or town) change the election date of the mayor (if so provided by charter) and members of council from the May general election to the November general election (in even-numbered or odd-numbered years or as otherwise designated in the petition)?"

If members of the school board in the city or town are elected by the voters, the ballot question also shall state that the change in election date applies to the election of school board members.

The referendum shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the referendum vote in favor of the change, the mayor and council thereafter shall be elected at the November general election date for terms to commence January 1.

C. Except as provided in subsection D, no term of a mayor or member of council shall be shortened in implementing the change to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

D. In any city or town that elects its council biennially or quadrennially and that changes to the

November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

2000, c. [1045](#);2002, c. [30](#);2016, c. [402](#).

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.

§ 4.1. The council shall consist of five members until the election to be held in May, 1978 and thereafter the council shall consist of seven members, who shall be elected at large from qualified voters of the City and they shall serve for a term of four years from the first day of July next following the date of their election and until their successors shall have been duly elected and qualified subject to the following provisions:

1. At the election held on May 4, 1976, four of the five members to be elected to council shall be elected for a term of three years ten months to commence on September 1, 1976, and to end on June 30, 1980, and the remaining member of council elected at said election shall serve a term of two years beginning on September 1, 1976, and ending August 30, 1978. The said three-year ten-month terms shall be for the four candidates for membership on council receiving the four highest number of votes and the two-year term shall be for the candidate for membership on council receiving the fifth highest number of votes.
2. At the councilmanic election held in May of 1978 there shall be elected three members of council who shall serve for a term of three years ten months from the first day of September, 1978, through June 30, 1982.
3. Thereafter all members of council shall be elected to serve four-year terms.
4. All members of council shall serve, even though their terms have expired, until their successors shall have been duly elected and qualified.
5. If any member of council becomes mentally or physically incapacitated so as to render him incapable of performing his duties as a council member and to render him incapable of attending regular council meetings for a period of at least four months, then council may, upon request of the incapacitated council member or by unanimous vote of the remaining members of council, elect to name a temporary replacement to serve on council until such time as the incapacitated council member is able to resume his duties, or until the expiration of the incapacitated member's term, whichever occurs first. The replacement council member shall be chosen by a majority vote of council and shall have the same voting privileges as an elected member of council.
6. The membership of the council may be decreased from seven to five or increased from seven to nine if a majority of the qualified voters of the City shall so determine at an election held on the question as next herein provided. Upon the presentation to the circuit court of the City, or to the judge thereof in vacation, of a petition signed by all the members of the then existing council, or by at least 500 qualified voters of the City, asking that the membership of the council be decreased from seven to five or increased from seven to nine, and calling for an election on the question, the said court, or judge thereof in vacation, shall, by an order entered of record, direct an election to be held on the day fixed in the order, submitting to the qualified voters of the City the question of whether or not the membership of the council shall be decreased from seven to five or increased from seven to nine, according to the number requested in the petition. If two petitions are presented to the said court or judge thereof in vacation, one asking for a decrease in council as provided herein and the other asking for an increase in council as provided herein, then the court or judge thereof in vacation may order both questions to be submitted to the qualified voters of the City at the same election. Such election shall be held and conducted by the regular election officers of the City in the manner prescribed by law for holding other elections, and the result thereof shall be certified by the electoral board to said court, or to the judge thereof in vacation. Upon receipt whereof, the court or judge, shall enter an order setting forth such result and declaring the effect thereof. If a majority of the votes cast be in favor of decreasing the membership of the council to five, then at the next regular election for members of council when the number of seats on council subject to being filled for full terms would be four, the number to be elected at that election and thereafter on that election cycle shall be two. If a majority of the votes cast be in favor of increasing the membership of the council from seven to nine then the additional number shall be elected at the next regular election of members of council in the City of Staunton when three seats on council are subject to election for full regular terms.

Any election under this section shall be in accordance with the provisions and procedures established by state law.

Persons holding the office of a member of council as of the date of this act shall continue to hold the same under their previous election or appointment until the term of such office shall expire. (1976, c. 631; 1991, c. 158)

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 103

An Act to amend and reenact § 15.2-1400 of the Code of Virginia, relating to time of certain local elections.

[S 1157]

Approved March 12, 2021

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1400 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1400. Governing bodies.

A. The qualified voters of every locality shall elect a governing body for such locality. The date, place, number, term, and other details of the election shall be as specified by law, general or special. Qualification for office is provided in *Article 4* (§ 15.2-1522 et seq.) of *Chapter 15*.

B. The governing body of every locality shall be composed of not fewer than three nor more than ~~eleven~~ 11 members.

C. Chairmen, mayors, supervisors, and councilmen are subject to the prohibitions set forth in §§ 15.2-1534 and 15.2-1535.

D. A governing body may punish or fine a member of the governing body for disorderly behavior.

E. *Notwithstanding the provisions of §§ 24.2-222 and 24.2-222.1, any city or town charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for mayor, members of a local governing body, or members of an elected school board shall be held at the time of the November general election for terms to commence January 1.*

2. That any city or town currently providing for the election of its mayor, governing body, or school board at a May election shall, by ordinance, provide for the transition of such elections to the November general election date. No term of a mayor, a member of council, or a member of a school board shall be shortened in implementing the change to the November election date. Mayors and members of a council or school board who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

**AN ORDINANCE PROVIDING FOR THE
ELECTION OF MEMBERS OF THE SCHOOL BOARD
OF THE CITY OF STAUNTON, VIRGINIA,
PURSUANT TO A REFERENDUM APPROVING THE SAME
HELD ON NOVEMBER 8, 1994**

WHEREAS, ON November 8, 1994, a referendum was held in the City of Staunton, Virginia, pursuant to Section 22.1-42, Code of Virginia, 1950, as amended, in which a majority of those voting answered in the affirmative to the following question: "Shall the method of selecting the school board be changed from appointment by the governing body to direct election by the voters?", and

WHEREAS, Section 22.1-57.3 of the Code of Virginia, 1950, as amended, authorizes the City Council of the City of Staunton, Virginia, to provide for direct election by the voters of the members of the school board of the City of Staunton, Virginia, in a manner here and below set forth,

NOW, THEREFORE, BE IT ORDAINED BY THE Council of the City of Staunton, Virginia, that the following be adopted as a new section of the City Code to provide for the direct election of school board members by the voters:

1. The initial elected school board shall be composed of the same number of members as the appointed board it replaces, to-wit, six (6) members, to be elected from the qualified voters at large, all such members to be residents of the City of Staunton.

2. The term of office of a school board member shall be for four (4) years except that all elections to fill vacancies shall be for the unexpired term of the vacant office.

3. At the municipal election to be held in May, 1996, and every four (4) years thereafter, three (3) City school board members shall be elected from the City at large, who shall serve for a term of four (4) years. At the municipal election to be held in May, 1998, and every four (4) years thereafter, three (3) City school board members shall be elected from the City at large, who shall serve for a term of four (4) years. Municipal elections shall be held and conducted at the time and in the manner provided for by the laws of the Commonwealth of Virginia made and provided therefor. The persons elected as school board members shall take office on July 1 of the year in which they are elected.

4. A vacancy in the office of a school board member shall be filled pursuant to Sections 24.2-226 and 24.2-227 of the Code of Virginia, 1950, as amended.

5. Any person qualified to vote in the City of Staunton and a bona fide resident of the City shall be eligible to be a member of the school board.

6. Compensation for school board members shall be as prescribed by law.

7. In accordance with section 22.1-57.3(C) of the Code of Virginia, 1950 as amended, the present members of the school board shall continue in office until the elections provided for in paragraph 3 hereof have been conducted and their successors have been elected and installed in office on the following schedule:

a. The board positions presently held by Pamela Huggins and Michael D. Norris, or their appointed replacements, shall remain in office until June 30, 1996.

b. One of the board positions presently held by William L. Vaughn and Robert R. Robinson, which expire June 30, 1996, shall expire on June 30, 1996, determined by a drawing held by the City Electoral Board at least ten (10) days prior to the last day for a person to qualify as a school board member candidate. The term of the position held by the person not so drawn shall continue until June 30, 1998.

c. The board positions presently held by James W. Smiley, Jr., and Walter J. Obenschain, which expire on June 30, 1997, shall be extended to June 30, 1998.

INTRODUCED ON FIRST READING: April 27, 1995

ADOPTED: May 25, 1995

EFFECTIVE DATE: May 25, 1995

ATTEST:

Glancey Seely
Acting Clerk

John Devali
Mayor

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 22, 2021	City Council
Item #	5	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Closed Meeting for Discussion of Prospective Candidates for the Position of Clerk of Council	

Suggested Motion: I move that Council enter a closed meeting for the discussion of prospective candidates for appointment to the position of clerk of council, pursuant to Virginia Code Section 2.2-3711(A)(1).

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

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

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



CITY OF STAUNTON, VIRGINIA

Proclamation

Arbor Day April 30, 2021

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the City of Staunton is being honored this year for the 25th time as a “Tree City USA” by the Arbor Day Foundation.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council, that April 30, 2021, is hereby designated as

Arbor Day

in the City of Staunton, and Council urges the residents of Staunton, the region and communities across the country to celebrate Arbor Day, to support efforts to protect our trees and woodlands and to plant trees to gladden the heart and promote the well-being of this and future generations.

Adopted this 22nd day of April, 2021.

ANDREA W. OAKES, MAYOR

ATTEST: _____

**INTERIM CLERK OF
COUNCIL**



CITY OF STAUNTON, VIRGINIA

Proclamation

Bike Month May 2021

WHEREAS, bicycling has been an important part of the lives of many Americans for more than a century, and today City of Staunton residents of all ages engage in bicycling for transportation, recreation, fitness, and fun; and

WHEREAS, bicycling offers independent mobility for Stauntonians traveling between work, school, and home, and, when used as means of transportation, benefits all residents of Staunton by easing traffic congestion, reducing air pollution, and saving highway construction dollars; and

WHEREAS, bicycling is recognized as an activity that can reduce the onset of chronic disease and reduce childhood obesity, and its consideration in transportation and land use planning will help create a healthier and more active community in Staunton; and

WHEREAS, bicycling offers a unique perspective from which residents and visitors may discover Staunton's natural beauty, history, and culture; and

WHEREAS, Bike Month provides an opportunity to increase public awareness of the many benefits of bicycling, to promote bicyclist safety, and to encourage bicycling;

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

Bike Month

in the City of Staunton, and Council recognizes, with great appreciation, the efforts of the Staunton Bicycle and Pedestrian Advisory Committee to foster a more bicycle and pedestrian friendly community.

Adopted this 22nd day of April, 2021.

ANDREA OAKES, MAYOR

ATTEST: _____
**INTERIM CLERK OF
COUNCIL**

City Council
WORK SESSION
April 8, 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.

Vice Mayor Robertson moved that Kim Cormier be appointed as Acting Clerk of Council for the recordation of the proceedings of Council in its work session and regular meeting of April 8, 2021, and that she be authorized and directed to sign and execute such documents as are necessary and proper regarding the presence of Council members, a quorum, consideration and voting.

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

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

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	aye	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 women Mead and Dull, additionally school board members Bob Doyle and Christine Poulson and Deputy Fire Chief Perry Weller would be participating via Zoom. All other City staff and City officials were present in chambers.

Background Statement:

Mayor Oakes stated "Please let me mention that notice, reasonable under the circumstances, of this meeting has been given to the public contemporaneously with the notice provided to members

of City Council. In addition to limited public seating in city hall, access to this meeting has been provided to the public by audio feed on the City’s cable channel and the City’s website. During 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 and reminded everyone that there was hand sanitizer available at the entrance to the chambers.

1. Consideration of Work Session and Regular Meeting Agendas

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

Vice Mayor Robertson moved to approve the Work Session agenda as presented and the Regular Meeting agenda to include Item 4 from the Work Session, Discussion of Authorization of Staunton Fire Marshal and Designee to Exercise Powers to a Consideration of the Request for the Fire Marshal with Police Powers as Item H on the Regular Session agenda.

The motion was seconded by Mr. Claffey 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. Joint Work Session—FY 2022 School Board Budget

City Manager Steve Rosenberg welcomed Superintendent of Schools, Dr. Garrett Smith, and School Board Chairman Ken Venable along with the other members of the Staunton City School Board, Bob Boyle, Amy Wratchford, Natasha McCurdy, Ron Ramsey and Christine Poulson.

Chairman Venable called the meeting of the Staunton City School Board to order. Dr. Smith thanked the Mayor and members of City Council for the opportunity to work together on their respective budgets. He opined that it had been a challenging year for everyone and that the City schools had worked hard, along with the state, to create a budget that reflects Staunton’s commitment to addressing the unprecedented student needs coming out of the pandemic. He commended his staff for making rapid and dramatic shifts in how they did everything from virtual instruction to meal deliveries. He said that the nutrition operations and transportation teams never stopped working on the front lines through the pandemic. Over the summer, Staunton teachers put

in more than 10,000 hours of training to prepare for an all-virtual start to the school year. The nutrition team distributed 470,000 meals and \$10,000 worth of free local produce. He stated that despite teachers' herculean efforts, they know that not all students learn well in a virtual setting. Most children need to be in the classroom face to face with their teacher. He admitted that he has been a big advocate for return to the classroom. He knows that the most vulnerable learners have suffered over the last year and they know the pandemics' effects will last far beyond. He reminded Council that the schools are requesting level funding from the City to the FY 2020 allocation. There is a currently a \$443,750 gap in what the school is asking for and what the City has budgeted. He stated that this is not the end of the budget process and that he is optimistic about reaching a win/win situation.

Brad Wegner, Staunton City Schools Budget Director, stated that the schools' FY 2022 budget is built on two concepts, headwinds and momentum. The headwinds that the schools face are the effects of the pandemic on students. These include learning loss, the toll taken on the mental health and emotional well-being of the children and the impact on the most vulnerable learners. Staff have developed a number of strategies to address each of these challenges. The budget is also designed to efficiently maintain the momentum of a number of strategic initiatives:

- creating, developing and maintaining competitive and living wages for all City Schools employees.
- A Read by Second Grade initiative.
- Expanding the preschool program.
- Restoring the elementary school fine arts program.
- Establishing career pathways at the middle school level.
- Consolidating maintenance and transportation operations.
- Installing a debit card payment system for school fees and spirit store purchases.

Mr. Wegner pointed out to Council that as he goes through the budget, most of money requested is related to people. He stated that the schools have been operating with a staffing deficit for more than a dozen years, when more than 50 full-time equivalents were eliminated in the fallout from the Great Recession. Over the last several years, Staunton City Schools have opted to add positions at the school level, where it is a more direct benefit and impact on students, rather than at the administrative level. The FY 2022 budget includes 19 new positions. One-third of these address mental heal and vulnerable learners, one-third target strategic initiatives and the final third addresses normal changes in student demographics and the needs of the new larger high school. There is a 5% raise built in the budget for the staff that is driven by the state budget which provides matching funds of 5% for all Standards of Quality positions. There is also an additional 2% increase for operation staff and an increase of the minimum wage for school employees to \$11 per hour. Another part of the budget is an increase in health insurance costs. The cost to the Schools is estimated at \$285,000. Mr. Wegner pointed out to Council that every expenditure category was cut in FY 2021 and each one grows for FY 2022. The School Board adopted a total budget for the schools of \$40.5 billion on March 1, an increase of 5.8% over FY 2020. The Education Fund increases 4.8% over FY 2020. The SLP is financed by the state and the Cafeteria Fund is mostly funded through food service revenues and grants. So, while those areas have the greatest percentage increase, and represent 30% of our funds of the budget, they do not actually impact local funding. Mr. Wegner characterized FY 2021 as a year of crisis funding and as a result, appropriations for the schools was cut \$1.8 million from \$13.85 million in FY 2020 to \$12.04 million in FY 2021. They had to tap emergency revenue sources to fill the budget gap that included \$750,000 from fund balance reserves and another \$674,000 of CARES Act funding that was used to pay salaries for 13 teachers, as well as to retain a number of instructional assistants to provide

daycare for teachers' children so that teachers could teach. He opined that using Federal funding for salaries is risky because when the funding disappears, the people disappear and that was a lesson learning by his predecessors following the Great Recession when the American Recovery and Reinvestment Act of 2009 spurred an acquisition of teachers and instructional aides throughout the State of Virginia. When the money disappeared, so did those positions. The Schools utilized CARES Act money to pay expenditures that would have otherwise been paid for with local dollars. Examples included purchasing buses and vehicles, hiring long-term third-party contract substitutes, hiring a part-time school psychologist. They are re-engineering an elementary school basement, which is saving \$30,000 a year and insurance premiums. He stated that much of the money was used on technology purchases. They upgraded a fully depreciated network infrastructure, and purchased massive amounts of data capacity and bandwidth.

Staunton City Schools is seeking \$13.85 million in funding from the City of Staunton. This is the same amount of funding provided in FY 2020 and is \$1.8 million more than last year and the amount is \$443,000 more than the City has offered. The FY 2022 budget is a year of sustainable funding and is characterized by the following:

- CARES Act money is one time money. It is not suitable for sustainable programs. It is not suitable for payroll.
- Local funding is required to replace emergency sources used.
- Addressing the impact of the pandemic and maintaining strategic initiative are multi-year efforts.

Mr. Wegner covered the revenue sources for Schools. They come from three principal entities, local, state and federal. He pointed out that in FY 2022 that the Schools do not plan to appropriate any funds from their fund balance. And that the only revenue source providing more funding FY 2022 than in FY 2020 is the state. Mr. Wegner states that the City's budget proposal cuts the Schools' appropriation \$443,000. The two-cent tax rate cut proposed by the City is almost exactly the same as the Schools' budget deficit. He opined that compared to FY 2020 General Fund Revenues for the City are increasing but the Schools are only seeking local level funding. The City is offering a 3.2% cut. He stated that for 20 years the City and the Schools had an agreement to split certain tax revenue 50/50. This agreement eliminates the natural tension between the local funding source and the school division during the budgeting process, because that provides a simple mathematic formula for determining how much money the Schools should be provided. Based on the formula, Staunton City Schools should receive \$14.3 million in appropriate from the City. Schools are only asking for \$13.85 million. The City's proposed budget underfunds the schools by \$890,000 according to the tax sharing formula. He noted that the Schools absorbed 50% of the tax revenue deficit during the budget crisis.

Mr. Wegner presented some possible solutions for resolving the budget gap. They include maintaining the currently sustainable \$0.95 tax rate upholding the 20-year tax share agreement between the City and Schools. Reconsidering the City's revenue projections and expenditures budgets. And potentially tapping Schools' reserves for a second year in a row. He states that any free reserves used to supplement appropriation in FY 2022 will likely not be replenished. The Schools, in conjunction with the City, will document the long-standing tax sharing agreement to prevent the issue that arose during this year's budget development process.

Mayor Oakes asked if Council had any questions or comments.

Ms. Dull stated that the presentation seemed a bit adversarial. She also wanted to clarify that having been on Council since 2006, she knows a number of times when the 50/50 split has not occurred because of particular needs, recessions, etc.

Ms. Mead asked if the School Board members were unanimous in their support of maintaining the \$0.95 tax rate in order to fully fund the budget. Chairman Venable replied that they were.

Ms. Dull clarified that the \$0.95 tax rate will be a seven-cent increase in real estate tax to the citizen. Dr. Smith responded first to Ms. Dull's 50/50 revenue share clarification. He stated that Mr. Rosenberg did provide with him the information that did show in 2009 there was a voluntary suspension of the tradition City/School formula. He said that according to the document that Mr. Rosenberg provided him, in 2014 the 50/50 revenue share was reinstated. So, there were five years where the share was not honored.

Vice Mayor Robertson stated that Schools have \$900,000 in their fund balance. And that of the \$2.8 million in CARES Act funds, some of that was used to fund the 19 positions. But he does not see where they are addressing that the \$5.8 million that they are about to receive through the American Recovery Act that has much less strings on it and expands the timeline in which it can be spent. Dr. Smith confirmed that they had until 2024 to spend those dollars and that the Vice Mayor could go back to their presentation that going into their reserves is one of the options that they are considering.

Mr. Claffey stated that he wanted to point out a few items. First, the City debt is currently about \$77 million, of which \$50 million is attributable to the school division, \$43 million of that is the new high school. He wanted to point out specifically that the City is paying a disproportionate amount of debt service to education. He also said that some citizens of Staunton are quite concerned that they are paying for a school with no students in it. Augusta County has returned to classrooms four days a week with live teaching starting April 15. Staunton is not. He wanted to point out that with the Schools proposal of staying at the \$0.95 tax rate that would in effect put a 10.7% increase on the homeowners of Staunton because the appraisal went up over 10%. He stated that he did not think tax payers would be happy with him if their tax rate was the full amount and that the Schools were getting the revenue. And he also wanted to know why he has never seen the revenue sharing policy in print because he would like to read it. Dr. Smith said he was happy to respond to what he thinks were the three main points from Mr. Claffey. First, the \$46 million bond that was used to fund the high school was separate from both the City and the Schools budgets. And he wanted to point out that they stayed true to the project and kept costs and the timeline where they needed to be. Regarding students being in the schools, there have been students in the school this entire semester. There have been in a hybrid model due to the six-foot distancing. Right before spring break the CDC changed their guidance to three-foot distancing in classrooms. The risk/benefit analysis that the Schools determined that 368 students would have to switch teachings with just a few weeks remaining in the school year in order for the children to return for days a week. That is because the instructional model for Staunton City is much different than Augusta County's virtual model. Students in Augusta County do not see their teachers, it is completely asynchronous. Teachers log assignments into a computer and the students work on them at home or wherever they are. Staunton City teachers are teaching in both models because they did not want to shortchange parents who chose a virtual model or parents who chose the hybrid model. So, all students have real, synchronous, live instruction. The School Board, considering what was best for the children, determined that the instructional time gained was not sufficient enough to offset the emotional trauma for families of students having to change teachers again with just a few weeks

to go in the school year. Finally, Dr. Smith reiterated that the agreement was not in print and that the Schools were asking the agreement be in writing moving forward. Mr. Wegner interjected that there are about 20 years work of Excel spreadsheets that clearly dictate the formula and that Roanoke County uses the Staunton agreement as a model for this 50/50 revenue share.

Vice Mayor Robertson commented that Council is working hard to help get the Schools the piece of land because it is the right thing to do. And that Council is helping to the best of their ability. But he wanted Dr. Smith to realize that for Council, during this time of suffering that Staunton citizens are going through with lost jobs and money struggles, we have to look at their pocketbooks. Asking them to pay a 10% increase in their taxes not only affects grandparents, but the mothers and fathers that are struggling to keep a roof over the children. He stated that Council has to balance those concerns. The City has a new fire station to build, a new police station to build, 100-year-old water pipes, flood mitigation and lots of roads and things that need to be taken care of. He stated that Council was going to do everything it could to take care of our students, but they also have to worry about keeping the lights on in the City. He reiterated that it is just not possible to put that kind of taxation on Staunton citizens right now. Dr. Smith thanked the Vice Mayor for his support and reminded him that those citizens include students and their families and they have been struggling. He states those families would want the Schools and the City working together to do everything they can to overcome the learning loss and focus on mental health and the child abuse that has occurred during the pandemic. Dr. Smith opined that the arguments that the Vice Mayor just made were the same arguments the Schools made, they are just using different words.

Mr. Holmes stated that he remembered one of the reasons the Schools chose to start virtual teaching early on was that they did not have enough teachers. He wondered if that issue was continuing. Dr. Smith said that looking back he would never recommend a virtual start to any school year unless there are some circumstances that are beyond their control. He stated that they know a lot more now than they did at that time. They're going to make sure to use their ARPA Funds so that they will not have to close schools. They will have bipolar ionization systems in the schools that trap bacteria and viruses and will have all kinds of major upgrades. They can use the funds for school construction to account for physical distancing. They are already talking about renovations at Shelburne that has relatively small classrooms but relatively large class sizes. The federal money will go toward these renovations and improvements and the Schools will not have to use City money.

Ms. Dull stated that in the spirit of trying to work something out, if Council would make the decision to vote no on the expansion of the Middle River Regional Jail that would free up the money to be available for schools without raising taxes further. She stated that she would like to see Council work together to make some of the big decisions that would allow funding for the school.

Ms. Mead stated that strategically speaking, the quality of Staunton City Schools is an essential item of consideration for families who are considering relocating to Staunton and is also essential to the attraction of new high paying jobs to corporations who want to bring their folks to this area. These professionals want their children to have great school facilities. Funding the Schools can be considered an investment in Staunton's long term economic development.

Mayor Oakes stated that when Council veered away from the revenue sharing agreement was in 2009 because the economy bottomed out. She reminded everyone that the City is still dealing with

a pandemic and that the City has also had to deal with two floods. She stated that when it comes to funding positions with the \$5.8 million that the Schools would receive with the American Recovery Act, she compared that to the fire fighter grant that has now run out. Council knew that they would have to come up with the funds for the positions once the grant money was gone. Mayor Oakes then asked Phil Trayer, Chief Finance Officer, to give a quick overview of the City's Fund Balance.

Mr. Trayer started with saying that he thought the Schools had done a magnificent job getting through this past year and preparing a budget that addresses the needs of the children. He stated that as far as fund balance in the FY 2022 budget, the City has exhausted it and there is no place to go. He also said the \$.05 tax increase also coincides with the additional expenditures for the jails and juvenile detention. And in trying to adjust the tax rate under the 50/50 agreement, the City would have to double the 10% just for the Schools to cover the additional \$1.2 million. He stated that the 50/50 agreement makes a lot of sense, but just like during the recession of 2009, it needs to be flexible enough to take account for the mandated costs that the City has no control over with these outside agencies and the citizens are just not in a position to bear the costs solely. He also stated that when CARES funding came in a year ago, the first thing the City did was move \$1.6 million directly to the Schools in order to help with the infrastructure that they needed to bring the children back online.

Dr. Smith made a final statement that the number of the 50/50 split is about \$888,000. The Schools are not requesting that they came with a solution-oriented mindset. They are hoping that some portion of the funds would be used to help Schools, some combination of the solutions presented. He reiterated that they are willing to sit down and do the hard work together.

Mayor Oakes confirmed that Council also wanted to be able to come up with that win/win for everyone.

Council members did not have any further questions.

Chairman Venable adjourned the meeting of the Staunton City School Board.

3. Franchise Ordinance for Easement for Electrical Equipment and Facilities Across 500 North Augusta Street

Jeff Johnston, Director of Public Works, stated 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.

Mayor Oakes asked if Council had any questions or comments.

Mr. Claffey asked why the Streetscape project stopped at Domino's and did not go the last block to Churchville Avenue. Mr. Johnston replied that the project itself had been around for a very long time and that he was certainly not aware of everything that went into the thought process. But he does know that starting at Pump Street and going North there are already brick sidewalks as part of a previous project. The previous project did not move the utilities underground, but it did lay the sidewalks, so Mr. Johnston believes that was the rationale.

Council members did not have any further questions.

4. Authorization of Staunton Fire Marshal and Designee to Exercise Police Powers

Mr. Rosenberg stated that this item was on the agenda at the request of Vice Mayor Robertson. It involves the authorization of the City's Fire Marshal and the Fire Marshal's designee to exercise the same police powers as law enforcement officers, including use of a firearm to facilitate the investigation and prosecution of certain criminal offenses. The state code provision, provided in the Council's agenda materials, permits a locality to so authorize its fire marshal, but does not require it. Each locality has the discretion whether they implement the authority. There are 95 counties and 38 independent cities in Virginia. Of the 38 cities, 24 have implemented the authority and 14 have not. Similarly, there is no uniformity among those counties, which have fire marshals. He stated that with due respect to the Vice mayor and the desire to move forward, he asks that City staff be afforded an opportunity to finalize the proposed resolution and related materials and present the matter for Council's final consideration on April 22.

Vice Mayor Robertson said there are approximately 70% of the independent cities in the state that have law enforcement fire marshals, including Harrisonburg, Waynesboro, Charlottesville, etc. He stated that he had an opportunity to talk to the Acting Executive Director of the State Fire Marshal's Office Garrett Dyer a few months ago about Code of Virginia Title 27 that allows localities to appoint law enforcement fire marshals. Mr. Dyer brought up two U.S. Supreme Court cases that have direct bearing on the Staunton situation. Michigan vs. Tyler and Michigan vs. Clifford, which deal with the integrity of the scene, such as fire, explosion, etc. and the chain of custody. Currently Staunton fire investigators can search a fire scene for wrong doing but then must turn over any evidence to a police department investigator, thereby tainting said evidence in exchange from one entity to another. If the proper fire investigation warrants are not obtained, then the Fourth Amendment is brought into play. Any evidence obtained illegally will invoke what is known in the Supreme Court as the Exclusionary Rule, also called Fruits of the Poisonous Tree, which is any evidence obtained from an illegal or unlawful search cannot be presented at trial. Per Mr. Dyer, there is absolutely no reason a fire marshal cannot perform law enforcement duties during an investigation.

City Attorney John Blair expanded upon Michigan vs. Clifford. In the case there was a house fire that began sometime around 5:40 a.m. for the Court's recital of the facts. This occurred in Michigan and then about 7 a.m. the fire was put out or extinguished and both fire and police left the scene. At that point they suspected this may be an arson. When the fire marshal arrived on the

scene it was about 1 p.m. The owners of the house, who were out of town, had already had the neighbor come in and board up the house and the fire marshal proceeded to enter the house without a warrant and without consent of the owner. The fire marshal found a crock pot that was set to a timer in the basement of the house as well as some gas cans. The fire marshal already suspecting arson at that point, proceeded to walk through the house and notice things such as nails in the walls for pictures, but there were no pictures on the walls. There were VCR tapes, but no VCR. There was a prosecution brought against the homeowner for arson. The Exclusionary Rule says that if you do not have a criminal warrant based on probable cause and you are a government official, no matter if you are a police officer or with the fire department, and you collect evidence or you enter a home without a criminal warrant, that evidence can be excluded at the criminal trial. The court excluded the evidence that the fire marshal found during that search. Mr. Blair then stated that any component of the powers as determined by the state statute is extensive training in these law enforcement powers and that Council will see in the proposed resolution that the Code of Virginia prescribes the training. He then reiterated that *Michigan v. Clifford* stands for the idea that a fire marshal, just like a police officer, without a warrant can collect evidence that will ultimately be excluded from a criminal prosecution. He thinks, from a legal perspective, it is a great idea, at least from an education perspective, that the fire marshal understands what he or she does, has a direct bearing on a criminal prosecution for an offense such as arson.

Vice Mayor Robertson said that he also reached out to the Waynesboro Chief of Police Mike Wilhelm as Waynesboro is fairly new to having a fire marshal with law enforcement powers. Vice Mayor Robertson said that Chief Wilhelm stated emphatically “they are absolutely the best thing we’ve done for a long time,” and that the staff are working well together. Vice Mayor Robertson stated that currently once the City fire marshal determines that the fire may possibly be intentional, they must stop the investigation and wait for a City police officer to come and secure the scene and wait while a criminal search warrant is obtained from the magistrate. Without law enforcement powers the warrant can only be served by a police officer or sheriff’s deputy. That officer is now committed to the scene for the duration of the fire marshal’s investigation, thus tying up a valuable police resource that could be available for other emergencies. He said he is simply putting forward what is best for the City of Staunton.

Mayor Oakes asked if Council had any questions or comments.

Ms. Dull asked whose opinion was quoted when Vice Mayor Robertson said “best for the City.” He responded that it was his. She then asked if he was implying or stating that the City has had evidence of changing evidence as in the first court case mentioned. Vice Mayor Robertson stated that he did not say such things, but that *Michigan vs. Clifford* and *Michigan vs. Tyler* were important because they represented the possibility that could occur. Ms. Dull asked if Vice Mayor Robertson was speaking on whether or not the City has had evidence illegally obtained or unlawful evidence in the history of how the process is operated here. Vice Mayor Robertson said that he was not. Ms. Dull then asked if the fire marshal had ever entered without a warrant. Vice Mayor Robertson responded that he did not. Ms. Dull responded that she wondered why Council was getting to the micromanagement of departments. Her final question what is the additional cost for this to happen. Fire Chief Scott Garber that the current cost to start the program is less than \$3,000.

Ms. Mead asked if there would be any additional costs for the ongoing training and the addition of a firearm. Chief Garber clarified that there is only one person on staff who would be getting the additional training and carrying the firearm, that is Deputy Fire Chief and Fire Marshal Perry Weller. Right now, the Staunton Fire Department has 10 qualified fire investigators and they do

have to keep up with 20 hours of training a year. Ms. Mead then asked Chief Garber if the solution that was agreed upon four years ago with him, the Police Chief and the City Manager was or was not working. Chief Garber replied that he had to go with the majority decision. Ms. Mead asked if that meant he did not agree with the solution. He said that he did not then and he does not now. Ms. Mead asked if Mr. Weller currently carried a firearm and if it required additional training. Chief Garber replied that Mr. Weller is not qualified as he has to have law enforcement powers to do that and that there is a 10-week course that he must participate in. Ms. Mead asked that Chief Garber clarify if he had said he was fine with the agreement but then is now saying he was not fine with it nor ever has been. Chief Garber clarified that he agreed to continue with the current agreement until they could come to a better solution.

Mr. Holmes asked how this would affect the City's liability insurance and whether or not the Fire Marshal would have to be trained like a policeman also. Chief Garber said that no, the fire marshal would not be able to do traffic stops or anything like that. They will only be able to investigate fires, explosives and things such as that. Mr. Holmes asked had there been any incidents where anything has been corrupted. Chief Garber confirmed that there had not been.

Mayor Oakes opined that Chief Garber had agreed to the status quo, until in his own words a better solution came along. She asked if he believed this was the better solution. Chief Garber confirmed that it was.

Ms. Dull asked that Council ask the same questions of Police Chief Jim Williams. Chief Williams said that the Police Department and the Fire Department have a good working relationship with arson investigations and anything that the groups have done together. He stated that there needed to be a strong memorandum of understanding that they need to work through unless the fire department is going to get their own evidence room, otherwise they will have to use the Police Department evidence room. Unless the Fire Department is going to get firearms instructors, they will have to qualify with the police department. And if they use force, they are going to train with Chief Williams as he is the expert on use of force. He said he and Chief Garber had talked about how the Chief Garber does not know anything about the use of force, and he does not know anything about fire origin. Chief Williams also stated that he believes both departments work on a very high level and that training is going to be key.

Ms. Mead asked Chief Williams if he would characterize the previous agreement as Chief Garber had characterized it, as backing Chief Garber into a corner. Chief Williams said that he does not remember it that way, but perceptions are different for everyone.

Mr. Holmes asked how the chain of command would work with the fire marshal having law enforcement capabilities. Chief Williams stated that they have already gotten that figured out. Fire is in charge of fire scenes and the Police Department is in charge of everything else. When it becomes criminal, then it does become merged a little bit, but they are working together. He reiterated that the MOU that comes out of this will be critical as will training.

Council members did not have any further questions.

5. **Request by Staunton-Augusta-Waynesboro Habitat for Humanity for the Waiver of Fees Related to the Construction of Four New Homes on Stafford Street**

Mr. Rosenberg stated that the Staunton-Augusta-Waynesboro Habitat for Humanity 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. Under City Code there are provisions for these exemptions to be granted when an organization satisfies three qualifying criteria and the exemption or waiver is available for water and sew connection and facility fees. It is also available for building permit fees. For these homes it is presently estimated that the water connection and facility fee to be waived would be \$1,400 per unit. The sewer connection and facility fee to be waived is approximately \$2,500 per unit. The building permit fees in the aggregate for all units is about \$2,750. Staff has received documentation from Habitat for Humanity establishing that the criteria under the City Code is satisfied, so this will also be on Council's Regular Meeting Agenda for their consideration.

Mayor Oakes asked if Council had any questions or comments.

Ms. Mead asked what was the value of the four homes that Habitat is proposing to build. Brad Arrowood, Habitat for Humanity's Chief Operations Officer, stated that they actually do a regular real estate appraisal at the end of the build to determine the actual market value of the houses. To build, he said that two of them will cost about \$65,000 for materials and construction and \$12,000 for land preparation. The one being built by Valley Career and Technical Center students will cost \$50,000 for materials and construction and about \$12,000 for the land preparation. For the fourth home, they are still determining those costs, but that will be closer to \$95,000 to \$100,000 total. Lance Barton, Habitat for Humanity's Executive Director provided clarification, stating that these houses have a smaller footprint made specifically for elderly aging in place. Their smaller units will be completely accessible, not the typical Habitat House that usually values at about \$175,000. In comparison to the last three houses that were built in the same area, these are going to be less expensive for a different purpose. They are finding that the need for affordable elderly housing outnumbers the need for young family housing, in some instances 10 to one.

Mr. Claffey asked what was the length of term required for a person to keep the house before they can turn it over and sell it. And what happens if an elderly person passes away, does it go to the heirs and can they set it for a profit. Mr. Barton said that Habitat does create deed restrictions in the sale of every single home that they build. Those restrictions vary from a recapture where as long as they stay in the house and make on time payments, the subsidizes part of the house is reduced if at any moment they sell the house during the 30-year term of the loan. They are responsible for both the first and the second, which is the subsidized mortgage. Meaning that there is great incentive not to sell the house and flip it especially in a volatile real estate market. Those protections are in place because Habitat got hit hard in 2008 and since then, they've put safeguards in place. And yes, the house can be passed on to a direct family member when it comes to aging in place. He said that so far most of the aging in place clients have agreed to return the home to the affordable market when they pass away.

Mr. Holmes stated that this project was going to have a lot of good effect on the whole neighborhood and that they work Habitat had done already had really changed the whole area. Mr. Barton said that Habitat has learned that it is very important that they neighborhood build, working on entire blocks. He invited Council to take a tour of the area and see what they've planned next.

Council members did not have any further questions.

6. Uncodified Emergency Ordinance

Mr. Rosenberg stated that Council is asked to determine whether to further extend the remote meeting procedures under the City's Continuity of Government Ordinance first adopted on March 18, 2020 in response to the COVID-19 pandemic. The ordinance was last extended on February 11, 2021 and expires on April 9, 2021. Staff has provided several alternatives for Council's consideration. On one end, there would be complete extension of the procedures and the other end there is a complete repeal and then some of the other options fall in the middle. Dr. Laura Kornegay with the Central Shenandoah Health District joined on Zoom to provide an update concerning current conditions in Staunton and the surrounding areas.

Dr. Kornegay stated that the case counts in the area have stayed relatively steady. There was a large peak around the new year, but they have come down. However, at this time they have hit a plateau where cases have held steady but not continued to decrease. Virginia has not seen the surges that many other states have currently seen and there has been a great success in vaccine response. The district will be entering Phase 2 of the vaccine phases. There has been a decline in people coming to the clinics specifically for Phase 1A, 1B and 1C. Phase 2 is basically anyone aged 16 and above. The CSHD has provided well over 50,000 vaccines throughout the district and the first dose and total vaccinated dose has been at or above the state benchmark. The goal for herd immunity is to get 75% to 80% of Virginians vaccinated. The biggest age group yes to be vaccinate is our children. Pfizer is getting ready to submit to the FDA for authorization for age groups 12 to 15. Until the area does have herd immunity, recommendations are to still stick with the mitigation strategies of wearing masks, socially distancing and washing hands. Gathering restrictions amongst people who are fully vaccinated have been loosened up, but in the general public, it is going to take a while to get to the herd immunity point where restrictions on people gathering in public is lessened.

Mayor Oakes asked if Council had any questions or comments.

Mr. Holmes asked Dr. Kornegay how many people she thought in the area have been vaccinated with at least one shot. She responded that she did not have the exact figures but they are probably coming up on about 30 plus percent who have had a least one shot. Mr. Holmes asked if the CSHD was having any resistance in certain populations like the African American or Hispanic communities. Dr. Kornegay responded that there had been a lower uptake in those communities, however they have worked very hard to reach out to the Hispanic community by offering communication in Spanish.

Ms. Dull stated that she noticed the seven-day trend for the CSHD is a 21.6% increase, which is concerning and she asked if that was because the variant that has been discovered in Virginia is more contagious and if Dr. Kornegay had any insight. Dr. Kornegay responded that one of the things that might be seen is an increase in the coming weeks after Easter travel and spring break.

Mr. Holmes asked what Dr. Kornegay's recommendations were in regards to maintaining Zoom meetings. She responded that until the community is closer to the herd immunity point, the more that people can do in the virtual realm, especially that involve the general public where everyone may not be fully vaccinated, would be really prudent. There is a concern about returning to business as usual a little too quickly. We have to continue to remain vigilant until we get more people vaccinated.

Mr. Holmes opined that he had seen more people traveling. Dr. Kornegay concurred as she was currently witnessing the large volume of people in the Charlotte airport. She encouraged everyone to maintain vigilance and people should continue in the virtual environment for the time being.

Council members did not have any further questions.

The work session adjourned at 7:13 p.m.

Kim Cormier
Acting Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, April 8, 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
 Kim Cormier, Acting 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	aye	Ms. Mead	aye
Mr. Claffey	aye		

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

Mr. Rosenberg stated participating on the Zoom platform were council members Mead and Dull and also joining was Jonathan Ackaoui with Caliber Collision.

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. Dull

MAYOR'S REPORT

Mayor Oakes read the following proclamation naming April 2021 Child Abuse Prevention Month:

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.

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Kim Cormier

ACTING CLERK OF COUNCIL

Amber Martino, Child Protective Service Supervisor with Shenandoah Valley Social Services, Rebecca Simmons, Director of Valley Children's Advocacy Center, and Ginny Newman, Executive Director of the Office on Youth were in attendance to accept the proclamation.

Ms. Martino thanked Council for increasing awareness not only of the abuse or neglect that is occurring, but also to be mindful of the measures and services that can be put in place to strengthen the families that they're working with and to help them keep their children safe in their families in our localities. She stated that in 2020 there were 734 validated cases, which means there were 734 reports that were received that were looked into for child abuse or neglect via a family assessment or an investigation in Staunton, Waynesboro and Augusta County. There were another 235 children that received services through the Valley Children's Advocacy Center. And in the Staunton, Waynesboro and Augusta County area there are 133 in the foster care system. That number is actually a lot lower than it traditionally has been.

Ms. Simmons also thanked Council for introducing the proclamation and for Council's unwavering support to survivors served by child-serving organizations, including Valley Children's Advocacy Center, the local Child Protective Services Office, and CASA. She stated that Councilwomen Dull, Mead and Darby had all been to the Children's Advocacy Center and that Vice Mayor Robertson served on the board of directors. She invited Council and those listening to the Save Jane event beginning at noon on April 24 at Gypsy Hill Park. At the event community members will take turns reading the names of the 3,000 children in the community impacted by child abuse or neglect. Since they are unable to say the children's actual names, they will be referred to as Jane Doe and John Doe. It is anticipated that the event will take about six or seven hours.

Ms. Newman thanked Council for recognizing Child Abuse Prevention Month and spoke on behalf of the multiple youth serving agencies in the area including the Staunton YMCA and the Boys and Girls Club. The Office on Youth connects services and organizations to families in need and their parenting classes are often referred from Social Services, the courts and the schools as a prevention. Last year they served 189 parents.

Mayor Oakes stated that the five localities being affected by the Middle River Regional Jail (MRRJ) expansion (Staunton, Waynesboro, Augusta County, Harrisonburg, Rockingham County) met to discuss the direction the localities would like to take in regards to MRRJ. The Mayors and Chairs Committee is going to work with the Virginia Municipal League to see about the possibility of getting a lobbyist at the state level with the Department of Corrections to see about getting some laws changed and about receiving help from the state. This committee is in the beginning stages, but they will be meeting again on April 20.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Mead stated that she attended an economic vitality committee meeting of the Staunton Downtown Development Association to brainstorm solutions and ways to get visitors to enjoy all the shops and restaurants in the greater downtown area including the Wharf area and other off Beverley Street businesses and restaurants. She opined it was a good meeting. She also asked that the Mayors and Chairs Committee bring those that are involved in the justice community together to help determine solutions other than expanding the jail. She believes that has been what's missing from the process. She thanked Mayor Oakes for her activity in that group.

APPROVAL OF MINUTES

Mr. Holmes moved to approve the Work Session and Regular Meeting Minutes of March 25, 2021 as presented.

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

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

Mr. Holmes moved to approve the Budget Work Session Minutes of April 1, 2021 as presented.

The motion was seconded by Mr. Claffey 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		

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

Rodney Rhodes, Senior Planner, stated that this was a request to allow automobile body repair in the B-2 General Business District. Currently it is only allowed in industrial districts in the City. A representative from Caliber Collision contacted the Planning Office inquiring about opening up an automobile body repair shop at 1310 Barterbrook Road, the former Elliot Collision Center. That center has been closed for approximately five years and it was considered non-conforming. As stated in City and State Code, a non-conforming property loses its legal right if it discontinues for a period of two or more years. Staff worked with Caliber Collision to come up with a proposed amendment to the zoning ordinance to allow that in the B-2 District and the amendment went before the Planning Commission in February 2021. At that meeting the Planning Commission formally directed staff to work on an amendment and to schedule a public hearing. They did have concerns about allowing this change, and asked that staff advertise it as a right by special use permit. They also had concerns about screening, about parking surface, compatibility with surrounding uses, and outdoor lighting. At its March 18, 2021 Meeting, the Planning Commission conducted a public hearing, no one spoke in opposition to the amendment, and on a four to zero vote, the Commission unanimously voted to recommend approval of the proposed amendment. Mr. Rhodes notes that if this is adopted, all businesses in the B-2 District would have the right to apply for a special use permit for something similar. Mr. Rhodes mentioned that recently another non-conforming business reached out to the Planning Department.

Mayor Oakes asked Council members if they had any questions.

Mr. Holmes asked if the other business that reached out was also collision repair or something that is similar. Mr. Rhodes replied there has been no formal application, only phone calls, but that it would not be a direct competitor with Caliber Collision but that it would meet the definition that has been drafted and advertised for tonight.

Council members did not have any further questions.

The public hearing was opened.

Mr. Ackaoui, speaking on behalf of Caliber Collision, stated that the company was looking forward to the potential of joining the Staunton community. They plan on an interior renovation budget of around \$550,000 and that there will be 10-15 full-time employees working at this site. Caliber does extensive training for all of their center managers and assistant managers. They have a team of about 11,000 now. They're headquartered out of Texas and any full-time managers and assistant managers have extensive training and often get sent to the headquarters in Dallas for a week-long leadership training. Caliber also has a program that supports veterans coming out of service and a number of outreach programs. He does not believe that Caliber will have any issues meeting any of the requirements and abiding by those moving forward.

Vice Mayor Robertson asked how long it would take for Caliber to open for business. Mr. Ackaoui replied that if approved tonight, the company could close on the property within 30 days and they would likely be operating by July.

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

Ms. Darby moved 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.

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

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

ORDINANCE NO. 2021-10

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: April 8, 2021

Adopted: April 8, 2021

Effective Date: April 8, 2021

/s/Andrea W. Oakes

Andrea W. Oakes, Mayor

ATTEST: /s/Kim Cormier

Kim Cormier
Acting Clerk of Council

B. Public Hearing and Consideration of a Request for Special Use Permit to Allow Automobile Body Repair at 1310 Barterbrook Road

Mr. Rhodes stated this is the corresponding Special Use Permit for this specific location for automobile body repair at 1310 Barterbrook Road. Staff has reviewed the request at this particular site and has not identified any issues that cannot be resolved with appropriate conditions. The property is adjacent to a pharmacy, it is near the intersection of Barterbrook Road and Greenville Avenue and the property is very close the City and Augusta County boundaries. Staff reached out to the County in regards to the proposal and they had no comments or concerns. All surrounding zoning property is in the City's B-2 General Business District. The adjoining zoning in the county includes general business and multifamily. There are six criteria in the amendment that Council just adopted. These types of operations and applications would be reviewed under the first one, that the site does not have adequate screening at this time. However, the applicant is willing to do that and staff recommends that as a condition of approval as item number two the current parking lot has an ingress and egress is a sealed surface, so it meets that condition. The third one is, and the applicant has already noted, that he will store all automobile parts within the building. Staff recommends that as a condition of approval. Fourth, the proposed use is compatible with surrounding commercial uses. And fifth, none of the adjacent property is zoned residential. There is one single family house that straddles the border between the City and the county. That is zoned commercial in both jurisdictions, so that is non-conforming. As far as exterior lighting, the current lighting does not meet the condition of approval, but the applicant is willing to and plans to replace the existing fixtures that will meet with current standards.

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.

Ms. Mead moved that Council approve the Special Use Permit for 1310 Barterbrook Road, with the conditions as recommended by the Planning Commission.

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

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

C. Public Hearing of an Ordinance to Establish a Budget for FY 2022 (July 1, 2021—June 30, 2022)

Mr. Trayer stated the budget totals \$131,353,978 and consists of the following:

General Fund	\$61,969,366
Debt Service	\$5,683,314
CIP Fund	\$981,050
Blue Ridge Court Services	\$1,229,541
Water Fund	\$11,596,225
(includes \$7 million for Gardner Springs)	
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
Schools CIP Fund	\$100,000
School State Operator Program	\$3,189,319

This ordinance includes a Real Estate Tax decrease at two cents, which lowers the tax rate from \$.95 per \$100 of assessed value to \$.93 per \$100 of assessed value. It is important to note that while the actual rate has decreased, in reality this does increase the effective rate by five cents per \$100 of assessed value as the equalized rate calculated as a result of the increase in assessments equals \$.88 per \$100 of assessed value.

Other tax rates include:

Personal property	unchanged at \$2.90
Business tangible property	unchanged at \$2.90
Machinery and tools	unchanged at \$1.24

The budget also includes no changes to Water Fund rates, Sewer Fund rates, Environmental Fund rates, or Parking Fund rates. Mr. Trayer reminded Council that there was another budget work session scheduled for April 15 and that the budget is scheduled for approval on April 22.

Mayor Oakes asked Council members if they had any questions.

Mr. Rosenberg clarified that also the advertised rate was \$.95, the rate in the ordinance is \$.93. Ms. Dull stated that it gets advertised at \$.95 because that is the highest rate that the City could charge. Mr. Trayer confirmed that that was correct.

Council members did not have any further questions.

The public hearing was opened.

Nitch Narduzzi, South Jefferson Street, expressed her concern over what could be perceived as unneeded spending. She was shocked about the Vice Mayor's suggestion to staff to decrease the

tax rate another two cents that could possibly lead to additional unfunded projects that are intended to serve all of Staunton's citizens. She stated that she believed the majority of City Council have shown that their priorities do not include adopting an annual budget and setting tax levels to fund maintenance of the City infrastructure, schools, public safety and other functions in fiscally responsible ways. She was encouraged that the local municipality leaders have met to discuss the Middle River Regional jail expansion and she asks that they consider bringing in other advocates and justice involved persons into the conversation.

Julie Scofield, Lake Avenue, shared her concerns and some of her priorities. She stated that she does not believe the City should be reducing taxes. She believes in progressive taxation and that the wealthiest should be more than those living close to the poverty line. She said that her priorities are not the expansion of the jail, nor the golf course and she thought even the current jail budget is burdensome. She disagrees with the elimination of curbside recycling and thinks the City should not only continue to the curbside recycling but also implement the new recycling center in Gypsy Hill Park. She stated that the pros to increasing the tax rate are the generation of revenue for her priorities: schools, education, library, public works, water, sewer, recycling and the ability to provide health and human services for the most vulnerable City residents.

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

D. Franchise Ordinance for Easement for Electrical Equipment and Facilities Across 500 North Augusta Street

Jeff Johnston, Director of Public Works, stated that at 500 North Augusta Street, Fire Station 1, there is a need to route electrical lines across the corner of the back parking lot to accommodate a utility pole that is being removed as part of the Central Avenue Streetscape Project. He said that when there is a need for someone to use land above, on, or below City property, the opportunity is advertised for a franchise agreement. The City received one bid.

Mayor Oakes opened the bid envelope and read aloud the summary that was submitted by Virginia Electrical and Power Company of Virginia Public Service Corporation, doing business as Dominion Energy. She asked if anyone in the audience would like to present a bid.

There was no one wishing to submit a bid. Mayor Oakes declared the bidding closed.

The public hearing was opened.

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

Mayor Oakes stated she had been instructed that Dominion Energy had won the bid.

Vice Mayor Robertson moved that City Council adopt the franchise ordinance, as presented, granting to Dominion Energy 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.

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

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

Ordinance No. 2021 - 11

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**);

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

E. Pursuant to § 15.2-2101(A) of the Code of Virginia, 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;

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

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

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

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

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, that it authorizes the grant and conveyance of the utility easement as contemplated in the proposed Agreement, for a term not to exceed forty years; and

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

Introduced: April 8, 2021

Adopted: April 8, 2021

Effective Date: April 8, 2021

/s/Andrea W. Oakes

Andrea W. Oakes, Mayor

ATTEST: /s/Kim Cormier

Kim Cormier

Acting Clerk of Council

E. Request by Staunton-Augusta-Waynesboro Habitat for Humanity for the Waiver of Fees Related to the Construction of Four New Homes on Stafford Street

Mr. Rosenberg stated that the Staunton-Augusta-Waynesboro Habitat for Humanity is seeking the waiver of or exemption from water and sewer connection and facility fees as well as building permit fees. Provision in the City Code provide for exemptions from these fees upon the satisfaction of three criteria. The first criterion is that the organization has a 501(c)3 exemption recognized by the Internal Revenue Service. The second is that the project provides homeownership to its residents within the City classified as low- and moderate-income individuals. And the third is that the organization administering the program requires the homeowner contribute a minimum of 200 hours in the construction of the subject's residence. Habitat for Humanity has provided documentation to demonstrate that the organization satisfies all three of these criteria, and that it is eligible for an exemption form or a waiver from these fees. In this particular instance, the request concerns four single family residences to be constructed. The fees to be waived are estimate at \$1,400 per unit for the water connection and facility fees. Approximately \$2,500 per unit for the sew connection and facility fees and \$2,745 in the aggregate for all for units.

Mayor Oakes asked Council members if they had any questions.

Ms. Dull stated just to clarify for the citizens, that they total they are requesting to be waived is about \$18,345. Mr. Rosenberg stated that the final fees will be determined by the Community Development department based on the specifics of the particular connections to be made.

Lance Barton, Habitat for Humanity Executive Director, stated that fees obviously vary on each construction based on square footage of the house including decks and entire living area. He also stated that Habitat appreciates anything that Council can do.

Council members did not have any further questions.

Mr. Holmes moved that City Council, pursuant to Staunton City Code Sections 13.15.060, 13.40.030, and 15.10.120, approve the waiver of City-imposed water and sewer connection fees, water and sewer facility 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.

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

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

F. Uncodified Emergency Ordinance

City Attorney John Blair provided background on the Uncodified Emergency Ordinance. City Manager Steve Rosenberg declared an emergency on March 16, 2020 which was then ratified on

March 18, 2020 by City Council and remains in effect today. A declaration of emergency is a different proposition from the uncodified ordinance. When it became evident that COVID was going to be a pandemic and was going to disrupt operations both in the private and public sectors, the Freedom of Information Act of Virginia presented a problem. That problem was that if a public body, such as the Staunton City Council or the School Board or Planning Commission, did not want to meet in person the Freedom of Information Act did not provide an avenue for that. The only emergency ability for a public body to meet remotely was to address the emergency. A group of local attorneys across the state, including former City Attorney Doug Guynn and Mr. Blair, got together to discuss how public bodies could maintain completing ordinary public business remotely. They determined that each Council needed to pass an uncodified emergency ordinance. The City of Staunton, and other localities, did that. When local government attorneys and the Virginia Municipal League brought this to the attention of the state legislature, Governor Northam, in last year's budget (a two-year budget that runs through June 30, 2022), proposed an amendment that allowed any public body to convene remotely to conduct its ordinary affairs of business. This budget amendment provides the same power of the uncodified ordinance. What this makes clear is that the State budget amendment, regardless of what Council decides, each public body—whether it be Planning Commission, or the Economic Development Authority, or the School board—decides for itself if it wants to have remote meetings to conduct its business.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Vice Mayor Robertson moved that the Uncodified Emergency Ordinance Number 2020-04 that was adopted by City Council on March 24, 2020 and the Uncodified Emergency Ordinance Number 2021-06 that was adopted by City Council on February 11, 2021 be and are hereby repealed in their entirety.

The motion was seconded by Mr. Claffey.

Ms. Dull stated that although Dr. Kornegay has said that social distancing, wearing masks and working virtually should continue, because the area is not at herd immunity, Council is choosing to ignore all of the experts. She did not understand. Mayor Oakes replied that Dr. Kornegay also added that there had not been a surge in the State of Virginia. Ms. Dull clarified that there is a 21.6% increase in the seven-day trend in the Central Shenandoah Health District. Mayor Oakes stated she was going with the presentation and asked the Clerk of Council to call the roll.

The motion carried as follows:

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

F. Council Procedure Memoranda and Introductory Remarks Concerning Matters from the Public

Mayor Oakes stated that although she had asked that Council Procedure Memoranda be added to the agenda, at this time she asks that it be tabled.

Vice Mayor Robertson moved that discussion of Council Procedure Memoranda be postponed to a date to be determined by the Mayor in consultation with the City Manager.

The motion was seconded by Mr. Holmes.

Mayor Oakes stated that since it will be a very lengthy conversation, it was best to be tabled. Also, since the City has a new attorney, she would like to offer him the opportunity to go through each of the procedures to review with council and be able to discuss them at a future work session.

The motion carried as follows:

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

Mayor Oakes stated that left the introductory remarks concerning Matters from the Public to discuss. Mr. Rosenberg stated that this item was on the agenda at the request of Council Member Mead.

Ms. Mead stated she put the item on the agenda specifically for two reasons. One, to seek clarification of the standards and authority that are applied in rule number four which talks about being civil and courteous and use of profanity and personal attacks. She asked if there was a guide to good manners available and what was the authority that Council is using to determine what is or is not courteous. Also, can Council actually cut people off on the phone simply because a member of City Council decides that the speaker does not meet the councilmember's own standards of civility and courtesy.

Mr. Blair stated that every speaker is expected to be civil and courteous. The legal standard if someone's behavior, being disruptive at a meeting or disorderly conduct comes from a Fourth Circuit case *Steinberg vs. Chesterfield County Planning Commission*. Mr. Blair stated that he would not advise Council to cut anyone off because there was an individual determination of what is civil and courteous. Ms. Mead stated that she was familiar with the case as it was cited previously by the interim City attorney and that it was from 15 years ago. Mr. Blair said that he believed it took place in 2008.

Mr. Blair stated that he believed that Council should adopt these introductory remarks as procedure instead of just the Mayor making a statement. He believed if they were ever challenged on a First Amendment basis the entire Council would be named in a lawsuit. Council acts as a body even if it might be the Mayor cutting off a speaker. It is important for the procedure to be spelled out and voted upon because as long as there is a consistent procedure and as long as it is consistently enforced, the five-minute time limit, that is what is called a time manner or place restriction of the First Amendment. Then if you continue to speak, the Mayor will again ask you to stop. If you still continue to speak, the Mayor then has the right per this script—if the Council chooses to adopt as

a policy—can have the speaker charged with disorderly conduct of the meeting. Regarding personal attacks, Mr. Blair said that there cannot be a policy that prohibits personal attacks when the “attack” relates to the performance of official government duties of an official role. To clarify, a personal attack has nothing to do with a councilor’s role as a government official. It would be constitutional for the Mayor to call a speaker out of order if that person spoke about personal appearance or other non-official duties of a councilor. However, if a speaker comes to the podium and says, “Vice Mayor Robertson, I really think that fire marshal idea is horrible,” that cannot be banned constitutionally. Again, personal attacks do not include any criticism of a government official for the performance of their official duties.

Ms. Dull asked Mr. Blair how Council will ascertain or be reassured that this will be done equitably. Mr. Blair responded that he did not think any assurance can ever be given. However, the Mayor is the presiding officer of the City Council meetings, and it is the Mayor’s duty to equitably and legally enforce these rules.

Ms. Mead stated that the other thing that she requested was that the penalty for breaking the Mayor’s rules should be explicitly outlined in her verbal warning to people. She appreciated Mr. Blair’s verbiage about being subject up to \$2,500 of fines and as much as a year in jail.

Mayor Oakes stated that the rules had been read before, they were drafted by a previous legal counsel and were read by a previous mayor. This is just a matter of fine tuning and having a vote on the rules in relation to Matters from the Public. Mayor Oakes stated that she was not in favor of listing the penalty. By stating the code, she believes that Council does not need to address the penalty, because ultimately that will be up to the courts. Ms. Mead disagreed and believes that citizens should be informed as they cannot be expected to know what the code is.

Vice Mayor Robertson moved that the Staunton City Council adopt the introductory remarks concerning Matters from the Public without remarks made by telephone and removing stated statement, “a violation of Virginia Code 18.2-415(A)(2) can result in penalties of up to one year in jail and or a fine of up to \$2,500.”

The motion was seconded by Mr. Claffey.

Ms. Dull asked why Council was no longer including the phone or some electronic means. The City has elderly and disabled people who cannot physically attend the meeting and that they should be allowed to call in or Zoom and be able to speak at public hearings and Matters from the Public. Mayor Oakes replied that the elderly have been able to speak to Council by coming to Council meetings in the past and now, more than ever, with social media and email and phone calls, they’re still able to communicate. Ms. Dull asked about the deaf and stated that all of these people have the right to be heard not just by sending an email. Mayor Oakes responded that she hoped that from 2014 to 2020 that the City’s deaf were not ignored and that Council was including everyone. She also stated that it was her understanding from the City Attorney that now that the uncodified emergency ordinance was eliminated calling was no longer an option. Ms. Dull asked that why after spending \$200,000 updating the technology in Council Chambers that would allow the elderly, disabled and deaf people to participate, that Council was going to ignore those upgrades and waste the money and ignore those people. Mayor Oakes replied that it has never been the history of Council to ignore anyone. Ms. Mead stated that she has heard from many citizens who

have tried to arrange meetings and that they do not get responses and she thinks that having the opportunity to call in to City Council meetings has been an important tool for citizens to communicate. Mr. Holmes concurred. He did not understand the reasoning for putting in the televisions and all the equipment if people will not be able to call in. Mayor Oakes replied that it has been the practice of the Council and she is honored that it will continue to be practiced. And that there are many ways of communication and Council is more than happy to listen to citizens. Ms. Dull stated that more than the elderly and disabled, there are young parents with young children who cannot bring their children to Council and on school nights. Mayor Oakes reiterated that Council will be following the tradition of having people come to the Council meetings to address the Council and that they will utilize the technology that has been placed in the chambers.

The motion carried as follows:

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

H. Authorization of Staunton Fire Marshal and Designee to Exercise Police Powers

Mr. Rosenberg stated that state law authorizes council to provide authority to the City's Fire Marshal and the Fire Marshal's designee to exercise the same police powers as a law enforcement officer, including the use of a firearm. The individual so authorized is required to complete a course for fire marshals with police powers. The course is designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, approved by the Virginia Services Board. With the appropriate authorization, the fire marshal and the fire marshal's designee would have responsibility for the investigation and prosecution of all offenses involving hazardous materials fires, fire bombings, and bombing attempts, or threats to commit such offenses, false alarms relating to such offenses, and possession and manufacture of explosive devices, substances and fire bombs. The responsibility for the investigation and prosecution of these crimes is currently shared and coordinated between the police department and the fire and rescue department.

Ms. Dull stated that Council was told in the work session that there would be \$3,000 in startup costs, but that there is already a request for a deputy fire marshal in excess of \$91,000. Vice Mayor Robertson stated that Chief Garber did say it was a \$3,000 startup fee and that Perry Weller is the fire investigator. He was not aware of an additional \$91,000.

Mr. Holmes stated that he was confused as to how this came about because normally Mr. Rosenberg is in charge of the City employees. He was surprised that this item did not come from Mr. Rosenberg as staff all work for him and then he works for Council. Mr. Holmes feels like this was undermining of Mr. Rosenberg's position. Mr. Holmes wants to make sure that Council is not creating different lines of communication. Department heads report to Mr. Rosenberg and Mr. Rosenberg reports to Council. Vice Mayor Robertson replied that he had gone to Mr. Rosenberg on this topic and the Vice Mayor was not satisfied with Mr. Rosenberg's answer, so as the power is invested in City Council, he decided to bring it before Council.

Ms. Dull concurred with Mr. Holmes. Vice Mayor Robertson stated that he read up on the Fourth Amendment, talked to the state fire marshal, researched both court cases, talked to several other city police chiefs and then taking all that into account, reached out to Fire Chief Garber and Mr. Blair.

Vice Mayor Robertson moved that Staunton City Council adopt the resolution authorizing the Staunton Fire Marshal and designees to exercise police powers and to authorize the Staunton City Manager to administratively approve an interdepartmental memorandum of understanding to implement the provisions of the resolution.

The motion was seconded by Ms. Darby.

Ms. Mead stated that she thought this was a solution looking for a problem and that it is an inappropriate insertion of a Council member in the day-to-day management of the City. She believed that it undermines the authority of the City Manager and that it will encourage employees to go around the City Manager and come to City Council for redress whenever they do not like a decision that has been taken.

The motion carries as follows:

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

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg stated that he wanted to share a positive story about Public Works employees. Recently, several members of the Refuse Crew—John Fisher, Ethan Hensley and Todd Phillips—discovered during their regular refuse route, an elderly citizen who had fallen in her front yard. She had a large contusion on her forehead and was conscious but incoherent. One of the crew checked the front door to see if there was anyone at home, but there was not. The team called EMS and stayed on the scene with her until the EMS team arrived and took over. While none of the crew asked for recognition of this good deed, they went above and beyond their efforts and dedication to the community. Mr. Rosenberg said that this is representative of the quality of the employees working for the City of Staunton. He asked that Mr. Johnston convey his personal thanks to the three employees.

Mr. Claffey asked that Mr. Johnston convey Council's thanks as well.

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. I 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. When you reach the 5-minute time, I will let you know that your time limit has expired. If you continue to speak, I will ask you to step away from the podium. If you continue to speak after I inform you that you have exceeded your time limit, I will again ask you to please stop speaking and step away from the podium. If you still continue to speak, you may be charged with disorderly conduct under Virginia Code Section 18.2-415(A)(2).
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 seek 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 identify employees 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, email or mail. 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 unrelated to the performance of their duties on behalf of the City of Staunton 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.

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."

Speaking in person were:

Baldwin Jennings, 332 Sharon Lane, spoke about the great loss to the City of Staunton with the passing of Jim Kivlighan. He also spoke of the need to have landscaping installed around the entrance signs into Staunton, especially the sign on Rt. 250.

Cindy Conners, 106A Skyline Avenue, stated that she was blind-sided, confused and dismayed by the decision to end the ability for the public to call into City Council meetings and she hoped that Council would reconsider their decision.

Nitch Narduzzi, South Jefferson Street, spoke about her dissatisfaction with the ground rules for the Matters to the Public and the repeal of the uncoded emergency ordinances.

Miss Crawford, Uniontown, asked if Council would open up another room so that citizens could have more access to meetings. She also suggested that the money reserved for expanding the jail instead go to create a program to help the inmates not become repeat offenders. She also asked if the City was willing to give a waiver to the Habitat for Humanity, why not to residents who live in houses within City limits that do not have proper water and sewer connections.

There was no one else to speak in person.

Callers on the line included:

Tim (no last name given), spoke about matters not pertaining to the City of Staunton.

Constance Birch, Mary Gray Lane, was pleased that Mayor Oakes spoke about the Middle River Regional Jail. However, she would like to know where Council stands on the matter. She also suggested that Matters from the Public occur earlier in the meetings.

Julie Scofield, Lake Avenue, was incredibly discouraged and deeply disturbed by Council's actions. Regardless of pandemic, she stated that the City Council meetings should be aired via Zoom and that citizens should be able to call in. She hoped that Council would reconsider their decision.

Jennifer Tripper, 14 Frontier Ridge Court, was aghast at the decisions that Council had made. As someone who is disabled, she cherished and valued the opportunity of being able to speak via telephone. She stated that tradition is fine, but it is something that needs to be able to be flexible. She encouraged Council to reinstate the public's ability to communicate via Zoom.

Lamar Sale, gave out his phone number to help those who were interested in making a complaint about the City.

Debora Kushner, North Augusta Street, seconded the opinions of most of the previous commentators and callers in regards to the rescinding the ability of citizens to call in for public hearings and Matters from the Public. She opined that CARES Act funding should be returned since Council was not utilizing the new technology.

Sally Berger, North Madison Street, was surprised that Council was making all Council members attend in person during a pandemic. She is opposed to Council eliminating the ability for citizens to call in and compared the action to the limiting of democracy occurring in Georgia.

Chris Davis, Fillmore Street, was disappointed that City Council will no longer allow comments from the public to be call in and have set up obstacles to participation.

922

923 There were no other callers on the line.

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925 **ADJOURNMENT**

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927 There being no further business to come before Council, the meeting adjourned at 10:03 p.m.

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Kim Cormier
Acting Clerk of Council

DRAFT

City Council
BUDGET WORK SESSION
April 15, 2021
7:30 p.m.

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

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 reminded everyone to wear a mask and that hand sanitizer is provided at the entrance to the Rita S. Wilson Council Chambers and that sanitizing wipes are available at the podium.

Mayor Oakes stated "On April 14, 2021, I received a request from Councilor Dull to participate remotely in the April 15, 2021 Staunton City Council meeting due to a temporary disability/medical condition that prevents her physical attendance at the meeting. I will now entertain a motion to allow Councilor Dull's remote participation in this meeting pursuant to Staunton City Council Procedural Memorandum Number Three."

Vice Mayor Robertson said "Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Dull to remotely participate in the April 15, 2021 Staunton City Council meeting due to a temporary disability/medical condition."

The motion was seconded by Terry Holmes and carried as follows:

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

Mayor Oakes asked Councilor Dull to state the location from which she was participating. Ms. Dull responded that she was at 1003 East Beverley Street, Staunton, Virginia. Mayor Oakes asked Council and the audience if they could hear Councilor Dull. The response was affirmative.

Budget Discussion

Chief Finance Officer, Phil Trayer presented a review of the FY 2022 budget. He stated that the FY 2022 budget has proved to be nearly as difficult as the revised FY 2021 budget was. There were three decision points that Mr. Trayer was specifically presenting:

1. Final contribution to the Schools. Currently there is a \$443,000 funding gap between the school request and the amount of the City transfer. Staff does have a way to address this by meeting the Schools half way with the current tax rate of \$0.93. Staff will also be working with the Schools to consider a formalized revenue sharing process prior to the FY 2023 budget season.
2. Staff is looking for direction as to where Council would like the FY 2022 real estate tax rate to be. Each cent equals \$215,392.

3. Staff would like have direction on how to proceed with the recycling program.

The FY 2022 Budget is a continuation of a perfect storm the City has had to endure since the shutdowns of March 2020. Throughout this period the City has tried to take a fiscal conservative approach and, in the process, has had to make some difficult and unpopular decisions. All decisions were made after consideration of the entire City budgetary landscape, both City and Schools. All were made with the overall best interests of the Staunton citizens in mind.

The FY 2022 budget drains the City's unassigned fund balance, but the American Rescue Plan the City may be in a position to offset the use of those funds in FY 2022.

Mr. Trayer again shared key points to the budget process that had been shared previously at prior budget work sessions. In this budget staff are 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 downturn. Expenses listed in the presentation are not going away. In fact, in the case of the Middle River Regional Jail, they are most likely to continue to grow significantly. Also, at the January 28, 2021 Middle River Regional Jail Authority meeting, Superintendent Jeff Newton proposed a jail expansion, if approved, is scheduled to increase the City's annual costs by nearly \$1.7 million. This is on top of what the City is currently paying. The increase in mandated expenditures from the jail has put pressure on all City departments and Staunton City Schools. 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.

The summary expenses of the City's proposed FY 2022 combined budget which totals \$131.3 million as compared to FY 2020's adopted budget of \$119.9 million and FY 2021's revised budget of \$114.3 million for a positive variance of \$11.4 million and \$17.1 million respectively.

General Fund expenses equal \$61.9 million or \$5.6 million over FY 2021 and \$2.7 million over FY 2020. The high-level details of the FY 2020 to FY 2022 variance includes:

- Middle River Regional Jail – \$975,000
- Economic Development Agreements – \$381,000
- Virginia Retirement System – \$185,000
- SAFER Fire Grant – \$178,000
- Socials Services / CSA – \$97,000 net
- Commonwealth Attorney body cam position – \$64,000
- Health Insurance Increase – \$123,000
- Animal Control – \$25,000
- Juvenile Detention – \$232,000
- Salary Increase – \$184,000 effective January 1, 2022
- Clerk of Council – \$53,000
- Debt Service Expense of \$5.7 million has a variance of \$839,000
- Blue Ridge Court services – \$172,000 and is 100% grant funded
- CIP Transfer – \$140,000. The FY 2021 variance is simple as the City cut all transfers last year. FY 2020 variance of \$140,000 is \$40,000 in additional Fire Equipment, \$200,000 to Middle River Regional Jail and \$100,000 reduction to the School CIP.

Proprietary Funds

In FY 2022, Proprietary Funds, as a whole, total \$20,974,841 versus FY 2020 adopted budget of \$15,592,065 and FY 2021 adopted budget of \$14,776,432 for variances of \$5.4 million and \$6.2 million respectively. The major cost driver in this area is the Gardner Spring Water project which is budgeted at \$6.9 million. Savings in debt service within the water and sewer funds have helped to mitigate the overall costs of these areas.

Like the General Fund, a salary increase of 2%, with an effective date of January 1, 2022 has been incorporated into these budgets.

Education Fund

The Education Fund is proposed to be \$40,515,866 versus FY 2020 \$38,307,550 and FY 2021 \$37,202,100 for variances of \$2.2 million and \$3.3 million respectively. The School's budget includes a 5% salary increase for all staff and an additional 2% salary increase for operations staff including bus drivers, maintenance and cafeteria effective July 1, 2021. Nineteen positions have been added. Presently the Schools do have a \$443,000 funding gap built into their budget which is a result of the City's reduced funding due to the economic conditions the City is facing.

Mr. Trayer presented a high-level explanation of what is driving the \$11.4 million expense variance between FY 2020 and FY 2022. The details include:

- General Fund
 - Wages – \$1 million. Included 2% increase on January 1, 2022
 - \$184,000 Health care cuts
 - \$123,000 Virginia Retirement Systems mandated
 - \$185,000 Commonwealth's Attorney three comp board positions
 - \$190,000 Clerk of Court position, \$50,000 funded through Court Recording Fee
 - \$45,000 Sheriff part-time and overtime funded through Court Security Fees
 - \$28,000 Sheriff adjustment
 - \$32,000 Police Department adjustment, primarily funded through a one-time grant from the State.
- Middle River Regional Jail – \$975,000
- Juvenile Detention Center – \$232,000
- Economic Development – \$381,000
- CSA / Social Services – \$575,000. These costs actually net down to under \$100,000 after reimbursed revenue is factored in
- Schools – (\$443K)
- Debt Service – \$838,000, per amortization schedules
- Blue Ridge Court Services – \$173,000. This is entirely grant funded and includes one and a half positions
- CIP Reserves – \$140,000
- Water – \$6.6 million. Gardner Spring Project of \$6.9 million offset by some debt drop off.
- Sewer – (\$855), debt service drop off.
- Parking – (\$468), due to CIP Costs in FY 2020
- Education – \$1.8 million includes salary increase and new job positions
- Non-Comp Contracted Subs – (\$210K)
- School SOP – \$359,000, State funded

- School Cafeteria – \$256,000, increases in food cost and salary increases.
- Textbook Funds are down slightly due to reduction in required matching

Mr. Trayer stated the Schools have applied and qualified for federal reimbursement for both breakfast and lunch. They are able to waive fees and in effect offer \$960 worth of free meals to every student in the system during the course of the year and with the T1 Hotspots and free internet service provided to needy students, the Schools are providing up to \$2,000 per year per student to support the students and their families.

Non-Funded Requests

Detailed page 183 of the budget book, staff outlined \$3.2 million of reductions and department requests which were not honored in the FY 2022 proposed budget. Approximately \$472,000 in wages and benefits were cut, which included:

- Two new Fire administration positions
- One Building Inspection position
- Postponed a 2% wage increase for staff back to January 1 for an effective increase of 1% in FY 2022
- Other Post-Employment Benefits provisions were reduced by \$50,000

Non-Compensation requests

- Survey and training expenses from Human Resources totaling \$20,000
- The City Attorney's Office was reduced \$6,000 for professional services
- Communications \$6,000 reduction
- IT had \$93,000 in reductions addition for servers and security systems
- Circuit Court \$8,000 in operating supplies
- Sheriff, \$43,000 for vehicle replacement
- Police – \$300,000, three vehicles, a trailer, overtime, tires and PC replacement
- Fire – \$42,000 in gas and oil, medical scans, wearing apparel and training expenses
- Inspections – \$32,000 from supplies, vehicle replacement and telephone
- Street – \$443,000 for a boom truck, joint sealer, dump truck and utility truck replacement
- Traffic Engineering – \$80,000 for truck replacement
- Horticultural department – \$27,500 for tree replacement at the Wharf
- Park Maintenance – \$101,100 includes bleacher repairs, equipment replacement and soccer park upgrades
- Library – \$23,600 for supplies and non-capital equipment
- Planning – \$25,000 for vehicle replacement
- Economic Development – \$52,500 from economic incentives and service district support
- School Transfer – \$226,598 from a modified revenue share calculation which incorporated MRRJ costs into its calculation. (Jail & Juvenile Detention cost increases were factored into the calculation and City and School Staff will work together to come into agreement in FY 2023)
- Debt Sinking Fund –reduced by \$400,000. The City is still in a position to cover our current debt obligations but future CIP Debt requirements will require an increase in General Fund support

- Jail Reduction – \$800,000. It was originally proposed at \$1.3 million in additional operating costs

In FY 2021 the City did not budget general fund transfers for any of its CIP reserves, and all new major CIP items were cut as well. As can be seen on page 181 of the budget book, this year the City did not honor \$1.1 million in capital expenditures staff had requested. Long term, the City cannot sustain deferred maintenance without impacting the services provided to Staunton citizens.

High Level Summary of the School's Budget

- Proposed transfer from the City totaling \$13.4 million
- School Board adopted budget = \$40.5 million, an increase of \$2.2 million over FY 2020 adopted budget and \$3.3 million over FY 2021 adopted budget
 - The City's contribution in the proposed budget of \$13.4 million is \$443,750 less than what the schools included in their adopted budget

Revenue Sharing with the Schools

Points which need to be considered as it pertains to the April 8 work session discussion concerning a practice of sharing 50% of certain revenues with the City Schools to assist in their funding.

- Expenditures associated with economic development agreements with links to revenue performance have been historically subtracted from this formula so as to not expend the same revenue twice.
 - The lodging tax has been capped at \$125,000 since 2007 for this reason.
- For most of the last 20 years the City has attempted to transfer 50% of the additional revenue to the Schools associated with specific revenue line items.
- Due to economic reasons, the Schools and City agreed to suspend the funding formula between FY 2009 through FY 2013, because of the Great Recession and the length of time it took for the City to recover.

City and School staff will revisit and consider formalizing before the FY 2023 budget season starts in the fall.

Current Budget Set Up

Mr. Trayer presented how the current budget is set up before he presented the possible areas to create capacity for an additional \$.01, \$.02, and \$.03 in tax reduction, it's important to get a sense of how the current budget is setup to address FY 2022 needs.

36.6%	Wages and Benefits
21.6%	School Transfer
7.8%	Debt Sinking Fund Transfer
6.0%	Social Services
5.1%	Children Services Act
4.7%	Middle River Regional Jail
3.7 %	Streets/Signals Non-Comp
1.6%	CIP Reserve
1.1%	Risk Management
0.9%	Economic Development Agreements
0.8%	Gas/Electricity
0.6%	Community Development Assistance

236	0.6%	Juvenile Detention Center
237	0.5%	Public Health
238	0.4%	Finance Software
239	0.3%	Tax Relief for Elderly/Veterans
240	0.3%	Tourism Agreement
241	0.3%	Software License Fees
242	0.3%	IT Maintenance Agreement
243	0.3%	Office on Youth
244	0.2%	Telephone and Contracted Maintenance of E911 Center
245	0.2%	Community Public Safety – Fire & EMS Grants (assigned funds)
246	0.2%	Animal Control
247	0.1%	Juvenile Domestic Relations Court
248	0.1%	Audit Services
249	0.1%	Brite Transportation Service
250		
251	5.3%	Remaining for all other costs
252		

- Because of the increase in mandated costs and the reductions referenced the City has very few areas from which to cut without impacting staff and staffing levels.
- The 5.3 % referenced does not go very far when it has to be applied throughout the City. Repairs for Police, Fire and Public Works equipment is expensive. Many departments have had previous capital requests denied for years which leads to increased maintenance costs or equipment failure.
- Of the 5.3%, approximately 25% of this is associated with the maintenance and repair of vehicles, equipment and facilities.
- This leaves the City less than 4% of its budget for all other costs including uniforms, training, purchased services, printing, telephone, etc.

Impact of Proposed Tax Increase

Per the City's most recent assessment, the average single-family home in Staunton equals \$185,999. Divide that amount by \$100 of assessed value, and that equals \$1,860. Multiply that figure by \$.01 and the amount is \$18.60. That is the annual impact of \$.01 of additional Real Estate Tax on an average home owner. This equates to \$1.55 per month.

Presently, staff has built a budget based on a tax rate of \$0.93 per \$100 of assessed value. This equates to \$93.00 of additional expense to the average homeowner or \$7.75 per month.

Mr. Trayer demonstrated to City Council how the City might address a reduction of the \$0.93 tax rate as proposed in the FY 2022 budget. Mr. Trayer first discussed meeting the Schools half way towards closing the \$443,000 funding gap. Recently staff have received indications that the juvenile detention center will most likely not be at risk of losing its federal funds in FY 2022. With this new information staff feel that a reduction of \$211,000 can be applied to the juvenile detention line and have the savings transferred to the Schools to close the funding gap. It is important to note that the funding may still be lost in FY 2023, but at least for now, the City can budget downwards and transfer the savings to the Schools if Council wishes.

Dr Smith is satisfied with this arrangement and feels like they can make this work on their end.

As previously presented, each penny of real estate tax equates to \$215,392 in additional revenue.
Reductions of:

\$0.01 = \$215,392

\$0.02 = \$430,784

\$0.03 = \$646,176

Proposed Reductions will be structured in a way to limit, to greatest extent possible, the impact on staff and staffing levels. As such,

At \$0.93 per \$100 of assessed value the City is in a position to meet the Schools half way to cover their funding gap and fund the proposed budget as presented without further reductions.

An additional \$0.01 reduction of the City tax rate will be handled by incorporating a negative contingency line of \$215,000 within the budget to be offset by savings to be identified throughout the year.

- Schools will be able to retain the additional \$220,000 transfer

An additional \$0.02 reduction of the City proposed tax rate for a tax rate of \$0.91 will be handled by:

- Incorporating a negative contingency line
- Elimination of the proposed wage increase for City employees
- Schools will lose the additional \$220,000 in funding
- The City will have potential reductions in services and staff through attrition

Financial Aspects of Recycling

During the FY 2022 budget process, staff provided a plan to move forward and modify the City's recycling efforts by discontinuing current curbside pickup of recycling, which excluded plastics, to a centralized collection of recycling to include plastics. Staff has reported the central collection of recycling will allow for greater compliance of allowable recycling material which will ultimately mean a higher percentage, including plastics, that will be recycled instead of being transported to the landfill. It also has the economic benefit for citizens by minimizing the magnitude of future rate increases.

Financial Considerations

- The Environmental Fund expenditures are impacted in three ways:
 - The first is by the local operating costs of collecting and transporting refuse and recycling
 - The second is the operating costs of the Landfill itself and Staunton's share is 20.41%
 - Finally, capital expenditures for both the City and the landfill
- Operating costs are relatively stable and predictable
- Capital costs will vary widely and project/equipment costs are often in the six-to-seven-digit range.
- For the recycling program, savings of \$141,000 to FY 2022 budget request of \$282,000 was achieved by reducing recycling staff and repurposing the positions into refuse collection.
 - Current open positions will allow for a seamless transition

- Two positions were reduced as they were part time labor and overtime wages

Financial Benefits of Centralized Recycling

- Refuse rates for FY 2022 remain flat and are projected to increase by 5% in both FY 2023 and FY 2024.
 - A 5% rate increase equals approximately \$129,000 in additional revenue.
- Under the FY 2020 plan presented to Council, rate increases were scheduled to increase 25% over the next two years.
 - Rate increase would rise from the present \$20.88 per month to \$26.40 per month, for an annual impact of \$66.24.
- Current proposal holds rates flat in FY 2022 and raises rates by 5% in fiscal years 2023 and 2024 for a combined increase of 10%.
 - Monthly rates increase from \$20.88 to \$23.01 by FY 2024.
- Rates are currently scheduled in a way to absorb the fluctuating costs associated with capital improvement needs

The annual savings derived by wage and related reductions, will have a cumulative impact on the Environmental Fund balance, and avoids fluctuations in the rates while allowing for rate savings for the citizens of Staunton

Mayor Oakes asked if council members had any questions.

Ms. Dull took the opportunity to tell the citizens that although she is not able to reply to all of their emails at this time, she is trying to read them. She then asked what happens if the City does not pay a mandated expense, as in the jail operating expenses specifically. Mr. Trayer responded that the City is legally bound to pay operating expenses once the jail board votes on a budget. He asked that City Attorney John Blair expand on that topic. Ms. Dull stated that it was important for citizens to find out the reasons as many were suggesting not to pay the jail operating expenses and instead give that money to the Schools. And she wanted them to know that it was not quite that simple. Mr. Blair stated that 2015 was when the agreement with the Middle River Regional Jail was agreed upon by the five jurisdictions as to not paying the obligation. The jail board sets a budget. Then each jurisdiction is required to fund that operating budget. The jail board could take a jurisdiction to court if they refused to pay their obligation. After a missed payment there becomes a 50% penalty on that payment. Payments are made quarterly. If a full payment is not made on the quarterly payment, after 60 days, the jail board has the authority per the agreement to no longer take any jail inmates from the jurisdiction that has failed to make the payment.

Ms. Mead asked Mr. Trayer if the current trajectory and path that he mentioned included the major expansion of MRRJ or was it just operating expense. Does the Jail Authority expect operating expenses to grow regardless of whether the jail is expanded? Mr. Trayer replied that the expansion is separate from these costs. The jail's argument is that they have been underfunded for years and that they are trying to get back to proper staffing levels. But there are certainly additional operation costs with the expansion. Ms. Mead commented that she attended an update from the area legislators and that she understood from their comments that they have recently met with Secretary Moran and that he has made the Middle River Regional Jail one of his top three priorities for moving prisoners that need to be in the Department of Corrections. Mr. Trayer had not heard of that, but is aware that the backlog of DOC prisoners is affecting the crowded conditions. Ms. Mead asked if he anticipated that the operating expenses would still increase if the population of DOC

prisoners was reduced. Mr. Trayer responded that he thinks that would help, but that prison reform needs to be given a chance before the jail expands. Ms. Mead concurred. She believes the jail authority needs to take a step backwards in the process and that they should get more input from the citizens of the five localities and experts in the justice involved community. She also believes that there should be a focus on examining the issues behind recidivism and the high rates of incarceration at Middle River Regional Jail. She hopes that the mayors and chairmen of the five localities will have that conversation and that those conversations would be public. Mayor Oakes responded that the Mayors and Chairs have met twice and asked that Mr. Blair confirm whether or not they have to have their meetings open to the public. Mr. Blair stated that since the Mayors and Chairs meeting is not a formal public body, they are not required by the Freedom of Information Act to have the meetings open to the public. Ms. Mead stated that the meetings should be open to the public. Mayor Oakes concurred. She said the committee has been looking into hiring a lobbyist to lobby the State and the DOC and that they are trying to take a holistic approach concerning the overcrowding. They want to have an effect on the long term life of the Middle River Regional Jail. Mr. Rosenberg said that he had received communication regarding the discussions between members of the Valley delegation to the General Assembly and the Secretary's office about taking action to move the State responsible inmates from the regional jails throughout the State to the State facilities. Mayor Oakes stated that she hopes they will be true to their word and help alleviate some of the overcrowding. Ms. Mead stated that as elected representatives, the pressure should come from Council to make those changes. Mayor Oakes concurred.

Mr. Claffey stated that he got numerous emails this week about stopping the jail expansion and funding the Schools. He stated that they are two entirely different items and as Council has been discussing, the current costs for the jail are operating expenses and are mandated expenses. He also wanted to point out some facts. In 2012 Staunton's share of the jail operating expenses was \$1.3 million. In 2022, the cost is \$2.9 million. That is an increase of over \$1 million in less than 10 years. This particular year, between the 2021 budget and the 2022 budget the costs rise more than \$500,000. He wanted to make sure that the Staunton citizens are aware that this is not funds for the Middle River Regional Jail expansion, these are mandated operating expenses. The City is not taking money from education to pay for the jail. Mayor Oakes interjected and thanked Mr. Trayer from getting the proposed \$1.3 million cost for Staunton down to \$500,000.

Ms. Mead agreed with Mr. Claffey that Council and the citizens of Staunton should not confuse regular operating costs of the jail in its current situation with the potential operating costs in the future if the jail is expanded. She does believe that a focus on the programs in the community to reduce recidivism and to reduce the rate of incarcerations and to provide mental health care and to address substance abuse issues are needed. Those are things that Council can invest in to ultimately stop the trajectory of increase in those regular operating expenses of the jail because there will be fewer inmates.

Ms. Dull asked if there was any chance that the jail authority would reconsider the budget that they have passed. Mr. Trayer responded that the jail's position is that they are currently understaffed and a reduction of prisoners will not affect the current staffing levels. He is not optimistic that the jail is going to elect to reduce their budget.

Mr. Holmes stated that he remembers that about 10 years ago the jail was leasing out a lot of beds and was making extra money. Also, that when Harrisonburg and Rockingham County joined, the beds filled up. He wonders if that is why the operating costs have gone up so much so quickly.

Mr. Trayer stated that when Rockingham and Harrisonburg joined the coalition there was pressure on inmate capacity and it filled up immediately. He stated that he does not have numbers going back beyond 2016, but he knows in the 2016 budget there was \$600,000 worth of bed rental revenue from outside localities. That is not happening now.

Ms. Darby asked where we are in the process of the jail authority budget. Mr. Rosenberg asked if Ms. Darby could clarify whether she was asking about the operating costs or the jail expansion. She replied both. Mr. Trayer replied that as far as operating costs for FY 2022, those are set in stone. As for the jail expansion, the jail authority's next meeting is June 2. The official vote has been delayed two meetings in a row, so he is not sure if it will not be delayed a third time.

Ms. Dull asked if with the American Rescue Plan is the School system getting, or has gotten, more than \$6 million. Mr. Trayer responded that the numbers fluctuate and he's seen anywhere from \$5.8 million to \$6.2 million. They are still waiting for clarification of the exact amount from the Treasurer Department as well as final guidelines. Staff is hoping to have clarification shortly and once they do, they can determine how the monies can be spent and can propose a plan to move forward, consulting with the City's auditors. Ms. Dull asked is there speculation as to how much the City will get. Mr. Trayer said that he has seen figures anywhere from \$8 million to \$13 million. Ms. Dull wondered if some of those funds could be used for the jail operating expenses. He replied that until staff see the final guidelines and have a chance to review them with City auditors, he did not know that answer. Leslie Beauregard, Assistant City Manager, clarified that those funds are not coming through the State. Senator Warner is asking that the City of Staunton be treated as a city and a county. She stated that, more than likely the funds will be here in May with guidance regarding the funds perhaps this month. Ms. Mead asked if Ms. Beauregard could clarify what being treated as a city and a county meant. Ms. Beauregard stated that because Staunton is an independent city. In other states counties provide a lot of the services that independent cities provide in Virginia. Senator Warner is asking that the federal government treat Staunton as a full-service city and not like other states.

Mayor Oakes asked Mr. Trayer to discuss the starting salaries for the Police Department. Mr. Trayer stated that Police Chief Williams applied for and received state monies that will not only help retain staff within his department but also covers 90% of the increase. City staff were most concerned about turnover rates within his department as well as the fact that starting salaries in the City of Waynesboro being brought up to \$40,000 a year. Adjustments have been made to starting salary and 1% has been applied to address compression. He reiterated that 90% of that has been covered by a one-time State grant.

Jeff Johnston, Director of Public Works, stated that since he last talked recycling with City Council, he has had a lot of opportunity to talk recycling with Staunton citizens. He came out of those conversations with the knowledge that there is a lot of interest in recycling, but there are also a lot of misperceptions about recycling throughout the community. He wanted to make it clear that his recycling proposal was driven not by budget, but by being able to get back into plastics recycling. The change to the recycling program is something that he has been working on for a long time. The goal of the pilot program is to reestablish a recycling stream for plastics as part of an overall recycling program goal of having a viable and resilient program. He said that it is a very toxic landscape for recycling right now and that Staunton needs a resilient program that can survive. His goal is that the City of Staunton puts as little into the landfill as possible. Plastic recycling is a big part of that but there are composting and other diversionary tactics that Staunton still needs to get involved in. He said that recycling is an equation—the recycling program itself

times the enthusiasm. However, it is not an addition equation, when one number gets smaller the other number cannot be increased to make it all work. If the structure is not in place, no amount of enthusiasm is going to get recycling happening. He admits that the loss of curbside recycling is going to make a large dent in the enthusiasm. Right now, the door to recycling plastics is closed, but he would like to open the door for plastic recycling through a different route to help create a resilient recycling structure. Currently lack of manpower and equipment issues are the main hits against curbside recycling.

He provided Council with a brief history of recycling in Staunton. Prior to January 2018 there was a large overseas market for mixed materials and the market for recyclables were largely driven by that overseas market. At that time, since the unsorted mixed materials market was so large overseas, the post-consumer market in the United States was very low. After 2018 when China shut down the market, Vietnam and the other countries in that business were immediately overwhelmed. Since that time the post-consumer market has become a much larger part of the market and now it is fluctuating with the oil prices and has become much more volatile. It took 15 to 16 months for those ripples to make their way to Staunton. In April 2019 Staunton lost the ability to recycle plastics. Mr. Johnston stated that Staunton is still recycling like it is pre-2018 and what the system needs is a reset to adapt to changes. Charlottesville and Harrisonburg both have examples of handling plastics recycling. Charlottesville takes curbside recycling and then drops it off at a sorting facility. The Charlottesville system, while more convenient, is significantly more expensive and has a 30%-35% contamination level. Attended collection, like what Harrisonburg has and what Mr. Johnston recommends, is much less convenient but is more agile and the contamination levels are low. If Staunton stays with curbside recycling there would be a 15% increase in refuse fees for FY 2022 and an additional 10% increase for FY 2023. With the attended collection, there would be no increase for FY 2022 and a smaller fee increase in FY 2023.

Mr. Johnston stated that the option of both curbside recycling and the attended facility would be an increase of \$423,000 this year alone. In regards to taking trash to a sorting facility like Charlottesville, the cost at a minimum would be \$565,000 and there is not a sorting facility in this area that was willing to quote a price. He reiterated that increasing collection does not mean a commensurate increase in recycling. He stated that many municipalities the same size as Staunton are no longer recycling at all because the costs are too high. He does not want Staunton to do that. He wants to create a viable and resilient program.

Mayor Oakes asked if council members had any questions.

Vice Mayor Robertson asked Mr. Johnston to clarify for the citizens that this proposal in no way affects the weekly curbside trash collection. Mr. Johnston affirmed and stated that City staff are only talking about recycling. Vice Mayor Robertson then asked that if citizens bring their recycling to the collection center but perhaps have an item that is not recyclable, will there be a way they can dispose of those items without having to take them home. Mr. Johnston stated that there will be a dumpster available if that was to occur. He stated that the learning curve is very quick for those who want to recycle, so he does not see too many people needing to use the dumpster for non-recyclable items. Unlike the previous recycling center in Gypsy Hill Park, this center will be attended and fenced off when closed.

Mr. Holmes asked if the cost Mr. Johnston mentioned for keeping curbside pickup of recycling included the cost of a new truck. Mr. Johnston responded that the increase does not include a new

truck, the costs are almost entirely labor. Mr. Holmes then asked how much a new truck would cost the City. Mr. Trayer responded that it would cost around \$180,000.

Ms. Mead stated that at the regional legislators update, Senator Hanger mentioned to the members of the Greater Augusta Regional Chamber of Commerce that there was new legislation for increasing plastics recycling, including adding crude plastic pellets to asphalt. The Senator shared a presentation from MacRebur, the plastic road company. He stated that this demand for plastics is likely to be turned around with the focus on infrastructure road building across the country. Ms. Mead opined that he was optimistic that this would present more options and would create a better economic situation for plastics recycling. She stated that Mr. Johnston made a compelling presentation and was especially intrigued when he said it is a reset and not a retreat and that Staunton will become flexible and responsive to the market. She hopes that Staunton will be able to get back to curbside recycling as the collection center shifts the job of recycling to the citizens and that the City will be depending on volunteers to reach out to people who are unable to get their recycling to Gypsy Hill Park. Mr. Johnston stated that he was recently listening to a webinar on recycling with the American Public Works Association that discussed emerging technological innovations that were going to expand the domestic post-consumer market for plastics. The price of plastics is going up and is no longer just tied to oil prices. Plastics are currently priced at \$100 a ton and is considered a commodity. They are being bought and sold by brokers and he would love for Staunton to be in a position to take advantage of the rising market. Ms. Mead stated that when Mr. Johnston talked about Reduce, Reuse and Recycle, ultimately it is reduction that the City should focus on educating people about. That is why she has asked the Commissioner of Revenue and Mr. Rosenberg to put on City Council's agenda a discussion of taxing single use plastic, not as a punitive way to generate revenue, but instead to increase awareness. Mr. Johnston stated that he would like to have the ability to recycle the single use plastic bags.

Ms. Dull stated that the people that she has heard from regarding recycling, 0% like the new plan and 100% do not want to quit curbside pickup. She also stated that citizens can benefit from more information no matter what method or combination of methods for recycling is chosen. She opined that the City's instructions through the years have sometimes seemed a little muddy in their presentation instead of clearly making statements. Mr. Johnston concurred. He stated that going back in the files he noticed that the City's communication regarding recycling has been defunct since the City stopped taking plastics.

Ms. Mead asked to shift the discussion to talk about items that were not funded. She asked Mr. Johnston about the \$135,000 for a new dump truck/plow/spreader that was on the non-funded list and how much of that was a snow plow. Mr. Johnston replied that it was a 5-ton dump truck. When a plow is put on the front, it becomes a 5-ton snow plow and when a spreader is put in the bed, it is a 5-ton spreader. Ms. Mead then asked if the failure to provide the funds for the vehicle would impact Public Works' ability to plow the roads. Mr. Johnston replied that it would not prevent staff from plowing the roads. The new truck would allow for redundancy, giving the team more flexibility. He noted that deferring replacement of aging vehicles over time has a cumulative effect. Ms. Mead asked what the oldest and youngest vehicles were in the fleet. He stated that the youngest vehicle was two years, but he does not know the age of the oldest.

Mayor Oakes asked Mr. Johnston to walk through the recycling procedure starting with the citizen putting recycling in front of their house and the next morning the recycling employees come and pick it up. Mr. Johnston replied that the pick up is one step too far. If all of the trucks are running and the City has enough staff, the recycling team goes around the City and picks up recycling. If

too many staff call in sick or if the truck does not start, the refuse crew picks up the recycling and it goes to the landfill. Or at the end of the day if the recycling truck is full and there is no more room for items, the refuse crew picks up the remaining and it goes to the landfill. If the labor is there and the equipment is running recycling is picked up. Glass is held at Public Works until there is enough to take for use as ground cover at the landfill. All other recyclables are taken to Sonoco in Fishersville. The City pays to get rid of the mixed paper, sees a little bit of return from the cardboard and gets a decent amount of money from aluminum and steel cans. With the loss on the paper, the City basically breaks even. Mayor Oakes asked Mr. Johnston if he could talk about the cost of contamination in the recyclables. He said that he knows Charlottesville pays \$40 a ton to drop their items off at the sorting facility and their landfill tipping fees are \$49 a ton. Unfortunately, he does not have the specifics of possible contamination in Charlottesville, but industry standard is about 30% usually goes straight to the landfill because of contamination. Mayor Oakes said that it was her understanding that someone throwing a diaper in a bin full of cardboard contaminated the whole batch. Mr. Johnston agreed and said “this is a case of one bad apple can, in fact, spoil the whole bunch.”

Mr. Holmes asked if it was possible to put the ground glass into making rounds like the plastic pellets. Mr. Johnston said that glass is just melted sand and sand is a component in asphalt. He said that one of the positives of the overseas market disappearing is that there will be more innovative domestic post-consumer use. He does believe that just like how long it took for China’s decision to stop taking plastics to get to the City of Staunton, these innovations may take similarly as long. Right now, Staunton needs to be able to weather the storm and be able to join in once the innovations come. Mr. Holmes asked if the City continues with curbside recycling will it cost about a penny and a half in tax revenue. Mr. Johnston stated that recycling is part of an enterprise fund, so it is financed by the fees.

Mayor Oakes thanked Mr. Johnston for the recycling discussion and asked council members if they had any financial questions about recycling. She then opened the floor to Mr. Rosenberg. He stated that staff would like to get Council’s attention on three decision points in order to move forward to finalize the budget for consideration on April 22. The first concerns the issue of funding to the Schools. Staff believe they have a path forward to provide an additional \$220,000 in funding to the Schools to essentially split the difference. Mr. Rosenberg has had a conversation with Superintendent of Staunton City Schools Garrett Smith and he seems agreeable. The first decision is whether Council would like to provide the additional funding to Schools and if so, is the \$220,000 acceptable. The second decision point is to determine the Real Estate Tax Rate. And the final decision point is whether staff is in a position, from Council’s perspective, to move forward with the proposed changes to the recycling program.

Vice Mayor Robertson stated that he believes the City should at least try the trial program with recycling and then evaluate later on. He also believes that if the Schools and the City can come up with a halfway solution, he is all for it. He would like to see a \$0.92 tax rate.

Mr. Holmes stated that he thinks the City should leave the tax rate at \$0.95. The amount of the increase is not that much per household, per month. There are quite a few things that could go wrong in the budget now and it would be better to wait to see if things stabilize. Life could go back to normal or there might be another shutdown or half shutdown. Council can always change the tax later. As far as recycling, he agrees with Vice Mayor Robertson and would like to give the attended recycling center at Gypsy Hill Park a try. And perhaps as revenues improve the City could

reinstated curbside recycling. He also stated he would like to do as much as possible to get together with the School system as far as the finance they would really like.

Mr. Claffey asked if Mr. Trayer could give a brief explanation of the incorporation of a negative contingency line within a budget to be offset by savings to be identified throughout the year. Mr. Trayer responded that normally when a contingency line is in a budget there is a positive appropriation. In this case there would be a negative amount in the appropriation line. As savings occurred during the course of the year, the negative contingency would be reduced and the line will get to zero by June 30, 2022. Mr. Trayer believes that it is reasonable and that the City can naturally find savings throughout the year rather than pinpointing departments ahead of time.

Mayor Oakes asked Mr. Rosenberg if staff could come back with options for \$0.92 and \$0.95 as well as the pilot recycling program.

Ms. Mead stated that she agreed that Mr. Johnston's presentation was compelling and that she agreed with going forward in the interim. However, she did not feel comfortable going below \$0.93 for the Real Estate tax rate. She stated that there is one thing that the City has not responded to in this budget that has received a high number of requests. She said that Council has heard consistently from citizens that an equity officer should be put on City staff to address issues of diversity and issues of fairness and equity for minority members of the Staunton community. Mayor Oakes asked Mr. Rosenberg to comment concerning the topic. Mr. Rosenberg stated that the position that Ms. Mead references is not included in the proposed budget. He wants to assure the Council and the public that this decision was made carefully, after consideration by staff, and after numerous conversations with individuals experienced in the first of diversity, equity and inclusion. As staff developed the budget they considered this issue and included representatives of several organizations—the International City/County Management Association, which is leading that organization's nationwide outreach concerning DEI efforts; current and former representatives of the Government Alliance for Race and Equity (GARE); a representative of the Virginia Center for Inclusive Communities; and current equity officers with other localities in Virginia—in the conversation. Staff heard in those conversations, across the board, that the establishment of a DEI officer position is not the best first step for a locality serious about its work in this area. There is a need to undertake foundational work in the subject area to ensure the success of subsequent efforts. That is the purpose of the City's first step, which is the training to be conducted by the Virginia Center for Inclusive Communities that would be funded under the proposed budget. He wanted to be clear that he anticipates that in a subsequent fiscal year, perhaps as soon as FY 2023, staff will further consider the establishment of a position. There are positions posted across the country every day for DEI officers, localities are hiring DEI officers to focus on the manner in which their organizations function, both internally and externally. He added that this goes well beyond the realm of Human Resources. These officers ensure equity in operations, policies and practices, both externally and internally. Ms. Mead thanked Mr. Rosenberg for taking the time to seriously address the issue and hoped that the training for the senior leadership team moves toward real progress in ensuring that there is a diverse leadership team in the City, that there is diversity amongst the folks who the City's children face in schools, and that there is diversity in a broad way and equity in compensation amongst women and minorities.

Mayor Oakes asked Mr. Rosenberg if staff could come back with options for \$0.92, \$0.93 and \$0.95 for consideration at the next meeting. And that the recycling program sound like it is a go as a pilot program. At that Council is willing to pursue the \$220,000 for the schools. She asked Mr. Holmes if when he mentioned the \$0.95, was he thinking the Schools funding should be

\$433,000. He responded that he was thinking that since Council and staff did not know what was going to happen with the jail and other things that it would be best to leave it at \$0.95.

Mr. Claffey stated that he thought Mr. Rosenberg wanted a decision made so that staff could have a finalized presentation for the next meeting. Mr. Rosenberg stated that it could happen either way since Council narrowed the issue simply to the tax rate and that staff has been given a green light for the recycling program and the \$220,000 to the School system. Vice Mayor Robertson stated that Council should come to a consensus on the tax rate at this time. Mayor Oakes said she can get a head nod from Council. She started with the proposed \$0.95 from Mr. Holmes. He stated that he will go with whichever one ends up being the highest, because every cent lowered cuts a couple hundred thousand dollars out of the budget. Mayor Oakes then asked about \$0.93. Ms. Mead and Mr. Holmes nodded. Mayor Oakes asked Ms. Dull her thoughts. She replied that she was not prepared to vote and said she believed that Council needed to give the public a chance to email and let Council know their thoughts. She knows 100% of the people that contacted her about recycling did not want to lose curbside recycling. That is a quality-of-life issue for them. Citizens believe in recycling, but also like the convenience of curbside pickup. They are busy, they have young children, they do not know when they will be able to deliver it to the center and it is very upsetting for them. She reiterated that she was not prepared to vote. Mr. Holmes agreed with Ms. Dull and said that he would like to wait a week and see what kind of response from the citizens come in.

Mayor Oakes understood what Ms. Dull was saying and went back to the original request that staff bring forth a motion for \$0.95, \$0.93 and \$0.92. Vice Mayor Robertson and Council members Darby and Claffey concurred. Mr. Rosenberg stated that staff will be able to prepare this information and more discussion can occur at the work session on April 22, with the vote occurring at the regular meeting that same night. Mayor Oakes said that Council could discuss recycling again at that time along with the \$220,000 for the Schools.

Ms. Darby thanks Mr. Trayer and Mr. Rosenberg for all of their hard work. Mr. Claffey concurred.

Council members did not have any further questions.

The work session adjourned at 9:24 p.m.

Morgan C. Smith
Interim Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 22, 2021	Steven L. Rosenberg City Manager
Item #	B	
Ordinance #		
Department:	City Manager’s Office	
Council Vision:	Education Responsive, Efficient Government	
Subject:	Blue Ridge Community College Annual Presentation	

Background: John Downey, President of Blue Ridge Community College, will attend the Council meeting to provide an update on the college.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	April 22, 2021	Vice Mayor Mark Robertson
Item #	C	
Ordinance #		
Department:	City Council	
Council Vision:	Built Environment	
Subject:	Review of Entrance Corridor Overlay District	

Background: At the request Vice Mayor Mark Robertson, this item has been added to Council's regular meeting agenda for April 22, 2021. Senior Planner Rodney Rhodes and City Planner Tim Hartless will provide an overview of the Entrance Corridor Overlay District that will include the following:

- Location and List of Entrance Corridors
- General Provisions of Entrance Corridor Ordinances
- Review Process for Development in Entrance Corridors
- Process for Changing Entrance Corridor Regulations and Guidelines

Staff's presentation will include a review of City Code Section 18.83, Entrance Corridor Overlay District (attached), and the Entrance Corridor Overlay Design Guidelines (<https://www.ci.staunton.va.us/departments/planning-zoning-division/entrance-corridor-overlay-district>).

Attachment:

Attachment 1—City Code Section 18.83, Entrance Corridor Overlay District

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

Chapter 18.83

ENTRANCE CORRIDOR OVERLAY DISTRICT

Sections:

18.83.010 Intent.

18.83.020 Purpose of the district.

18.83.030 Applicability.

18.83.040 Approval required.

18.83.050 Approval process.

18.83.060 Development plan review process.

18.83.070 Appeals.

18.83.080 Use limitations.

18.83.090 Design standards.

18.83.100 Severability.

18.83.110 Effective date.

18.83.010 Intent.

The entrance corridor overlay district is intended to implement the city of Staunton's comprehensive plan's goal of protecting the city's natural, scenic, historic, architectural and cultural resources. This chapter meets the comprehensive plan's goal by protecting and promoting the unique characteristics of the city's natural and built environment leading into the historic districts through assuring site and building design reflecting the natural, scenic, historic, architectural, and cultural resources within view of each corridor. Establishing design standards within this chapter and providing design guidelines for each corridor ensures the compatibility of development, redevelopment, and adaptive reuse proposals with the resources identified in the comprehensive plan, promoting the general welfare of the community by creating attractive human-scaled environments; increasing commerce; improving property values; and increasing public awareness of the natural, scenic, historic, architectural, and cultural resources near and outside the historic preservation districts.

Regulation and guidance of corridor development includes but is not limited to: reducing impacts from development on existing land forms and other natural resources; promoting corridor

development design compatible with nearby historic, architectural and cultural resources; providing pedestrian and vehicular connections from parcel to parcel; improving pedestrian and vehicular connections within each parcel; reducing the prominence of parking lots on the corridors; increasing site plantings; establishing reciprocity between building and site design; fully integrating utilities into building and site structures; regulating the size, intensity, and placement of signs and lighting; and assuring provisions for storm water management are well integrated into site architecture. (Ord. 2008-09).

18.83.020 Purpose of the district.

The entrance corridor overlay district is created for the purpose of providing special regulations in given designated areas of the city to accomplish the intended purposes set forth above. The entrance corridor overlay district shall be in addition to, and shall overlap and overlay, all other zoning districts so that any parcel of land lying in the entrance corridor overlay district shall also lie in one or more of the other zoning districts. All regulation of the underlying zoning districts shall be applicable except as modified by the provisions of this chapter. The provisions applicable to the entrance corridor overlay district shall apply to both modifications of existing structures and landscape as well as new construction within the entrance corridor overlay district. The provisions of the entrance corridor overlay district shall also apply to modifications and new construction by the Staunton city. (Ord. 2008-09).

18.83.030 Applicability.

(1) General. The entrance corridor overlay district is created to preserve and protect corridors along arterial streets or roadways designated as corridors found by city council to be significant routes of travel as shown on the entrance corridor overlay district map, dated February 22, 2008, as maintained in the office of the department of planning and inspection. The entrance corridor overlay district is hereby established upon and along the designated roadways with the design standards contained herein. To the extent that any of the specific areas in the entrance corridor overlay district also are in the H-1 historic preservation district, the provisions of Chapter 18.85 SCC, H-1 Historic Preservation District, shall control.

Where there is a conflict between the provisions or requirements of the entrance corridor overlay district and the provisions of any zoning district, the more restrictive provisions shall apply, except when adhering to the most restrictive would defeat the intent of this chapter.

(2) Corridors, Standards and Guidelines. The following arterial streets and highways are designated as corridors for purposes of this chapter and development of design guidelines for each corridor shall be phased with and be applicable and effective as of the date the particular corridor design guidelines are adopted:

- (a) North Augusta Street;
- (b) North Central Avenue;
- (c) Churchville Avenue;
- (d) North Coalter Street;
- (e) Commerce Road;
- (f) Frontier Drive;
- (g) Greenville Avenue;
- (h) North Lewis Street;
- (i) Middlebrook Avenue;
- (j) Richmond Avenue;
- (k) Statler Boulevard;
- (l) U.S. Route 262 and U.S. Route 275;
- (m) West Beverley Street.

(3) The design standards within this chapter shall apply to the corridors upon adoption of this chapter; in addition to these design standards, design guidelines developed for each corridor shall apply upon their ratification.

(4) Zoning Administrator. The zoning administrator or designee shall administer the provisions of this chapter in accordance with the design standards and design guidelines and shall promulgate appropriate design guidelines for each corridor for ratification by the planning commission and city council. The zoning administrator or designee may, from time to time, recommend areas for designation as an entrance corridor overlay district. The zoning administrator or designee shall be advisory to the planning commission, city council and board of zoning appeals in rezonings, special use permits, site development plans, subdivisions, variances and other matters within the entrance corridor overlay district.

(5) Exemptions. The following are exempt from the requirements of this chapter:

- (a) The construction or alteration of detached single-family dwellings and accessory structures on existing individual lots or parcels within the entrance corridor overlay district, provided the

lots or parcels have been created and legally recorded prior to the date of the adoption of this chapter;

(b) Agricultural and forestal buildings where no site plan review is required;

(c) Interior alterations to a building or structure having no effect on exterior appearance of the building or structure;

(d) General Maintenance. Activity where no change in design, material, or color is proposed for any built or planted element on the site;

(e) The construction of ramps and other modifications to serve the handicapped; and

(f) All federal and state government facilities. (Ord. 2008-09).

18.83.040 Approval required.

No land disturbance, substantial removal of vegetation, building, or structure, including, but not limited to, grading activities, private roadways, parking lots, signs, outbuildings, fences, walls, landscaping, lamp posts, light fixtures and lighting arrangements, shall be constructed, altered or restored within the entrance corridor overlay district unless approved as set forth hereinafter except when deemed insubstantial, due to the scope and nature of the proposed change, by the zoning administrator or designee. (Ord. 2008-09).

18.83.050 Approval process.

(1) Submission of Plan. Prior to commencing any activity set forth in SCC 18.83.040, the person, firm, or corporation proposing such activity shall submit a development plan to the zoning administrator or designee for the city of Staunton for review and approval. Applicants shall schedule and participate in an informal meeting with the zoning administrator or designee prior to submitting the plans.

(2) Minimum Requirements for Development Plan. Materials submitted with the application or on subsequent request by the zoning administrator or designee shall include clearly labeled plans, maps, studies, narratives, drawings, and reports depicting or presenting the following, with sufficient copies for necessary referrals and records, unless deemed unnecessary by the zoning administrator or designee due to the scope and nature of the proposed development:

(a) Surveyed property lines;

(b) Tree preservation plan (to scale) to include:

- (i) Survey of existing topography and location of existing trees (over three inches in caliper), their species, and caliper and other vegetation per SCC 13.10.010(6)(a)(i)(E)(I);
- (ii) Existing trees and other vegetation to remain;
- (iii) Existing trees and other vegetation to be removed; and
- (iv) Location, extent, and construction details of proposed protection for existing trees and other vegetation to remain;

(c) A site development plan (to scale) including but not limited to:

- (i) Location of all buildings;
- (ii) Location, size, and dimensions of all yards and setbacks;
- (iii) Location of all site improvements (to include parking areas, entrance drives, travelways, walkways, retaining walls);
- (iv) Location of all utility pad fixtures and meters;
- (v) Provisions for stormwater management including all associated structures, channels, or other elements per SCC 13.05.050(2)(a)(i);
- (vi) Location of all site signage;
- (vii) Location of all overhead, surface, and underground utilities and equipment; and
- (viii) Location of bordering public or private streets or roads and existing, proposed, and/or approved access points;

(d) A grading plan (to scale) including but not limited to the content of the site development plan as listed in subsection (2)(c) of this section and the following:

- (i) Existing topographic conditions;
- (ii) Proposed grading; and
- (iii) Top of wall and bottom of wall elevations for all retaining walls;

(e) A planting plan (to scale) per SCC 18.175.050 to include proposed grading;

(f) A lighting plan (to scale) including but not limited to the content of the site development plan as listed in subsection (2)(c) of this section and the following:

- (i) Location of all proposed fixtures on the site and on the buildings; and
 - (ii) Lighting schedule including performance specifications and lamping for each fixture;
- (g) A sign proposal.

(i) Descriptions of all site and building signage including sign type, materials, dimensions, and means of illumination including but not limited to the following:

(A) Wall Signs – Channel Letter Signs.

(I) Sign materials;

(II) Sign area and overall sign height from the ground;

(III) Sign length, width and depth;

(IV) Linear footage of business frontage;

(V) Color name(s) and number(s) of faces, trimcaps and returns;

(VI) Style and spacing of letters;

(VII) Text to be included on sign;

(VIII) Color name(s) and number(s) of graphics;

(IX) Method of attachment (i.e., raceway or mounted directly to wall);

(X) Color name and number of raceway;

(XI) Color names and numbers can be any sufficiently established and verifiable standard color identification system; and

(XII) Accurate physical samples of all colors and materials proposed;

(B) Wall Signs – Cabinet Signs.

(I) Sign materials;

(II) Sign area and overall sign height from the ground;

(III) Sign length, width and depth;

(IV) Linear footage of business frontage;

- (V) Style and spacing of letters;
- (VI) Text to be included on sign;
- (VII) Color name(s) and number(s) of text;
- (VIII) Color name(s) and number(s) of graphics;
- (IX) Description of frame structure; and
- (X) Accurate physical samples of all colors proposed;

(C) Freestanding Signs.

- (I) Sign materials;
- (II) Overall sign height from the ground;
- (III) Cabinet size;
- (IV) Base size;
- (V) Style and spacing of letters;
- (VI) Color name(s) and number(s) of text;
- (VII) Color name(s) and number(s) of graphics;
- (VIII) Design details of the base;
- (IX) Accurate physical samples of all colors proposed; and
- (X) Color names and numbers can be any sufficiently established and verifiable standard color identification system.

(h) Architect or artist's renderings, photographs or computer simulation of all proposed structures depicting the front, side and rear elevations describing the architectural treatment of all structural exteriors, including proposed building materials, colors, and signs;

(i) Other information as deemed necessary by the zoning administrator or designee.

(3) General Consideration for Review. In reviewing applications, the city of Staunton shall consider only those design features subject to public view and shall not make any requirements except for the purpose of preventing development which is incompatible with the guidelines established for each corridor subject to this review process. (Ord. 2008-09).

18.83.060 Development plan review process.

All development plans shall be submitted and reviewed according to the following procedures:

- (1) An application including a complete development plan per SCC 18.83.050 shall be submitted to the zoning administrator or designee.
- (2) After submittal, the plan shall be reviewed and processed by the zoning administrator or designee for conformity to the design standards included in this chapter and the design guidelines developed for each corridor. Applicants shall be notified in writing of the zoning administrator's decision of the development plan review, including a list of required revisions, if necessary.
- (3) A development plan meeting the requirements of this chapter may be reviewed by the planning commission under the following circumstances:
 - (a) If the zoning administrator or designee finds that due to the scope, nature or location of the proposed development, planning commission review is necessary or desirable; or
 - (b) If the applicant and the zoning administrator or designee cannot reach a mutually agreeable understanding regarding any aspect of the development plan.
- (4) Should planning commission review be deemed necessary, a complete development plan shall be submitted not less than 35 days before the planning commission meeting at which the applicant seeks planning commission review; applicants shall be notified in writing of the decision by the planning commission review. (Ord. 2008-09).

18.83.070 Appeals.

- (1) Any person aggrieved by any decision of the planning commission may appeal such decision to the Staunton city council; provided, that such appeal is filed in writing in the office of the director of the city planning and inspections department within 30 days from the date of the planning commission decision.
- (2) Any person aggrieved by any final decision of Staunton city council may appeal such decision by filing a petition in the circuit court of the city of Staunton, setting forth the alleged illegality of the action of city council, provided the petition is filed in the office of the clerk of the circuit court within 30 days after the final decision of the city council. The filing of the petition shall stay the decision of city council pending the outcome of the appeal to the court, except that the filing of the petition shall not stay the decision of city council if the decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of city council, in whole or in part, if it finds upon review that the decision of city council is contrary to law or that its decision

is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of city council. (Ord. 2008-09).

18.83.080 Use limitations.

All uses shall be subject to the use limitations set forth in the underlying zoning district. (Ord. 2008-09).

18.83.090 Design standards.

(1) Area and Bulk Regulations. Buildings and structures shall be subject to regulations for lot area, lot width, street frontage, setback, height, yards, maximum or minimum building square footage applicable in the underlying zoning district in which located.

(2) Access to Arterial Roads. When site conditions warrant, provisions shall be established for shared access to arterial roads for existing and future development.

(3) Requirements for Driveways and Parking Lots.

(a) Parking lot layouts shall respond to or re-establish the topographic characteristics of the site.

(b) Parking lots shall not dominate the image of a site.

(c) Parking lots shall be designed to minimize impervious surfaces and mitigate stormwater runoff.

(d) Rip-rap, exposed concrete drainage pipes, and similar drainage structures shall not be located in public view.

(e) The number of access points to parking lots from a street shall relate to other existing curb cuts whenever possible.

(f) Minimum off-street parking requirements may be reduced at the discretion of the zoning administrator or planning commission.

(g) SCC 18.125.010 shall apply.

(h) Off-street parking requirements may be reduced by 10 percent for on-street parking within 200 feet of the subject parcel.

(i) Shared parking arrangements may be considered on a space-by-space basis within 200 feet of the subject parcel provided appropriate schedule arrangements can be justified and proof of a

legal agreement outlining the conditions of the shared parking arrangement can be provided.

(j) When 50 percent or more of the required parking area is located below or above the building, one story may be added to the maximum total number of stories allowed.

(k) Any amount of parking area greater than required parking shall reflect alternative surface treatment designed to reduce total impervious surface, improve runoff quality, reduce runoff quantity, reduce impacts on local microclimates from heat reflection, and increase total area devoted to plantings thereby reducing impacts of parking areas on natural resources.

(l) Parking lots shall be interconnected on adjacent parcels whenever possible.

(m) Pedestrian access from the sidewalk into individual project sites, as well as within sites and between sites shall be provided.

(n) Roadway design shall be tailored by the zoning administrator or designee to fit the character and functional needs of specific corridors. Roadways shall incorporate traffic calming devices when appropriate as determined by the zoning administrator or designee.

(4) Requirements for New Buildings, Redeveloped Buildings and the Proposed Adaptive Reuse of Existing Buildings.

(a) The design and construction of new buildings, redeveloped buildings, and the adaptive reuse of existing buildings shall be based on but not limited to the scale, mass, height, materials, color, texture, construction methodology, orientation, and manner of negotiating changes in elevation of nearby historic and cultural resources.

(b) Trademark buildings and related features shall be modified to meet the design standards included within this chapter.

(c) Prior to the submission of a proposed plan of demolition, alteration, or removal of existing buildings located in the entrance corridor overlay district, the applicant or his or her representative is encouraged to meet with the zoning administrator or designee concerning the proposed plan of action and submit preliminary studies, a written description, drawings, photographs, and plans of the concept of the proposed action for tentative review, comments, and recommendations.

(5) Planting Requirements. The requirements of Chapter 18.175 SCC, Landscaping and Screening, shall apply with the following exceptions:

(a) Site plantings shall reflect design characteristics identified as desirable in the guidelines developed for each corridor.

(b) New development along corridors must incorporate as much of the existing plants as possible.

(c) No grading or other earth disturbing activity, storage of materials, equipment, or refuse shall occur within the drip line of any trees or wooded areas or intrude upon any other existing features designated for preservation as provided for in the most recent edition of the Virginia Erosion and Sediment Control Handbook.

(d) Plantings of major trees shall equal a minimum 10 percent of the parking and vehicular circulation area. Planting areas provided shall be a minimum of five feet wide.

(e) Plants shall not be used to screen poorly sited utilities; all utilities, site, and building equipment (including but not limited to loading docks, service entrances, dumpsters and other refuse containers) shall be built into the building envelope, be screened with architectural elements such as walls or extended parapets, or built into the site design.

(6) Requirements for Utilities.

(a) All utility lines, such as electric, telephone, CATV or other similar lines, shall be installed underground in the entrance corridor overlay district. This requirement shall apply to lines serving individual sites as well as within the project.

(b) All utilities, site, and building equipment (including but not limited to loading docks, service entrances, dumpsters and other refuse containers) shall be built into the building envelope, be screened with architectural elements such as walls or extended parapets, or built into the site design. Plants shall not be used to screen poorly sited utilities.

(c) Extended parapets and other means of architectural screening shall be used to eliminate rooftop equipment from public view.

(d) Areas designated on approved plans for preservation of existing features shall be clearly and visibly delineated on the site prior to commencement of any grading or other earth disturbance, including trenching or tunneling, and no such activity, grading, or moving of heavy equipment shall occur within such area. The visible delineation of all such features shall be maintained until all construction activity has been completed.

(7) Requirements for Signs, Billboards, and Other Advertising Structures. The requirements of Chapter 18.140 SCC, Signs, Billboards and Other Advertising Structures, shall apply with the following exceptions:

(a) Each parcel of property occupied by a building shall be permitted one freestanding sign, which shall not exceed 30 square feet on each face. Automobile service stations shall be permitted an additional twenty square feet on each face to advertise the price of fuel.

(b) Freestanding signs shall be mounted on bases a maximum of three feet high. If the specific location of the sign requires a base of more than three feet to provide adequate visibility, the planning commission may approve a taller base. No freestanding sign shall exceed 15 feet in height from grade.

(c) Freestanding signs for shopping centers shall be allowed 10 square feet of area per business establishment. An additional 25 square feet shall be allowed to identify the shopping center as a whole. If individual businesses located within the shopping center are not included on the freestanding sign, the sign identifying the shopping center may be 45 feet in area. For the purposes of this chapter, shopping center shall be defined as:

(i) Groups of two or more stores, personal service shops or restaurants connected by party walls, partitions, canopies or similar features; or

(ii) Some or all of the stores, personal service shops or restaurants located in separate buildings designed as a single commercial group sharing common parking areas, vehicular travelways, and walkways designed to encourage customer interchange between the buildings and present the appearance of a continuous commercial area.

(d) If the nearest point of a freestanding sign is located within five feet of the street right-of-way, its location must be approved by the city's director of public works or designee, who will evaluate the location for site line and other traffic safety considerations.

(e) The following sign types shall be permitted in the entrance corridor overlay district:

(i) Externally illuminated signs provided the light source is directed downward;

(ii) Internally illuminated channel letters; and

(iii) Internally illuminated cabinet signs if the background of the cabinet sign is opaque and appears black at night;

(iv) Additional types of signs shall be considered.

(f) No wall sign shall project beyond the surface of the building or above the roofline of the building; signs shall be appropriately scaled to the building or portion of the building served and should be coordinated with the architecture.

(g) Inflatable figures and/or signs (still or animated) are not permitted in the entrance corridor overlay district.

(8) Lighting Requirements for Site and Building Exteriors.

(a) Lighting shall be wholly contained within the site.

(b) Light poles shall not exceed 24 feet in height.

(c) Lighting shall be limited to that which is necessary for safety; lighting shall not be used as signage such as up-lighting or down-lighting building elevations, decorative light fixtures, moving or sweeping lights directed towards the sky among other types. (Ord. 2008-09).

18.83.100 Severability.

In the event that any section, subsection, sentence, clause or phrase of this chapter shall be declared or adjudged invalid, such adjudication shall in no manner affect the other sections or sentences, which shall continue in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid were not originally a part thereof. (Ord. 2008-09).

18.83.110 Effective date.

This chapter shall be in full force and effect immediately upon adoption. (Ord. 2008-09).