

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
May 27, 2021
4:30 p.m.**

- | | | |
|------------------|-------------------|---|
| 4:30 p.m. | 1. | Annual Visit to Betsy Bell |
| 5:15 p.m. | 2. | Consideration of Work Session and Regular Meeting Agendas |
| 5:20 p.m. | 3. | Presentation by Mary Baldwin University |
| 5:35 p.m. | 4. & C | Discussion of Cancellation of July 8, 2021 City Council Meeting |
| 5:45 p.m. | 5. | Discussion of Ordinance Increasing the Number of Commissioners of the Staunton Redevelopment and Housing Authority |
| 5:55 p.m. | | Break |
| 6:15 p.m. | 6. | Discussion of City Council Procedure Memoranda |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
May 27, 2021
7:30 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Oakes

Mayor's Report

Proclamation—Ms. Senior Virginia America

Additional Items by Members of Council

Approval of Minutes

Special Called Meeting of May 12, 2021

Work Session and Regular Meeting of May 13, 2021

REGULAR MEETING

- A. Consideration of Appointment and Employment of City Clerk**
- B. Consideration of Ordinance to Amend the FY2021 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Five**
- C. Consideration of Cancellation of July 8, 2021 City Council Meeting**
- D. Discussion and Consideration of Appointment of Assistant City Manager as Alternate Representative to Regional Bodies**
- E. Presentation of Citywide Flood Study and Possible Mitigation Strategies**

Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	Staff Member: Chris Tuttle
Item #	1	
Ordinance #		
Department:	Parks and Recreation	
Council Vision:	Culture Built Environment	
Subject:	Visit to Betsy Bell	

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

To facilitate social distancing, Council members will travel to the site in their personal vehicles. After the visit, Council members will proceed to City Hall to participate in the remainder of the work session and the regular meeting.

City Manager’s Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	City Council
Item #	2	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Work Session and Regular Meeting Agendas	

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

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

City Manager: Steven L. Rosenberg

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
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Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	Steven L. Rosenberg City Manager
Item #	3	
Ordinance #		
Department:	City Manager’s Office	
Council Vision:	Education Responsive, Efficient Government	
Subject:	Presentation by Mary Baldwin University	

Background: Dr. Pamela Fox, President of Mary Baldwin University, will attend the Council meeting to provide an update on the university.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	Steven L. Rosenberg City Manager
Item #	4 & C	
Ordinance #		
Department:	City Manager	
Subject:	Cancellation of July 8, 2021 City Council Meeting	

Background: By adoption of a resolution dated July 1, 2020, City Council established its meeting schedule for fiscal years 2021 and 2022. The schedule includes a meeting on Thursday, July 8, 2021. Department heads have indicated that they will have no matters requiring City Council action at the July 8 meeting. Accordingly, it is recommended that Council consider cancellation of its regular meeting on that date. State law requires the adoption of a resolution to cancel the meeting. A proposed resolution is attached.

Attachment:

Proposed Resolution

City Manager's Recommendation: City Council discuss and consider the proposed resolution cancelling City Council's July 8 meeting.

Suggested Motion: I move to adopt the proposed resolution cancelling City Council's July 8, 2021 meeting.

City Manager: Steven L. Rosenberg

**RESOLUTION
OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
CANCELLING THE JULY 8, 2021
CITY COUNCIL MEETING**

Recitals

A. According to its July 1, 2020 resolution, Council established its regular meeting schedule for the period of July 2020 through June 2022;

B. Section 6 of Chapter II of the Charter for the City of Staunton provides that Council shall meet at such times as may be prescribed by ordinance or resolution provided that it hold at least one regular meeting each month;

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

D. Council has determined that it would serve the best interests of the City to cancel its July 8, 2021 meeting;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that its regularly scheduled July 8, 2021 meeting shall be and hereby is cancelled, with Council next reconvening at such time as may be designated by published agenda for such meeting, to be held at City Hall, 116 West Beverley Street, Staunton, Virginia; and that the Clerk of Council is directed to post an attested copy of this resolution at such location in City Hall where official notices are posted and to take such further actions as deemed appropriate to give notice of this change.

Adopted this _____ day of _____, 2021.

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	City Council
Item #	5	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Ordinance Increasing Number of Commissioners of the Staunton Redevelopment and Housing Authority	

Background: In 1961, the Staunton City Council created the Staunton Redevelopment and Housing Authority (SRHA) and appointed five members to the authority. Consistent with that action, the board of commissioners currently comprises five members.

Virginia Code Section 36-11 provides that the Staunton City Council determines the number of SRHA commissioners. The City Council may appoint between five and nine commissioners. The SRHA's Executive Director, Wanda Stevens, is requesting that Council increase the number of SRHA commissioners from five to seven.

The attached ordinance would permit the appointment of seven SRHA commissioners. Additionally, the attached ordinance would be codified into the Staunton City Code which provides a greater degree of accessibility and transparency to the general public.

Attachment:

Proposed Ordinance

City Manager's Recommendation: City Council discuss and consider the proposed ordinance increasing the number of commissioners from five to seven.

Suggested Motion: I move to adopt the proposed ordinance increasing the number of commissioners of the Staunton Redevelopment and Housing Authority from five to seven.

City Manager: Steven L. Rosenberg

Ordinance No. 2021 - ____

AN ORDINANCE TO ADD A NEW CHAPTER 2.63, REDEVELOPMENT AND HOUSING AUTHORITY, OF TITLE 2, ADMINISTRATION, OF THE STAUNTON CITY CODE, SPECIFICALLY NEW SECTIONS 2.63.010, EXISTENCE AND POWERS OF REDEVELOPMENT AND HOUSING AUTHORITY; 2.63.020, NUMBER OF COMMISSIONERS; 2.63.030, ELECTION OF CHAIR AND VICE CHAIR; AND 2.63.040, ANNUAL REPORT TO CODIFY PROVISIONS RELATED TO THE STAUNTON REDEVELOPMENT AND HOUSING AUTHORITY.

Recitals

A. Virginia law authorizes the existence of local housing authorities, providing in Section 36-4 as follows:

“In each locality there is hereby enacted a political subdivision of the Commonwealth, with such public and corporate powers as are set forth in this chapter, to be known respectively as the ‘ (insert name of locality) Redevelopment and Housing Authority’ (hereafter referred to as ‘authority’); provided, however, that any authority not now activated shall not transact any business or exercise any powers authorized under this chapter until or unless the qualified voters of such locality shall by a majority vote of such qualified votes voting in a referendum . . . ‘

“When the need for [a housing] authority in a city or county has been determined in the manner prescribed by law, the governing body of the city or county shall appoint not more than nine or less than five persons as commissioners of the authority. The governing body of the city or county may subsequently increase the number of commissioners of the authority to a maximum of nine.”

B. In 1961, the City of Staunton established a redevelopment and housing authority, and its membership has included five commissioners appointed by the City Council.

C. The Staunton City Code does not reflect the existence of the Staunton Redevelopment and Housing Authority, and, in a continuing commitment to clarity and transparency as reflected in the Staunton City Code as a resource for citizens and others, City Council has determined that the Staunton City Code should reflect provisions that explicitly reiterate the existence and function of the Staunton Redevelopment and Housing Authority.

D. The Staunton Redevelopment and Housing Authority is requesting that the number of commissioners appointed by the City Council increase to seven.

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia (Council) that a new Chapter 2.63, Redevelopment and Housing Authority, of Title 2, Administration, of the Staunton City Code is added as follows:

Chapter 2.63 Redevelopment and Housing Authority

Sections:

2.63.010 Existence and Powers of Redevelopment and Housing Authority.

2.63.020 Number of Commissioners.

2.63.030 Election of Chair and Vice Chair.

2.63.040 Annual Report.

2.63.010 Existence and Powers of Redevelopment and Housing Authority.

There exists and shall continue to be the Staunton Redevelopment and Housing Authority, a political subdivision of the Commonwealth of Virginia, which shall have all the powers as provided by general law of the Commonwealth of Virginia, including the power to operate housing projects, and be governed by commissioners.

2.63.020 Number of Commissioners.

The number of commissioners, to be appointed by the City Council, shall be seven , with terms of office as provided by general law of the Commonwealth of Virginia.

2.63.030 Election of Chair and Vice Chair.

The commissioners shall elect a chair and vice-chair as provided by general law and any bylaws adopted by the commissioners.

2.63.040 Annual Report.

The Staunton Redevelopment and Housing Authority shall prepare and file at least annually, on a fiscal year basis, a report with the Clerk of Council, who will transmit a copy of the report to members of Council and to the City Manager. The report shall have been approved by vote of the commissioners of the Staunton Redevelopment and Housing Authority and provide a description of the activities for the preceding year, including a financial statement and other information consistent with the requirements of general law of the Commonwealth of Virginia.

In all other respects, the provisions of Title 2, Administration, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Adopted:

Effective Date:

Expiration Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	City Council John Blair, II City Attorney
Item #	6	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	City Council Procedure Memoranda	

Background: The Staunton City Charter authorizes the City Council to establish rules of procedure. The City Council established a set of Memoranda of Procedure to memorialize its internal governance policies and procedures.

At the request of Mayor Oakes, the City Attorney examined the current Memoranda of Procedure to determine if any amendments or new Memoranda were necessary. At the Council's May 13, 2021 meeting, the Council also directed the City Attorney to compose a new Memorandum addressing electronic public participation in Council meetings. The following is a summary of the City Attorney's proposed amendments, new policies, and ordinances.

Amendments

Council Procedure Memorandum 2: These amendments clarify that the Community Leadership Resource Bank no longer exists and that only one type of application is necessary for consideration of appointment to a city board or commission.

Council Procedure Memorandum 3: This amendment clarifies that an agenda item proposed by a Council member will be placed on the next meeting's Work Session agenda.

Council Procedure Memorandum 4: These amendments are designed to make it clear that an applicant in a land use matter is not a participant in the public hearing process. Instead, the applicant makes a presentation before the public hearing, and the Council is permitted to ask the applicant as many questions as it likes about the proposal. Additionally, the amendments

clarify that the applicant's rebuttal time is not part of the public hearing.

Finally, there is a separate section that addresses Matters from the Public and incorporates the Mayor's Introductory Remarks before Matters from the Public which were approved by Council on April 8, 2021.

Council Procedure Memorandum 6: This amendment clarifies that a separate Council vote is not necessary for a Council member to abstain from voting to approve meeting minutes when a Council member was not present for the meeting.

New Memoranda

Council Procedure Memorandum 16: This Memorandum establishes that the City is the official custodian of Council members' emails for purposes of the Freedom of Information Act (FOIA), the process a Council member should follow upon receipt of a FOIA request, Council member charges for fulfilling a FOIA request, and the FOIA procedure a Council member should follow upon the completion of their service on Council.

Council Procedure Memorandum 17: This Memorandum provides a reference to each type of meeting that the Council conducts as well as the authorities that govern how the meetings are established. Additionally, it contains the language included in the Council's meeting schedule resolution which authorizes the Mayor to cancel a Council meeting in the event of hazardous conditions.

Council Procedure Memorandum 18: This Memorandum permits community member participation in public hearings and Matters from the Public through use of the Zoom platform.

Ordinances

The City Attorney drafted four proposed ordinances that also address the Memoranda of Procedure and Council meetings.

Staunton City Code Section 2.10.070: This proposed ordinance clarifies that the Council may cancel a regular meeting by a majority vote.

Staunton City Code Section 2.10.080: This proposed ordinance conforms the Staunton City Code with the Virginia State Code. The General Assembly amended the Virginia State and Local Government Conflict of Interests Act (COIA) to state that if a majority of a public body's members are prohibited from voting on a matter due to conflict of interests, the remaining members of the public body shall constitute a quorum. This proposed ordinance tracks the language of COIA.

Staunton City Code Section 2.10.095: This proposed ordinance establishes that Council has provided for its internal governance in Council Procedural Memoranda. A similar provision is found in the Harrisonburg City Code.

Staunton City Code Section 2.10.120: This proposed ordinance would permit Council members to abstain from voting on minutes of a meeting at which a Council member was not present without requiring a separate Council vote to permit the abstention.

Council member Proposals

On May 10, 2021, the City Attorney requested that Council members provide him with any proposed changes to the Memoranda of Procedure that they would like to discuss at the May 27, 2021 work session. The following is a summary of the proposed amendments provided by Council members:

Council member Mead

Council Procedure Memorandum 2: Council member Mead would like the following sections added to this procedure:

- (A) All Council members will disclose any personal or financial relationship a Council member has with a prospective appointee to a board or commission.
- (B) All board or commission applicants will be contacted by the Clerk of Council to acknowledge receipt of their applications.
- (C) The Nominations Committee will select a Council liaison to communicate with all chairs of city boards and commissions to ensure that each board or commission's needs are being met.

Additionally, Council member Mead would like to review Section 4 of Council Procedure Memorandum 2 as the practice of the Nominations Committee does not currently conform with the text of the document.

Council Procedure Memorandum 5: Council member Mead would like to amend the final sentence of the current Memorandum to read,

The City Manager shall have the authority to approve and submit the grant application on behalf of the City without submitting the same for review and approval to City Council, except in the following cases:

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

Council Procedure Memorandum 12: Council member Mead would like to add an additional sentence to the Memorandum to read,

- 4. If the Mayor expends any funds pursuant to Section 2 of this Memorandum, the Mayor will report the expenses to the City Council at the Council's next regular meeting.

Council member Dull

Supermajority Requirement: Council member Dull would like to have all Council Procedure Memoranda approved by a two-thirds or three-fourths vote to ensure that there is a broad Council consensus for each Memorandum.

Council Procedure Memorandum 2: Council member Dull would like to amend the final sentence in Section 4 to read, “A report from the Nominations Committee will be included in the Agenda materials distributed by the Clerk of Council to Council members on the Friday preceding the scheduled Council meeting.”

Council Procedure Memorandum 5: Council member Dull would like to see the same amendments to this Memorandum as Council member Mead.

Council Procedure Memorandum 12: Council member Dull would like to delete Section 2. Additionally, Council member Dull would like to include a provision which prohibits any Council member or group of Council members from obligating the city to expend public funds except through a briefing and vote of the full Council. Any expense obligated in any other manner would become the personal responsibility of any Council member or the Mayor.

Council Procedure Memorandum 14: Council member Dull would like to remove the two year requirement found in Section 1(C) of the Memorandum.

Council Procedure Memorandum 15: Council member Dull would like to remove “Application and acceptance of grant funds” from this Memorandum.

Vice-Mayor Robertson

Council Procedure Memorandum 4: Vice-Mayor Robertson would like to amend Council Procedure Memorandum 4 to state that each speaker during public hearings and Matters from the Public will be limited to three minutes. Additionally, he would like to limit the number of speakers at Matters from the Public to 10 individuals. Five of the individuals would be in-person participants and five of the individuals would be participants on the electronic communications platform. Vice-Mayor Robertson would also like for the Matters from the Public section to state that during the Council’s second regular meeting of the month, individuals who did not speak at Matters from the Public during the first regular meeting of the month will be given priority over individuals who did.

Finally, Vice-Mayor Robertson would like to add a period at the end of each Council meeting in which each Council member may have up to two minutes to address any comment made during the Matters from the Public portion of the meeting.

Mayor Oakes

Council Procedure Memorandum 2: Mayor Oakes would like to review the final sentence of Section 4. Like Council member Mead, she noted that the practice of the Nominations Committee does not conform with the text of Section 4.

Council Procedure Memorandum 3: Mayor Oakes would like to amend the second sentence in the third paragraph to read, “Such an invocation or moment of silence will be on a rotating basis, with each Council member electing which to observe and whether to defer to the next Council member in the rotation or another Council member.”

Council Procedure Memorandum 4: Mayor Oakes would like to make many of the changes proposed by Vice-Mayor Robertson regarding time limits.

Survey of Electronic Participation Practices in Other Localities

At the request of certain members of Council, Assistant City Manager Leslie Beauregard surveyed other localities and compiled details concerning electronic public participation practices across the state. A compilation of the survey results is attached to this agenda briefing.

Attachments:

Attachment 1—Proposed Amendments to Council Procedure Memoranda 2, 3, 4, and 6

Attachment 2—Proposed Council Procedure Memoranda 16, 17, and 18

Attachment 3—Proposed Amendments to Staunton City Code Sections 2.10.070, 2.10.080, and 2.10.120

Attachment 4—Proposed Staunton City Code Section 2.10.095

Attachment 5—Survey of Electronic Participation Practices in Other Localities

City Manager's Recommendation: Discuss the proposed new council procedure memoranda and ordinances, and amendments to existing council procedure memoranda, and provide guidance and direction to the City Attorney.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

COUNCIL PROCEDURE MEMORANDUM NO. 2

SUBJECT: Boards and Commissions — Applications and Appointments

- ~~1. The Nominations Committee will review periodically the Community Leadership Resource Bank form for the purpose of adding areas of interest and deleting those no longer applicable.~~
- ~~2.1.~~ Application forms will be available in the Clerk of Council's office and on the City's website to any resident who wishes to be considered for appointment to a City board, commission or committee. Applications will be filed with and maintained in the Clerk of Council's office.
- ~~3.2.~~ When an appointment is forthcoming on a board, commission, or committee, the Clerk's office will post a description of responsibilities approximately 60 days prior to the date of appointment on the City's website to encourage the submission of ~~additional~~ applications.
- ~~4.3.~~ The Nominations Committee will review all applications as part of its deliberations in the process of selection of appointees. A report from the Nominations Committee will be sent to Council, with the agenda materials, prior to the Council meeting.
- ~~5.4.~~ When possible, appointments will be made approximately 30 days prior to the expiration of the term of current members to permit orientation of new appointees and continuity of responsibilities.

~~REAFFIRMED AS MODIFIED: July 1, 2020~~

COUNCIL PROCEDURE MEMORANDUM NO. 3

SUBJECT: Agendas for City Council Meetings; Council Member Remote Participation for City Council Meetings

Agendas:

Anyone wishing to appear before City Council at a regularly scheduled meeting shall contact the City Manager to determine whether or not the item shall be placed on the agenda. If the Clerk of Council is contacted for this purpose, the Clerk shall relay the inquiry to the City Manager. The Manager will review all requests before deciding which items will be placed on the agenda. Each person shall be informed of the opportunity to appear before Council during “Matters from the Public.”

At each work session, the first agenda item will be “Approval of Agendas” for both the work session and the regular session meetings of Council. The Mayor or other presiding officer will entertain a motion for Council to approve the proposed work session and regular session agendas, with or without modification as identified in the motion. The Clerk of Council will poll each Council member on such vote and, if necessary, successive votes will be taken until there is Council approval of both agendas. With a vote for approval of modification, Council may amend its regular session agenda at the beginning of the regular session, again with the Clerk of Council conducting an individual poll on the vote of each member of Council.

At each regular meeting of Council, the first agenda item will be an “Invocation/Moment of Silence.” Such an invocation or moment of silence will be on a rotating basis, with each Council member electing which to observe and whether to defer to the next Council member in the rotation. Any invocation will be directed to Council and may be offered consistent with applicable controlling law. Any moment of silence may be introduced by the Council member with reference to a remembrance or thought of current or historic events.

There will be an agenda for each and every Council meeting, including work sessions, and no matters which are not on the approved agendas will be discussed unless deemed an emergency. Notwithstanding any prior action of Council to the contrary, Council members may contact the City Manager with any items desired to be on the agenda, if necessary. The proposed agenda items cut-off time will be at noon on the Friday two weeks preceding the Thursday City Council meeting. Agenda items proposed by Council members shall be placed on the following meeting’s work session agenda; ~~and~~ The proposed agendas and back-up materials will be transmitted to Council members by Friday afternoon prior to the meeting, absent special circumstances.

Agenda materials shall be compiled and delivered to the Clerk of Council by 12 noon on the Friday preceding the scheduled Council meeting for duplication and distribution, by whatever means as determined by Council (i.e., paper copies, electronically, etc.).

Member Remote Participation for City Council Meetings:

1. **Purpose and Applicability.** It is the policy of the City Council under this memorandum that individual members of the Council may participate remotely in Council meetings by electronic means as permitted by Virginia Code Section 2.2-3708.2, even in the absence of the Governor having declared a state of emergency, when there is a quorum physically assembled at one primary or central meeting location. For circumstances when the Governor has declared a state of emergency, such as has existed with COVID-19, the requirements of Virginia Code Section 2.2-3708.2(A)(3) must be satisfied. The purpose of this policy is to comply with the requirements of Section 2.2-3708.2 of the Code of Virginia to allow for and govern remote participation by one or more Council members in Council meetings by electronic communication means in general, outside of an extraordinary situation involving a Governor-declared state of emergency. All City Council proceedings pursuant to this policy shall be conducted in accordance with Virginia Code Section 2.2-3708.2 as that statute, a part of the Virginia Freedom of Information Act, may hereafter be amended. This policy shall apply to the entire City Council membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
2. **Quorum and Setting Required.** The City Council may consider a member's individual request for remote participation by electronic communication means only if a quorum of the Council is physically assembled at one primary or central meeting location, and there is an arrangement for the voice of the remotely participating Council member to be heard by all persons at such primary or central meeting location.
3. **Notice and Permissible Reasons for Electronic Participation.** Council member participation remotely under this policy shall only be allowed if: on or before the day of the meeting, the Council member notifies the Mayor or other presiding officer that the member's inability to attend is due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or due to a personal matter and the Council member identifies with specificity the nature of the personal matter; the Council member has not exceeded the limitation of remote participation of two meetings each calendar year; and the remotely participating Council member identifies the remote location.
4. **Approval.** Individual participation from a remote location shall be approved unless such participation would violate this policy or applicable law. City Council shall vote whether to allow such participation and, if approved, the Council's meeting minutes shall reflect the following: the remote location from which the member participated, even though the remote location need not be open to the public; if the basis for the remote participation is disability or medical condition, the fact of such; and, if the basis for the remote participation is a personal matter, the specific nature of the personal matter. Upon adoption of a motion to approve the Council member's participation by electronic communication means, the Council member shall be allowed to fully participate in the meeting by electronic communication means.
5. **Disapproval.** If the City Council votes to disapprove the Council member's remote participation because such participation would violate this policy or applicable law, such

disapproval shall be recorded in the Council's minutes with specific reasons cited under this policy and/or under applicable law for the disapproval.

REAFFIRMED AS MODIFIED: July 1, 2020

COUNCIL PROCEDURE MEMORANDUM NO. 4

SUBJECT: Speakers Appearing Before Council During Regular Meetings and Public Hearings

It shall be the policy of the City Council to require all speakers from the floor to come forward and speak into the microphone and give their names and addresses. Each speaker will be limited to 5 minutes. This announcement shall be made at the beginning of each Council public hearing~~meeting~~, when necessary.

Also, in a public hearing, the following procedure will be followed:

1. The business item will begin with a presentation by a staff member. The Council may ask the staff member any questions that it has about the item.

24. In a land use public hearing, the applicant will be asked if they wish to make a presentation to Council. If the applicant chooses to make a presentation, itAn applicant's presentation shall be limited to 5 minutes. After the applicant concludes their presentation, the Council may ask the applicant any questions that it has about the presentation.

32. The Mayor shall then open the public hearing. All persons speaking for or against shall be limited to 5 minutes and allowed to speak only if the point has not previously been made. Speakers at a public hearing may only speak about the subject of the public hearing. The Mayor shall close the public hearing after all persons wishing to speak for or against the item have been provided an opportunity to address the Council. After the public hearing is closed, no person in the audience may speak again on the item.

43. In a land use matter, the applicant will then be offered an opportunity to rebut or address any comments made during the public hearing. There shall only be one rebuttal by the applicant shall be, limited to 5 minutes.

5. At the conclusion of the applicant's rebuttal, the Council may ask the applicant or staff members any questions that it has about the item.

~~4. After the public hearing is closed, no person in the audience may speak again on the item.~~

A majority vote of Council may waive any of the limits set for the speakers or the applicant.

45 At each regular Council meeting, there shall be a period of time in the meeting titled
46 “Matters from the Public.” This portion of the meeting is for interested community
47 members to address the Council about public business. Before the beginning of “Matters
48 from the Public”, the Mayor shall read the “Introductory Remarks for Matters from the
49 Public” adopted at Council’s April 8, 2021 meeting.

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53 REAFFIRMED: July 2, 2018
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DRAFT

COUNCIL PROCEDURE MEMORANDUM NO. 6

SUBJECT: Abstention from Casting Vote

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Section 2.10.120 of the Code of Staunton provides that every member of Council present shall vote upon all questions that a vote must be taken, unless excused by the Council (unless the member has an immediate personal or financial interest in the matter). Requests by a member to abstain from voting or to announce the intention not to vote because of personal or other financial interest shall be made to the presiding officer of Council prior to the placing of the matter before Council for vote. Council need take no further action to allow the abstention in the case of a member's personal or other financial interest in the matter, consistent with the requirements of the Virginia State and Local Government Conflict of Interests Act. Additionally, a Council vote is not required to approve a Council member abstaining from a vote to approve meeting minutes of a meeting that the Council member did not attend. ; but Council shall consider the request for abstention for other reasons and may grant the request if a majority of the members present (excluding the member requesting) vote in favor of granting the request.

COUNCIL PROCEDURE MEMORANDUM NO. 16

SUBJECT: Freedom of Information Act (FOIA) Requests

1. For the purposes of complying with FOIA requests for Council member emails, the City shall be considered the custodian for all Council member email transmissions including those sent and received through the City network.
2. It shall be the policy of City Council that any and all FOIA requests made to a Council member shall be immediately directed to the City's FOIA Officer who will respond to the request and ensure compliance with FOIA.
3. A City Council member may waive reasonable charges related to their time accessing or searching for public records. No City Council member shall have the authority to waive other charges related to FOIA requests. Fees are calculated based on the amount of staff time required to search, access, redact, duplicate, and supply the requested records.
4. Upon the expiration of their term in office, a Council member shall provide electronically copies of all of their emails other than those sent and received through the City network and related to the transaction of public business on a thumb drive provided by the City's Information Technology Department. This thumb drive will be provided to the City's FOIA Officer. The City's FOIA Officer will use the copies to fulfill all further FOIA requests for Council member emails, and will maintain the copies in accordance with the Virginia Public Records Act.

COUNCIL PROCEDURE MEMORANDUM NO. 17

SUBJECT: Meetings

The Staunton City Council shall conduct three types of meetings: an organizational meeting, regular meetings, and special meetings.

Organizational Meeting: Beginning in January 2023, the Council shall conduct an organizational meeting every two years. The City Attorney shall call the meeting to order and conduct the election for a new Mayor to serve a two year term. The Mayor shall then preside over the remainder of the meeting which shall consist of the election of a Vice-Mayor, the adoption of a meeting schedule, a review and consideration of Council Procedure Memoranda, establishment of the Council Nominations Committee, and appointment of the Council Nominations Committee members.

Regular Meetings: Pursuant to Section 6 of the Staunton City Charter and Staunton City Code Section 2.10.70, the Staunton City Council shall hold its regular meetings on the second and fourth Thursday of each month at an hour and place designated by the City Council, except during the months of November and December, when there shall be no meeting on the fourth Thursday. The Council may, by a majority vote, cancel a regular meeting.

Special Meetings: Pursuant to Section 7 of the Staunton City Charter, the Mayor or any two members of the Staunton City Council may call a special meeting. At least 12 hours notice of the special meeting must be provided to each Council member of the special meeting. The notice shall contain the business to be transacted at the special meeting as well as the date, time, and place of the meeting. The notice must be personally served by electronic mail or left at the Council member's usual place of residence or business. The 12-hour notice requirement may be waived if all Council members attend the meeting or waive the notice requirement. No business shall be transacted at a special meeting except that for which the meeting is called unless all Council members attend the special meeting or give their written consent to transact business not contained in the notice.

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

1 **COUNCIL PROCEDURE MEMORANDUM NO. 18**

2
3
4 **SUBJECT: Electronic Citizen Participation in Public Hearings and Matters from**
5 **the Public**
6
7

8 The Staunton City Council permits the use of the City's Zoom platform to enable
9 interested individuals to participate in public hearings. Additionally, the City's Zoom
10 platform will be available for individuals to participate in the portion of City Council
11 meetings entitled "Matters from the Public."
12

13 During a public hearing and "Matters from the Public," the Mayor will ask the City
14 Manager to determine if anyone is on the Zoom platform before beginning the public
15 hearing or "Matters from the Public." If individuals are on the Zoom platform, the
16 Mayor shall proceed with the public hearing or "Matters from the Public" by alternating
17 between individuals who are physically present for the meeting and individuals
18 participating through the Zoom platform.
19

20 Individuals participating on the Zoom platform shall adhere to all rules, including time
21 limits, applicable to physically present individuals participating in the public hearing or
22 "Matters from the Public."
23

24 The City Manager or designee is authorized to end the participation of an individual on
25 the Zoom platform when the individual's time under the applicable time limit expires.
26
27

Ordinance No. 2021 - _____

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING
CHAPTER 2.10, CITY COUNCIL,
OF TITLE 2, ADMINISTRATION, OF THE STAUNTON CITY CODE
TO ESTABLISH WHEN CITY COUNCIL MAY CANCEL A REGULAR
MEETING**

Recitals

A. Section 15.2-1416 of the Code of Virginia provides that at its organizational meeting, a governing body shall establish the days, times and places of regular meetings to be held during the ensuing months;

B. Staunton City Council conducts its organizational meeting biennially at the first meeting during which new Council members are inducted, and at that time, Council adopts a resolution establishing its regular meeting dates for the next two years;

C. The resolution adopted by Council typically provides for the cancellation of the second regularly scheduled meeting of Council during the months of November and December, however it does not provide for the scheduled cancellation of any other meetings throughout the biennial;

D. The City Attorney has determined that the Staunton City Code merits amendment to codify the process by which City Council may cancel a regular meeting not previously contemplated in the adopted resolution;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Chapter 2.10, City Council, of Title 2, Administration, of the Staunton City Code is **HEREBY AMENDED, RESTATED, AND REORDAINED** to as follows:

2.10.070 When regular meetings held – Adjourned or postponed meetings.

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

DRAFT 5.12.21

The council may, by a majority vote, cancel a regular meeting provided that the council conducts at least one regular meeting each month in a calendar year.

In all other respects, the provisions of Section of Chapter 2.10, City Council, of Title 2, Administration, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:

Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council

Ordinance No. 2021 - _____

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING
SECTION 2.10.080, QUORUM, OF CHAPTER 2.10, CITY COUNCIL,
OF TITLE 2, ADMINISTRATION, OF THE STAUNTON CITY CODE
TO ALIGN WITH THE CODE OF VIRGINIA**

Recitals

A. It has been ascertained that Section 2.10.080, Quorum, of the Staunton City Code (SCC) merits amendment to align with the Code of Virginia;

B. Sections 2.2-3112 and 15.2-1415 of the Code of Virginia have been amended to provide that notwithstanding any other provision of law, if the disqualification of a local government officer who has a personal interest in a transaction leaves fewer than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the public body by majority vote;

C. The City Attorney has determined that the Staunton City Code merits updating to align with the Code of Virginia;

D. This matter has been properly heard, and considered; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 2.10.080, Quorum, of Chapter 2.10, City Council, of Title 2, Administration, of the Staunton City Code is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

...

2.10.080 Quorum

A majority of the members of the council shall constitute a quorum for the transaction of all business that does not require more than a majority vote of those present to determine. For the transaction of business requiring more than a majority vote of those present to determine, a quorum shall consist of such number of members as are required by law for the determination of such business.

If the Virginia State and Local Government Conflict of Interests Act prohibits a majority of the members of council from participating in a transaction, the remainder of council members shall constitute a quorum pursuant to Virginia Code Sections 2.2-3112 and 15.2-1415 as may be amended from time to time.

DRAFT 5.11.21

In all other respects, the provisions of Section 2.10.080, Quorum, of Chapter 2.10, City Council, of Title 2, Administration, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:

Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council

DRAFT 5.11.21

Ordinance No. 2021 - ____

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING
SECTION 2.10.120, MEMBERS REQUIRED TO VOTE – EXCEPTIONS,
OF CHAPTER 2.10, CITY COUNCIL,
OF TITLE 2, ADMINISTRATION, OF THE STAUNTON CITY CODE
TO FURTHER NOTE WHEN A COUNCIL MEMBER IS PERMITTED TO
ABSTAIN FROM VOTING**

Recitals

A. It has been ascertained that Section 2.10.120, Members required to vote - Exceptions, of the Staunton City Code (SCC) merits amendment to note that a Council member may abstain from voting on the adoption of Council meeting meetings if the Council member was not present at that meeting;

B. The City Attorney has determined that the Staunton City Code merits amendment to include this exception;

C. This matter has been properly heard, and considered; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 2.10.120, Members required to vote - Exceptions, of Chapter 2.10, City Council, of Title 2, Administration, of the Staunton City Code is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

...

2.10.120 Members required to vote - Exceptions

Every member of the council present shall vote upon all questions upon which a vote may be taken, unless excused from voting by the council. No member, however, shall be permitted to vote upon any matter in which he shall have an immediate personal or financial interest.

Notwithstanding the foregoing, any member of council absent from a meeting shall be excused from voting upon the adoption of that meeting's minutes.

In all other respects, the provisions of Section 2.10.120, Members required to vote - Exceptions, of Chapter 2.10, City Council, of Title 2, Administration, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:

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DRAFT 5.11.21

Effective Date:

Andrea W. Oakes, Mayor

ATTEST:_____
Morgan Smith, Interim Clerk of Council

DRAFT

DRAFT 5.12.21

Ordinance No. 2021 - _____

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING
CHAPTER 2.10, CITY COUNCIL,
OF TITLE 2, ADMINISTRATION, OF THE STAUNTON CITY CODE
TO ADD NEW SECTION 2.10.095, MEMORANDA REGARDING COUNCIL
ADMINISTRATIVE PROCEDURE**

Recitals

A. Section 15.2-1416 of the Code of Virginia provides that governing bodies shall have an organizational meeting;

B. Staunton City Council conducts is organizational meeting biennially at the first meeting during which new Council members are inducted;

C. City Council has established the practice of reviewing its procedure memoranda biennially at its organizational meeting;

D. The City Attorney has determined that the Staunton City Code merits amendment by addition of a new section to formally codify the process by which City Council will review its procedure memoranda;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Chapter 2.10, City Council, of Title 2, Administration, of the Staunton City Code is **HEREBY AMENDED, RESTATED, AND REORDAINED** to add Section 2.10.095, Memoranda regarding council administrative procedures, as follows:

...

2.10.090 Rules of procedure generally

...

2.10.095 Memoranda regarding council administrative procedures

At least once every two (2) years during the meeting at which newly elected members are inducted, as prescribed in Section 5 of the Charter of the city, and more often as seen fit, the council shall review previously approved memoranda of council administrative procedures and shall reapprove such memoranda, with any amendments, deletions or additions agreed to by a majority of the Council.

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DRAFT 5.12.21

In all other respects, the provisions of Section of Chapter 2.10, City Council, of Title 2, Administration, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:

Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council

INQUIRY:

1. Is your locality allowing the public to remotely participate in public hearings and public matters during Council meetings, via Zoom, the phone, or another platform?
 2. When did your locality start to do this?
 3. Did you have to make an investment in technology to accommodate this?
 4. For how many minutes is the public allowed to speak either in person or remotely?
 5. Do you plan to continue to allow this method of engagement once restrictions start to lift and especially after the Governor lifts the State of Emergency?
 6. If you plan to continue with electronic citizen participation after the pandemic, do you plan to allow individuals to participate in both public hearings and your citizen comment period? Or will you limit electronic participation to public hearings?
-

Rockbridge County

1. yes
2. April, 2020
3. Yes and no. We were able to do it in a patchwork way initially. We then upgraded our AV system to allow for better, more efficient interactions. We also upgraded our Zoom license.
4. Three minutes
5. We have not considered it yet.
6. I think that if we continue with remote participation (ie: taking comment) it will likely be limited to public hearings.

Prince George County

1. Yes, Zoom. And YouTube live. Conference phone line for VDOT and Board meetings.
2. April 22, 2020
3. Zoom subscription and one camera. Takes a new person to operate during Board meetings.
4. Four minutes.
5. Yes.
6. Allow citizens to comment live or via Zoom.

Gloucester County

1. During the time that the Board was meeting virtually, remote participation was allowed during public hearings via a phone line with the capability for citizens to leave a voice mail to be collected and played. Comments for public hearings and citizen comment portions of the meetings could also be

INQUIRY:

1. Is your locality allowing the public to remotely participate in public hearings and public matters during Council meetings, via Zoom, the phone, or another platform?
 2. When did your locality start to do this?
 3. Did you have to make an investment in technology to accommodate this?
 4. For how many minutes is the public allowed to speak either in person or remotely?
 5. Do you plan to continue to allow this method of engagement once restrictions start to lift and especially after the Governor lifts the State of Emergency?
 6. If you plan to continue with electronic citizen participation after the pandemic, do you plan to allow individuals to participate in both public hearings and your citizen comment period? Or will you limit electronic participation to public hearings?
-

submitted ahead of the meeting by mail, an online submission form and by the voice mail line. Since the Board returned to in person meetings, remote participation is still allowed by submission ahead of the meetings for citizen comment and public hearings through the same three methods. To comment during the actual public hearing, individuals must attend in person.

2. We opened the three methods in April 2020.
3. No, we had the available phone lines through our VOIP service.
4. 3 minutes.
5. Given the feedback from citizens, it is likely that the Board will allow these methods to continue after the lifting of the state of emergency but cannot say for sure at this point.
6. At this point the remote participation methods are open for submissions up to 4:30 p.m. on meeting day. Comments for citizen comment period and public hearings during the meetings must be made in person.

Town of Purcellville

1. Yes, via GoTo Meeting
2. April 2020
3. Minimal
4. 3 minutes
5. Yes
6. Both citizen comments and public hearings.

INQUIRY:

1. Is your locality allowing the public to remotely participate in public hearings and public matters during Council meetings, via Zoom, the phone, or another platform?
 2. When did your locality start to do this?
 3. Did you have to make an investment in technology to accommodate this?
 4. For how many minutes is the public allowed to speak either in person or remotely?
 5. Do you plan to continue to allow this method of engagement once restrictions start to lift and especially after the Governor lifts the State of Emergency?
 6. If you plan to continue with electronic citizen participation after the pandemic, do you plan to allow individuals to participate in both public hearings and your citizen comment period? Or will you limit electronic participation to public hearings?
-

Town of Leesburg

1. Yes, we are using Webex.
2. April 28, 2020.
3. Yes, we invested in licenses, laptops, cameras, headphones, and device configurations.
4. Five minutes. Group spokespersons may be allowed additional time.
5. TBD. We have not received direction from the Town Council on this issue.
6. TBD.

Town of Vinton

1. Zoom, with a request to the Clerk by close of business the day before the meeting is to be held. We also began showing the meetings via Facebook Live, fed directly through the zoom.
2. Immediately after the Governor's declaration last spring.
3. Only a paid subscription to zoom to this point, although we are installing a camera in Council Chambers to continue to show the meeting via facebook live once we return to in-person meetings (tentative for in-person return on July 6th).
4. 2 mins
5. No, those that wish to speak will be required to attend in person. Facebook will only be for viewing, not interacting
6. N/A

INQUIRY:

1. Is your locality allowing the public to remotely participate in public hearings and public matters during Council meetings, via Zoom, the phone, or another platform?
 2. When did your locality start to do this?
 3. Did you have to make an investment in technology to accommodate this?
 4. For how many minutes is the public allowed to speak either in person or remotely?
 5. Do you plan to continue to allow this method of engagement once restrictions start to lift and especially after the Governor lifts the State of Emergency?
 6. If you plan to continue with electronic citizen participation after the pandemic, do you plan to allow individuals to participate in both public hearings and your citizen comment period? Or will you limit electronic participation to public hearings?
-

Goochland County

1. Yes
2. March 2020 (pandemic declared)
3. Yes
4. 3 Minutes.
5. TBD
6. TBD

Town of Scottsville

1. YES.
2. April, 2020, with our Continuity of Government ordinance.
3. Yes, Zoom subscription, cameras and microphones. Only about \$300.
4. Unlimited, with chair's power to referee –we don't have a problem with too much comment.
5. YES.
6. We will strive to maintain the same level of digital access. This will probably require buying more microphones and hardware/software to assure good audio quality with increased in-person attendance.

Town of Vienna

1. We use Zoom for our Council and Board meetings
2. March 2020

INQUIRY:

1. Is your locality allowing the public to remotely participate in public hearings and public matters during Council meetings, via Zoom, the phone, or another platform?
 2. When did your locality start to do this?
 3. Did you have to make an investment in technology to accommodate this?
 4. For how many minutes is the public allowed to speak either in person or remotely?
 5. Do you plan to continue to allow this method of engagement once restrictions start to lift and especially after the Governor lifts the State of Emergency?
 6. If you plan to continue with electronic citizen participation after the pandemic, do you plan to allow individuals to participate in both public hearings and your citizen comment period? Or will you limit electronic participation to public hearings?
-

3. We upgraded our AV setup to include a PC, Audio/Video bridge to connect our Virtual PC to the Television Broadcast setup.
4. 3 to 5 minutes depending on the topic and number of residents who would like to speak.
5. Zoom is a good tool and most likely will remain afterward.
6. As we expect to continue to use Zoom after the pandemic, it is unsure of the policy change for participation.

Prince Edward County

1. Yes. The County still only allows remote participation.
2. March/April 2020
3. Yes.
4. Typically 3 minutes, at the discretion of the Chair.
5. This has not yet been discussed by the Board of Supervisors.
6. To be determined.

City of Harrisonburg

1. Yes, since going virtual we have allowed the public to participate in public hearings and for public comments via a call-in line. That is still the case, but currently because Harrisonburg City Council is still meeting virtually.
2. With the first virtual meeting, which would have been in April of 2020.
3. No, we utilized the existing A/V technology in our Council Chambers.

INQUIRY:

1. Is your locality allowing the public to remotely participate in public hearings and public matters during Council meetings, via Zoom, the phone, or another platform?
 2. When did your locality start to do this?
 3. Did you have to make an investment in technology to accommodate this?
 4. For how many minutes is the public allowed to speak either in person or remotely?
 5. Do you plan to continue to allow this method of engagement once restrictions start to lift and especially after the Governor lifts the State of Emergency?
 6. If you plan to continue with electronic citizen participation after the pandemic, do you plan to allow individuals to participate in both public hearings and your citizen comment period? Or will you limit electronic participation to public hearings?
-

4. Under public comment members of the public may speak for five minutes, “on topics not on the regular agenda”.
5. Haven’t yet discussed that, but I would guess our Councilors will want to keep that as an additional platform for public input.
6. Again, we haven’t discussed this yet, but I would guess that if we do allow it, it will maintain the same format as now, which is a person can use the call-in line for both public comment and public hearings.

City of Waynesboro

1. Yes, we allow comments by telephone for public hearings and citizen comment period.
2. Telephone call-in was made available during our first virtual meeting in April 2020 and has been available since.
3. The service is either free to us or provided at minimal cost. The service requires a computer interface on our end and the caller dials a toll-free number.
4. 4 minutes either way.
5. We’re uncertain. Call-in participation has dropped to almost none since we started meeting in person last month. The phone call-in setup we have used is a little clunky, especially for calling into a live meeting, so if we do continue, we will consider upgrading the system.
6. I would imagine either.



CITY OF STAUNTON, VIRGINIA

Proclamation

Ms. Virginia Senior America 2020

WHEREAS, Lilchy Huffman is a 12th generation Virginian and a proud descendent of early leaders of the United States; and

WHEREAS, Ms. Huffman is an honored citizen of Staunton who finds nothing more beautiful and special than the Blue Ridge Mountains, the Shenandoah Valley and her beloved Virginia; and

WHEREAS, as an educator and volunteer, Ms. Huffman has provided tremendous service to her community as a mentor and role model to area pageant participants; and

WHEREAS, selected once again by Senior America as Ms. Virginia Senior America, Ms. Huffman graciously exemplifies the dignity, maturity and inner beauty of all senior Americans; and

WHEREAS, Ms. Huffman represents the Commonwealth of Virginia and the City of Staunton with great passion.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council that the City of Staunton, Virginia honors Lilchy Huffman on the occasion of her selection as Ms. Virginia Senior America and wishes her great success during her tenure.

Dated this 27th day of May, 2021

ANDREA W. OAKES, MAYOR

ATTEST: _____
INTERIM CLERK OF COUNCIL

SPECIAL MEETING OF STAUNTON CITY COUNCIL
Wednesday, May 12, 2021
2:30 p.m.

PRESENT: **Mayor Andrea Oakes**
 Mark Robertson, Vice Mayor
 Stephen W. Claffey
 Amy G. Darby
 Carolyn W. Dull (remote participant)
 R. Terry Holmes

ALSO PRESENT: **Leslie Beauregard, Assistant City Manager**
 Morgan C. Smith, Interim Clerk of Council
 Jon Venn, Chief Human Resources Officer

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

Mayor Oakes stated “On May 6, 2021, I received a request from Councilor Dull to participate remotely in the May 12, 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.”

Mr. Claffey said “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Dull to remotely participate in the May 6, 2021 Staunton City Council meeting due to a temporary disability/medical condition.”

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

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

Vice Mayor Robertson moved that Council enter a closed meeting for discussion and interviews of prospective candidates for employment or appointment as clerk of council, pursuant to Virginia Code Section 2.2-3711(A)(1).

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

49	Mr. Holmes	aye	Mayor Oakes	aye
50	Mr. Claffey	aye	Vice Mayor Robertson	aye
51	Ms. Dull	aye		
52	Ms. Darby	absent		

53

54 Ms. Darby arrived at 2:40 p.m.

55

56 Vice Mayor Robertson moved that Council reconvene in an open meeting and certify to the best
57 of each member's knowledge that only lawfully exempted public business matters were discussed
58 and that only public business matters as identified in the closed meeting motion were heard,
59 discussed or considered in the meeting.

60

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

62

63	Mr. Claffey	aye	Vice Mayor Robertson	aye
64	Ms. Dull	aye	Mr. Holmes	aye
65	Ms. Darby	aye		
66	Mayor Oakes	aye		

67

ADJOURNMENT

68

69 There being no further business to come before Council, the meeting adjourned at 4:59 p.m.

70

71

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74

75

Morgan C. Smith
Clerk of Council

City Council
WORK SESSION
May 13, 2021
5:15 p.m.

Council Members Present: Mayor Oakes, Vice Mayor Robertson, Council Members Claffey, Darby, 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. The public may also livestream video of City Council work sessions and regular meetings. Instructions for accessing the meetings can be found on the City's website at www.ci.staunton.va.us/council.

Mayor Oakes stated "On May 6, 2021, I received a request from Councilor Dull to participate remotely in the May 13, 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."

Mr. Claffey said "Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Dull to remotely participate in the May 13, 2021 Staunton City Council meeting due to a temporary disability/medical condition."

The motion was seconded by Vice Mayor Robertson 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.

1. Consideration of Work Session and Regular Meeting Agendas

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

Ms. Mead moved to approve the Work Session agenda and Regular Meeting agenda as presented.

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

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

2. **Community Action Partnership of Staunton, Augusta and Waynesboro Annual Report FY 2020**

Anna Leavitt, Director of the Community Action Partnership of Staunton, Augusta and Waynesboro (CAPSAW), stated that CAPSAW combines federal, state and local contributions from Staunton, Augusta County and Waynesboro to provide services supporting low- and moderate-income families in the region. The decisions about which programs to fund are locally driven and determined by local needs. The CAPSAW Board of Directors reviews and selects funding recipients. Once selected, those programs provide quarterly and annual reports and participate in site visits and desk audits. When the COVID-19 pandemic hit, CAPSAW began directly responding to that crisis by working closely with the COVID Response Team facilitated by the Community Foundation. CAPSAW helped the Response Team assess and prioritize local needs. The CARES Act gave them an additional \$299,000 in federal funds to allocate in support of community COVID response needs and they have those funds through September 2022. In addition, through the CARES Act, income eligibility for CAPSAW funded services was raised. Now CAPSAW can fund people who are up to 200% of the federal poverty line. What that means is that previously CAPSAW could only fund services for people making 125%, which is roughly \$32,000 a year for a family of four. With the new expansion, CAPSAW services can be provided to those making \$50,000 to \$52,000 a year. That is a substantial increase in eligibility for people in the locality. CAPSAW also coordinated with the Community Foundation to develop their reporting processes for the CARES Act dollars received for distribution from the City of Staunton and Augusta County. Currently CAPSAW has been able to provide more than \$469,000 in funding to other programs, including Salvation Army branches, the Arrow Project, Valley Mission, New Directions, Valley Program for Aging Services and others. Over 3,000 people have been served through the CARES Act funding and the regular funding pool. Ms. Leavitt stated that Council would learn more about CAPSAW by actually hearing from one of the agencies that had been supported, so she introduced Sabrina Burress, co-founder of the Arrow Project.

Ms. Burress stated that the Arrow Project was founded in 2018 by Charles Shepherd and herself. Together they have 15 years collectively working in for-profit mental health. Since their founding, they have staffed over 18 different pilot programs in the City of Staunton, Waynesboro and Augusta County. They offer unique mental health specific programs through partners such as the Staunton YMCA, Boys and Girls Club of Staunton and of Waynesboro, Shenandoah LGBTQ Center and many others. As the pandemic began to shift lives and the way people had to navigate their every day lives, one of the things the Arrow Project knew would be a challenge would be how to continue the conversation of mental health. How were they able to continue to support community members? Through the funding of CAPSAW and the Community Foundation, over \$100,000, the Arrow Project was able to create virtual check ins, services specific to older and aging adults and programming for marginalized populations. They have been able to continue growing their programming and hope to expand to the school systems in FY 2022.

Mayor Oakes asked if Council had any questions or comments.

Mr. Holmes asked if the Arrow Project helped people find jobs, job training or try to put people in jobs. Ms. Burress replied that they specifically work with people in the mental health field. They do some internships with students who are not on the path to become behavioral health specialists. But most of their workforce development center on those who are interested in clinical work.

Vice Mayor Robertson stated that he spoke with a citizen from the West End that told him that children with a mental issue are unable to get into a mental health facility in the area and may instead be taken to Lynchburg or Richmond without their parents. He wondered if CAPSAW and the Arrow Project could help with that kind of situation. Ms. Burrell replied that she was actually very familiar with the situation. She stated that the youth facility that is in the City of Staunton is a state facility and very different from the inpatient facilities where a child would be sent. Vice Mayor Robertson stated that he and Ms. Darby told the West End citizen that they would try to reach out to Representative John Avoli to get the conversation going. Ms. Burrell stated that instead of funding an inpatient facility in Staunton, what is needed is prevention care and support. The child is better served in their community.

Mayor Oakes asked where the Arrow Project would be if they did not receive funding from CAPSAW. Ms. Burrell replied that a lot of the Arrow Project's initial pilot programs have been done for free for the community. When the COVID-19 pandemic happened, they began looking for unusual funding, like CAPSAW and the Community Foundation, so that they would be able to pay more staff and be able to offer more programming.

Ms. Leavitt responded to Mr. Holmes' question regarding job training and placement. She said that several agencies that CAPSAW funds do specifically work with employment and that restaurants are specifically mentioned that places where citizens at Valley Mission or those working with Blue Ridge Court Services are able to find work.

Ms. Mead asked if Ms. Leavitt believed that the efforts to support stay in place housing for the elderly was sufficiently well coordinated. Ms. Leavitt said no. She stated that it was similar to the mental health issue for children. It is a regional issue that housing is unaffordable for those in the low- to middle-income ranges and there are organizations that are working on the problem.

Council members did not have any further questions.

3. Office on Youth Annual Report FY 2020

Ginny Newman, Executive Director of the Central Shenandoah Valley Office on Youth, presented the annual report for fiscal year 2020 based on the OOOY 2020-2023 Strategic Plan. Ms. Newman stated that there were three goal areas based on the Strategic Plan: program goals, organizational goals and process goals. OOOY provides life skills training and a teen project program. The programs provide teens the skills and knowledge to reach their highest potential. They had a goal of five students for life skills and they were able to serve four. For teen projects, their goal was 15, and they were able to serve 12. Check and Connect is OOOY's truancy prevention program and they also have family life education. Pre-COVID, OOOY reached the full number of caseloads for the truancy prevention program pre-COVID. There is only one staff member for the program and they were able to reach almost 30 students. Even through the shutdowns of the schools, staff were able to maintain contact with as many of the youth as possible. Of those students 68% had improved their attendance from the previous year and 60% improved their grades. The movement to virtual learning became more difficult for those students that tended toward truancy, so OOOY helped about five or six towards a GED, work track and certifications. Some students, with parent acceptance, just dropped the program entirely. The OOOY family life education program served 81% of the scheduled youth before the shutdowns occurred. The office offers five parent programs and almost all goals were met. They were able to serve 201 parents prior to COVID. The programs had to stop because they were in person, mostly in churches. They had to only stop programs for two months

and during that time staff received certifications to make the courses available virtually. All parents who were registered prior to the shutdown were able to make up missed work and continue on with all of their classes. Essentially the OOH served over 220 parents and were able to provide timely responsive services to the 25th District Juvenile courts. They served 30 youth on home electronic monitoring and 43 youth with detention alternates. Staff continued outreach, curfew checks and surveillance. With anyone that is on electronic monitoring, staff visit them at least four times a week.

A new goal for the OOH is to stop the need for students to have to go to court when they are truant. When a student reached 10 days, instead of being referred to court, they would be referred to a multidisciplinary team for help. Lack of cooperation would be the only reason a student would end up in court. Another program that OOH is working on is to provide family life education to PE teachers in the schools. The reasoning is because the funding for OOH ebbs and flows drastically for pregnancy prevention efforts, PE teachers are the ones that are the first line in schools to teach the topic. OOH has completed a single curriculum for Staunton and Waynesboro in family life education for fourth through tenth grade that was to be launched in the 2020-2021 school year. Unfortunately, family life was not completely approved in a virtual format.

Part of OOH's process goals is to continuously review and improve program implementation, so they will continue to work with schools to work towards making a full evidence-based family life education curriculum for the local schools. During COVID pandemic staff were able to participate in additional trainings and webinars. Staff were also able to work with the school systems to distribute meals, masks and parenting tips. They maintained continuous updates to their website and social media channels with local resources and information. OOH worked with the Arrow Project to get mental health information out to parents on how to talk to their children about COVID and the shutdowns. Staff developed online videos for parenting tips and tricks to make it through as everything kept pivoting and turning. OOH also helped with the distribution of clothing and hygiene products to low-income youth and their families.

Ms. Newman ended her presentation stating that through the COVID pandemic her staff was very busy and she was very proud of her team for making those shifts to the situations quickly.

Mayor Oakes asked if Council had any questions or comments.

Mr. Holmes asked if the program covered students up to 17 or 18. Ms. Newman replied that the majority of their programs serve youth aged 12 to 18, but they do have a few 19-year-olds who are still in high school. As for parenting programs, OOH serves parents and guardians who have children in their care from birth through age 18. Mr. Holmes asked that when Ms. Newman said some students dropped out, she meant they dropped the program, not out of school. Ms. Newman confirmed that the students just dropped out of the program.

Ms. Darby stated that having worked with the OOH, CAPSAW and Ms. Burrell, the community is very fortunate to have these agencies and the work they do because they are a benefit to many of the citizens and youth.

Council members did not have any further questions.

4. Presentation of Quarterly Financial Report

Phil Trayer, Chief Finance Officer, stated the year-to-date revenues posted thru March 31, 2021 total \$39.7M or 59.8% of the annual appropriation. In FY 2020 through the 3rd quarter, posted revenue were \$36.7M or 58.1% of the annual appropriation. Even though the City is 75% through the fiscal year 59.8% is a little above normal given the timing of major revenue sources such as Real Estate Tax which historically skew these percentages. In addition, COVID revenues received by the City have been appropriated and posted which have also skewed dollar and percentage variances.

Local Taxes of Interest:

- Sales Tax up \$36,000 over same time last year or \$594,000 ahead of forecasted budget
- Meals Tax down \$180,000 over same last year yet \$630,000 ahead of forecasted budget, currently the City is trending close to 2019 levels in this area
- Lodging Revenues are down \$239,000 over same time last year and \$100,000 below forecasted budget, currently the City is trending at 2017 levels in this area

On the expense side the City has posted \$44.1M of expenses or 66.5% of the annual appropriation. From a percentage basis, this is fairly consistent with prior year expenditures as by the end of the third quarter in FY 2020 the City had expensed \$41.3M or 65.5% of the annual appropriation. On a dollar basis the City is looking at an additional \$2.7M over FY 2020, the vast majority of this variance can be attributed to the expense of CARES Act funds. This is roughly the same amount reported at the last quarterly update.

The golf course has posted revenues through March 31, 2021 of \$127,170. There are 15 paid golf memberships, made up of seven seniors and eight members of the Riverheads High School Golf Team.

- Golf rounds = 7,520 rounds with 3,683 coming from the Staunton Zip code or 49% of the total rounds played in FY2021 through March 31
- Operating expenses total \$65,581
- Prorated overhead allocations for 9 months = \$219,491
- Debt Service postings are finished for the year and equal \$29,081 for a net loss after overhead allocations and debt of \$186,983
- In FY 2020 the course had posted revenues of \$88,000
- Operating expenses of \$79,510
- Overhead allocation of \$241,191
- Debt Service \$27,802 for a net loss of \$260,739
- Golf Rounds 6,450 in FY 2020 and 3,738 in FY 2019

The City will receive just under \$13M in support from the American Rescue Plan. Guidance was received earlier this week and staff and auditors are reviewing the documentation and will look to provide additional insight to Council in the coming weeks. Funds are to be spent by December 2024, except for infrastructure. Those costs need to be obligated by December 2024 and spent by December 2026.

Mayor Oakes asked if Council had any questions or comments.

Vice Mayor Robertson stated the he noted that the City was fairly below the forecasted meals tax. He asked if that was because many restaurants are not able to get employees right now. Mr. Trayer stated that this is through March. And he said comparing to last year, same time was when COVID actually took hold, so it is an apples-to-apples comparison. He said that the City is still well ahead of forecasts and the City is at 2019 levels right now.

Council members did not have any further questions.

5. Ordinance to Amend the FY 2021 Budget for the City of Staunton by Adding Budget Amendment Number Five

Mr. Trayer stated Budget Amendment No. 5 totals \$5,129,104 and is broken out between the City and Schools as follows:

City portion = \$838,877

School portion = \$4,290,227

The majority of Budget Amendment No.5 is centered around the receipt of additional state and federal support received by Staunton City Schools as well as the recognition of earned interest on the High School Bond proceeds which exceeded the original budget amount of \$300,000. These funds are proposed to provide the funding of the Staunton High School Tennis Court project located at Montgomery Hall Park.

The City portion of the amendment totals \$838,877. Item 1 on the budget memo outlines the General Fund portion of the City's Budget Amendment which totals \$195,346 and includes the following:

- \$123,607 for Street Maintenance. This amount is a carryover of FY 2020 state funds which are being rolled over into FY 2021.
- \$32,275 for Police recruitment and retainage program – This amount is being recognized in FY 2021 as the funds have been received. This amount will be carried into FY 2022 to support the salary adjustment for the Police Department which has been incorporated into the FY 2022 Budget.
- \$20,000 from the U.S. Marshals Service for joint task force operations. This award has been received in previous years and the monies are used to assist in the capture of fugitives with outstanding warrants.
- \$19,464 for newly awarded grant, insurance recoveries and the recognition of donations. This includes the \$11,000 in horticulture grants, a \$2,000 CAPSAW Library Award for a circulation laptop, and a VRSA Grant award for AED and Air Monitors as well as \$3,700 in insurance recoveries.

Item 2 – The Grant Fund credit of \$1,330 is a reclassification of the Forestry Grant appropriation into the General Fund to match up with where the actual expenditures occurred.

Item 3 – appropriation request for a Blue Ridge Court Services grant award of \$101,158 from the Department of Criminal Justice Services for a Pre-Trial Expansion Grant. Council voted to authorize this grant on February 25, 2021.

Item 4 – CIP Fund appropriation of \$119,302 for additional revenue received from the Commonwealth of Virginia Department of Transportation for street paving. This money was received in late 2020.

Item 5 – Water Fund appropriation of \$15,793 for insurance recovery for a damaged pump, a damaged vehicle and a grant award from VRSA for AED and Air Monitors.

Item 6 – Environmental Fund, a \$372 credit appropriation to true up to the actual amount of the Litter Control grant.

Item 7 – Bond Fund appropriation of \$408,981 is to recognize the amount of interest received above the budgeted amount from the High School bond fund.

General Fund appropriations discussed above grouped by funding source:

- Street Carryover of \$123,000
- Insurance Recoveries & Donations of \$3,697
- Additional grant funding \$68,042
 - A US Marshal Services \$20,000
 - Police Recruitment and Retainage \$32,300
 - Susan Blackley Horticulture Grant \$10,000

As part of Council's approval of the Staunton High School construction project the City utilized state sponsored bond proceeds via the Virginia State Non-Arbitrage Program or (SNAP). Under this program, bond proceeds which have been issued on behalf of localities and school systems and have not been drawn down for expense reimbursements, are managed and invested by a financial manager selected by the state in highly rated short term investment money market funds. Once the City applies for, and receives bond monies, the entire amount is funded into an investment account controlled by PFM Fund Distributors, Inc. and these monies are invested in state approved money markets based upon draw down estimates provided by the City in its bond application. Proceeds of these investments are considered tax exempt provided the locality meets spend down threshold provided by the state and the City needs to spend the money on qualified expenses which in this case, is the high school project.

The benchmarks are as follows:

- 10% of the bond proceeds must be spent in first 6 months
- 45% of the bond proceeds must be spent in first 12 months
- 75% of the bond proceeds must be spent in first 18 months
- 100% of the bond proceeds must be spent within 24 months

The City met these benchmarks and as a result have been issued a determination letter from SNAP which allows the City to recognize the full amount of the interest earned on these proceeds. As mentioned, the Schools have proposed to use these funds for the Staunton High School Tennis Court project located at Montgomery Hall Park as well as \$48,000 for furniture at the high school.

Schools

Appropriation requests within the Education Fund:

- State Homebound Funding – \$1,525

- School Improvement Grant for the Middle School – \$30,000
- VISION Grant Award – \$190,884
 - these funds, combined with the original award of \$197,135, are being used to improve and expand the School’s virtual teaching capacity.
- Elementary and Secondary School Emergency Relief Funds – \$2.8M.
 - \$1.1M of the proceeds are being used for remedial staffing to bolster student learning after being in a 100% virtual environment for most of FY 2021
 - \$399,000 for Instructional Software
 - \$394,000 for computer hardware
 - \$254,000 in HVAC upgrades in multiple buildings
 - \$605,000 for data line, vehicle replacement, curriculum development, and supplies.
- VRSA Grant for Dixon Center Fence – \$3,800
- CARES Act Set Aside Funds from the state – \$9,059
 - to be used for Special Education equipment – Therapy Robot
- Virginia Statewide Partnership for School Mental Health grant – \$7,000
- Insurance Recovery for Damaged vehicles – \$4,937
- Bessie Weller Thacker Fund – \$10,500
- Equity First Fund Donations – \$2,550
- Donations for School Supplies – \$100
- Timothy Alden Edwards Foundation Donation – \$1,775
- Fund Balance to Fund a CIP Transfer – \$710,819.
 - This entry is the second half of the CIP appropriation approved by Council in December.
 - CIP Funds – \$43,819 for School Security Grant to be used at Bessie Weller and Shelburne Middle School for Radios, Cameras, and Badge Readers.
 - \$361,700 for the High School Tennis Court project
- State Operated Programs Fund – \$124,312 to recognize additional support provided by the State for additional instructional Salaries and Benefits and Tutoring\
- School Cafeteria Fund – \$25,920 of ESSR II Funds to support the additional staffing required with an expanded summer school program and \$760 for donations received to support the Food Service Operations.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

6. **Update on 2018 Virginia Dam Safety, Flood Prevention and Protection Assistance Grant—West Beverley Corridor**

John Glover, Building Official and Floodplain Administrator, stated that the flood study was funded by the Virginia Dam Safety Flood Protection Assistance Grant and Council was originally briefed on March 22, 2018 and again on June 13, 2019. A portion of the floodplain in the City between approximately 139 Park Boulevard to the intersection of West Beverley Street and then to Morris Mill was designated by the Federal Emergency Management Agency (FEMA) as Flood Zone A. The rest of the floodplain in the City is designated as Zone AE. Zone A is a mapped floodplain but no real data is given, no base flood elevations, nor any sort of information was given. Someone living in this zone was given higher insurance premiums. It also created challenges to redevelopment and development of properties because there was no data to work on

to make sure properties could be elevated above the floodplain. As part of this study, staff knew that some of the floodplain would change.

At Council's meeting on March 22, 2018, it was unanimously authorized staff to apply for the grant which required a local match of 50% and for that match not to exceed \$75,000. The City was awarded the grant on August 1, 2018 and a contract was awarded to the Timmons Group to perform the study and it commenced on January 2019. Staff approved the draft study on May 23, 2019. Staff had also met with the West End Alliance on March 12, 2019 to provide updates on the progress of the study. In the summer of 2019 Timmons submitted to FEMA a letter of map revision. It usually takes six to nine months for FEMA to amend the flood maps, but there was a delay because of COVID-19 pandemic. The maps were updated as of March 30, 2021. The results were a removal of 35 properties from the floodplain and 16 new properties were added. There is a total of 119 properties in the study area. Property owners whose properties remain in the floodplain will now have better data to facilitate a possible letter of map amendment to remove them from the floodplain or an elevation certificate so they can reduce their flood insurance premiums.

Total cost of the project was \$129,430 and the city has been reimbursed \$64,715 through the grant.

Mayor Oakes asked if Council had any questions or comments.

Ms. Mead asked if Mr. Glover's staff was prepared to provide information to citizens who are going to try and process their way through letters and the things that they need to do to make changes to their flood insurance premiums. Mr. Glover replied that his team always do that. On April 20 they sent letters to all of the property owners that were affected by these changes, asking them to contact the City if they had any questions or needed assistance. Typically, this assistance is done by a surveyor, but the City always provided assistance when asked.

Mr. Claffey asked for Mr. Glover to repeat the number of properties affected. Mr. Glover replied that 35 properties were removed from the floodplain, 16 were added, with a total of 119 in the whole area.

Mr. Holmes asked if this study provided any recommendations about things that could be done to mediate some of the floods. Mr. Glover replied that was not the goal of this study. This study was to better map the floodplain.

Vice Mayor Robertson asked for Mr. Glover to repeat the amount that the City was reimbursed. Mr. Glover replied that the total cost was a little over \$129,000 so the city was reimbursed a little over \$64,000, a 50% match. Staff had been told not to exceed \$75,000 and the amount spent did come in under that.

Council members did not have any further questions.

7. Council Procedure Memorandum No. 3 Amendments

City Attorney John Blair stated that he wanted to go over the basics of the Freedom of Information Act (FOIA) and how it relates to Council Procedure Memorandum No. 3. FOIA allows public bodies, of which City Council is one, to establish policies that allow remote participation by members of the public body in a meeting. There are two categories that the FOIA at the state level divides these remote participation opportunities. One is for personal matters and would be

something along the lines of going out of town. The Freedom of Information Act allows if there is a policy—as Council has with Memorandum No. 3—each Council member two personal matter remote participation meetings per year. However, the other category that FOIA provides for is an illness or a temporary or permanent disability/medical condition or a temporary or permanent disability. FOIA does not limit remote attendance if they are in the policy. The current Council memoranda does not differentiate between the two categories so remote participation is capped at two instances. Mr. Blair proposed an amendment to the memorandum to allow for both FOIA categories and the manner in which they are intended.

Mayor Oakes asked if Council had any questions or comments.

Mayor Oakes stated that Council was considering this amendment in order to be in line with the state and that Mr. Blair was not looking for a vote as the topic was not on the regular meeting agenda. Mr. Blair confirmed that was true.

Council members did not have any further questions.

8. **Remote Participation in Council Meetings**

City Manager Steve Rosenberg stated that this item was on the agenda at the request of Council member Holmes. Mr. Holmes stated that he thinks Council needs to reinstate the ability for citizens to call in for public hearings and matters from the public. He added that he would like remote participants to have the same rules as those participants that would speak in person.

Mayor Oakes asked for clarification that Mr. Holmes was not asking for the uncodified emergency ordinance to be considered for reinstatement. Mr. Holmes confirmed that he was only suggesting citizen call in for public hearings and matters from the public.

Ms. Mead stated that she would ultimately like to see Council go much further than just having citizen participation via phone. Since the City invested \$200,000 in technology to upgrade the Rita S. Wilson Council Chambers, she would like for citizens to be able to have expanded access to the meetings. She asked that Chief Technology Officer Kurt Plowman present a summary of the new capabilities.

Mr. Rosenberg stated that if Council desired to proceed with remote participating, staff was already discussing using the tools in Zoom rather than having a separate phone line as was done previously. Mr. Plowman stated that at the beginning of the pandemic they quickly realized that the system that was in place would not be sufficient to handle the integration with Zoom and other technologies. The 30-year-old audio system in chambers and the Caucus Room were woefully in need of repair and replacement. With the \$200,000 from the CARES Act, it was budgeted to get a brand-new audio system. All the audio—speakers, microphones, audio processing—went from an analog system to a digital system, which offers more capabilities to connect with newer devices and technology. Also installed were the four large monitors, a projector and two video cameras. There is a camera in the back of chambers that is aimed on the dais and a camera behind the dais that is aimed on the presenter. People who are participating via Zoom are able to see the dais, the presenter and any presentations that may be given. The new audio and video are controlled through touch screen panels at the Clerk of Council's desk and over near the City Attorney so that staff can control what is going on via Zoom and the audio. As has been done in the past, the audio from

meetings is broadcast on the government access channels on both Comcast and Shentel. A goal for the future is to be able to get video out to the access channels.

A participant on the Zoom platform, whether it be via computer or phone, would be able to see the same presentations that Council sees as well as the dais. Zoom has finally integrated a closed captioning system, so hard of hearing participants would be able to view as well. If citizens were able to participate remotely, they would be able to the raise hand feature in Zoom to notify staff that they would like to speak, and those who do not have access to a computer or smart phone can still call in via Zoom and will have the raise hand feature. Zoom would become the platform for all communications for the public.

There have been some upgrades in the Caucus Room as well. The microphones have been replaced with a large ceiling panel microphone, a webcam has been installed, and a large SMART board is on its way. Mr. Plowman stated all of the upgrades came in about 10% under budget.

Mr. Claffey asked when staff works on getting video to the access channels, would they get picture first and then go to Zoom or just skip directly to Zoom. Mr. Plowman clarified that Zoom is already in place, but that the video stream coming off of the system is going through an encoder that would then be broadcast to Comcast and Shentel. There are currently some glitches connecting to their systems because now the City's system is more advanced. Mr. Claffey asked when Mr. Plowman thought this would happen. He responded that he was hoping two months ago. However, currently staff is working on getting the in-room experience and Zoom content as strong as possible to make the workflow better.

Mr. Rosenberg asked Mr. Plowman to confirm that a citizen is able to click on a link on the City website and actually watch a video feed of the meeting. Zach Henry, Systems Engineer, confirmed that citizens are able to connect to the Zoom meeting via the City Council website. Audio is still available through the cable access channels.

Ms. Mead asked Mr. Blair if City Council had to establish an ordinance or law that says citizens can participate in this manner. Mr. Blair advised that Council could adopt a procedural memorandum. He stated that if Council is going to allow remote participants, that it would be more appropriate to allow remote participation in public hearing, which are required, then matters from the public. He was not suggesting not to include matters from the public, but that public hearings are required. Ms. Mead replied that she would like to see that procedure memorandum drafted. Vice Mayor Robertson asked if they could take a further look at that drafted memorandum at the next meeting on May 27, 2021. Mr. Blair asked if Council wanted to address both public hearings and matters from the public. Mr. Holmes stated that he would like it for both. Mayor Oakes stated that since Council would already be discussing all of the procedure memoranda on May 27, it would be a good time to review the draft. Ms. Mead stated she would like to see a vote earlier rather than later. Mr. Holmes concurred. Mayor Oakes stated that it was her belief to go over all of the memoranda at the same time and then vote on them at the following meeting, the first meeting in June because there might be some additional considerations by other members of council. Ms. Mead said that she would like to know what some of those additional considerations might. Mayor Oakes stated that as Mr. Blair had sent out an email asking for Council to consider the different procedure memoranda, she was sure that council members would be happy to provide and discuss their future considerations for the procedures for the Council. Ms. Mead said that was for existing procedures. Mayor Oakes asked Mr. Blair to confirm that it was also for additions and subtractions as well. Mr. Blair confirmed that it was and that also he was going to propose two

new policies for Council's consideration, a FOIA policy and a meeting policy. He said that he would also have a draft remote participation by citizens policy.

Ms. Mead stated that Council was talking about reviewing 15 memorandum and at the same time adding citizen participation, meetings and FOIA. Mayor Oakes asked Mr. Rosenberg to schedule the proper amount of time for Council to discuss the memorandum.

Ms. Dull asked Mr. Plowman if the Zoom platform would be able to stream on the City's Facebook page. Mr. Plowman stated that was one of the things that staff was evaluating, but they are not prepared to make that kind of change yet. Staff would like to get a couple of meetings focusing on Zoom as the initial mechanism. They are also pushing this out to all boards and commissions throughout the City. Staff want to establish one consistent mechanism for the public to engage with City department and City meetings of boards.

Ms. Dull asked Mr. Blair if Council could create an informal, temporary motion tonight for citizens to call in because there are four public hearings. Mr. Blair said that it was Council's discretion to make a motion to allow call-ins for this evening's public hearing.

Mayor Oakes asked if there were any additional comments.

Ms. Mead made a motion that Council invite the public to phone in their comments for both the public hearing and matters from the public for tonight.

The motion was seconded by Mr. Holmes.

Mayor Oakes stated that she was concerned that this was being rushed and that it needed to be properly set up. She asked Mr. Plowman to confirm if it was possible for the system to be set up for tonight's Regular Meeting. Mr. Plowman said that staff had not published any links or phone numbers so that it would be best to do so at the next meeting. Ms. Dull clarified that they were not talking about Zoom access, they were saying to announce the phone number previously used for call in at the beginning of the regular meeting. Mr. Plowman confirmed that was possible.

The motion failed as follows:

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

Mr. Rosenberg asked Council for clarity regarding Council's desire to move forward with the preparation of a policy and whether or not the new policy should appear on the work session and regular meeting agendas on May 27. Mr. Claffey stated that he would like to work on the policy. Vice Mayor Robertson and Ms. Darby concurred. Mr. Holmes stated that he would like to see it on both the work session and regular meeting agendas. Vice Mayor Robertson said he would like to see it on the work session agenda but did not want to take action until the first meeting in June. Mayor Oakes concurred.

Council members did not have any further questions.

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584 The work session adjourned at 7:15 p.m.
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Morgan C. Smith
Interim Clerk of Council

DRAFT

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, May 13, 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 (remote participant)
 R. Terry Holmes
 Brenda O. Mead

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

Mayor Oakes called the meeting to order: Mayor Oakes called this meeting of Staunton City Council to order. Mayor Oakes noted that this meeting is being broadcast over the City's cable channel and streamed live on the City's website so that members of the public may hear the meeting. The meeting is also being recorded. The public may also livestream video of City Council work sessions and regular meetings. Instructions for accessing the meetings can be found on the city's website at www.ci.staunton.va.us/council.

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. Mead.

MAYOR'S REPORT

Mayor Oakes stated that she recently visited Ware Elementary School where she was able to spend time with her pen pal.

The Mayor shared that Staunton's West End received the EPA Community Wide Brownfield Assessment Grant in the amount of \$300,000. She also mentioned that she and Ms. Dull had the opportunity to meet with Senator Kaine when he was in Staunton and that he reviewed the American Rescue Plan with them. Staunton will be receiving \$12.9M. The Mayor also noted that she, Vice Mayor Robertson and Ms. Mead attended the Habitat for Humanity house setting that morning.

Mayor Oakes stated; "I'd like to take a moment to acknowledge some special participants this evening. These guests are from Mongolia and therefore in a vastly different time zone so they

won't be participating in real time, but instead will be watching this meeting at a later date, when I will join them for a discussion. They are from Leaders Advancing Democracy, or LEAD, which provides participants with leadership training and civic engagement skills. In former years, as part of their training, LEAD fellows visit Virginia and Washington, D.C. through exchanges organized in partnership with the University of Virginia Center for Politics. All fellows who participate in this program are highly engaged professionals from across Mongolia and work in fields connected to poverty alleviation and unemployment, transparency and anti-corruption, and the environment and urbanization. The fellows' time with the UVA Center for Politics includes participation in workshops, speaker sessions and site visits - all done virtually this year - with the intention of providing enhanced skills in these fields and ultimately a springboard for the fellows' current and future professional activities. Since January 2017, four cohorts from across Mongolia have participated in these two-week exchanges. While the program was set to end in 2020, the global pandemic delayed the fifth and final group, and while they won't be with us in person, it is my pleasure to acknowledge their participation in the program during the meeting tonight. Again, thank you so much for joining us, congratulations on your participation in Leaders Advancing Democracy, and best of luck as you continue to make significant positive impacts in your communities and your nation."

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Vice Mayor Robertson stated that there had been a big announcement from the President and the director of the CDC. Effectively immediately if a person is vaccinated, they do not have to wear a mask indoors or outdoors, except on public transportation, in hospitals and on planes. Also, the Vice Mayor noted that Augusta Health has started vaccinating children as young as 12-years-old.

Ms. Mead added her comments about the Habitat for Humanity house setting. She stated that Habitat is not only just putting up houses they are creating a revitalized neighborhood. The homes that are being built are suitable for starting families or for those aging in place.

Ms. Dull sent out a thank you to Shenandoah Green for their efforts to plant one tree for every student in the Staunton school system. The group hit the 2,000 mark by planting a tree at Dixon Educational Center. The group has also been given another donation of 130 more trees and they will be looking for volunteers to help plant them.

Ms. Darby wanted to thank VFW Local Post 2216 for all that they do for the community.

APPROVAL OF MINUTES

Mr. Holmes moved to approve the Work Session and Regular Meeting Minutes of April 22, 2021 as presented.

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

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

Mr. Holmes moved to approve the Special Called Meeting Minutes of May 6, 2021 as presented.

The motion was seconded by Mr. Claffey.

Ms. Mead stated that she would not be voting as she was not at this meeting.

The motion carried as follows:

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

REGULAR MEETING

A. Public Hearing and Consideration of a Request by Mary Baldwin University for a Special Use Permit for 221 N. Market Street to Allow for the Conversion of an Existing Building to Student Housing

Rodney Rhodes, City Planner, stated Mary Baldwin University (MBU) has submitted an application for a Special Use Permit to convert an existing building located at 221 N. Market Street to student housing. The property is owned by MBU and is zoned HE-1, Higher Education District. In the HE-1 District, a Special Use Permit is required for conversion of existing buildings to student housing in cases where the building is located within 75 feet of a public street or a residential district.

221 N. Market Street is located on the southeast side of the intersection of N. Market and Prospect streets, on the edge of the MBU campus. This building is currently used as administrative offices. Once converted, the building will feature five bedrooms for 10 students.

At its meeting of April 15, 2021, the Planning Commission conducted a public hearing and considered the request. During the public hearing, no one spoke in opposition to the request. However, the Commissioners discussed the concerns raised by neighbors in two emails. On a 5-0 vote, the Commission unanimously voted to recommend approval of the Special Use Permit with the following conditions:

1. The number of students permitted to be housed at 221 N. Market Street shall not exceed 10.
2. All residents of the property shall have a Mary Baldwin University parking permit and must be required by the University to park on campus. This parking restriction shall be monitored and enforced by Mary Baldwin University.
3. A building permit is required for a change of use under the Virginia Uniform Statewide Building Code.
4. Failure to comply with any of these conditions will result in immediate revocation of the Special Use Permit.

Mayor Oakes asked Council members if they had any questions.

Mr. Claffey asked if there was any on-site parking for this location. Mr. Rhodes responded that there was no on-site parking, and students were to utilize the large parking behind the building on the MBU campus.

Ms. Darby asked if staff had heard anything else from the citizens who voiced concerns. Mr. Rhodes stated that one of those same property owners asked that those comments be forwarded to Council. Those emails were already included in Council packets.

Council members did not have any further questions.

The public hearing was opened.

Brigadier General Terry Djuric, Commandant of Cadets and Senior Advisor to the President of Mary Baldwin University, stated that 221 N. Market Street also known as Edmondson House, was previously used as office space for faculty for the College of Education. Those staff offices moved in September to the Staunton Innovation Hub. The conversion of the building to housing is essential to accommodate the ongoing rise in enrollment. Fall 2021 the university will welcome 1,000 residential undergraduate students to campus. She stated that the other MBU buildings on the street includes the Virginia Women's Institute for Leadership offices, the VWIL supply house and the student health center. Brig. Gen. Djuric reiterated that the students will be required to park on campus in the large parking lot behind the house.

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

Mr. Holmes moved that Council approve the Special Use Permit for 221 N. Market Street, with the conditions as recommended by the Planning Commission.

The motion was seconded by Vice Mayor Robertson 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		

B. Public Hearing and Consideration of a Request to Rezone 2040 W. Beverley Street from B-2, General Business District to I-1, Light Industrial District Conditional

Mr. Rhodes stated that River Ridge-Chestnut Hills, LC has requested a rezoning of a portion of 2040 W. Beverley Street from B-2, General Business District, to I-1, Light Industrial District Conditional. The stated purpose of the request is to convert the existing buildings on the property to climate-controlled self-storage units and then construct new self-storage buildings in the location of the existing parking lot. No potential developer of the project has been identified at this time. A portion of the property along W. Beverley Street would remain general business. In the B-2, General Business District, storage is not a permitted use. Under the regulations of the City's Zoning Code, storage as a principal use of property is only permitted in industrial districts.

189 This has prompted the applicant's request for a rezoning. The property is approximately nine and
190 ¾ acres at the intersection of W. Beverley Street and Grubert Avenue and is over 900,000 square
191 feet in two buildings.

192
193 At its meeting of April 15, 2021, the Planning Commission conducted a public hearing and
194 considered the request. During the public hearing no one spoke in opposition to the request. On
195 a 5-0 vote, on the basis that the request would not serve the interests of public necessity,
196 convenience and general welfare and good zoning practice, the Planning Commission
197 unanimously recommended denial of the request.

198
199 Mayor Oakes asked Council members if they had any questions.

200
201 Mr. Claffey asked that Mr. Rhodes confirm that he stated that no potential developer of the project
202 has been identified. Mr. Rhodes confirmed that no one has come to Planning and Zoning office to
203 submit a site plan. He stated that the developer could probably answer the question better. Mayor
204 Oakes asked that Mr. Harding come to the microphone.

205
206 Mr. Harding wanted to make a correction regarding self-storage. He wanted to let Council know
207 that it also meant utilizing the storage for such things as antique cars and exotic car storage. They
208 are currently looking for financing and/or a partner to move forward with the project. Mr. Harding
209 stated that he is looking for an alternate development of this property because it has become
210 functionally obsolete. For the last 10 years he has looked for retail and other kinds of uses, but
211 there is not enough income in the area to warrant new retail. He can no longer afford to keep up
212 the property and they have been battling caving roofs and area homeless are using the property as
213 shelter. Mr. Harding also made it clear that the YMCA is no longer interested in the property.

214
215 Ms. Mead asked Mr. Harding if he was planning to do the general business development at the
216 front of the property. He stated that he was looking for a financing source and a partner, but yes.

217
218 Vice Mayor Robertson asked Mr. Harding if he intended to plant trees or other green space around
219 the facility. Mr. Harding stated that they usually plant Leland Cypress as they are fast growing.

220
221 Mayor Oakes asked Mr. Harding if some of the storage would be for manufacturing storage. Mr.
222 Harding said that it would not. The ordinance eliminated any language that had to do with
223 manufacturing.

224
225 Vice Mayor Robertson asked Mr. Rhodes for a clarification on the green space that is required
226 around the property. Mr. Rhodes said that if this property is redeveloped, industrial in the back and
227 commercial in the front, it would require a site plan. The site plan requires landscaping that is not
228 just a buffer to shield the homes, but there is also required landscaping within the parking lots and
229 along the frontage of the street.

230
231 Mayor Oakes asked that if City Council rezoned Chestnut Hills, would that affect the Brownfields
232 grant. Mr. Rosenberg stated that he does not have a certain answer to that question. The grant funds
233 are to be used for the purposes of conducting environmental site assessments on properties in the
234 West End. Chestnut Hills is one of the properties that has been identified to be the subject of one
235 of the grant-funded environmental site assessments. He stated that he was unsure if the location

could be switched out with another if the property was rezoned. He would have to get the answers to those questions and provide them to Council.

Ms. Darby asked Mr. Rhodes to confirm that no one spoke at the Planning Commission meeting against the rezoning. Mr. Rhodes confirmed that was so. He stated that notices were placed in the paper for two consecutive weeks prior to the meeting, as they do with any public hearing. Also, every adjoining property owner was sent a letter.

Mr. Holmes asked if storage units are prone to have more crime in their location. Mr. Rhodes stated that he did not have any information on that, but he thought it depended on if there is sufficient lighting. Ms. Mead stated that she actually asked Police Chief Jim Williams to provide data from January 2015 forward on some of the larger self-storage facilities in Staunton. One nearby location has 700 units with 30 buildings, during that period time they had 114 calls to that particular property. Another property on Spring Hill has 76 calls during that time. The property on National Ave had 28 calls. The calls are for larceny or citizen calls for service regarding suspicious persons.

Council members did not have any further questions.

The public hearing was opened. The following citizens spoke in opposition to the re-zoning:

Deborah Brown, North Waverly Street
Cindy Conners, Skyline Avenue
Ingrid Blanton, North Madison Street
Taylor Smith, Vista Lane
Ellen Boden, East Beverley Street
Cailyn Seigman, North Jefferson Street
Pete Stallings, Poplar Street
Julie Scofield, Lake Avenue
Lance Barton, Director of Habitat for Humanity
Joanne Tigert, former West End resident
Aaron Danner, West End business owner
Jason Miles, West End business owner

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

Vice Mayor Robertson moved that Staunton City Council refer this matter back to the Staunton staff and Planning Commission for the Commission's input and comments concerning the proffer made by the applicant after the Commission's April 15, 2021 meeting and for Mr. Rosenberg to find out how the rezoning would affect the Brownfields Grant.

The motion was seconded by Ms. Darby.

Ms. Dull stated that Council had heard from the community both in person tonight and via emails throughout the week. She stated that no one said they wanted any kind of storage on the property. With the awarding of the Brownfields Grant and the recent floodplain study, there is no reason

Council should approve this rezoning. It will not bring in additional revenue, it will not bring in new jobs, it will not revitalize the West End.

Ms. Mead stated that she was concerned that the Planning Commission and the Planning Department did not receive any feedback from the citizens living in adjoining properties, so she went out to Beverley Court, the street that overlooks the old shopping center. She knocked on doors and was able to speak to several citizens. Many did not understand the letter if they recalled receiving it, and some thought the matter was already decided. They were all opposed to the rezoning after understanding the matter better. Ms. Mead stated that the rezoning does not fit the Comprehensive Plan and provides no jobs.

Vice Mayor Robertson withdrew his motion.

Ms. Dull moved that Council deny the request to rezone 2040 W. Beverley Street, as recommended by the Planning Commission.

The motion was seconded by Ms. Mead.

Ms. Dull stated that her rationale for this motion was that the rezoning was not compatible with the City of Staunton Comprehensive Plan and she agreed with the recommendation of the Planning Commission.

The motion 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 and Consideration of an Ordinance Authorizing the Lease Agreement between City of Staunton and Staunton Baseball, Inc. for the Limited Use of Baseball Field and Operation of Concession Rights

City Manager Steve Rosenberg stated that this was the annual arrangement between Staunton Baseball, Incorporated and the City for the baseball club's use of the stadium and Gypsy Hill Park for its season in the Valley Baseball League. This has been an ongoing arrangement for a number of years. The lease is for the term of May 15, 2021 to August 31, 2021.

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. Darby moved that City Council adopt the ordinance authorizing approval of the lease agreement between the City of Staunton and Staunton Baseball, Inc. for the limited use of the baseball field and operation of concession rights beginning May 15, 2021, and further authorizing the City Manager be authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

The motion was seconded by Vice Mayor Robertson 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 - 13

AN ORDINANCE AUTHORIZING THE APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF STAUNTON AND STAUNTON BASEBALL, INC. FOR THE LIMITED USE OF BASEBALL FIELD AND OPERATION OF CONCESSION RIGHTS

Recitals

A. The City of Staunton owns and operates John Moxie Memorial Baseball Stadium in Gypsy Hill Park;

B. Staunton Baseball, Inc. is a privately organized and operated organization that has requested a lease agreement for the use of John Moxie Memorial Baseball Stadium for the purposes, during summer months, of playing baseball during the Valley League Baseball Season, including the operation of a concession stand;

C. The Valley Baseball League program provides the City and its residents with valued recreational and entertainment opportunities during the summer;

D. The Council of the City of Staunton has conducted a public hearing regarding the proposed lease agreement;

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA that it authorizes the lease agreement between the City of Staunton and Staunton Baseball, Inc. for the limited use of the baseball field and operation of concession rights beginning May 15, 2021; and it is

FURTHER ORDAINED that the Staunton City Manager is authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

Introduced: May 13, 2021
Adopted: May 13, 2021
Effective Date: May 13, 2021

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

ATTEST: /s/Morgan Smith
Morgan Smith, Interim Clerk of Council

D. Ordinance to Amend the FY 2021 Budget for the City of Staunton by Staunton by Adding Budget Amendment Number Five

Mr. Trayer stated the fifth budget amendment for fiscal year 2021 has been prepared for your review and discussion. The total budget amendment equals \$5,129,104. The introduction and public hearing of this ordinance is scheduled for this meeting, and consideration of the ordinance is scheduled for May 27, 2021.

City Budget Amendment—\$838,877

1. General Fund amendment of \$195,346 includes the following:
 - \$123,607 for state carryover funds for Street Maintenance
 - \$32,275 for Police recruitment and retainage program
 - \$20,000 from the U.S. Marshals Service for joint task force operations
 - \$19,464 for newly awarded grant, insurance recoveries and the recognition of donations
2. Grant Fund – (\$1,330) credit for the Virginia Forestry Grant that will be reclassified into the General Fund.
3. Blue Ridge Court Services – \$101,158 appropriation for Department of Criminal Justice Services (DCJS) Pre-Trial Expansion Grant.
4. CIP Fund appropriation of \$119,302 for additional revenue received from the Commonwealth of Virginia Department of Transportation for street paving.
5. Water Fund appropriation of \$15,793 for insurance recovery for damaged pump and vehicle plus a grant award from VRSA for an Automated External Defibrillator (AED).
6. Environmental Fund – (\$372) credit appropriation to true up to the actual amount of the grant.
7. Bond Fund appropriation of \$408,981 to recognize the amount of interest received above the budgeted amount from the High School bond fund.

School Budget Amendment—\$4,290,227

1. The Education Fund 900 amendment totaling \$3,733,716 includes the following:
 - \$2,760,767 in Elementary and Secondary Relief Funds (ESSR II) for instructional remediation efforts to address learning loss incurred during the pandemic
 - \$190,884 Vision Grant for additional computer hardware within the schools
 - \$710,819 fund balance transfer for parking lot paving, Dixon infrastructure reserves and school equipment, and repair reserves for the schools
 - \$71,246 additional appropriation for donations, grant awards, and insurance recovery
2. The School Capital Improvements Fund 966 amendment totaling \$405,519 includes the following

- 423 • \$43,819 for a school security grant award to purchase security cameras, radios and badge
424 readers
425 • \$361,700 transfer from the Bond Fund for additional interest earned on the bond proceeds
426 above and beyond the amount budgeted for tennis courts refurbishment and expansion at
427 Montgomery Hall Park to be used by the Staunton High School tennis team
428 3. The State Operated Program Fund 920 appropriates \$124,312 and includes additional funding
429 received by the state for neglected and delinquent students.
430 4. The Cafeteria Fund 930 appropriates a total \$26,680, \$25,920 in ESSR II Funds for staff wages
431 during an expanded summer school, and \$760 in donations received to support food service
432 operations.

433 Mayor Oakes asked Council members if they had any questions.

434
435 Council members did not have any questions.

436
437 Vice Mayor Robertson moved to introduce an ordinance amending the fiscal year 2021 budget by
438 adding Budget Amendment Number Five, totaling \$5,129,104 and that Council conduct a public
439 hearing of the ordinance.

440
441 The motion was seconded by Mr. Holmes.

442
443 The public hearing was opened.

444
445 There being no one wishing to speak, the public hearing was closed.

446
447 The motion carried as follows:

448				
449	Ms. Dull	aye	Ms. Mead	aye
450	Ms. Darby	aye	Mr. Holmes	aye
451	Mayor Oakes	aye	Mr. Claffey	aye
452	Vice Mayor Robertson	aye		
453				

454 E. **Appeal of Historic Preservation Commission Denial of a Certificate of**
455 **Appropriateness for 636 W. Frederick Street (Newtown Historic District)—Roof**
456 **Replacement**

457
458 F. **Appeal of Historic Preservation Commission Denial of a Certificate of**
459 **Appropriateness for 650 W. Frederick Street (Newtown Historic District)—Roof**
460 **Replacement**

461
462 Mr. Rosenberg stated that Item E and Item F were going to be combined and discussed together
463 as the facts related to each matter are essentially the same.

464
465 Mr. Rhodes stated that 636 W. Frederick Street was owned by John and Stacey Fregosi and 650
466 W. Frederick Street was owned by Robert and Leslie Banta. The two properties came to the
467 Planning Office's attention by a complaint. The department handles violations by complaint only.
468 In this case, these are after the fact requests as the roofs have already been installed. Both houses
469 had embossed metal shingle roofs and were replaced with standing seam metal roofs, which is not

a like for like replacement, so does require a certificate of appropriateness. Mr. Rhodes noted that there has been an influx of people applying for the COA in recent years because embossed metal shingles have become very expensive to replace. Standing seam metal roofs have been approved on a routine basis. This situation first came before the Historic Preservation Commission in December 2020 and during that discussion the Commission noted that traditional standing seam metal roofs are historically and architecturally appropriate for Staunton's historic district and have been approved as the alternative to embossed metal shingles; however the wide ridge caps that were installed on these two houses deviated significantly from the historic guidelines. The applications were tabled until the January HPC meeting in order to allow the applicants to work with their roofer. At the January 26, 2021 meeting, the roofer was not in attendance. The applicants noted they had some concerns about modifying the new roof to address the ridge caps, and they wanted the roofer to be able to speak directly to the commission. Therefore, the matter was tabled until the February meeting. At the February meeting, the roofer again failed to attend and the applicants expressed concerns about trying to fix this roof without completely removing it. And were concerned about possibly voiding their warranty if the roof was altered in some manner. The commission agreed once again to table the matter until the March meeting. At the March meeting the roofer, James Holloway, was in attendance. He explained to the commission why the existing roof with the ridge caps could not be altered to more closely resemble a traditional folded seam roof. Upon careful consideration of the information presented, including a recommendation from the Historic Staunton Foundation, the commission acted to deny the request of a certificate of appropriateness for the replacement roofs, noting that the modern roof with ridge caps cannot be corrected to meet the historic guidelines.

Mr. Rhodes stated that there have been other roof applications that have come before the commission since he has been on staff and they were both denied. One of those permits was appealed to Council and Council upheld the commission's decision. In 2016 there was a case where a property owner applied for an after the fact COA with a very similar roof with wide ridge caps and that was approved. However, in 2016 there was a different set of guidelines.

Mayor Oakes asked Council members if they had any questions.

Ms. Dull asked Mr. Rhodes if anyone had spoken to the roofer, as it would be helpful for him to what is and is not going to be approved by the commission. Mr. Rhodes responded that the applicants spoke to him after receiving the notice of violation from the City and he did eventually attend a commission meeting where it was explained to him what the guidelines allow. Mr. Rhodes stated that Mr. Strassler may have spoken to this roofer as well.

Mr. Rhodes stated that when a property changes hands, the new homeowners are sent a letter welcoming them to a historic district that includes a link to the historic guidelines. When the City adopted the new set of guidelines two years ago, over 1,000 property owners were informed of the changes. Staff also reached out to contractors that work on roofs, doors, windows, siding, etc. within the 24401 zip code area. Building material suppliers were also notified.

Vice Mayor Robertson had Mr. Rhodes look at a picture of another roof on Church Street, also in an historic district, that had wide ridge caps. Mr. Rhodes stated that without researching the property, he did not know the difference as whether or not they installed the roof prior to the new guidelines or if it were done without knowledge and approval.

Mr. Claffey asked if the contractor applied for a building permit to do the roof in a timely manner. Mr. Rhodes stated that a residential roof does not require a building permit. The City has guidelines from the Historic Preservation Commission that citizens have to follow, but then builders do not have to have a permit. Mr. Rhodes stated that they do not require a permit, but they do require a certificate of appropriateness through the commission. Mr. Rhodes brought an example of an accessory structure under 256 square feet that does not require a building permit; however, it must meet zoning requirements and setbacks. It is up to the property owner to ensure that they are complying with all of the City code, not just the building code.

Frank Strassler, Executive Director of the Historic Staunton Foundation, stated that roofs are one of the most important elements of a structure as a roof serves as a cover to protect the building from the elements. Its visibility, shape and materials make it one of the most important character defining elements of an historic building. The guidelines ask that a homeowner match their historic roof if it has to be replaced and work within the same materials. The idea is to retain the appearance of the building. He stated that what is good about standing seam metal roofs is that the ones that are being replaced today are over 100 years old. They have performed quite well with traditional techniques. Mr. Strassler stated that the commission decision upheld the guidelines and the local zoning. He said he struggled as a preservationist but also that he understands the need to keep young families moving in to these historic neighborhoods and that the City needs to encourage investment in these neighborhoods. The homeowners followed the advice of a professional roofing contractor with a business license concerning permits and approvals. The homeowners did what they were supposed to do. They tried to reach out to him, but he missed their email. Mr. Strassler described how readily available the information regarding the historic guidelines is to find on the City's website. He thinks the homeowners were led astray by product sales. The HPC does believe that there is a loss of architectural character here, and Mr. Strassler believes that these wide ridge caps do have a significant impact on the visual character of these buildings.

Vice Mayor Robertson stated that these couple have done the best at the time. The Vice Mayor mentioned the roof on Church Street again. Mr. Strassler commented that the roof was put up years ago, but with the new ordinance in place. They do not have a certificate of appropriateness, but it was never enforced. The City reacts on a complaint basis. If no one complains, projects move forward.

Deneen Brannock, Chair of the Historic Preservation Commission, stated that the HPC considered this application at four meetings between December 2020 and March 2021. In every meeting they carefully considered the information presented and offered additional time and suggestions for a compromise solution. She stated that to the owners' credit, both couples were wonderful in trying to explore those options. Ms. Brannock stated that due to a lack of communication and the urgent need for the homeowners to replace their roofs so not as to incur irreparable damage to their homes, the roofs were installed without appropriate certification. This was a chain of bad circumstances as the roofs do not comply with existing HPC guidelines. The guidelines reinforce the preservation ethic in Staunton, which over the past 30+ years has resulted in millions of dollars of investment into the Staunton community as well as increased property values.

Mr. Claffey asked if the roof had been completed before the four meetings. Ms. Brannock stated that the complaint came after the installation of both roofs.

Ms. Dull asked if the contract with the roofer state that he was responsible for any permits needed for the project. Stacey Fregosi, homeowner of 636 W. Frederick Street, said that the contract did not specifically state that he was responsible for obtaining any permits and working within the historic guidelines, but that they had verbal discussions on several occasions. Ms. Dull asked Mr. Blair if the cases were allowed to stand, would that set a precedent for a contractor to come in and not follow the guidelines. Mr. Blair stated that the Council would need to find some factual situation that was stated this evening that would be an issue for this specific COA for this exact reason for this exact property to therefore not set a precedent.

Ms. Mead asked at what point in the website that guides homeowners who want to make changes to their homes in the historic districts does it say that the applicant must have a certificate of appropriateness. Mr. Strassler responded that the information can be found fairly quickly, within three or four clicks. Ms. Mead asked when the homeowners began the COA and that process. Ms. Fregosi stated that they began the roof replacement process in March 2020 because they were having significant flooding inside their home. She believed that they were making an in-kind replacement. When they reached out for more information, they were not given any follow through. The roof was replaced in May 2020. They received a citation in November 2020 and that is when they officially began the paperwork for the COA.

Mr. Claffey asked if there was a significant cost difference between the roof that was installed and the roof required in the historic guidelines. Ms. Fregosi stated according to the roofer there is no difference. They were not aware that there was an option for a different ridge cap. Their roofer, nor the three other roofers they got quotes from told them about options. John Fregosi, homeowner of 636 W. Frederick Street, stated that they made sure to specifically say that the home was within the historic district and that whatever was to be done had to be within the historic district guidelines. Mr. Fregosi said that cost was not the issue, they were adamant that it had to be a metal roof. Ms. Fregosi stated that when the roof was put on, they could see the difference of the wide ridge camps, but as Vice Mayor Robertson pointed out, there were a number of other homes that had the same style of roof.

Vice Mayor Robertson asked what kind of cost would be incurred to replace the roof again. Ms. Fregosi stated that the initial roof was replaced for \$25,000. If would be comparable to replace it, so the roof would become a \$50,000 roof.

Mr. Holmes asked the Fregosis if they would be willing to sue the roofer. Ms. Fregosi stated that although it has been a frustrating process and that the roofer did not attend three consecutive meetings even though he told them he would attend, he did come to the fourth meeting. And he met with them prior to the fourth meeting. She believes that he thought the roof he put on was appropriate.

Mayor Oakes asked Ms. Brannock asked if the information not received due to COVID was the email that Mr. Strassler mentioned. Ms. Brannock confirmed that it was.

Council members did not have any further questions.

Vice Mayor Robertson stated that in light of the perfect storm affecting the homeowners at 636 West Frederick Street and 650 West Frederick Street with the COVID-19 pandemic and replacing their roofs before water damage effected their homes and having made a good faith effort, he moved that Council reverse the decision of the Historic Preservation Commission and approve the Certificate of Appropriateness as requested by the applicants.

The motion was seconded by Ms. Darby.

Ms. Dull amended the motion to say that factors such as communication delays due to the COVID-19 pandemic, and good faith on the owners' part, to have the contractor follow the historic guidelines in oral conversations and that it would cause undue hardship to replace or repair the new roof to have it comply with historic guidelines Council should reverse the decision of the Historic Preservation and approve the Certificate of Appropriateness as requested by the applicants at 636 West Frederick Street and 650 West Frederick Street.

The amended motion was seconded by Ms. Darby.

Mr. Holmes stated that the Historic Preservation Commission goes out of their way to do the right thing. The HPC tried to work with the homeowners in every way that they could. Mr. Holmes stated that he was concerned because this was the second time the current Council had overturned a decision of the commission and he does not want Council to undermine the HPC as a whole.

Ms. Fregosi said that they have been homeowners since 1999, in the same home in the historic district, and they truly believe in the mission of the historic district and that they truly believed that they were meeting those guidelines. They do not, in any way, want to make things for difficult for the commission moving forward.

Vice Mayor Robertson stated that he did not want to come down on the HPC, but he felt that everything fell through the cracks on this matter. Mayor Oakes stated that Council appreciates the expertise of the Commission and thanks them for everything that they do for the City.

The motion carried as follows:

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

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg stated that Public Works had received an award from the Virginia Department of Health Office of Drinking Water. For the previous 16 years, the water treatment plant has been recognized by the VDH at the bronze and silver levels, but this year the treatment plant achieved the gold level status.

Mr. Rosenberg elaborated on the Mayor's remarks regarding the Brownfields Assessment Grant from the EPA. The Brownfields grant is referred to as a community-wide assessment grant and its purpose is to assess sites contaminated by hazardous substances, pollutants, contaminants and petroleum. The \$300,000 is going to be used to conduct environmental site assessments of properties on the West End. Some specific properties that have already been identified include the former Unify manufacturing site, the Chestnut Hills Shopping Center, the Nabisco warehouse and the Rose Time scrap metal recycling facility. This is the first step in undertaking some sort of successful redevelopment of those properties.

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.

- 698 5. Finally, as the presiding officer, it is my duty to remind you that if you choose not to abide
699 by these ground rules, I may find that you are out of order and will ask you to withdraw
700 from the podium. We certainly do not want to reach that point and even beyond, so we
701 respectfully ask for your full cooperation in observing these guidelines.
702

703 If you wish, you may obtain a copy of the ground rules from our Interim Clerk of Council, Ms.
704 Smith. And now, we welcome all speakers. The podium is now available for matters from the
705 public.”
706

707 Ingrid Blanton, North Madison Street, commented on the Council’s decision to overturn the
708 Historic Preservation Commission’s decision. She agreed with Mr. Holmes that it was concerning
709 that the current Council had twice overturned a decision by the HPC.
710

711 Joanne Tigert, North Augusta Street, stated that she was disappointed that Council still did not
712 allow the ability for citizens to call in for public hearings and matters from the public.
713

714 Cindy Conners, Skyline Avenue, stated that she was told at the April 8 meeting that emailing
715 Council was equivalent as being able to comment before Council and she had mentioned that she
716 had not received a response to previous emails. She said that she has been corresponding with the
717 Mayor, but that she had not heard back regarding the recycling program after being told she would
718 hear from the City Manager.
719

720 Nitch Narduzzi, South Jefferson Street, spoke in regards to her dissatisfaction that Council had not
721 yet reinstated the ability for citizens to call in for public hearings and matters from the public.
722

723 Allison Profetta, Farrier Court, gave the Interim Clerk of Council a petition that was circulated
724 online and was signed by almost 400 concerned community members asking for Council to
725 reinstate remote participation from citizens.
726

727 Danielle Craig, recently returned to Staunton, said that Council appeared to not be paying attention
728 to citizens and what she considered blatant disrespect.
729

730 Mark Jeter, Sunnyside Street, stated that he was disappointed that Council did not reinstate remote
731 participation.
732

733 Julie Scofield, Lake Avenue, also spoke in regards to her dissatisfaction with Council and their
734 choosing not to reinstate remote participation of citizens.
735

736 There was no one else wishing to speak.
737

738 **ADJOURNMENT**
739

740 There being no further business to come before Council, the meeting adjourned at 10:30 p.m.

741

742

743

744

745

Morgan C. Smith
Interim Clerk of Council

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	City Council
Item #	A	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Appointment and Employment of City Clerk	

Background: Under provisions of its Charter and Chapter 2.30 of the City Code, Council appoints a city clerk who serves as clerk of council, clerk of the planning commission, clerk of the board of zoning appeals and clerk to such other boards and commissions as Council may designate.

City Manager's Recommendation: Consider action to appoint a new city clerk.

Suggested Motion: I move that Council appoint and employ _____ as city clerk effective June 1, 2021.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	Staff Member: Phil Trayer
Item #	B	
Ordinance #		
Department:	Finance	
Council Vision:	Responsive, Efficient Government	
Subject:	Ordinance to Amend the FY2021 Budget for the City of Staunton by Adding Budget Amendment Number Five	

Background: The fifth budget amendment for fiscal year 2021 has been prepared for your review and discussion. The total budget amendment equals \$5,129,104. At Council's regular meeting on May 13, 2021, Council introduced the ordinance and conducted a public hearing. Consideration of the ordinance is scheduled for May 27, 2021.

City Budget Amendment—\$838,877

1. General Fund amendment of **\$195,346** includes the following:
 - \$123,607 for state carryover funds for Street Maintenance
 - \$32,275 for Police recruitment and retainage program
 - \$20,000 from the U.S. Marshals Service for joint task force operations
 - \$19,464 for newly awarded grant, insurance recoveries and the recognition of donations
2. Grant Fund – **(\$1,330)** credit for the Virginia Forestry Grant that will be reclassified into the General Fund.
3. Blue Ridge Court Services – **\$101,158** appropriation for Department of Criminal Justice Services (DCJS) Pre-Trial Expansion Grant.
4. CIP Fund appropriation of **\$119,302** for additional revenue received from the Commonwealth of Virginia Department of Transportation for street paving.
5. Water Fund appropriation of **\$15,793** for insurance recovery for damaged pump and vehicle plus a grant award from VRSA for AED and Air.
6. Environmental Fund – **(\$372)** credit appropriation to true up to the actual amount of the grant.
7. Bond Fund appropriation of **\$408,981** to recognize the amount of interest received above the budgeted amount from the High School bond fund.

School Budget Amendment—\$4,290,227

1. The Education Fund 900 amendment totaling **\$3,733,716** includes the following:
 - \$2,760,767 in Elementary and Secondary Relief Funds (ESSR II) for instructional remediation efforts to address learning loss incurred during the pandemic
 - \$190,884 Vision Grant for additional computer hardware within the schools
 - \$710,819 fund balance transfer for parking lot paving, Dixon infrastructure reserves and school equipment, and repair reserves for the schools
 - \$71,246 additional appropriation for donations, grant awards, and insurance recovery
2. The School Capital Improvements Fund 966 amendment totaling **\$405,519** includes the following
 - \$43,819 for a school security grant award to purchase security cameras, radios and badge readers
 - \$361,700 transfer from the Bond Fund for additional interest earned on the bond proceeds above and beyond the amount budgeted for tennis courts refurbishment and expansion at Montgomery Hall Park to be used by the Staunton High School tennis team
3. The State Operated Program Fund 920 appropriates **\$124,312** and includes additional funding received by the state for neglected and delinquent students.
4. The Cafeteria Fund 930 appropriates a total **\$26,680**, \$25,920 in ESSR II Funds for staff wages during an expanded summer school, and \$760 in donations received to support food service operations.

Attachment:

Budget Amendment Number Five

City Manager's Recommendation: Recommend that City Council adopt the ordinance.

Suggested Motion: I move to adopt an ordinance amending the fiscal year 2021 budget by adding Budget Amendment Number Five, totaling \$5,129,104, as presented.

City Manager: Steven L. Rosenberg

Ordinance No. 2021-
AN ORDINANCE TO AMEND
THE FY2021 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER FIVE

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

GENERAL FUND

Anticipated Revenue

General Revenue	\$	123,607
Recovered Costs		3,197
Miscellaneous Revenue		440
Capital Grants and Contributions		68,102
Total Revenue	\$	195,346

Appropriations

General Government Administration	\$	440
Judicial Administration		2,497
Public Safety		55,472
Public Works		123,607
Parks, Recreation, Cultural		13,330
Total Appropriations	\$	195,346

GRANTS FUND

Anticipated Revenue

Capital Grants and Contributions	\$	(1,330)
Total Revenue	\$	(1,330)

Appropriations

Public Safety	\$	(1,330)
Total Appropriations	\$	(1,330)

BLUE RIDGE COURT SERVICES

Anticipated Revenue

Capital Grants and Contributions	\$	101,158
Total Revenue	\$	101,158

Appropriations

Public Safety	\$	101,158
Total Appropriations	\$	101,158

CITY CAPITAL IMPROVEMENTS FUND

Anticipated Revenue

Capital Grants and Contributions	\$	119,302
Total Revenue	\$	119,302

Appropriations

Capital Projects	\$	119,302
Total Appropriations	\$	119,302

Ordinance No. 2021-
AN ORDINANCE TO AMEND
THE FY2021 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER FIVE

WATER FUND

Anticipated Revenue

General Revenues	\$	15,793
Total Revenue	\$	15,793

Appropriations

Operations	\$	15,793
Total Appropriations	\$	15,793

ENVIRONMENTAL FUND

Anticipated Revenue

Capital Grants and Contributions	\$	(372)
Total Revenue	\$	(372)

Appropriations

Operations	\$	(372)
Total Appropriations	\$	(372)

BOND FUND - 395

Anticipated Revenue

Interest Income Procceds		408,981
Total Revenue	\$	408,981

Appropriations

Capital Projects	\$	408,981
Total Appropriations	\$	408,981

EDUCATION FUND

Anticipated Revenue

General Revenue	\$	730,681
Capital Grants and Contributions		3,003,035
Total Revenue	\$	3,733,716

Appropriations

Administration and School Operations	\$	3,733,716
Total Appropriations	\$	3,733,716

EDUCATION SOP FUND - 920

Anticipated Revenue

Capital Grants and Contributions	\$	124,312
Total Revenue	\$	124,312

Appropriations

Operations	\$	124,312
Total Appropriations	\$	124,312

Ordinance No. 2021-
AN ORDINANCE TO AMEND
THE FY2021 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER FIVE
CAFETERIA FUND - 930

Anticipated Revenue

Capital Grants and Contributions	\$	26,680
Transfer from Cafeteria Fund Balance	\$	-
Total Revenue	\$	26,680

Appropriations

Operations	\$	26,680
Total Appropriations	\$	26,680

SCHOOL CIP FUND- 966

Anticipated Revenue

Capital Grants and Contributions		405,519
Total Revenue	\$	405,519

Appropriations

Capital Projects	\$	405,519
Total Appropriations	\$	405,519

GRAND TOTAL BUDGET AMENDMENT NO 5	\$	5,129,104
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INTRODUCED: May 13, 2021

PUBLIC HEARING: May 13, 2021

Public Hearing Advertisement Date: May 5, 2021

Approved this _____ day of _____ 2021

Effective Date: _____

CERTIFIED: _____

ATTEST: _____

Morgan C. Smith
Interim Clerk of Council

Andrea W. Oakes
Mayor of Council

FY 2021 BUDGET AMENDMENT NO. 5

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
GENERAL FUND			
GENERAL GOVERNMENTAL ADMINISTRATION			
<u>GENERAL GOVERNMENT</u>			
VRSA Grant	110-21670	440	
Contingency	11011520-55486		440
To appropriate Safety Committee Funds From VRSA Grant			
JUDICIAL ADMINISTRATION			
<u>SHERIFF DEPARTMENT</u>			
Other Grants - VRSA	11023-41737	1,997	
Special Expenses - AED VRSA Grant	11022170-55205		1,997
Donations - Judicial	11023-41730	500	
Overtime	11022170-51530		464
FICA	11022170-52010		36
To Appropriate Donation for Council Security Fees			
PUBLIC SAFETY			
<u>POLICE DEPARTMENT</u>			
DCJS Grant - Police Staff Retainage	11033-4225	32,275	-
Police Salaries	11033110-51006	-	32,275
To appropriate DCJS Training, Recruiting and Retainage Funds			
US Marshall Forfeited Asset	11033-46207-53300	20,000	
Police Overtime	11033110-51530-53300		20,000
To appropriate US Marshal Services Joint Law Enforcement Operations Task Force Funding -			
Insurance Recovery	11031-41928	1,925	
Police Auto Equipment	11033110-55305		1,581
Maintenance & Repair of Vehicle	11033110-53105		344
To appropriate insurance recovery for damage to Police Car			
<u>FIRE DEPARTMENT</u>			
Insurance Recovery	11031-41928	1,272	
Main Repair Vehicles	11033210-53105		1,272
To appropriate insurance recovery for damage of Fire vehicle			
PUBLIC WORKS			
<u>Strret Department</u>			
Appropriation from Fund Balance	11001-41930	123,607	
Maintenance Street / Paving	11044130-53225-18300		123,607
To appropriate VDOT Carryover Funds from FY2020			

FY 2021 BUDGET AMENDMENT NO. 5

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
PARKS AND RECREATION			
<u>LIBRARY</u>			
Library Other Grants	11073-44123	2,000	
Non Capital Equipment - Laptops	11077510-55486		2,000
To appropriate CAPSAW Grant Award			
<u>HORTICULTURE</u>			
Va Forestry Grant	11073-46248-33300	1,330	
Materials and Supplies	11077120-53010-33300		1,330
To appropriate VDOF EAB Removal Grant			
Donations - Horticulture	11073-41730-33200	10,000	
Part Time Horticulture	11077120-51510-33200		
FICA Horticulture	11077120-52010-33200		9,289
To appropriate Susan Blackley Internship Grant			711
TOTAL GENERAL FUND		195,346	195,345

BUDGET AMENDMENT NO. 5 GENERAL FUND SUMMARY

GENERAL FUND REVENUE SUMMARY			
General Revenues			
<u>Appropriation of Prior Year Fund Balance</u>		123,607	
Public Works - Streets	123,607		
Recovered Costs		3,197	
Public Safety	3,197		
Miscellaneous Revenue		440	
General government-Donations- Flood relief	440		
<u>Non-Capital Grants and Contributions</u>		68,102	
Sheriff Department	2,497		
Police Department	52,275		
Parks & Recreation	13,330		
Total General Fund Revenues		195,346	

FY 2021 BUDGET AMENDMENT NO. 5

		AMOUNT	
		REVENUE	EXPENDITURE
GENERAL FUND EXPENDITURE SUMMARY			
General Government		440	
Judicial Administration		2,497	
Public Safety		55,472	
Public Works		123,607	
Parks, Recreation, Cultural		13,330	
Community Development		-	
Safety Net Reserve		-	
Transfer to Other Funds		-	
Total General Fund Expenditures		195,345	
CITY CAPITAL IMPROVEMENTS FUND			
Primary Extension - Paving	39043-45425	119,302	
Richmond Ave Milling	39044130-58499		119,302
To appropriate additional Commonwealth of Virginia Department of Transportation funds for paving projects			
TOTAL CAPITAL IMPROVEMENTS FUND		119,302	119,302
GRANTS FUND			
Va Forestry Grant	21573-46248-33300	(1,330)	-
Forestry Grant Expenses	21577120-55456-33300	-	(1,330)
To transfer Va Department of Forestry Emerald Borer Ash Removal / Replacement Grant to Gen Fund			
TOTAL GRANTS FUND		(1,330)	(1,330)
BLUE RIDGE COURT SERVICES FUND			
DCJS Pre Trial Expansion Grant	21033-45559	101,158	-
Other salaries	21033344-51009	-	53,000
Social Security	21033344-52010	-	4,054
Retirement-VRS	21033344-52020	-	8,099
Health Insurance	21033344-52005	-	9,630
Group Life insurance	21033344-52001	-	710
Unemployment insurance-VEC	21033344-52030	-	30
Utilities - Electric	21033344-55005	-	1,725
Non-Capital Equipment	21033344-55486		4,000
Office Supplies	21033344-55405		19,910
To appropriate for DCJS Pre Trial Expansion Grant			
TOTAL BLUE RIDGE COURT SERVICES FUND		101,158	101,158

FY 2021 BUDGET AMENDMENT NO. 5

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
WATER FUND			
Insurance Recovery			
Other Grants - VRSA	53003-41737	2,555	
Safety Equipment & Supplies	53004322-55490		2,555
Appropriate VRSA Grant for AED / Air Monitors			
Insurance recovery	53001-41928	10,291	
Pump Repairs	53004322-55280		10,291
To appropriate insurance recovery for damage to damaged water pump			
Insurance recovery	53001-41928	2,947	
Auto equipment	53004321-58316		2,947
To appropriate insurance recovery for damages to vehicle			
TOTAL WATER FUND		15,793	15,793
ENVIRONMENTAL FUND			
Comm of VA grant funds	58003-45540	(372)	-
Litter Control Grant materials & supplies	58004822-55415		(372)
To adjust Comm of VA grant funds from the Department of Environmental Quality			
TOTAL ENVIRONMENTAL FUND		(372)	(372)
BOND FUND			
		REVENUES	EXPENDITURES
Interest Revenue - SHS Bonds	39501-41510	408,981	
Staunton High Renovation - Furniture Contingency	39569404-58389-73211		47,281
Transfer to School CIP Fund	39569404-59394		361,700
TOTAL BOND FUND 395		408,981	408,981
CITY GOVERNMENT FUNDS			
GENERAL FUND		195,345	
CAPITAL IMPROVEMENTS FUND		119,302	
GRANTS FUND		(1,330)	
BLUE RIDGE COURT SERVICES FUND		101,158	
WATER FUND		15,793	
ENVIRONMENTAL FUND		(372)	
BOND FUND		408,981	
TOTAL CITY GOVERNMENT FUNDS		838,877	
EDUCATION FUNDS			
EDUCATION FUND 900		3,733,716	
SCHOOL CIP FUND 966		405,519	
CAFETERIA FUND 930		26,680	
SCHOOL SOP FUND 920		124,312	
TOTAL EDUCATION FUNDS		4,290,227	
TOTAL FY2021 BUDGET AMENDMENT NO. 5		5,129,104	

**STAUNTON CITY SCHOOLS
FY 2021 BUDGET
AMENDMENT NO. 5**

EDUCATION FUND		REVENUES	EXPENDITURES
STATE AND FEDERAL GRANT REVENUE/PROGRAMS			
<u>Homebound Education</u>			
Homebound Services	900300-42246	\$ 1,525	
Elem. Homebound Wages	91231195-51201		\$ 1,525
To appropriate additional State Homebound Funding			
SCHOOL IMPROVEMENT GRANT	900300-43040-SIG00	\$ 30,000	
Other Purchased Services	91312195-53569-SIG00		\$ 30,000
To appropriate additional grant funds for the Shelburne Middle School math improvement program			
<u>VISION Grant Funding</u>			
Federal Revenue	900300-43999-VISON	\$ 190,884	
Additional Computer Technology	97109095-58207-VISON		\$ 190,884
Appropriate Additional Vision Grant Award			
<u>ESSR II Funding</u>			
Federal ESSR II Funds	900300-43999-ESSR2	\$ 2,760,767	
Contract Sub Floaters	91101181-53578-ESSR2		\$ 1,718
Contract Sub Floaters	91101182-53578-ESSR2		\$ 14,431
Contract Sub Floaters	91101183-53578-ESSR2		\$ 7,559
Contract Sub Floaters	91102187-53578-ESSR2		\$ 26,113
Contract Sub Floaters	91103188-53578-ESSR2		\$ 42,224
Contract Sub Floaters	91109884-53578-ESSR2		\$ 7,903
Staff Development	91103188-53561-ESSR2		\$ 5,000
Materials & Supplies	91109681-56013-ESSR2		\$ 4,000
Materials & Supplies	91109682-56013-ESSR2		\$ 4,000
Materials & Supplies	91109683-56013-ESSR2		\$ 4,000
Materials & Supplies	91109687-56013-ESSR2		\$ 4,000
Materials & Supplies	91109688-56013-ESSR2		\$ 4,000
Vehicle & Power Equipment	93209096-56009-ESSR2		\$ 2,014
Custodial Supplies	94209099-56005-ESSR2		\$ 60,842
HVAC	94209099-56007-ESSR2		\$ 5,115
Other Operating Supplies - Thermometers	94209099-56014-ESSR2		\$ 1,949
Furniture - SHS Outdoor	94209099-58202-ESSR2		\$ 45,603
Repair & Maintenance Supplies - HVAC Controls	94209099-56007-ESSR2		\$ 60,100
Replacement Machinery& Equipment - Floor Scrubbers	94209099-58101-ESSR2		\$ 20,000
HVAC Replacement - Weller	94209099-58104-ESSR2		\$ 24,988
HVAC Replacement - Trane Bi-Polar Ionization	94209099-58104-ESSR2		\$ 133,675
Furniture - Outdoor Learning Pavilions	94209099-58202-ESSR2		\$ 60,000
Additional Vehicles - ADA Accessible Vans (2)	93209096-58205-ESSR2		\$ 118,254
School Psychology	92239095-51132-ESSR2		\$ 68,250
School Psychology FICA	92239095-52010-ESSR2		\$ 5,221
School Psychology VRS	92239095-52020-ESSR2		\$ 10,401
School Psychology Health	92239095-52005-ESSR2		\$ 8,703
School Psychology GRP Life	92239095-52001-ESSR2		\$ 915
Instructional Tech Resource Teacher	97109095-51120-ESSR2		\$ 59,946
Instructional Tech Resource Teacher FICA	97109095-52010-ESSR2		\$ 4,586
Instructional Tech Resource Teacher VRS	97109095-52020-ESSR2		\$ 9,160
Instructional Tech Resource Teacher Health	97109095-52005-ESSR2		\$ 13,000
Instructional Tech Resource Teacher GRP Life	97109095-52001-ESSR2		\$ 803
SHS Summer Bridge - Supplemental Salaries	91103188-51620-ESSR2		\$ 11,000
SHS Summer Bridge - Supplemental FICA	91103188-52010-ESSR2		\$ 800

**FY 2021 BUDGET
AMENDMENT NO. 5**

EDUCATION FUND		REVENUES	EXPENDITURES
STATE AND FEDERAL GRANT REVENUE/PROGRAMS			
Supplemental Salaries - Summer School	91109681-51620-ESSR2		\$ 48,575
Supplemental Salaries - Summer School	91109682-51620-ESSR2		\$ 42,725
Supplemental Salaries - Summer School	91109683-51620-ESSR2		\$ 48,091
Supplemental Salaries - Summer School	91109687-51620-ESSR2		\$ 72,474
Supplemental Salaries - Summer School	91109688-51620-ESSR2		\$ 89,755
Supplemental FICA - Summer School	91109681-52010-ESSR2		\$ 3,886
Supplemental FICA - Summer School	91109682-52010-ESSR2		\$ 3,418
Supplemental FICA - Summer School	91109683-52010-ESSR2		\$ 3,847
Supplemental FICA - Summer School	91109687-52010-ESSR2		\$ 5,798
Supplemental FICA - Summer School	91109688-52010-ESSR2		\$ 7,181
Supplemental Salaries - SOL Testing	91101181-51620-ESSR2		\$ 1,216
Supplemental Salaries - SOL Testing	91101182-51620-ESSR2		\$ 1,217
Supplemental Salaries - SOL Testing	91101183-51620-ESSR2		\$ 1,217
Supplemental FICA - SOL Testing	91101181-52010-ESSR2		\$ 100
Supplemental FICA - SOL Testing	91101182-52010-ESSR2		\$ 100
Supplemental FICA - SOL Testing	91101183-52010-ESSR2		\$ 100
Summer School Transportation	93209096-51170-ESSR2		\$ 24,000
Summer School Transportation FICA	93209096-52010-ESSR2		\$ 1,920
Contract Sub Floaters	91101181-53578-ESSR2		\$ 7,907
Contract Sub Floaters	91101182-53578-ESSR2		\$ 66,417
Contract Sub Floaters	91101183-53578-ESSR2		\$ 34,790
Contract Sub Floaters	91102187-53578-ESSR2		\$ 120,183
Contract Sub Floaters	91103188-53578-ESSR2		\$ 194,333
Contract Sub Floaters	91109884-53578-ESSR2		\$ 36,370
Instructional Tech Software MS Virtual Learning	97109095-56042-ESSR2		\$ 93,950
Instructional Tech Software HS Virtual Learning	97109095-56043-ESSR2		\$ 116,352
Instructional Tech Software ES Virtual Learning	97109095-56044-ESSR2		\$ 180,698
Other Purchased Services - Security Software	97309095-53569-ESSR2		\$ 8,000
Data Lines	97609095-55003-ESSR2		\$ 101,000
Curriculum Development - ES	91311195-53568-ESSR2		\$ 3,235
Curriculum Development - HS	91312195-53568-ESSR2		\$ 2,083
Curriculum Development - MS	91313195-53568-ESSR2		\$ 1,682
Other Purchased Services - YMCA Collaborative - Weller	91109681-53569-ESSR2		\$ 32,333
Other Purchased Services - YMCA Collaborative - McSwain	91109682-53569-ESSR2		\$ 32,333
Other Purchased Services - YMCA Collaborative - Ware	91109683-53569-ESSR2		\$ 32,334
Fuel - Transportation Summer School	93209096-56008-ESSR2		\$ 2,000
Computer Replacement	97109095-58107-ESSR2		\$ 306,000
Document Cameras	97109095-58207-ESSR2		\$ 88,000
Summer School Materials and Supplies	91103188-56101-ESSR2		\$ 6,825
HVAC Replacement - Weller	94209099-58104-ESSR2		\$ 30,000
Additional Equipment - SHS Lift	94209099-58201-ESSR2		\$ 10,000
Food Delivery Vehicle	93209096-58205-ESSR2		\$ 48,049
To appropriate remaining grant funds from prior year grant funds awarded for ESSR II Grant			
Other Grants - VRSA	900300-40587	\$ 3,800	
Repair / Maint SVCS	94209099-53684		\$ 3,800
To Appropriate VRSA Grant Award - Dixon Center Fencing			
Federal Funds - Cares Act Set Aside	900300-43999-SESS	\$ 9,059	
Medical Supplies	92229095-56004-SESS		\$ 6,370
Education Supplies	91101295-56013-SESS		\$ 2,689
To appropriate additional CARES Act funding			
Other State Funds	900300-42999-MENTH	\$ 7,000	
Purchased Services	92239095-53565-MENTH		\$ 7,000
To appropriate Virginia Statewide Partnership for School			
TOTAL STATE AND FEDERAL GRANT PROGRAMS		\$ 3,003,035	\$ 3,003,035

STAUNTON CITY SCHOOLS
FY 2021 BUDGET
AMENDMENT NO. 5

EDUCATION FUND		REVENUES	EXPENDITURES
LOCAL GENERAL REVENUE/PROGRAMS			
<u>Recovered Costs- Transportation</u>			
Insurance Recovery - VRSA Deer Strike	900100-40510	\$ 4,937	
Repairs & Maintenance	93409096-53604		\$ 4,937
To appropriate insurance recovery for damaged transportation vehicle			
LOCAL GENERAL REVENUE/PROGRAMS			
<u>Local Revenue Donations</u>			
To appropriate donated funds received from the Thacker Fund for Bessie Weller Elementary School			
Donations - Private Contributions	900381-40580-THACK	\$ 10,500	
Bessie Weller Elementary Thacker Fund	91101181-56109-THACK		\$ 10,500
To Appropriate Donations Received by the School Division			
Donations Private - Equity	900300-40580-EQUIT	\$ 2,550	
Contingency - Equity First Fund	91101100-59100-EQUIT		\$ 2,550
Donations Private	900300-40580	\$ 100	
Education Supplies - Technology	97109095-56016		\$ 100
Donations Private - Timothy Alden Edwards Foundation	900300-40580	\$ 1,775	
Education Supplies	91101181-56013		\$ 592
Education Supplies	91101182-56013		\$ 592
Education Supplies	91101183-56013		\$ 591
Capital Improvement Projects			
Transfer to School CIP Fund	98909095-59394	\$ 710,819	
Appropriation from Fund Balance	900100-49302		\$ 710,819
TOTAL LOCAL GENERAL REVENUE/PROGRAMS		\$ 730,681	\$ 730,681
TOTAL EDUCATION FUND		\$ 3,733,716	\$ 3,733,716

STAUNTON CITY SCHOOLS

FY 2021 BUDGET

AMENDMENT NO. 5

			REVENUES	EXPENDITURES
SCHOOL CIP FUND 966				
<u>School Security Grant FY2021</u>				
Other State Funds	966400-42999-SSE21	\$	43,819	
School Security Grant- Bessie Weller Elementary School	K6609081-58215-SSE17			\$ (25)
School Security Grant- Bessie Weller Elementary School	K6609081-58125-SSE19			\$ (1,796)
School Security Grant- Bessie Weller Elementary School	K6609081-58125-SSE20			\$ (9,134)
School Security Grant- Bessie Weller Elementary School	K6609081-58215-SSE21			\$ 13,011
School Security Grant - Shelburne Middle School	K6609087-58215-SSE21			\$ 41,763
To appropriate grant funds from the Comm of VA Department of Education for the School Security Equipment Grant				
<u>Bond Fund Transfer for SHS Tennis Court</u>				
Transfer from Bond Fund	966100-49298	\$	361,700	
Tennis Court Project	K6609088-58517			\$ 361,700
To appropriate excess bond funds from the City for Tennis Courts				
TOTAL SCHOOL CIP FUND 966			\$ 405,519	\$ 405,519

			REVENUES	EXPENDITURES
STATE OPERATED PROGRAMS FUND				
Federal Grant Funds	920391-43015-T1D00	\$	124,312	
Salaries	S1109991-51120-T1D00			\$ 94,812
Tutoring	S1109991-53569-T1D00			\$ 29,500
To appropriate additional federal grant funds for neglected and delinquent students.				
TOTAL STATE OPERATED PROGRAMS FUND 920			\$ 124,312	\$ 124,312

			REVENUES	EXPENDITURES
SCHOOL FOOD SERVICES 930				
CAFETERIA FUND				
ESSR2 Grant Award	930300-43999-ESSR2	\$	25,920	
Summer School Wages	H5109000-51193-ESSR2			\$ 24,000
Summer School FICA	H5109000-52010-ESSR2			\$ 1,920
Donations	930395-40580	\$	760	
Food Service Supplies	H5109081-56002			\$ 152
Food Service Supplies	H5109082-56002			\$ 152
Food Service Supplies	H5109083-56002			\$ 152
Food Service Supplies	H5109087-56002			\$ 152
Food Service Supplies	H5109088-56002			\$ 152
TOTAL SCHOOL FOOD SERVICES FUND 930			\$ 26,680	\$ 26,680

GRAND TOTAL BUDGET AMENDMENT NO. 5

\$ 4,290,227	\$ 4,290,227
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CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	Steven L. Rosenberg City Manager
Item #	D	
Ordinance #		
Department:	City Manager	
Council Vision:	Responsive, Efficient Government	
Subject:	Appointment of Assistant City Manager as Alternate Representative to Regional Bodies	

Background: The City of Staunton is a member locality of the Staunton-Augusta-Waynesboro Metropolitan Planning Organization (SAWMPO) and the Middle River Regional Jail Authority (MRRJA). The organizational documents of each body allow for the appointment of an alternate representative of the City to participate in meetings of the policy board of SAWMPO and the board of directors of MRRJA, respectively, in the event one of the City's primary representatives is unable to attend. It is appropriate to make such appointments.

Attachments:

- Attachment 1— Staunton-Augusta-Waynesboro Metropolitan Planning Organization Policy Board Bylaws
- Attachment 2— Middle River Regional Jail Authority Service Agreement
- Attachment 3— Virginia Code § 53.1-106

City Manager's Recommendation: Appoint Assistant City Manager Leslie Beauregard as an alternate representative of the City to the policy board of SAWMPO and the board of directors of MRRJA.

Suggested Motion: I move to appoint Assistant City Manager Leslie Beauregard to the policy board of the Staunton-Augusta-Waynesboro Metropolitan Planning Organization as a designated alternate, consistent with the SAWMPO bylaws, and to the board of directors of Middle River Regional Jail Authority as an alternate member, consistent with the service agreement of the authority and state law.

City Manager: Steven L. Rosenberg

STAUNTON-AUGUSTA-WAYNESBORO

METROPOLITAN PLANNING
ORGANIZATION

112 MACTANLY PLACE

STAUNTON, VIRGINIA 24401

PHONE (540) 885-5174 • FAX (540) 885-2687

City of Staunton • County of Augusta • City of Waynesboro

POLICY BOARD BYLAWS

ADOPTED ON NOVEMBER 7, 2012

AMENDED ON SEPTEMBER 3, 2014

AMENDED ON JUNE 28, 2016



Article 1 - Name and Authority

The name of this organization shall be known as the Staunton-Augusta-Waynesboro Metropolitan Planning Organization and shall have such authority as prescribed in a Memorandum of Understanding for a Continuing, Cooperative, and Comprehensive Transportation Planning and Programming Process for the Staunton Augusta Waynesboro Urbanized Area between the Metropolitan Planning Organization, hereinafter referred to as the SAWMPO; the Virginia Department of Transportation, hereinafter referred to as the DEPARTMENT; the City of Staunton, acting as a local unit of government, hereinafter referred to as STAUNTON; the City of Waynesboro, acting as a local unit of government, hereinafter referred to as WAYNESBORO; the County of Augusta, acting as a local unit of government, hereinafter referred to as the COUNTY; and the Central Shenandoah Planning District Commission, hereinafter referred to as the COMMISSION, providing staff for the SAWMPO.

Article II - Purpose and Powers

The SAWMPO shall be the policy and decision-making body for the purpose of carrying out the continuing, cooperative and comprehensive ("3-C") transportation planning and programming process as defined in United States Code Title 23, Section 134 and Title 49 Section 1607; and in accordance with the constitution and statutes of the Commonwealth of Virginia.

In carrying out its responsibility the SAWMPO shall:

- 1) Establish policy for the continuing, comprehensive and cooperative transportation planning process;
- 2) Develop the Staunton-Augusta-Waynesboro Metropolitan Planning Organization Long Range Transportation Plan for the urban study area and review and update it as needed, and at a minimum update it every five (5) years per Federal regulations;
- 3) Recommend action by other appropriate agencies;
- 4) Revise the Plan study area, defined by the "cordon boundary", as required, and in conjunction with the DEPARTMENT;
- 5) Develop, in coordination with local governments and the DEPARTMENT, socio-economic data for the regional traffic model;
- 6) Develop and approve the annual transportation improvement programming and planning documents as required by the U.S. Department of Transportation Regulations, as amended; and
- 7) Perform other reviews and evaluations that may be required to expedite the process.

Article III - Membership

SECTION 1 - VOTING MEMBERSHIP - The voting membership of the SAWMPO shall be composed of the following voting representatives, or their alternates, designated by and representing their respective jurisdictions or agencies:

- 1) City of Staunton – 2 representatives
- 2) Augusta County – 2 representatives
- 3) City of Waynesboro – 2 representatives
- 4) A state representative designated by and empowered to participate on behalf of the Secretary of Transportation
- 5) Any other agencies or groups as may be agreed upon by a majority of all voting representatives of the SAWMPO

SECTION 2 - NONVOTING MEMBERSHIP - The nonvoting membership of the SAWMPO shall be one nonvoting representative designated by and representing each of the following agencies:

- 1) Federal Highway Administration
- 2) Federal Transit Administration
- 3) Virginia Department of Rail and Public Transportation (DRPT)
- 4) Contracted Transit Service Provider
- 5) Virginia Department of Aviation
- 6) Any other agencies or groups as may be agreed upon by a majority of all voting representatives of the SAWMPO

SECTION 3 - ALTERNATE MEMBERS – Representatives from STAUNTON, WAYNESBORO, and the COUNTY may designate one (1) alternate member to serve in the absence of their regular representative(s). The representative from VDOT may designate three (3) alternate members to serve in the absence of their regular representative. The representatives must submit their alternate's name to the chair of the SAWMPO at a meeting prior to the one for which a representative is absent. An alternate may vote only in the absence of the regular member he or she represents.

SECTION 4 - ATTENDANCE - Whenever any voting member fails to attend or send an alternate to three (3) consecutive meetings, the Chair of the SAWMPO shall seek to determine the cause of the absence and whether the appointing authority wishes the delinquent member to be the representative of the MPO.

Article IV - Terms of Office and Voting

SECTION 1 - TERMS OF OFFICE - The terms of office of SAWMPO members shall be as follows:

- 1) Voting – Concurrent Terms: SAWMPO members or alternates who are appointed by local governing bodies and are also elected officials and/or Chief Administrative Official (CAO) of the local governing body shall serve coincident with their elected/appointed terms of office or such shorter terms as their governing bodies shall determine.

- 2) Voting – Continuous: SAWMPO members or alternates who are appointed by the local governing bodies and who are neither elected nor appointed officials of local governing bodies shall serve continuously at the pleasure of the appointing body.
- 3) Nonvoting – Continuous: Nonvoting members shall serve continuously at the pleasure of the appointing body.

SECTION 2 - VOTING RIGHTS - Each SAWMPO Policy Board voting representative or alternate shall have one (1) equal vote in all matters before the SAWMPO.

SECTION 3 - RECORDED VOTE - The vote of each SAWMPO member, both negative and affirmative, shall be recorded in the official minute book of the SAWMPO.

SECTION 4 - PROXY VOTES - Voting by proxy shall not be permitted.

Article V - Officers

SECTION 1 - TYPE OF OFFICERS - Officers of the SAWMPO shall consist of a chair, a vice-chair, and secretary/treasurer. The chair and vice chair shall be elected officials and voting members.

SECTION 2 - TERMS OF OFFICE: The chair and vice-chair shall serve for three (3) years or until their Successors are elected. A City or County representative shall serve as Chairman or Vice Chairman; however, in no case shall both offices be filled with representatives from the same locality at the same time. The Secretary-Treasurer shall be the Central Shenandoah Planning District Commission Executive Director and shall serve continuously at the pleasure of the Policy Board.

SECTION 3 - ELECTION OF OFFICERS: The election of officers shall be held prior to June 30, 2014, with subsequent election of officers held every three (3) years, prior to September 30th, and those members elected to office shall assume their duties on October 1st of each year.

- 1) The Chairman shall appoint a Nominating Committee (Article VII, Section 3) of three voting and/or non-voting members of the SAWMPO no later than twenty-five (25) days prior to the regular SAWMPO meeting at which the election of SAWMPO officers is to be held. The Nominating Committee shall report its recommendations to the Policy Board at any following meeting but not later than September 30th of the calendar year. The election of officers may occur at any meeting following the Nominating Committee recommendation, but not later than September 30th.

SECTION 4 - VACANCIES - If for any reason any office becomes vacant during the year, an election to fill the office shall be held at the next regular meeting of the SAWMPO, and the new officer so elected shall complete the unexpired term of the succeeded officer.

SECTION 5 - POWERS AND DUTIES OF THE OFFICERS - The powers and duties of the officers of the SAWMPO shall be as follows:

- 1) The chair shall have the recognized and inherent duties and powers of the office of the chair including the following items: shall preside over all meetings of the SAWMPO; shall be eligible to vote on all issues regardless of a tie vote; shall appoint all committees necessary to the SAWMPO, with confirmation by the SAWMPO; shall have the authority to delegate

any routine function to a member of the SAWMPO staff; and shall perform such other duties as may from time to time be assigned by the SAWMPO.

- 2) The vice-chair shall, in the absence or inability of the chair, perform all the duties and exercise all the powers of the chair and such other duties assigned by the SAWMPO.
- 3) Another voting representative shall, in the absence or inability of the chair and vice-chair, perform all the duties and exercise all the powers of the chair and such other duties assigned by the SAWMPO.

SECTION 6 - LINE OF SUCCESSION - At any given meeting when the chair and the vice-chair are absent, the first order of business at the meeting shall be the election of a temporary chair for that meeting.

Article VI - Staff Support and Financial Responsibilities

SECTION 1 - GENERAL STAFF SUPPORT - The staff of the SAWMPO may be the planning staffs of the COMMISSION, STAUNTON, WAYNESBORO, COUNTY, and/or any other agency so designated by the SAWMPO, with the assistance of the staff of the DEPARTMENT.

SECTION 2 - ALLOCATION OF FUNDS - The SAWMPO shall prepare the annual Unified Planning Work Program which allocates Section 112 (FHWA PL) and Section 5303 (FTA) transportation planning funds to the appropriate transportation planning agencies located within the study area.

SECTION 3 - FINANCIAL RECORDS - The financial records of the SAWMPO shall be maintained by COMMISSION staff at the direction of the SAWMPO.

SECTION 4 - FISCAL YEAR - The fiscal year of the SAWMPO shall be July 1 - June 30.

SECTION 5 - SAWMPO MEMBER LIABILITY - Individual SAWMPO members, acting as members of the SAWMPO, shall not be personally liable for any loss of funds as a result of acts performed in good faith while conducting the usual business of the SAWMPO.

Article VII - Committees

SECTION 1 - TECHNICAL ADVISORY COMMITTEE - The SAWMPO shall create a Transportation Technical Advisory Committee composed of individuals with technical knowledge in transportation and land use matters to provide technical review, comment, and recommendations on transportation plans, programs, studies and other appropriate documents, and on regional transportation issues. The Committee shall integrate land use and environmental considerations into all of its activities in order to forge a stronger link between transportation, land use and the environment.

- 1) The voting membership of the Technical Advisory Committee shall be composed of two (2) members representing STAUNTON, two (2) members representing WAYNESBORO, two (2) members representing the COUNTY, and one (1) member representing the DEPARTMENT, and one (1) member representing the DRPT, for a total of 8 representatives. Non-voting members of the Technical Advisory Committee are similar to those from the Policy Board with the exception of the DRPT being represented as a voting member.

- 2) Representatives from STAUNTON, WAYNESBORO, the COUNTY, DRPT, and the DEPARTMENT, may designate up to two (2) alternate members to serve in the absence of their regular representative(s).
- 3) The Technical Advisory Committee shall operate under the provisions described in the appropriate Articles of the SAWMPO Policy Board Bylaws.

SECTION 2 - SPECIAL COMMITTEES - The chair may from time to time establish such special committees as deemed desirable for the effective promulgation of SAWMPO affairs and shall appoint the members thereto with concurrence of the SAWMPO.

SECTION 3 - NOMINATING COMMITTEE - The chair shall appoint a nominating committee of three voting and/or nonvoting members of the SAWMPO no later than twenty-five (25) days prior to the regular SAWMPO meeting at which time the election of SAWMPO officers is held. This provision shall not apply to the election of officers to the Technical Advisory Committee.

Article VIII - Meetings

SECTION 1 – REGULAR MEETINGS – The SAWMPO shall establish a regular date and place for its meetings. The chairman may establish an alternate meeting date to substitute for conflicts caused by holidays and any emergency reasons. Members will be notified at least seven (7) days in advance of a rescheduled meeting.

SECTION 2 – SPECIAL MEETINGS – Special meetings may be called by the chair. Special meetings shall be called by the chair on petition of one-third of the SAWMPO members. The aforementioned notice provisions shall apply.

SECTION 3 – PUBLIC HEARINGS – The SAWMPO shall conduct all public hearings required by law or if such hearings will be in the public interest.

SECTION 4 - MEETINGS OPEN TO THE PUBLIC - Meetings of the SAWMPO shall be open to the public. At least one period of time will be set aside during each meeting for general comments from the public. Public hearings will be held and other public involvement efforts will be made prior to major decisions in accordance with the SAWMPO Public Involvement Policy. At the discretion of the Chair, the floor may be opened during a meeting for additional public comments; for example, the Chair may ask for public comments prior to calling for a vote on a significant issue. The SAWMPO, however, may hold closed sessions in accordance with the Virginia Freedom of Information Act.

SECTION 5 - QUORUM – A simple majority, or four (4) of the seven (7) voting members of the SAWMPO Policy Board shall be required in order to constitute a quorum. At least one (1) voting representative from each of the three jurisdictions, STAUNTON, WAYNESBORO and the COUNTY, must be present in order to establish a quorum. Vacancies shall not be considered in the establishment of a quorum.

SECTION 6 - SAWMPO MINUTES - The staff of the COMMISSION shall support the Secretary/Treasurer of the SAWMPO and shall assist the chair and vice-chair in preparing an agenda, conducting the meeting and preparing the minutes of each meeting. The minutes shall be presented at the next SAWMPO meeting for approval. After the minutes have been duly approved, said minutes shall be distributed to all members of any transportation-related and other

appropriate organization, agencies or individuals, and shall be recorded in an official minute book of the SAWMPO.

Article IX - Coordination Responsibilities

SECTION 1 - COORDINATION - The SAWMPO shall be responsible for the coordination of all transportation planning activities of the various transportation-related agencies that have both a direct and indirect impact on the Long Range Plan.

SECTION 2 - REGIONAL REVIEW (A-95) AGENT - The SAWMPO shall act as the agent for those agencies applying for federal and state funds through the Unified Transportation Planning Work Program and Transportation Improvement Program, except when a funding agency otherwise directs, and shall submit the notice of intent application to the area wide clearinghouse pursuant to the requirements of Executive Order 12372 and the Commonwealth Intergovernmental Review Process.

Article X - Parliamentary Procedure

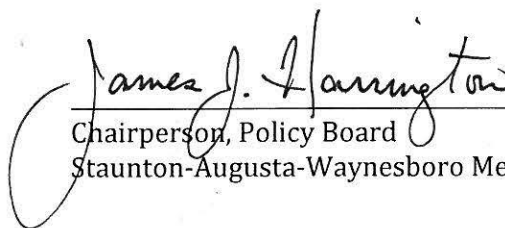
Except as herein provided, all matters of procedure shall be governed by Roberts Rules of Order, latest revised edition.

Article XI - Amendments

Any proposed amendment to these bylaws shall be presented in writing to the members of the SAWMPO and read at a regular SAWMPO meeting. The members of the SAWMPO shall have at least twenty-five (25) days to review the proposed amendments. At a regular meeting of the SAWMPO thereafter a majority vote of the full voting membership of the SAWMPO shall be required to adopt any proposed amendment to the bylaws.

Article XII - Effective Date

These bylaws and any amendments thereto, shall become effective immediately upon adoption by a majority of the full voting membership of the SAWMPO.

 6-29-16
Chairperson, Policy Board Date
Staunton-Augusta-Waynesboro Metropolitan Planning Organization

 7-1-16
Secretary/Treasurer Date
Staunton-Augusta-Waynesboro Metropolitan Planning Organization

**MIDDLE RIVER REGIONAL JAIL
AUTHORITY SERVICE AGREEMENT
As amended effective July 1, 2015**

This amended Service Agreement for the MIDDLE RIVER REGIONAL JAIL AUTHORITY (the "Authority"), superseding the service agreement which was previously adopted as of June 25, 2001, and amended and readopted as of June 12, 2003, (the "Original Service Agreement") is made as of July 1, 2015, by and among the Authority, the County of Augusta, the City of Staunton and the City of Waynesboro (the "Original Member Jurisdictions") and the County of Rockingham and the City of Harrisonburg (the "Additional Member Jurisdictions"), all of which jurisdictions are political subdivisions of the Commonwealth of Virginia.

RECITALS

WHEREAS, in the Original Service Agreement, the Original Member Jurisdictions created the Authority, and provided for the financing, construction, equipping, operation and maintenance of the Middle River Regional Jail (the "Jail"); and

WHEREAS, pursuant to the Original Service Agreement, the Authority completed the Jail and has operated it successfully for the benefit of the Original Member Jurisdictions since its opening in April 2006; and

WHEREAS, from time to time the Authority has housed prisoners for the Additional Member Jurisdictions for a per diem rental fee; and

WHEREAS, the Additional Member Jurisdictions have an ongoing need for more jail space, and after extensive investigation and discussion have determined that securing permanent space at the Jail is more advantageous to them than expanding or replacing their existing local

jail facilities, and they have accordingly asked to become full participating Member Jurisdictions in the Authority; and

WHEREAS, the Authority and the Original Member Jurisdictions have agreed upon the terms and conditions under which they will accept the Additional Member Jurisdictions as members of the Authority, and intend by this document to replace and supersede the Original Service Agreement with this Service Agreement of 2015; now, therefore, the Original Service Agreement is replaced and superseded by this Service Agreement of 2015 (this "Agreement") pursuant to and in the manner hereinafter set forth.

ARTICLE I

Definitions

The capitalized terms of this Agreement have the meanings set forth below.

"Annual Budget" has the meaning given to such term in Section 4.7.

"Applicable Laws" means all applicable laws, ordinances, judgments, decrees, injunctions, writs and orders of any court, arbitrator or governmental agency or authority and all rules, regulations, orders, interpretations, licenses and permits of any federal, state, county, municipal, regional, foreign or other governmental body, instrumentality, agency or authority.

"Authority" means the Middle River Regional Jail Authority.

"Authority Default" has the meaning given to such term in Section 9.1.

"Bonds" means revenue bonds or notes issued or notes issued by the Authority for the design, construction and other costs of the Jail, and shall include any bonds or notes issued to refund such revenue bonds or notes..

“Capital Expenditures” means amounts included in the Authority’s annual budget for maintenance, repair, leasing or purchase of capital facilities, equipment or other items, excluding Debt Service, that are classified as capital under generally accepted governmental accounting principles, but that are not funded through the issuance of Bonds.

“Client Jurisdiction” means any political subdivision of the Commonwealth of Virginia not a member of the Authority, any agency of the federal government, or the District of Columbia.

“Debt Service” means scheduled payments of principal and interest and other reasonable or necessary payments required to comply with debt service coverage requirements, including any debt service reserve fund, imposed in connection with any Bonds or Notes, as set forth in Section 5.1 (B) of Article V of this Agreement.

“Fiscal Year” means the annual accounting period from July 1 of one year to June 30 of the following year.

“Jail” means the Middle River Regional Jail, as constructed and equipped by the Authority together with any additions or improvements thereto.

“Member Jurisdictions” means the County of Augusta, the City of Staunton, the City of Waynesboro, the City of Harrisonburg and the County of Rockingham, each a political subdivision of the Commonwealth of Virginia, and any other political subdivision joining the Authority as provided in Section 6.6 but excluding any political subdivision that may have withdrawn from the Authority, as provided in Section 6.7.

“Net Operating Expenses” means Operating Expenses reduced by an amount equal to revenue from: (i) Client Jurisdictions (ii) Operating Expenses of the Authority reimbursed by the Commonwealth of Virginia; and (iii) all other non-Member revenue.

“Notes” means revenue and/or bond anticipation notes issued by the Authority.

“Obligations” means the Notes or Bonds issued or refinanced by the Authority.

“Operating Expenses” means all expenses which may reasonably be determined by the Authority to be attributable directly or indirectly to the ownership or operation of the Jail and payable as operating expenses in accordance with generally accepted accounting principles, as well as any Capital Expenditures, not including Debt Service.

“Operating Reserve Fund” means the reserve fund established in Section 5.3.

“Placed in Service” means the first day on which the Jail was certified by the appropriate authority of the Commonwealth of Virginia to accept prisoners.

“Prisoner(s)” has the meaning given to such term in Section 4.1.

ARTICLE II

Creation of Authority

Section 2.1 – Regional Jail Authority. The Original Member Jurisdictions have previously established a regional jail authority pursuant to the Resolution to create the Middle River Regional Jail Authority for the County of Augusta, City of Staunton and City of Waynesboro, Virginia, adopted in 2001. Concurrently with their adoption of this Agreement, the Original Member Jurisdictions and the Additional Member Jurisdictions each shall adopt a resolution reflecting the inclusion of the Additional Members in the Authority.

Section 2.2 – Board. The powers of the Authority shall be exercised by a Board (the “Board”) consisting of three representatives from each of the Original and Additional Member Jurisdictions. The principal representatives of each Member Jurisdiction shall be (1) its sheriff (except for the City of Harrisonburg, which shall be represented by its chief of police), (2) its county administrator or city manager; and (3) its chief financial officer. The terms of the sheriffs

shall coincide with the terms for which they have been elected, or in the case of persons appointed to fill vacancies in the office of Sheriff, until a new sheriff is elected. The terms of the other representatives shall be concurrent with their employment with their respective Member Jurisdictions. The sheriffs and the Member Jurisdictions may appoint alternate members to the Board. The Board shall establish bylaws governing the election of officers, the scheduling of meetings and notice therefor, and other procedural matters.

Section 2.3 – Jail Authority. The Authority shall have all powers as set forth in Section 53.1-95.2 *et seq.* of the Code of Virginia, as amended, as well as all other powers contained in the Code of Virginia applicable to regional jail authorities.

Section 2.4 – Appointment of Superintendent. The Authority shall appoint a superintendent of the Jail.

Section 2.5 – Duties of Superintendent. The Superintendent shall have the same control and authority over the prisoners committed or transferred to the Jail as the sheriffs of the Commonwealth of Virginia have over the prisoners committed or transferred to their jails. The Superintendent shall have all the powers and duties set forth in Section 53.1-95.8 of the Code of Virginia, as amended.

ARTICLE III

Jail

Section 3.1 – Expansion of Jail.- The Authority agrees not to physically expand the Jail or incur additional Obligations without the consent of the governing bodies of at least four-fifths of the Member Jurisdictions.

Section 3.2 – Permits. The Authority will construct any improvement or expansion of the Jail in accordance with the requirements of all Applicable Laws. The Member Jurisdictions agree to provide reasonable assistance to the Authority in complying with any such requirements, and will provide the Authority with any and all information that may be necessary in this regard.

ARTICLE IV

Provision of Services, Operation and Maintenance

Section 4.1 – Acceptance of Prisoners. The Authority will accept Prisoners from each Member Jurisdiction and to the extent space is available, from Client Jurisdictions, including the federal government and its agencies by contract agreement who have been: (i) duly arrested for committing a criminal offense and held over pending trial; or (ii) duly convicted of committing a criminal offense and sentenced to a term of incarceration by a court having proper jurisdiction (the “Prisoner”).

The Authority shall be responsible for housing Prisoners from the Member Jurisdictions in accordance with this Article. Prisoners of Member Jurisdictions shall be given a preference over those from jurisdictions of non-members, including the Commonwealth of Virginia, any other state, the District of Columbia, and the Federal government and its agencies. If the Authority determines that it must house prisoners from Member Jurisdiction in a location other than Middle River Regional Jail, the Member Jurisdictions shall pay the same amounts to the Authority as if the prisoner was housed by the Authority provided, however, that the Additional Members shall not pay the Authority for any prisoners housed in the Rockingham-Harrisonburg Regional Jail

Section 4.2 – Commitment of Prisoners. Until final payment of all debt incurred by the Authority for the construction of the Jail or any expansion thereof, each Original Member Jurisdiction agrees to commit all of its Prisoners to the custody of the Authority. Beginning July 1, 2015, the Additional Member Jurisdictions together agree to commit to the Jail a combined minimum of 150 Prisoners, and may commit additional prisoners if they choose to do so. In the event that the Jail is filled in part by nonmember jurisdictions, state or Federal prisoners, the Authority shall establish procedures to receive and commit prisoners from Member Jurisdictions in the Jail, or other appropriate jail(s).

Section 4.3 – Transportation of Prisoners. Unless the Authority agrees otherwise, each Member Jurisdiction shall be responsible for the initial transportation of Prisoners from such jurisdiction to the Jail for processing into the Jail population. Thereafter, the Authority shall be responsible for transporting Prisoners to and from the Jail and for all costs, expenses and security related to such Prisoners during transportation.

Section 4.4 – Operation and Maintenance. The Authority will operate and maintain the Jail in accordance with all Applicable Laws. The Authority shall be an equal opportunity employer.

Section 4.5 – Insurance. The Authority will maintain hazard, liability, or such other insurance as may be required by Applicable Law or which the Authority may deem advisable.

Section 4.6 – Annual Report. The Authority will provide to each Member Jurisdiction on or before each October 1 a report showing the activities and the revenues, expenditures, and employee compensation schedules and other similar data of the Authority for the preceding Fiscal Year and a copy of the Authority's audited financial statements

Section 4.7 – Annual Budget. The Authority will provide to each Member Jurisdiction on or before each February 1 the Authority's preliminary Annual Budget for the next Fiscal Year, and not later than June 30, shall adopt its final Annual Budget for the next Fiscal Year. For each Fiscal Year during which the Jail will be in operation, such Annual Budget shall set forth the Net Operating Expenses to be funded by payments from the Member Jurisdictions and the percentage of such Net Operating Expenses to be paid by each Member Jurisdiction, determined as provided in Section 5.1(A), as well as the percentage of Debt Service to be paid by each Member Jurisdiction during such Fiscal Year, determined as provided in Section 5.1(B). The Authority will promptly provide copies of any amendments to its Annual Budget to each Member Jurisdiction.

Section 4.8– Books and Records. The Authority will maintain financial records and accounts kept in accordance with generally accepted accounting principles for governmental bodies, consistently applied, of all of its business and affairs. All records and documents in the Authority's possession shall at all reasonable times be open to inspection by such agents or employees of the Member Jurisdictions as they may designate.

Section 4.9 – Majority Required for Authority Decisions. All decisions of the Board shall be determined by a majority vote of the Board unless otherwise noted within this Agreement.

ARTICLE V

Payments

Section 5.1 – Payments from Member Jurisdictions.

A. Payments for Budgeted Net Operating Expenses.

(1) Beginning with the 2015-2016 Fiscal Year, the calculation of the respective shares of the Net Operating Expenses to be paid by the Member Jurisdictions shall be computed utilizing the total usage of the Jail by the Original Member Jurisdictions during the preceding three calendar years, plus an assumed combined total annual average of 150 Prisoners per day for the Additional Member Jurisdictions during each of the preceding three calendar years. The Additional Member Jurisdictions are each responsible for 50% of the assessment applicable to the Additional Member Jurisdictions' share. The Member Jurisdictions shall pay their respective annual shares of budgeted Net Operating Expenses, based on their respective percentages of the total usage of the Jail during the preceding three calendar years, as provided in this paragraph, calculated to the nearest one-tenth of one percent. For the 2016-2017 and 2017-2018 Fiscal Years, the Additional Member Jurisdictions' combined share of usage shall be calculated using known actual usage and assumed daily usage of 150 prisoners for the years or year in which actual usage is not available. After the first three fiscal years following the date of this agreement, Member Jurisdictions' annual Fiscal Year share of Net Operating Expenses shall be based on their respective percentages of total Member Jurisdiction usage during the preceding three calendar years, calculated to the nearest one-tenth of one percent, with the usage from Harrisonburg and Rockingham combined into one total and the Net Operating Costs assessed 50% to each based upon the combined total usage. Payments made by a Member Jurisdiction that are not based entirely upon actual usage shall be contingent upon and subject to appropriation by the governing body of such Member Jurisdiction.

(2) Each Member Jurisdiction's allocation of budgeted Net Operating Expenses shall be invoiced quarterly by the Authority and shall be payable not later than the last day of the first month of each quarter. The Member Jurisdictions agree to pay their ratable share of the Net

Operating Expenses as budgeted by the Authority in accordance with the percentages based on the preceding three years' usage, established annually pursuant this Section.

(3) The percentages to be paid by the Member Jurisdictions under the preceding calculations shall at no time equal in the aggregate less than one hundred percent (100%) of the Net Operating Expenses for the fiscal year in question. The Authority agrees to adjust its budget if necessary during any fiscal year to reflect unanticipated increases in expenses or revenue shortfalls that alter Net Operating Expenses, and to adjust its charges to the Member Jurisdictions accordingly. The Authority may allocate reserve funds in excess of the amount required in Section 5.3 to purchase one-time items, capital items or to reduce operating expenditures.

(4) If any Member Jurisdiction fails to pay any invoice for charges specified in Section 5.1(A) and (B) within 15 days after its due date, any such Member Jurisdiction agrees to pay a penalty service charge equal to 50% of the amount due for such quarter. Thereafter, such Member Jurisdiction shall be billed (and shall pay) monthly in accordance with the preceding sentence until it pays its arrearages hereunder, at which time such Member Jurisdiction shall again be billed, and shall make payments, in accordance with Section 5.1(A) and (B). In addition, the Authority shall have the right to refuse acceptance of Prisoners from any Member Jurisdiction that is more than 60 days delinquent in payment of the Authority's invoices for either Net Operating Expenses or Debt Service.

B. Payments for Debt Service.

(1) As of July 1, 2015, the Authority's outstanding bonded indebtedness will be \$22,905,000. Beginning with the 2015-2016 Fiscal Year, the calculation of the respective shares of the Debt Service to be paid by the Member Jurisdictions shall be computed utilizing the total

usage of the Jail by the Original Member Jurisdictions during the preceding three calendar years, plus an assumed combined total annual average of 250 Prisoners per day for the Additional Member Jurisdictions during each of the preceding three calendar years, The Additional Member Jurisdictions are each responsible for 50% of the assessment applicable to the Additional Member Jurisdiction's share. The Member Jurisdictions shall pay their respective annual shares of budgeted Debt Service, based on their respective percentages of the total usage of the Jail during the preceding three calendar years, as provided in this paragraph, calculated to the nearest one-tenth of one percent. For the 2016-2017 and 2017-2018 Fiscal Years, the Additional Member Jurisdictions' combined share of usage shall be calculated using known actual usage and assumed daily usage of 250 prisoners for the years or year in which actual usage is not available. After the first three fiscal years following the date of this agreement, Member Jurisdictions' annual Fiscal Year share of Debt Service shall be based on their respective percentages of total Member Jurisdiction usage during the preceding three calendar years, calculated to the nearest one-tenth of one percent, with the usage from Harrisonburg and Rockingham combined into one total and the Debt Service cost assessed 50% to each based upon the combined total usage. Each Member Jurisdiction's allocation of Debt Service payments shall be invoiced quarterly by the Authority and shall be payable not later than the last day of the first month of each quarter.

(2) If the Authority lacks sufficient funds to pay scheduled Debt Service on the Bonds and Notes, or to pay any debt service reserve funding requirements, the Authority will promptly notify the Member Jurisdictions of the amount of such insufficiency. Upon such notification, the Member Jurisdictions each agree to pay, subject to the conditions contained in this paragraph, a portion of such based on the calculation prescribed in paragraph (1) this Section 5.1(B). Any

such payment under this paragraph that is not based entirely on actual usage will be subject to the appropriation of funds by the governing body of each Member Jurisdiction and shall constitute a moral non-binding payment obligation. The obligations of the Member Jurisdictions under this paragraph shall expire only upon the payment of the Bonds and Notes or such earlier date provided therefor, if any, in the documents under which the bonds and notes are issued. In no event shall the obligation of any Member Jurisdiction under this subsection (B) be deemed to constitute a debt within the meaning of the Constitution of Virginia.

Section 5.2 – Payments from Other Jurisdictions. Within the limits allowed by law, the Authority shall establish a per diem charge or charges for the care, maintenance and subsistence of Prisoners from Client Jurisdictions, including from the Commonwealth of Virginia, federal government, District of Columbia and other states or localities. Such charges shall be due and payable to the Authority from Client Jurisdictions having Prisoners in the Jail no later than 30 days from receipt of any statement of charges, and if not paid when due shall bear interest at such rate as the Authority shall establish until paid; provided, however, that this provision shall not apply in instances where Applicable Law prescribes some other due date or late payment charge.

Section 5.3 – Operating Reserve Fund. The Authority agrees to provide for an Operating Reserve Fund in each of its Annual Budgets in an amount equal to not less than 60 days of its projected Annual Operating Budget for each year less debt service. The Operating Reserve Fund will be established as a separate account and will be used to cover periods of revenue shortfall if the Authority's revenues are not sufficient to cover its Net Operating Expenses.

Section 5.4 – Limitation of Liability. The only obligation of the Member Jurisdictions to pay for the establishment, operation, maintenance or expansion of the Jail arises out of this Agreement. No such payment responsibility shall constitute a debt of any Member Jurisdiction within the meaning of any constitutional or statutory limitation.

ARTICLE VI

Additional Agreements

Section 6.1 – Sale or Other Conveyance. The Authority will not sell, lease, sublease, assign, convey or otherwise voluntarily dispose of the Jail unless the Notes, Bonds and any other debt incurred by the Authority have been or will be paid or deemed defeased in accordance with the agreements pursuant to which they were issued. Nothing herein shall be derived to prohibit leasing or subleasing portions of the facility to Member Jurisdictions or other entities as deemed appropriate. By a separate Agreement, the Buy-In Agreement among the Member Jurisdictions, which is attached hereto as Exhibit A, the Original Member Jurisdictions have agreed to an installment sale of 36.7% of their interest in the Jail and other assets of the Authority to the Additional Member Jurisdictions, for a total principal payment of \$21,543,588.00, ten percent of which shall be payable before June 30, 2015, and the balance of which shall be payable according to the schedule included with Exhibit A. In the event of a default in their obligation to make such payments by the Additional Member Jurisdictions and, upon certification of such by the three Original Member Jurisdictions, the Authority shall refuse to accept any additional Prisoners from the Additional Member Jurisdictions.

Section 6.2 – Further Documents and Data. The parties to this Agreement will execute and deliver all documents and perform all further acts that may be reasonably necessary to perform the obligations and consummate the transactions contemplated by this Agreement.

Section 6.3 – Right to Access. Each Member Jurisdiction will have reasonable access to the Jail in order to monitor the Authority's compliance with the terms of this Agreement.

Section 6.4 – Notification. The Authority will promptly furnish to each Member Jurisdiction a copy of any notice or order of any governmental authority asserting that the Authority or the Jail is not in compliance in any material respect with any Applicable Law.

Section 6.5 – Tax-Exemption Covenant.

A. The Authority has issued and intends to continue to issue the Notes and Bonds in a manner such that their interest is excludable from gross income for federal income tax purposes under Section 103(a) and related provisions of the Internal Revenue Code of 1986, as amended, and applicable rules and regulations. The Authority and each Member Jurisdiction agree that after the Notes and Bonds have been issued, they will not take any action or omit to take any action which would adversely affect such exclusion.

B. Pursuant to Section 15c2-12(b) of regulations issued by the Securities and Exchange Commission, the Authority and Member Jurisdictions may be required to agree with owners of the Notes and Bonds, for as long as such Obligations are outstanding, to supply to certain national securities information repositories (1) annually certain financial and statistical information, and (2) periodically, notification of certain specified material events affecting the Authority, the Member Jurisdictions and such Obligations. The particulars of this ongoing disclosure requirement will be set forth in one or more of an indenture, loan agreement or continuing disclosure agreement. Each Member Jurisdiction agrees to cooperate with the

Authority in fulfilling this requirement, including providing the Authority with timely notice of the occurrence of any of the specified events which are material to its operations and hereby authorizes its County Administrator or City Manager, as the case may be, to execute and deliver any agreement considered necessary or appropriate to evidence such Member's continuing disclosure undertaking.

Section 6.6 – Additional Members. Any city or county in Virginia may, with the approval of its governing body and with the consent of all of the Member Jurisdictions join and participate in the Authority under such additional terms and conditions for membership as may be prescribed by the Authority and the Member Jurisdictions.

Section 6.7 – Withdrawal of Membership. Any Member Jurisdiction may withdraw from membership in the Authority by resolution or ordinance of its governing body; however, no Member Jurisdiction shall be permitted to withdraw from the Authority after any obligation has been incurred and remains outstanding except by unanimous consent of all Member Jurisdictions.

ARTICLE VII

Representations, Warranties and Covenants of Authority

In addition to the covenants in other Articles of this Agreement, the Authority represents, warrants and covenants as follows:

Section 7.1 – Organization, Authorization and Validity. The Authority is a political subdivision of the Commonwealth of Virginia duly organized and validly existing under the laws of the Commonwealth, and has duly authorized, executed, and delivered this Agreement

Section 7.2 – Authority. The Authority has all requisite authority under the Article 3.1 of Chapter 3 of Title 53.1 of the Code of Virginia (1950), as amended (the Act) to execute and

deliver and perform its obligations under this Agreement and is not a party to any indenture, contract or other agreement or arrangement, the performance of which by the Authority would prevent or materially and adversely affect the Authority's ability to perform the terms of this Agreement.

Section 7.3 – Non-Contravention. The execution and delivery of this Agreement by the Authority and the consummation of the transactions contemplated in it will not conflict with or result in a breach of or constitute a default under or violate any of the terms, conditions, or provisions of the Act, the bylaws of the Authority or any material indenture, contract or other agreement or arrangement to which the Authority is a party or by which any of its properties are bound, or any Applicable Law by which the Authority or the Jail is bound.

Section 7.4 – Litigation. The Authority is not a party to any legal, administrative, arbitration or other proceeding or controversy pending, or, to the best of the Authority's knowledge, threatened, which would materially adversely affect the Authority's ability to perform under this Agreement.

Section 7.5 – Approvals. Except for approvals that may be required by the Virginia Board of Corrections, the Authority does not require the consent or approval of any government body to carry out the terms of this Agreement.

ARTICLE VIII

Representations, Warranties and Covenants of Member Jurisdictions

Each Member Jurisdiction represents, warrants and covenants for itself as follows:

Section 8.1 – Organization, Authorization and Validity. Each Member Jurisdiction is a political subdivision of the Commonwealth duly organized and validly existing under the laws of the Commonwealth, and each has duly authorized, executed, and delivered this Agreement.

Section 8.2 – Authority. Each Member Jurisdiction has all requisite authority to execute and deliver and perform its obligations under this Agreement and is not a party to any indenture, contract or other agreement or arrangement, the performance of which by it would prevent or materially and adversely affect its individual performance under this Agreement.

Section 8.3 – Non-Contravention. The execution and delivery of this Agreement by each Member Jurisdiction and the consummation of the transactions contemplated in it will not conflict with or result in a breach of or constitute a default under or violate any of the terms, conditions, or provisions of any charter, resolution or ordinance, any material indenture, contract or agreement or arrangement to which it is party or by which any of its properties are bound, or any Applicable Law by which it is bound.

Section 8.4 – Litigation. No Member Jurisdiction is a party to any legal, administrative, arbitration, or other proceeding or controversy pending, or, to the best of its knowledge, threatened, which would materially and adversely affect its ability to perform under this Agreement.

ARTICLE IX

Defaults and Remedies

Section 9.1 – Default by Authority. The occurrence of any one or more of the following events will constitute an “Event of Default” by the Authority (“Authority Default”):

- (i) Failure of the Authority to pay principal of or interest when due on any Notes, Bonds or other temporary or permanent financing for the Jail issued or obtained by the Authority pursuant to this Agreement;
- (ii) If the Authority is for any reason rendered incapable of performing any of its material obligations under this Agreement;
- (iii) The Authority makes an assignment of all or a portion of its obligations under this Agreement without the prior consent of the Member Jurisdictions;

- (iv) The Authority defaults on any of its material obligations under any agreement pursuant to which any Notes, Bonds, or other temporary or permanent financing for the Jail is issued or obtained by the Authority pursuant to this Agreement and such default is not cured within the applicable cure period;
- (v) Any proceeding is instituted, without the consent of all Member Jurisdictions but with the consent or acquiescence of the Authority, for the purpose of effecting a composition between the Authority and its creditors or for the purpose of adjusting the claims of such creditors pursuant to any federal or state statute now or hereafter enacted, if the claims of such creditors are under any circumstances payable from the funds of the Authority; or
- (vi) The Authority defaults in the due and punctual performance of any other covenant, condition, agreement or provision contained in this Agreement, and the default continues for 30 days after written notice specifying the default and requiring it to be remedied has been given to the Authority by any Member Jurisdiction.

Section 9.2 – Default by Member Jurisdiction. The occurrence of any one or more of the following events will constitute an “Event of Default” by any Member Jurisdiction

(“Member Jurisdiction Default”):

- (i) Failure of any Member Jurisdiction to make payments of Net Operating Expenses or Debt Service charges when due;
- (ii) Any Member Jurisdiction shall for any reason be rendered incapable of fulfilling its obligations under this Agreement;
- (iii) Any proceeding is instituted, with the consent or acquiescence of any Member Jurisdiction, for the purpose of effecting a composition between such Member Jurisdiction and its creditors or for the purpose of adjusting the claims of such creditors pursuant to any federal or state statute now or hereafter enacted, if the claims of such creditors are under any circumstances payable from the funds of such Member Jurisdiction; or
- (iv) Any Member Jurisdiction defaults in the due and punctual performance of any of the other covenants, conditions, agreements, and provisions contained in this Agreement, and the default continues for 30 days after written notice specifying the default and requiring it to be remedied has been given to such Member Jurisdiction by the Authority.

Section 9.3 – Remedies of Member Jurisdictions. Upon the occurrence of an Authority Default, any Member Jurisdiction, after giving notice of such Authority Default to all parties,

may bring suit by mandamus or other appropriate proceeding to require the Authority to perform its duties under the Act and this Agreement or to enjoin any acts in violation of the Act or this Agreement.

Section 9.4 – Remedies of Authority. Upon the occurrence of a Member Jurisdiction Default, the Authority, after giving notice of such Member Jurisdiction Default to all parties, may bring suit by mandamus or other appropriate proceeding to require the Member Jurisdiction to perform its duties under the Act and this Agreement or to enjoin any acts in violation of the Act or this Agreement.

Section 9.5 – Remedies Not Exclusive. No remedy in this Agreement conferred upon or reserved to the parties is intended to be exclusive of any other remedy, and each remedy is cumulative and in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute.

ARTICLE X

Miscellaneous

Section 10.1 – Severability of Invalid Provisions. If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section has not been contained in it.

Section 10.2 – Notices. Any notice or other communication under or in connection with this Agreement shall be in writing, and shall be effective when delivered in person or sent in the United States mail, postage prepaid, or by email to the following persons and addresses or to

such other persons and addresses as any of such persons may from time to time specify in writing.

If to the Authority:

Chairman, Middle River Regional Jail Authority
c/o Jail Superintendent
Post Office Box 590
Verona, Virginia 24482

If to Augusta County:

County Administrator
Post Office Box 590
Verona, VA 24482

If to the City of Staunton:

City Manager
Post Office Box 58
Staunton, VA 24402

If to the City of Waynesboro:

City Manager
503 W. Main Street
Waynesboro, VA 22980

If to the City of Harrisonburg:

City Manager
345 South Main Street
Harrisonburg, VA 22801

If to Rockingham County:

County Administrator
20 East Gay Street
Harrisonburg, VA 22802

Section 10.3 – Execution of Agreement. A sufficient number of copies for each party approving this Agreement, each of which shall be deemed to be an original having identical legal effect, shall be executed by the parties.

Section 10.4 – Governing Law. This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the Commonwealth of Virginia.

Section 10.5 – Amendments. This Agreement may be changed or amended only with the consent of the Authority and each Member Jurisdiction. No such change or amendment may be made which will affect adversely the prompt payment when due of all monies required to be paid by the Member Jurisdictions under the terms of this Agreement, and no such change or amendment shall be effective which would cause a violation of any provision of any resolution, indenture or agreement pursuant to which any Notes, Bonds or other temporary or permanent financing for the Jail is issued or obtained by the Authority.

Section 10.6 – Effective Date of Amended Agreement. As amended, this Agreement is effective and binding upon both the Original and Additional Member Jurisdictions as of July 1, 2015.

Section 10.7 – Waiver. Any waiver by any party of its rights under this Agreement must be in writing, and will not be deemed a waiver with respect to any matter not specifically covered. Nothing in this Agreement authorizes the waiver of any Member Jurisdiction's obligation to make payments when due of any monies required to be paid by the Member Jurisdictions under the terms of this Agreement.

[Signature page follows]

IN WITNESS WHEREOF, the Governing Bodies of the Member Jurisdictions have authorized this Agreement to be executed by their respective chief administrative officials, and the Jail Authority has authorized this Agreement to be executed by its chairman.

County of Augusta

By: _____

County Administrator

City of Waynesboro

By: _____

City Manager

City of Staunton

By: _____

City Manager

Middle River Regional Jail Authority

By: _____

Chairman

City of Harrisonburg

By: _____

City Manager

County of Rockingham

By: _____

County Administrator.

§ 53.1-106. Members of jail or jail farm board or regional jail authority; powers; payment of pro rata costs

A. Each regional jail or jail farm shall be supervised and managed by a board or authority to consist of at least the sheriff from each participating political subdivision, and one representative from each political subdivision participating therein who shall be appointed by the local governing body thereof. Any member of the local governing body of each participating political subdivision shall be eligible for appointment to the jail or jail farm board or regional jail authority. However, no one shall serve as a member of the board or authority who serves as an administrator or superintendent of a correctional facility supervised and managed by the board.

Alternate members may be appointed to the board. Such alternate members shall be selected in the same manner as regular members, except that a sheriff may appoint his own alternate. The term of each alternate shall be determined by the sheriff or the political subdivision, whichever appointed the alternate. If a regular member is not present at a meeting of the board, the alternate for that member shall have all the voting and other rights of a regular member and shall be counted for purposes of determining a quorum at any meeting.

B. The board shall have the power to:

1. Establish rules and regulations governing the operation of the jail or jail farm not inconsistent with standards of the State Board of Local and Regional Jails;
2. Purchase land for the jail or jail farm for joint ownership by the participating political subdivisions with the approval of the local governing bodies;
3. Provide for all necessary stock, equipment and structures for the jail or jail farm within the budget approved therefor by the participating political subdivisions; and
4. Appoint a superintendent of such jail or jail farm and necessary jail officers therefor who shall serve at the pleasure of the board.

The political subdivisions establishing a regional jail or jail farm shall pay their pro rata costs for land, stock, equipment and structures.

Code 1950, §§ 53-206.1, 53-206.3, 53-206.4, 53-206.5; 1974, c. 553; 1979, c. 700; 1982, c. 636; 1990, c. 185; 1991, cc. 529, 566, 567, 568; 1992, cc. 212, 628; 1994, cc. [102](#), [270](#), [354](#); 1997, c. [340](#); 1998, c. [541](#); 2020, c. [759](#).

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.

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	May 27, 2021	Staff Members: John Glover Lyle Hartt
Item #	E	
Ordinance #		
Department:	Community Development Public Works	
Council Vision:	Built Environment Economic Development Resilience	
Subject:	Presentation of Citywide Flood Study and Possible Mitigation Strategies	

Background: On August 8, 2020, the City of Staunton experienced a flash flood within Gypsy Hill Park extending into the downtown and Wharf areas of the City. Two weeks later, the City experienced a second flood which also impacted the Wharf. The first flood alone resulted in over \$3.1 million in total damages among public buildings, businesses and residential properties.

Recognizing and understanding the devastating toll that the damaging floods took on residents and businesses, City staff, with urgency, commenced exploration of measures to improve the City's flood resilience. At Council's work session on September 10, 2020, City staff briefed Council, framing the issues and suggesting next steps.

Following that work session, it was determined that the City would undertake a hydrologic and hydraulic (H&H) study to inform the City as it considers various flood mitigation measures. The firm of Wiley|Wilson was engaged to perform an H&H study of the City and present possible mitigation projects that could alleviate the flooding. The study has been completed and, at Council's May 27 work session, Wiley|Wilson will present the results and possible mitigation

projects. The study will be included on a subsequent Council work session agenda for discussion among staff and members of Council.

City Manager's Recommendation: Receive the study.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg