

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
June 10, 2021
5:00 p.m.**

- | | | |
|------------------|-----------|--|
| 5:00 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:05 p.m. | 2. | Presentation on Potential for Safety Improvement for 10 City Intersections (8 – Downtown and 2 – West Beverley St.) |
| 5:35 p.m. | 3. | Discussion of City Council Procedure Memoranda |
| 6:00 p.m. | | Break |
| 6:20 p.m. | 3. | Discussion of City Council Procedure Memoranda (Continued) |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
June 10, 2021
7:30 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Robertson

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of May 27, 2021

REGULAR MEETING

- A. Recognition of Mark Holland for Years of Service to the City of Staunton**

- B. Public Hearing and Consideration of a Request by Billy and Peggy Vaughn for a Special Use Permit for 320 N. Central Avenue and 321 N. Lewis Street for a Child Daycare Facility**

- C. Consideration of Procedural Ordinance Amendments**

- D. Consideration of Ordinance Increasing the Number of Commissioners of the Staunton Redevelopment and Housing Authority**

Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 10, 2021	City Council
Item #	1	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Work Session and Regular Meeting Agendas	

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

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

City Manager: Steven L. Rosenberg

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Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 10, 2021	Staff Member: Rodney Rhodes
Item #	2	
Ordinance #		
Department:	Community Development – Planning and Zoning Public Works Police Department	
Council Vision:	Built Environment	
Subject:	Presentation on Potential for Safety Improvement for 10 City Intersections (8 – Downtown and 2 – West Beverley St.)	

Background: Under the Strategically Targeted and Affordable Roadway Solutions Program, ATCS, a professional engineering consulting firm, was assigned to study the intersections identified on West Beverley Street and in downtown Staunton as having Potential for Safety Improvement (PSI). The goal of the study is to generate short and long-term solutions for mitigating crashes and improving conditions for vehicles and pedestrians. The study performed a detailed, safety-focused analysis of eight PSI-ranked intersections on various roadways in the City of Staunton and two downtown locations noted as priority intersections in the Staunton Bicycle and Pedestrian Plan.

Representatives of ATCS and the Virginia Department of Transportation will provide Council a summary of potential solutions for the 10 intersections. The complete study will be available to the public later this month for their review and comment.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 10, 2021	City Council _____ John Blair, II City Attorney
Item #	3	
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 Council discussed some of the proposed amendments at its May 27, 2021 Work Session. The Council was discussing Procedure Memoranda 4 (and its possible merger with proposed Council Procedure Memoranda 18) at the conclusion of its May 27, 2021 Work Session. The Council will resume discussion of the Council Procedure Memoranda at its June 10, 2021 Work Session.

The following proposed Memoranda amendments, ordinance, new Memoranda, and Council member proposals will be discussed at the June 10, 2021 Work Session.

Amendments

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 adhere to upon receipt of a FOIA request, Council member charges for fulfilling a FOIA request, and the FOIA procedure a Council member should adhere to 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

Staunton City Code Section 2.10.120: This proposed ordinance would permit Council members to abstain from voting on meeting minutes for which the 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 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.”

Town Hall Meetings: If the Council adopts proposed Council Procedure Memorandum 17, Council member Mead is requesting that a section authorizing town hall meetings is added to the Memorandum. A town hall meeting would be defined as, “Town Hall Meetings: One or two City Council members may conduct town hall meetings. The purpose of a town hall meeting is for City Council members to hear from members of the public about particular topic(s) that the Council members may designate for the town hall meeting. Council member(s) may request the use of City facilities and/or use of the Zoom platform for town hall meetings. The Council member(s) shall provide at least two weeks’ notice to the City Manager concerning any request for use of a City facility and/or the Zoom platform. City staff will not be required to attend a town hall meeting. For purposes of the Freedom of Information Act (FOIA), town hall meetings are not considered meetings and FOIA’s meeting requirements are not applicable.”

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 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 will be given priority over individuals who spoke at the Matters from the Public portion of the first regular Council meeting of the month.

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

Attachments:

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

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

Attachment 3—Proposed Amendments to Staunton City Code Section 2.10.120

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. 4

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

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

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

1. 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. 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. 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. 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.

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

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

REAFFIRMED: July 2, 2018

COUNCIL PROCEDURE MEMORANDUM NO. 6

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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.

REAFFIRMED: July 2, 2018

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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.

COUNCIL PROCEDURE MEMORANDUM NO. 18

SUBJECT: Electronic Citizen Participation in Public Hearings and Matters from the Public

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

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

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

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

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:

...

2.10.080 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:

DRAFT 6.1.21

Effective Date:

Andrea W. Oakes, Mayor

ATTEST:_____
Rachael Zinni, Clerk of Council

DRAFT

City Council
WORK SESSION
May 27, 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.

1. Annual Visit to Betsy Bell

Mayor Oakes called the meeting to order: Mayor Oakes called the meeting of Staunton City Council to order.

Mayor Oakes stated “On May 6, 2021, I received a request from Councilor Dull to participate remotely in the May 27, 2021 Staunton City Council meeting due to a temporary disability/medical condition that prevents her physical attendance at the meeting. I will now entertain a motion to allow Councilor Dull’s remote participation in this meeting pursuant to Staunton City Council Procedural Memorandum Number Three.”

Vice Mayor Robertson said “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Dull to remotely participate in the May 27, 2021 Staunton City Council meeting due to a temporary disability/medical condition.”

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

Mayor Oakes	aye	Mr. Holmes	absent
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.

2. Consideration of Work Session and Regular Meeting Agendas

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

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

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

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

Mr. Holmes arrived at 5:20 p.m.

3. Presentation by Mary Baldwin University

Dr. Pamela Fox, President of Mary Baldwin University stated Mary Baldwin University (MBU) has continued to function for the health and safety of their community and the Staunton community over the past 14 months. She stated that two weekends ago the University was able to host four commencement ceremonies to accommodate social distancing requirements. They were even able to host a commencement ceremony for the baccalaureate class of 2020 who had a virtual commencement last year.

Dr. Fox said that the 2020-2021 academic year was extraordinary. They only had 142 total COVID cases among their 1,800 residential students, faculty and staff. Through the entire period, classes continued via virtual environment or in a hybrid format. Student athletes competed, with the varsity athletics beginning in January with fall and spring sports being played at once. One of the major obstacles that had to be overcome was the continuance of clinical medical rotations. For final year students in the Murphy Deming College of Health Sciences (MDCHS), many were dispersed into COVID stressed hospitals throughout the United States.

The University was able to stay connected safely. Almost everything at MBU, like everywhere else, looked different. Many outside spaces were utilized. MBU was able to shift to online learning last March 2020 in 10 days. By the fall, there was a pandemic leadership team led by Dr. Deborah Greubel, Vice President of MDCHS. The pandemic team was assigned to four hour shifts to do all of internal contract tracing, to keep track of those quarantined on campus and those who were isolated on campus in local hotels. Dining services delivered 6,320 meals and the pandemic team administered 643 tests.

Mary Baldwin maintained their strong partnership with local health organizations, daily conversations with the Virginia Department of Health and their ongoing partnership with Augusta Health. The University, thanks to a donor, were able to install tents behind Rose Terrace for theater performances and choir rehearsals. This summer the American Shakespeare Center will be presenting *Macbeth* in that space. MBU will soon be welcoming the Heifetz International Music Institute back to campus. Concerts will be hosted throughout the City of Staunton.

Community service has been an integral part of the University's year. In combination with the Community Foundation of the Central Blue Ridge, students and faculty in the Spencer Center for Civic and Global Engagement participated in the SAW Tutoring Network as well in Shenandoah Green's Legacy Tree Project.

This past year was the 25th anniversary of the Virginia Women's Institute for Leadership and the 35th anniversary for the Program for the Exceptionally Gifted. In April the PEG residence Hall was dedicated in honor of previous president Dr. Cynthia Haldenby Tyson.

A new cohort of students will arrive in June at MDCHS and that campus will resume their regular instructional schedule. In August MBU will be launching a new Doctor of Nursing Practice program.

Mayor Oakes asked if Council had any questions or comments.

Mr. Holmes asked what the expected enrollment was for the coming year. Dr. Fox responded that last year MBU was just short of 2,100 students and that they are currently somewhere above that. The strategic plan goal is 2,500 students by 2025. Mr. Holmes asks how many were day students. Dr. Fox replied that there are about 1,000 residential undergraduate students and 200 of them are commuter students, as there are only 800 beds available on campus.

Ms. Mead asked Dr. Fox what one thing she has learned through this pandemic. Dr. Fox replied that she would have to say the flexibility. The pandemic really opened the benefits of assisted digital instruction for residential faculty. They have been able to hire and retain employees. She has two members of her executive staff who do not live in Staunton. They come to campus periodically, but they are able to work virtually. Employees who have young children at home, who had to be at home out of necessity, are going to continue to have flexibility in their work schedules.

Vice Mayor Robertson asked how the men's sports were going at MBU. Dr. Fox stated that MBU has launched three varsity men's teams. The first was soccer and they did extremely well in both of their two years. This year they launched men's basketball. Last year was to be men's baseball but the season was canceled.

Council members did not have any further questions.

4. Discussion of Cancellation of July 8, 2021 City Council Meeting

City Manager Steve Rosenberg stated 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.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

5. Discussion of Ordinance Increasing the Number of Commissioners of the Staunton Redevelopment and Housing Authority

Mr. Rosenberg stated that this item came to staff attention through various channels, including directly from council members. The board of directors for the Staunton Redevelopment and Housing Authority (SRHA) was created in 1961 and was established with a board of five members. 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.

Mary Sue Kivlighan, chair of the Staunton Redevelopment and Housing Authority, stated that with the current board of five, there are committees that have only one member. They have two serving on the personnel committee and one individual is starting programming and community development committee to create partnerships between the housing authority and similar programs in the City and county. The third committee is the finance committee with only one person. Financial oversight is important, so a larger committee is needed. Ms. Kivlighan stated that she had spoken with Mr. Claffey and Ms. Mead and believe that seven would be a better number of commissioners. The authority's goal is to expand affordable housing in the area, but a resignation of two members and the increase in vouchers provided to people in need, the SRHA needs a cushion if all members are not available.

Mayor Oakes asked if Council had any questions or comments.

Mr. Claffey asked how many meetings the SRHA had since they were back to a full strength of five and was it working better. Ms. Kivlighan stated that they meet every month, so they have had three. It has been better with a full board, but it has been difficult to maintain quorum.

Ms. Darby asked that if the authority was having issues reaching quorum how did Ms. Kivlighan believe adding members would help. Ms. Kivlighan replied that with five people a quorum is three which is not conducive to getting much work done. A group of seven has a quorum of four, so provides more cushion and there is a need to make their committees more than one person.

Mr. Holmes stated, that having been on that authority, he agreed that with more people it helps with new ideas, new thoughts and allows for more equal distribution of work.

Ms. Dull stated that she agreed with the increase to seven, but she would be fine with an increase to nine so that there would no longer any committees with only one person. Ms. Kivlighan stated that she had spoken with Mr. Claffey in detail about having a nine-seat authority in the future. But she is realistic that bringing four people on a one time would be unwieldy. She would like the resolution to include a clause that said five to nine members so that City Council would not have to keep addressing the issue. City Attorney John Blair said it must include the actual number of commissioners. City Council needs to take an official action to set it at seven and then again, whether it is through ordinance or resolution, SRHA needs to come back before Council to increase the number to nine since the Council sets the number of commissioners.

Mr. Claffey said that he sees the point that the number of commissioners needs to be expanded so there are at least two-person committees. From a Nominating Committee standpoint, he thinks it makes more sense to have staggered terms, so he would like see the increase be to seven first. After the SRHA gets the new members on board, trained and working, there can be a discussion regarding a move to nine.

Mayor Oakes asked Council if they agreed that the Staunton Redevelopment and Housing Authority should increase their membership to seven. All councilors agreed that SRHA should first increase to nine members before an increase to nine was approved. Ms. Darby was the exception and stated that she had reservations and would prefer to see how a full board of five managed before she could even consider an increase to seven.

Mayor Oakes asked Allison Profeta, SRHA board member, to address Council. Ms. Profeta stated that there is a need for more commissioners as the finance committee should have at least three

members as they oversee millions of dollars that go through the authority. She encouraged Council to go ahead and consider increasing to nine members.

Mr. Rosenberg stated that staff will prepare an ordinance that provides for seven and that he will and will schedule the matter for consideration at the Regular Meeting of June 10, 2021. He also stated that he would have a discussion with Mr. Blair to explore what possibility may be available to provide some mechanism so there's not a need for formal action to expand from seven to nine.

Council members did not have any further questions.

6. Discussion of City Council Procedure Memoranda

Mr. Blair stated that 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. Mr. Blair stated that he also prepared three ordinances that relate directly to Memorandum 6 and a fourth is simply an ordinance that says there are procedural memoranda and that they will be discussed every two years.

Mayor Oakes asked if Council had any questions.

Ms. Mead stated that she did not see anything addressed in the first proposed ordinance about changing procedures in between organizational meetings. Mr. Blair replied that the wording says at "least once every two years." Ms. Mead asked for confirmation that at least once means Council has discretion between the meetings, with a majority vote, to change one of those procedures. Mr. Blair confirmed that was correct. He stated that it also says that at the organizational meeting every two years, there is at least a review by everyone on Council to make sure these are the procedures Council wants use going forward for the two-year term.

Mr. Blair said that the second ordinance that he wanted to bring to Council's attention was Section 2.10.070 that states that Council may, by majority vote, cancel a regular meeting provided that the Council conducts at least one regular meeting each month in a calendar year. That ordinance is just to match ordinance with procedure. Mr. Holmes stated that since they can utilize Zoom, there is no need to worry about canceling for weather. Mr. Blair clarified that the Freedom of Information Act allows for a Zoom meeting if there has been a declaration of emergency. Typically, a snow event would not lead to a declaration of emergency, so a meeting might be canceled because there is not a quorum. Use of an electronic meeting is controlled by State law.

The third ordinance is amended to be consistent with State law. The language here simply states that if a majority of councilors were conflicted out due to the Conflict of Interest Act, the remaining councilors constitute a quorum and can conduct business. Mr. Holmes asked Mr. Blair if the City Attorney was the one who decides what would be a conflict. Mr. Blair said that the Conflict of Interest Act clearly defines that. Typically, a Council member would come to the City Attorney and if there were other questions, the City Attorney, for the Council member's protection, may refer them to the Commonwealth's Attorney. Under the Conflict of Interest Act, the

Commonwealth's Attorney has the ability to issue an opinion. If a Councilor discloses all facts about a potential conflict, the Commonwealth's Attorney determines there is not a conflict and gives the Council member a written opinion and therefore cannot be prosecuted.

Council Procedure Memorandum No. 2

The change that Mr. Blair proposed would remove the Community Resource Bank as it no longer exists. Ms. Mead wanted to add that all council members disclose any personal or financial relationship with a prospective appointee to a board or commission. The second aspect of her amendment says all board or commission applicants will be contacted by the Clerk of Council to acknowledge receipt of their applications. The third states 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. Ms. Mead stated that she wanted to add Item A about disclosures is a good practice for transparency, but not legally required. As for Item C she believes this was a practice that Council already has on many committees, but that it be enumerated in this memorandum.

Mr. Claffey stated that as far as Item C goes, what happened this evening with the Staunton Redevelopment and Housing Authority is an example of how it should work. Someone from the actual board should approach a member of Council and state the need, Council discusses it and the matter moves forward. He did not believe that there should be another Council liaison to communicate to all chairs of all City boards and commissions. Ms. Mead clarified that she did not mean that there is a separate Council liaison, but that the Council liaison currently on the boards or commission ensure that needs are being met. Mr. Holmes stated that not all commissions have liaisons, so then the responsibility falls to whoever is the chair of that group.

Mayor Oakes stated that regarding Item A concerning disclosure of personal or financial relationships of a Council member to a prospective appointee, in her opinion Council is already practicing that level of disclosure. Ms. Dull stated that if a Council member is friends with a prospective appointee, that is not a conflict of interest because there is no financial benefit. Vice Mayor Robertson and Mr. Claffey agreed that they believed that disclosure was already occurring. Ms. Mead clarified that she is not speaking of actual conflict of interest, but personal relationships that might ultimately affect or influence a decision of a commission or board. Mayor Oakes stated that she believes council has this transparency and that it has not been an issue.

Vice Mayor Robertson, Mayor Oakes and Mr. Claffey all agreed with Item B, that the Clerk of Council acknowledge receipt of a citizen's application.

Mr. Blair stated that Ms. Dull proposed an amendment that states that 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. Morgan Smith, Interim Clerk of Council, stated that since the report is confidential, the report will be going out to Council via a separate email and will not be published online with the packet. Ms. Dull stated that was fine but that she also wanted to see any applications from citizens that they were being asked to vote on. Ms. Dull then clarified that she wanted to see all applicants, not just those who were being recommended. Discussion ensued regarding what had happened with previous Nominations Committees. Mayor Oakes asked Mr. Blair to add Ms. Dull's suggested change to the memorandum.

Council Procedure Memorandum No. 3

Mr. Blair stated that he is proposing a change to Council Memorandum 3 that would make it clear that when a Councilor wants to put something on the agenda, that it will be placed on the following meeting's work session agenda for Council to discuss. Ms. Mead suggested that there be a qualifier statement that says pending the size of the work session agenda and time constraints, that the City Manager would at his discretion put it on an upcoming agenda. Mayor Oakes agreed.

Mr. Blair said that Mayor Oakes proposed that 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." Mayor Oakes stated that there had been a situation where a Council member wanted to do the invocation and that Council member was not listed to conduct the invocation for that particular meeting. The Council member that was listed was willing to yield their time, but with the way the procedure memorandum was written it was not allowed. After a brief discussion, Mayor Oakes asked Mr. Blair to make the proper adjustments and include her suggestions.

Council Procedure Memorandum No. 4

Mr. Blair said that he suggested a few changes in Council Memorandum 4 to be clearly stated in the procedure that a land use applicant is not a part of the public hearing so that Council can ask the applicant questions. It is important to note that this procedure already did have the ability for the applicant to rebut or respond to anything that was said during the public hearing. Mr. Blair clarified that there is a Matters from the Public at each Regular Council meeting but that was actually not in the procedures. This clarifies that portion of a Regular meeting. On April 8 Council adopted introductory remarks for the mayor to make before the Matters from the Public. This memorandum was titled Speakers Appearing Before Council and During Regular Meetings and Public Hearings. There was no mention of Matters from the Public in this policy. Ms. Mead asked for clarification regarding line 42 which stated that a majority of Council may waive any of the limit for the speakers or the applicant. Mr. Blair said that was accurate and for example if there was a speaker at the podium that Council believed could not adequately complete their remarks in the set time limit, Council, on record, could waive the time limit.

Mr. Holmes stated that he thought Council should keep five minutes as the time for speakers during Matters from the Public. And he said that the same rules need to apply for someone calling in as well as those in person. Mr. Blair stated that Vice Mayor Robertson proposed a decrease from five minutes to three minutes, and also limited the number of speakers to 10, five in person and five through electronic communications. Vice Mayor Robertson said that he did suggest three minutes after seeing Assistant City Manager Leslie Beauregard's survey of other Councils in the area. He stated that instead of limiting number of speakers, perhaps instead the meeting itself has an ending time so that Council, staff and citizens are not kept out too late. He also believes that there should be a rebuttal time for Councilors following Matters from the Public so that Councilors can correct statements that are false. Mr. Holmes stated that City Council was elected to listen to the people of the City of Staunton he does not think they should restrict the amount of time or number of people. Ms. Dull stated that she was opposed to limiting the number of speakers, to limiting the amount of time that Council is going to listen, and to rebuttals. Ms. Dull then asked if it was possible to discuss remote participation before discussions on time limits and rebuttals. Mr. Blair stated that Council Memorandum 18 makes it policy that during a public hearing and during

Matters from the Public the Mayor will ask the City Manager to determine if anyone is on Zoom and would like to speak at either the public hearing or Matters from the Public. It also states that any citizen participant adheres to the same rules as those in person participants. Ms. Mead asked Mr. Blair about the addition of town hall meetings to the list of meetings. Mr. Blair stated that is a different procedure memorandum that Councilor Mead would like to add and that does not currently exist. Ms. Dull stated that she is in favor of Memorandum 18. Ms. Mead, Mr. Holmes, Ms. Darby, Mr. Claffey, Vice Mayor Robertson and Mayor Oakes concurred.

Council members did not have any further questions.

Mayor Oakes asked that Mr. Rosenberg make time on the June 10, 2021 Work Session to continue the conversation.

The work session adjourned at 7:17 p.m.

Morgan C. Smith
Interim Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, May 27, 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 stated that if vaccinated, no mask is necessary, but those are not vaccinated are to wear a mask 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 Mayor Oakes.

MAYOR'S REPORT

Mayor Oakes read the following proclamation honoring Ms. Virginia Senior American Lilchy Huffman:

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

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Morgan C. Smith

INTERIM CLERK OF COUNCIL

Ms. Lilchy Huffman was in attendance to accept her proclamation. She thanked City Council for their honor and stated that the Senior America Program honors who are 60 or older and have reached the age of elegance. These women are viable members of their community who are still deeply involved and have diverse backgrounds.

Mayor Oakes stated that at the May 13 City Council meeting, she acknowledged participants of the Leaders Advancing Democracy Mongolia, a program through the University of Virginia Center for Politics. As planned, because of the time zone difference, they took time to watch the recorded council meeting after the fact, during their class session on May 25. It was her pleasure to join them for a question-and-answer session where they talked about the responsibilities of a city council, the importance of citizen engagement and some current events here in Staunton.

Mayor Oakes provided an update on the Mayors and Chairs unofficial committee regarding the Middle River Regional Jail. They recommend renovations such as water heater upgrades for the entire facility, lighting updates for the entire facility, public lobby updates, security intake improvements, visitation upgrades for legal professionals, mental health office upgrades, food service upgrades for storage and production space and upgrades to the magistrate's on-site office among other renovations and upgrades to support services. The costs for renovations will be approximately \$14.6M. The committee is also investigating having a representative to work with the State in regards to criminal justice reform. The committee is also interested in bringing all of the elected officials of the five localities together to come up with a plan that is affordable and that the majority believes in.

The Mayor said that as had been previously announced by the Happy Birthday America committee, the Fourth of July activities will be virtual this year. She had the honor of being interviewed and will appear in the video that will air on July 4.

Mayor Oakes also participated in a SAW Local Response Fund meeting where they discussed community priorities including summer school support, tutor networking and a continued focus on mental health, food insecurities, housing and homelessness, elderly care, technology and internet access, unemployment and workforce development.

She commented on the passing of former Virginia Senator John Warner and, as Memorial Day was approaching, she asked those veterans in the audience to stand so that Council could thank them for their service.

99
100 **ADDITIONAL ITEMS BY MEMBERS OF COUNCIL**
101

102 Ms. Darby congratulated the recent graduates of Staunton High School, area high schools and
103 colleges.
104

105 Vice Mayor Robertson stated that Augusta Health reached 75,000 vaccinations given and that
106 number continues to grow. He opined that he was disappointed in the decision of the Economic
107 Development Authority to vote not to allow Staunton City Schools to purchase the two buildings
108 at Staunton Crossing.
109

110 At the request of Ms. Dull, the following comments have been included verbatim: "It must be
111 mentioned that ex-Mayor Carolyn Dull has never attended a Council meeting in person since I
112 joined last July. Councilwoman Dull did have the ability to go to City Hall for a recent reception
113 for Senator Kaine on May 5, but not to interviews for Council Clerk May 6 or our CC meeting on
114 5/13.
115

116 There are important things that must be mentioned. For example, tax increases, flood issues, and,
117 yes, how law enforcement officers have to stop murdering black people. I am amazed that I am
118 included in Mr. Claffey's list of what must be mentioned on his official City Council Facebook
119 page. Yet what he mentioned contained both sins of omission and commission, so I am compelled
120 to report the facts.
121

122 First of all, I did NOT attend a reception for Senator Kaine. I DID attend a briefing where he
123 discussed the ARPA federal funds and details on acceptable uses, lasting about an hour. No option
124 for attending virtually was offered to me, and this was important information so I attended with
125 someone driving me and assisting me up and down steps and curbs. Yes, I was doing my job.

126 In fact, 4 Council members had threatened that if I attended Senator Kaine's briefing they would
127 have to ask questions about my condition. If I did NOT attend, they would just vote to allow me
128 to attend virtually. Sounds like extortion, doesn't it?
129

130 I had 2 surgeries and the surgeon wrote that I needed to attend virtually. Mr. Claffey expressed
131 that he didn't know I had surgery, even though he had received 2 emails from me, specifically
132 stating that I had surgery. So, I was subjected to an inquisition by the 4 medical experts, and the
133 vote was UNANIMOUS for me to attend virtually. I wonder why Mr. Claffey chose to attempt to
134 bully me instead of publicly expressing good wishes or prayers for healing.
135

136 The reality is that throughout the pandemic I have followed the recommendation of the former
137 federal administration, the current administration, the Governor of Virginia, and the heads of the
138 Virginia state and regional health departments who ALL said if you don't HAVE to go somewhere,
139 STAY HOME! Don't put yourself or others at risk. I modeled this behavior explicitly and did not
140 put any city staff or the general public at risk. No one got COVID-19 because of my actions, and
141 I am proud of that.
142

143 What is his obsession with seeing me in person? I guess one good thing is while he is attempting
144 to bully me, he can't be picking on someone else."
145
146
147

APPROVAL OF MINUTES

Mr. Holmes moved to approve the Special Called Meeting Minutes of May 12, 2021 as presented.

The motion was seconded by Vice Mayor Robertson.

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

The motion carried as follows:

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

Mr. Holmes moved to approve the Work Session and Regular Meeting Minutes of May 13, 2021 presented.

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

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

REGULAR MEETING**A. Appointment and Employment of City Clerk**

Assistant City Manager Leslie Beauregard stated after two rounds of interviews, the first via Zoom and the second in person, City Council could officially appoint their new City Clerk. Her start date is June 1, 2021.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Ms. Darby moved that Council appoint and employ Rachael M. Zinni as city clerk effective June 1, 2021.

The motion was seconded by Mr. Holmes.

Ms. Mead stated that she would not be voting as she was not at the interviews.

The motion carried as follows:

Ms. Mead	abstained	Ms. Darby	aye
Mr. Holmes	aye	Mayor Oakes	aye

197 Mr. Claffey aye Vice Mayor Robertson aye
198 Ms. Dull aye

200 **B. Ordinance to Amend the FY2021 Budget for the City of Staunton by Adding Budget**
201 **Amendment Number Five**

203 Chief Finance Officer Phil Trayer stated that the fifth budget amendment equals \$5,129,104. At
204 Council's regular meeting on May 13, 2021, Council introduced the ordinance and conducted a
205 public hearing.

206
207 **City Budget Amendment—\$838,877**

- 208 1. General Fund amendment of \$195,346 includes the following:
- 209 • \$123,607 for state carryover funds for Street Maintenance
 - 210 • \$32,275 for Police recruitment and retainage program
 - 211 • \$20,000 from the U.S. Marshals Service for joint task force operations
 - 212 • \$19,464 for newly awarded grant, insurance recoveries and the recognition of donations
- 213 2. Grant Fund – (\$1,330) credit for the Virginia Forestry Grant that will be reclassified into the
214 General Fund.
- 215 3. Blue Ridge Court Services – \$101,158 appropriation for Department of Criminal Justice
216 Services (DCJS) Pre-Trial Expansion Grant.
- 217 4. CIP Fund appropriation of \$119,302 for additional revenue received from the Commonwealth
218 of Virginia Department of Transportation for street paving.
- 219 5. Water Fund appropriation of \$15,793 for insurance recovery for damaged pump and vehicle
220 plus a grant award from VRSA for an Automated External Defibrillator (AED).
- 221 6. Environmental Fund – (\$372) credit appropriation to true up to the actual amount of the grant.
- 222 7. Bond Fund appropriation of \$408,981 to recognize the amount of interest received above the
223 budgeted amount from the High School bond fund.

224
225 **School Budget Amendment—\$4,290,227**

- 226 1. The Education Fund 900 amendment totaling \$3,733,716 includes the following:
- 227 • \$2,760,767 in Elementary and Secondary Relief Funds (ESSR II) for instructional
228 remediation efforts to address learning loss incurred during the pandemic
 - 229 • \$190,884 Vision Grant for additional computer hardware within the schools
 - 230 • \$710,819 fund balance transfer for parking lot paving, Dixon infrastructure reserves and
231 school equipment, and repair reserves for the schools
 - 232 • \$71,246 additional appropriation for donations, grant awards, and insurance recovery
- 233 2. The School Capital Improvements Fund 966 amendment totaling \$405,519 includes the
234 following
- 235 • \$43,819 for a school security grant award to purchase security cameras, radios and badge
236 readers
 - 237 • \$361,700 transfer from the Bond Fund for additional interest earned on the bond proceeds
238 above and beyond the amount budgeted for tennis courts refurbishment and expansion at
239 Montgomery Hall Park to be used by the Staunton High School tennis team
- 240 3. The State Operated Program Fund 920 appropriates \$124,312 and includes additional funding
241 received by the state for neglected and delinquent students.
- 242 4. The Cafeteria Fund 930 appropriates a total \$26,680, \$25,920 in ESSR II Funds for staff wages
243 during an expanded summer school, and \$760 in donations received to support food service
244 operations.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Mr. Claffey moved to adopt an ordinance amending the fiscal year 2021 budget by adding Budget Amendment Number Five, totaling \$5,129,104, as presented.

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

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

(SEE ATTACHMENT A – BUDGET ORDINANCE 2021-14)

C. Cancellation of July 8, 2021 City Council Meeting

Mr. Rosenberg stated it has been a practice of Council to consider the cancellation of one or more meetings during the summer season. This year, after reaching out to members of Council, there a majority consensus to cancel the meeting presently scheduled for Thursday, July 8. If the resolution is adopted by Council there would be two meetings in June and two meetings in August, but only one meeting in July on Thursday, July 22.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Ms. Mead moved to adopt the proposed resolution cancelling City Council's July 8, 2021 meeting.

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		

**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 27th day of May, 2021.

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

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

D. Appointment of Assistant City Manager as Alternate Representative to Regional Bodies

Mr. Rosenberg stated 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.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Ms. Darby moved 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.

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

342	Ms. Dull	aye	Ms. Mead	aye
343	Ms. Darby	aye	Mr. Holmes	aye
344	Mayor Oakes	aye	Mr. Claffey	aye
345	Vice Mayor Robertson	aye		

347 **E. Presentation of Citywide Flood Study and Possible Mitigation Strategies**

349 John Glover, Building Official and Floodplain Administrator, stated that as Council recalled in
350 August 2020 the City suffered two devastating floods in the inner City extending from Gypsy Hill
351 Park through the downtown area, and other areas, the first of which resulted in over \$3.1M in
352 damages to businesses and residential properties. Recognizing the toll that this took on the City,
353 at Council's work session on September 10, 2020 staff briefed Council, suggesting next steps.
354 Following that work session, it was determined that the City would undertake a hydrologic and
355 hydraulic (H&H) study to inform the City as it considers various flood mitigation measures. The
356 firm of Wiley|Wilson will present the results of the study and include some possible mitigation
357 strategies. Mr. Glover asked that Council keep in mind that these are purely engineering solutions
358 and there may be other strategies that can be employed to mitigate potential threat from floods.

360 Dan Sutton, Senior Stormwater Engineer with Wiley|Wilson, stated the one of the first goals of
361 this study was to understand and model the existing tunnel. He emphasized that as he was
362 presenting was big infrastructure changes that have the ability to move floodwaters as quickly
363 away from structures as possible. Mr. Sutton stated that the August 8 storm event was a 500 year
364 plus storm event. There were some areas that received over five inches of rainfall. He wanted
365 Council to understand that even the projects that he was going to talk about would not have been
366 able to handle this storm.

368 The study focused mainly on the tunnels: Peyton Creek enters a tunnel on Pump Street and runs
369 down Central Avenue, and then meets Lewis Creek via tunnel under the Wharf Parking Lot. It is
370 about 3,000 linear feet of tunnel and of that, about 800 feet is under buildings. The tunnel under
371 Peyton Creek is at a 10-year storm capacity, but Lewis Creek is not as capable. The Wharf area
372 creates a pond effect when the creeks meet.

374 Some recommendations to keep the storm capacity at current numbers is to keep the tunnel free of
375 debris and to clean some of the creek banks upstream. One of the projects recommended is to
376 increase the tunnel under the Wharf from 23 feet to 40 feet. That would require removal of at least
377 two historic buildings. There is a possibility of bypassing the Wharf area altogether, but this would
378 be significantly expensive and would not increase storm capacity by very much.

380 As for Peyton Creek, there is an option to go upstream and install large flood control ponds in
381 Gypsy Hill Park. This is another high-cost project as it would remove parking and other services
382 that currently exist in the park. Another option is to increase the size of the tunnel under Central
383 Avenue, which would not require any removal of buildings, but it would still bottleneck at the
384 Wharf area. Again, bypassing the downtown area is an option, but is cost prohibitive when there
385 will not be a significant increase in storm capacity.

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

389 Vice Mayor Robertson stated that even if the City had all of these improvements the August 2020
390 storms would have resulted in severe damage. Mr. Sutton concurred.

Ms. Mead asked if what Mr. Sutton presented were big solutions, are there additional projects that the City can do to mitigate some of the stormwater movement. Mr. Sutton said that there were, but those low impact design projects are going to solve more of the frequent flooding issues and are important to the master plan. The projects presented were meant to get stormwater away from structures quickly and in as much volume as possible.

Mr. Holmes asked for clarification regarding the Peyton Creek tunnel capacity increase project. Mr. Sutton stated that the suggestion is to increase the width and height of the tunnel by making it a box culvert versus an arch. Because the tunnel is predominately under Central Avenue, this will not impact buildings.

Mayor Oakes asked that once the tunnels were cleared, how often would that maintenance have to occur. Mr. Sutton said that at least every six months would be advisable. Mr. Glover said that removal of debris in the tunnels may exceed the capability of Public Works. Vice Mayor Robertson asked if Lewis Creek had ever been maintained. Lyle Hartt, City Engineer, said that currently there is not a routine maintenance or inspection program. He said that even the removal of the debris from the tunnel has to be designed so as not to damage the tunnel, creek and surrounding areas during the process. He also stated that the City does not have the equipment necessary to clean the tunnels, so the project would have to be contracted out.

Vice Mayor Robertson asked if the current federal administration came to an agreement regarding an infrastructure bill, would there be monies available for Staunton. Mr. Rosenberg stated that the City will certainly be receiving funding, but the challenge will be what guidelines must be followed. He reiterated that even if the projects presented were implemented, nothing would have stopped the damage from the August 8 flood. He told Council that there will be a broader presentation that includes staff recommendations based on the study presented by Wiley|Wilson and other studies.

Mayor Oakes asked how much were the damages from the two floods. Mr. Rosenberg stated that an estimate from the first event was around \$3.1M to residential, commercial and public structures and buildings. The second event was not anywhere near as extensive in terms of cost, but it was devastating to those people in the Wharf as they had already started recovery and reconstruction.

Mr. Holmes asked if it were possible to have the water diverted further upstream. Mr. Glover stated that the more feet of tunnel that has to be built, the more it will cost. The bypass tunnels that Mr. Sutton presented are \$60M projects and they're not that long. Piping in from City limits would be an extravagant cost for the benefit.

Council members did not have any further questions.

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg stated that as has been noted previously, the Governor's executive orders ends May 28 and there has been some misinformation in the business community that with the end of the restrictions Shop & Dine Out in Downtown participants would no longer be able to serve alcoholic beverages on Beverley Street during the weekend closures. Mr. Rosenberg assured Council and the customers who patronize those restaurants that nothing will change. The City Manager had

communications at the highest levels of the ABC earlier in the day and it was confirmed that nothing will change and that current arrangements will continue at least through the end of June and likely well beyond that.

MATTERS FROM THE PUBLIC

Mayor Oakes read the following statement:

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

1. Please come to the podium, identify yourself, and complete your remarks within 5 minutes. I will let you know when you’ve reached your 5 minutes. We ask that you please give your name, your address, and then keep your remarks at 5 minutes or less. When you reach the 5-minute time, I will let you know that your time limit has expired. If you continue to speak, I will ask you to step away from the podium. If you continue to speak after I inform you that you have exceeded your time limit, I will again ask you to please stop speaking and step away from the podium. If you still continue to speak, you may be charged with disorderly conduct under Virginia Code Section 18.2-415(A)(2).
2. This is a time for us as a Council simply to listen to your remarks. In an effort to encourage and maintain orderly conduct, we will not engage in give and take debate. If you seek information, you may mention it during your remarks and the City Manager or his staff may get in touch with you in the days ahead.
3. We ask that you direct your comments to Council as a whole and not to identify members of Council or to identify employees of the City. If you want to take up an issue with an individual member of Council or an employee, please speak with us before or after the meeting. We are also accessible by phone, email or mail. Again, we ask that you direct your comments to the Council as a whole.
4. We expect every speaker to be civil and courteous. Using profanity, making personal attacks on an individual unrelated to the performance of their duties on behalf of the City of Staunton and doing anything that is disruptive to the orderly conduct of this meeting will not be tolerated.
5. Finally, as the presiding officer, it is my duty to remind you that if you choose not to abide by these ground rules, I may find that you are out of order and will ask you to withdraw from the podium. We certainly do not want to reach that point and even beyond, so we respectfully ask for your full cooperation in observing these guidelines.

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

Mr. Blair stated that at the conclusion of the last City Council meeting’s Matters from the Public, there were some questions about a couple of the rules that he wanted to clarify. First, there is a rule about personal attacks. To be clear, an individual may speak and mention individual Council members if the content is regarding the Council member’s official duties, that is not considered a personal attack. The rule about speaking to Council as a whole and not individual Council members or employees is designed because this is a time for the entire council to hear matters from the City. That does not mean that during remarks, an individual cannot mention a single Council member, but it has to relate to official City business.

Mayor Oakes stated that “pursuant to Federal law, we will now have one individual participate electronically at tonight’s meeting.” Mr. Rosenberg stated that the individual was not on the Zoom platform at that time and asked that Mayor Oakes proceed with participants in Council Chambers.

Randy Laird, resident of the City, owns property on Byers Street and Middlebrook Avenue. He registered a complaint to City Council and the City Manager on how business property owners on Byers Street were treated by the Board of Equalization. He also asked that Council and the City Manager counsel the City Assessor and his staff on how to provide assistance to taxpayers.

Cailyn Seigman, Jefferson Street, spoke out against the changes in the Procedural Memoranda in regards to limiting the freedom on speech in the community.

Pete Stallings, Poplar Street, spoke against the proposed memoranda to limit the time and number of speakers during Matters from the Public.

Suzanne Fisher, Waverly Green, thanked the Vice Mayor for continuing to urge people to get the COVID vaccine. She stated that she was puzzled by Council members who want to limit the public’s ability to speak to Council, thanked Council for listening and asked that they reconsider.

Matt Fitzgerald, Thornrose Avenue, stated he is always in favor of more listening, transparency and accessibility at all levels of governments. Mr. Fitzgerald asked that citizens ask themselves if constantly haranguing the City Council was contributing to the betterment of Staunton.

Pam Dettelbach, North Coalter Street, was concerned that Council was taking up time with issues that do not need to be addressed. She asked that Council not continue to discuss changing the speakers’ time limit from five minutes to three minutes.

Raven Beveridge, Poplar Street, stated that growing up she was told to stand up for what she believed in, for what she feels was right and to never back down from a challenge and to never

give up, and to treat others as she would like to be treated. She said that it was admirable that some of the same people continued to come back to City Council to speak for what they believe in.

Lauren Hurston, West Beverley Street, spoke against the amendment to the memoranda regarding time limits for the Matters from the Public portion of Council meetings.

Nitch Narduzzi, South Jefferson Street, spoke via the Zoom platform. She stated that it was a difficult procedure to be accommodated due to her disability and be able to participate remotely. She opined about the City's lack of accessibility in participation and asked that questions she sent to Council be answered.

Cole Hurd, Hampton Street, spoke against limiting the time to hear from citizens.

Leslie Kipp, Church Street, stated that he spoke with a tenured professor at the University of Virginia that was very frustrated with remote learning and said that it was disconcerting. He does not believe it is a First Amendment issue to limit remote access and that person to person is better for all.

Darlene Schneck, North Coalter Street, stated that to limit the number of people who can comment during Matters of the Public would be a blow to democracy in Staunton.

Brady Johnson, Staunton resident, implored Council to keep their minds and ears open to the wise words of their constituents. She encouraged Council to hire a sign language interpreter.

Yvonne Wilson, First Street, stated that she was a marginalized voice as a black, conservative, former Marine, Trump supporter. She said that other speakers during Matters from the Public did not speak for her and that she supported City Council.

Joanne Tigert, North Augusta Street, encouraged Council to consider remote access for participation for citizens as that allowed people like her to be active and engaged.

Sean Stuhlsatz, Spottswood Road, stated it was great to see this many people interested in speaking at City Council considering voter turnout for midterm elections is consistently dreadful. He stated that the job of City Council was to listen to the citizens and encouraged them to rediscover their enthusiasm for the role they were elected for.

Deborah Kushner, North Augusta Street, asked why there was a push to limit the number of speakers during Matters from the Public. She stated that evening meetings exclude many people and Council should consider meetings during the afternoon like some other localities.

Robert Clemmer, 302 Audubon Street, spoke against the amendment to limit speakers and said that it was an affront to First Amendment rights and citizens' ability to petition the government to address grievances.

Cindy Conners, Skyline Avenue, echoed the statement of those who have spoken before her. She is against the amendments to restrict Matters from the Public.

Dr. Ann Hunter, psychologist, said that she was concerned about unprofessional behavior among City Council members. She stated that the right for every citizen to speak their mind was not a partisan issue, it was a democracy issue.

James Mills, North Coalter Street, stated that he was opposed to the memorandum changes proposed by Vice Mayor Robertson.

Alison Profeta, Farrier Court, stated that it was not the job of any Council member to decide who should and should not speak. She urged City Council not to limit the number of speakers at meetings.

Baldwin Jennings, Sharon Lane, stated that Staunton has a good government and an outstanding City Council.

Albino Fossa, Bowling Street, complimented Council for listening to all of the speakers this evening. He said that he was only at Council because he had an issue with the Assessor's Office.

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 10:25 p.m.

Morgan C. Smith
Interim Clerk of Council

Ordinance No. 2021-14
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. 2021-14
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 Proceeds		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. 2021-14
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

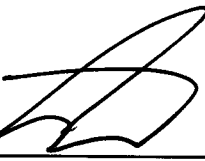
Approved this 27th day of May 2021

Effective Date: May 27, 2021

ATTEST:


Morgan C. Smith
Interim Clerk of Council

CERTIFIED:



Andrea W. Oakes
Mayor of Council

FY 2021 BUDGET AMENDMENT NO. 5

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
GENERAL FUND			
GENERAL GOVERNMENTAL ADMINISTRATION			
GENERAL GOVERNMENT			
VRSA Grant	110-21670	440	
Contingency	11011520-55486		440
To appropriate Safety Committee Funds From VRSA Grant			
JUDICIAL ADMINISTRATION			
SHERIFF DEPARTMENT			
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			
POLICE DEPARTMENT			
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			
FIRE DEPARTMENT			
Insurance Recovery	11031-41928	1,272	
Main Repair Vehicles	11033210-53105		1,272
To appropriate insurance recovery for damage of Fire vehicle			
PUBLIC WORKS			
Strret Department			
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	
	LEDGER CODE	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
STATE OPERATED PROGRAMS FUND		REVENUES	EXPENDITURES
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:	June 10, 2021	Steven L. Rosenberg City Manager
Item #	A	
Ordinance #		
Department:	City Manager	
Council Vision:	Responsive, Efficient Government	
Subject:	Staff Recognition	

Background: Mark Holland, retired Public Works' Traffic Engineering and Equipment Maintenance Superintendent, will attend Council's regular meeting to receive recognition on the occasion of his recent retirement from City service.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 10, 2021	Staff Members: Rodney Rhodes Tim Hartless
Item #	B	
Ordinance #		
Department:	Community Development — Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Public Hearing and Consideration of a Request by Billy and Peggy Vaughn for a Special Use Permit for 320 N. Central Avenue and 321 N. Lewis Street for a Child Daycare Facility	

Background: Billy and Peggy Vaughn, owners of Bears and Blankets Academy of Early Learning, have submitted an application for a Special Use Permit to convert an existing building located at 320 N. Central Avenue to a child daycare facility and also to utilize two vacant lots located at 321 N. Lewis Street as a playground for the child daycare. Both of the referenced addresses are owned by Three Twenty Associates, of which Bears and Blankets Academy of Early Learning has entered into a contract to purchase. Both Properties are zoned B-2, General Business District. In the B-2, General Business District, "Day Nurseries, Private" (child Daycare) is permitted only by Special Use Permit.

Since 1984, Bears and Blankets Academy of Early Learning has been a child daycare located at 315 N. Lewis Street. The owners now wish to expand the daycare and utilize the two additional properties.

Review: 321 N. Lewis Street consists of two vacant lots. Originally, the applicant requested a Special Use Permit to utilize the property as a playground for the daycare. However, the applicant has since decided not to move forward with the playground portion of the project and may wish to pursue it at a later date.

320 N. Central Avenue is located on the west side of Central Avenue in the block between Pump Street and Churchville Avenue. Historically, this was the site of Clem Brothers (later Casco) ice

plant. City records do not indicate a build date for this building; however, the Sanborn Insurance Maps indicate the building was constructed sometime between 1921 and 1929. More recently, the property was the location of the former Staunton Insurance Company, which closed in 2016. Since that time the building has been vacant except for a short period when it was used as offices for the Atlantic Coast Pipeline Project.

The applicant indicates the maximum occupancy for the building will be 118 persons. This number is based on Social Services requirements for space per child; however, after a preliminary review by the Building Official, it appears that the building code will limit the occupancy to 100 persons. This number includes children as well as staff.

The property has access to 25 off-street parking spaces. The parking plan includes six spaces in the rear of the building, nine deeded spaces along the north side of the building and 11 parking spaces which are located in an alley between 320 N. Central and 315 N. Lewis. No additional parking is required for the change in use of the property.

The only criteria set forth in the Zoning Code for evaluating applications for daycare facilities is that a fenced play area must be provided and that the daycare meets the requirements of the Virginia Department of Health. The daycare will utilize an existing fenced playground located at 315 N. Lewis Street. The applicant is currently navigating the licensing process with the Department of Social Services. Staff recommends placing a condition that if the property with the playground (315 N. Lewis Street) were to be sold separately from 320 N. Central Avenue without first providing the required playground somewhere else, the Special Use Permit would become void.

An attached map (Attachment 3) illustrates the surrounding zoning. All surrounding zoning is B-2, General Business District.

The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, Future Land Use Map (Attachment 4), designates this area as Commercial; therefore, the requested special use is consistent with this designation.

Planning Commission Recommendation: At its meeting of May 20, 2021, the Planning Commission conducted a public hearing and considered the request. During the public hearing no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to recommend approval of the Special Use Permit with the following conditions:

1. If the property with the playground (315 N. Lewis Street) is sold separately from 320 N. Central Avenue without first providing the required playground elsewhere, the Special Use Permit would become void.
2. Building permits will be required to ensure compliance with the Uniform Statewide Building Code.
3. Since portions of the property are in the Flood Plain and the Flood Way, renovations must comply with the City of Staunton floodplain regulations.
4. Failure to comply with any of these conditions will result in immediate revocation of the Special Use Permit.

Attachments:

Attachment 1—Application and Documents Supplied by the Applicant

Attachment 2—Vicinity Map – 320 N. Central Ave and 321 N. Lewis St

Attachment 3—Current Zoning – 320 N. Central Ave and 321 N. Lewis St

Suggested Motions (to be made after the public hearing is conducted): I move that Council approve the Special Use Permit for 320 N. Central Ave and 321 N. Lewis Street, with the conditions as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg



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

APPLICATION FOR SPECIAL USE PERMIT

DATE: April 9, 2021

NAME OF APPLICANT: Billy and Peggy Vaughn

ADDRESS OF APPLICANT: 16 Williams Street, Staunton, Virginia

PHONE #: 540-294-3711 or 540-480-9076

E-MAIL ADDRESS: wvaughn44@comcast.net or bearsandblankets@yahoo.com

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

LOCATION OF PROPERTY: 320 North Central Avenue and 321 North Lewis Street

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

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

PRESENT ZONING OF THE PROPERTY: B2-General Business District

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON REVIEW:
18.60.070 (4) Daycare nurseries, private

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

LEGAL DESCRIPTION OF PROPERTY: 320 N. Central Ave. (Lot 20 Blk H, Parcel ID 8022)
321 N. Lewis St. (Lots 6&7, Blk H, Parcel 1111)
DETAILED DESCRIPTION OF PROPOSED USE (DRAWINGS MUST BE INCLUDED IF NEW CONSTRUCTION, ADDITIONS, OR CHANGES TO THE EXTERIOR OF THE PROPERTY ARE PROPOSED).

The proposed use is the reuse of the existing property as a daycare center. No exterior changes to the property are planned other than mandated by local and state licensing requirements.

SIGNATURE: Peggy C. Vaughn
Will L. Lytle

BEARS AND BLANKETS ACADEMY OF EARLY LEARNING

Bears and Blankets was established in October, 1985, operating as a child care center and preschool. It was started by and continues to be operated by Peggy C. Vaughn and her family. The Center is licensed by the Department of Social Services and adheres to requirements designated by that department.

This facility is Licensed for 64 children, ages birth through age 12 but presently serves children until their eligibility to attend Kindergarten. The present enrollment is 58 children. Bears and Blankets employs 9 full time staff. The hours of operation are 7:30 a.m. – 5:30 p.m., Monday – Friday.

Plans are to acquire the former Staunton Insurance building at 320 N. Central Avenue, and the adjoining property 321 N. Lewis Street. The daily operations, with the exception of the playgrounds, will be relocated the new building. The playgrounds and the lower level of the current location will continue to be utilized. An additional playground area will be developed on the new property.

Based on the building square footage, the new facility may have an estimated enrollment of up to 120 children. Final numbers will be determined by the Department of Social Services. An architect has been retained to redesign the interior. While staffing will also be determined by licensing requirements, up to 18 fulltime employees may be required. The hours of operation will remain the same.

Current location of
Bears and Blankets Academy of Learning

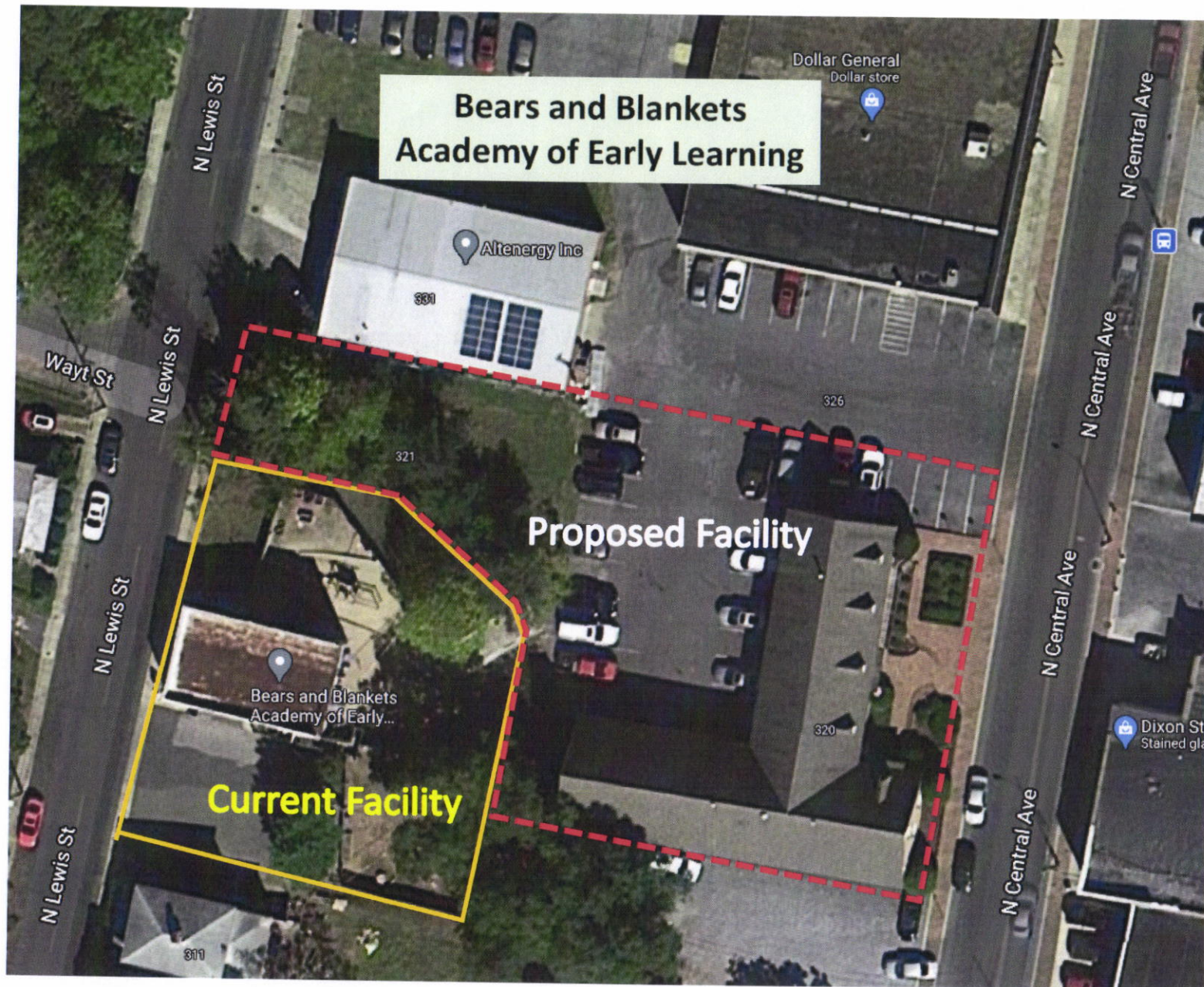


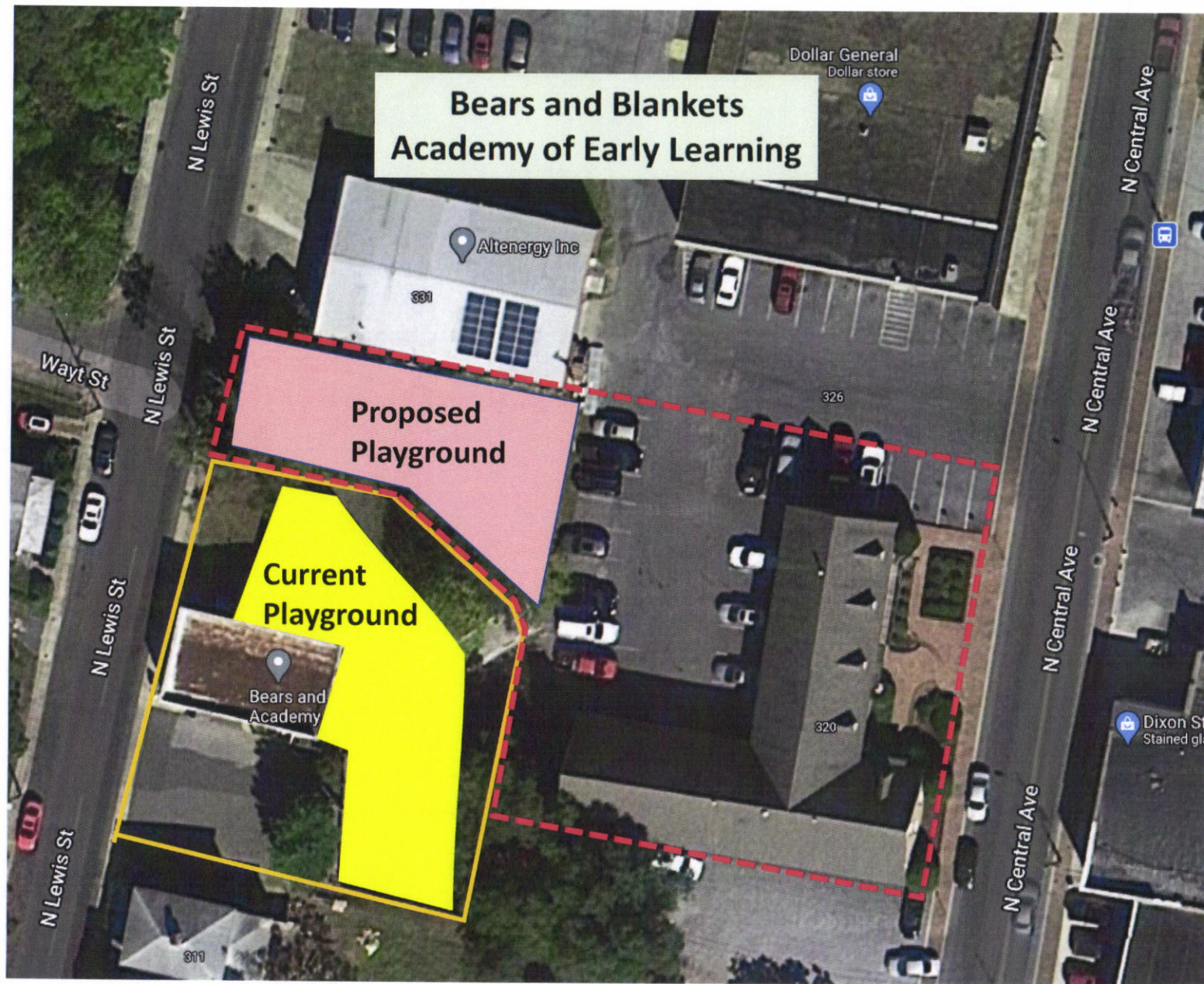
317 N. Lewis Street

Proposed New Location of
Bears and Blankets Academy of Learning



320 N. Central Avenue





**Bears and Blankets
Academy of Early Learning**

**Proposed
Playground**

**Current
Playground**

Bears and
Academy

Dollar General
Dollar store

Altenergy Inc

301

326

320

311

N Lewis St

N Lewis St

N Lewis St

N Lewis St

Wayt St

N Central Ave

N Central Ave

N Central Ave

N Central Ave

Dixon St
Stained gla

REAL ESTATE PURCHASE CONTRACT

THIS REAL ESTATE PURCHASE CONTRACT (the "Contract"), dated for identification this 3rd day of March, 2021, by and between **Three Twenty Associates** (the "Seller", whether one or more), and **Piddy & G Associates LLC**, a Virginia limited liability company (the "Purchaser", whether one or more), whose address is shown below.

1. **REAL PROPERTY:** Purchaser agrees to buy and Seller agrees to sell the land, and all improvements and fixtures thereon and all rights and appurtenances thereto belonging located at 320 N Central Street and 321 N. Lewis Street, Staunton, Virginia, and further known as PIN 8022 and 1111.

This Contract is contingent on the sale and settlement of certain properties known as 338 N Lewis St., Staunton, Virginia currently owned by Purchaser's members. If such properties have not sold by the date listed for settlement on the Property below, then Purchaser may terminate this Contract and receive a refund of the Deposit.

In addition, this Contract is contingent on the Property having a parking easement that is satisfactory to Purchaser in its sole discretion across the adjacent parcel occupied by Dollar General for Purchaser's use.

2. **PURCHASE PRICE:** The Purchaser shall purchase the Property for a purchase price of [REDACTED] (the "Purchase Price"). The Purchase Price shall be paid in cash, wire transfer or other certified funds at Settlement (as defined below).

3. **DEPOSIT:** Purchaser has made a deposit of [REDACTED] (the "Deposit") with Seller [] in cash [X] by check, receipt of which is hereby acknowledged. The Deposit shall be held by Miller Levin PC, and shall be (i) applied to the Purchase Price, (ii) forfeited by Purchaser and delivered to Seller if Purchaser fails to fulfill all of Purchaser's obligations under this Contract, (iii) returned to Purchaser in the event settlement does not occur at no fault of the Purchaser or (iv) distributed as otherwise set forth herein.

4. **TITLE:** Seller agrees to convey good and marketable title to the property to Purchaser by General Warranty Deed with English Covenants of Title, and free and clear from all encumbrances, tenancies, and liens (for taxes or otherwise, except for current year's real estate taxes and current leases, if any, approved by Purchaser), but subject to applicable easements and restrictive covenants of record not adversely affecting the use of the property for Purchaser's intended purpose. Purchaser may conduct a title search at the Purchaser's expense. If a defect is found, Purchaser shall give Seller written notice of such defect. If the defect can be remedied by legal action within a reasonable time, Seller may, at Seller's expense, promptly take such action as is necessary to cure the defect, or Seller may obtain title insurance, at regular rates, from a reputable title insurance company qualified to do business in the Commonwealth of Virginia insuring against the reported defect. Such title insurance shall constitute good and marketable title, and the cost of any endorsement to cover such defect shall be paid by the Seller. If Seller is unable or unwilling to have such defect corrected or is unable to obtain title insurance, within fifteen (15) days after written notice of such defect is given to Seller, then this Contract may be terminated by either Seller or Purchaser by written notice to the other party. The parties may extend the date for Settlement to the extent necessary to comply with this paragraph. Seller agrees to deliver possession of the property to Purchaser on the date of Settlement. Purchaser may obtain a

survey at Purchaser's expense which shall be used in the preparation of the Deed at Purchaser's option.

5. SETTLEMENT:

(a) Settlement shall be held at the offices of a settlement agent to be selected by the Purchaser, on or about **May 1, 2021** ("Settlement"), or as soon thereafter as title can be examined and the necessary documents prepared, with allowance of a reasonable time for Seller to correct any title defects reported by the title examiner. If Purchaser is able to close earlier, the parties may do so.

(b) At Settlement, Seller shall deliver to Purchaser the following items:

(i) General Warranty Deed with English Covenants of Title conveying the Property and the improvements thereon to Purchaser free and clear of all liens and encumbrances except for such easements, conditions, restrictions and agreements as are of record insofar as they may lawfully apply to the Property and are not objected to by Purchaser;

(ii) Affidavit of Virginia Residency or Virginia Form R-5, if applicable;

(iii) 1099-S Information Statement;

(iv) Affidavit of non-foreign status under IRS Section 1445(f)(3);

(v) Evidence of authority of Seller to enter into this Contract and to consummate the transactions described herein;

(vi) Title affidavit regarding possession, mechanics' liens, judgments, assessments, bankruptcy, and other customary matters;

(vii) Documentation assigning to Purchaser all of Seller's rights under ~~leases affecting the Property~~, if any, and delivery to Purchaser of Purchaser's pro rata portion of all rents related to such leases, and all related security deposits, if any;

(viii) Other documentation as may be reasonably requested by Purchaser.

6. EXPENSE PRORATIONS: Seller shall pay for the expenses of the preparation of the deed, the grantor's tax and all fees of Seller's attorney, if any. Except as otherwise agreed herein, all other expenses incurred by Purchaser in connection with this purchase, including without limitation title examination, insurance premiums, survey costs, recording costs and taxes, and the fees of Purchaser's attorney, shall be borne by the Purchaser. All taxes, assessments, interest, rent, and other ownership fees, if any, shall be prorated as of the date of settlement.

7. BROKERS: Seller and Purchaser represent unto each other that, except for Charles Bishop of Premier Properties, who represents the Seller and shall be paid by Seller, no real estate broker, finder, agent, or other person has acted for or on behalf of either of them in bringing about this Contract and, that there are no fees or commissions payable to any other person or firm on account of this Contract or the closing contemplated herein. If any claim for any commission or fee be asserted as a result of the Contract or the closing contemplated herein, other than as set forth above, the same shall be the full responsibility of the party whose actions resulted in such a claim for commission or fee and such party shall hold the other party harmless and indemnify such party as to any payment with respect thereto.

8. FINANCING: This Contract is subject to Purchaser obtaining suitable financing. Purchaser agrees to make written application for such financing within fifteen (15) business days of the date of acceptance of this Contract and to diligently pursue obtaining a

commitment therefor. If Purchaser does not obtain such a written commitment and so notifies Seller in writing before 5:00 P. M. local time on **March 16, 2021**, then this Contract shall terminate upon the giving of such notice, and the Deposit shall be refunded to Purchaser. If such a notice is not received by the deadline, or such later deadline as the parties may agree upon in writing, then the financing contingency provided herein shall continue, but either Purchaser or Seller shall have the right to terminate this Contract by giving fifteen (15) days written notice of such termination to the other party, and in the event of Seller terminating, if the Purchaser does not waive such financing contingency within such fifteen (15) days written notice from Seller, then this Contract shall terminate and neither party shall have any further obligations to the other hereunder, and the Deposit shall be refunded to Purchaser.

9. **LOAN FEES:** Except as otherwise agreed in this paragraph, Purchaser shall pay all points, loan origination fees, charges and other costs imposed by a lender or otherwise incurred in connection with obtaining the loan.

10. **DUE DILIGENCE PERIOD:**

(a) Purchaser shall have a thirty-day (30) day due diligence period ("Due Diligence Period") commencing on the date that this Contract is fully ratified by both parties, at Purchaser's sole expense, to conduct such title, environmental and other studies as Purchaser may desire. If Purchaser is not satisfied with the Property for any reason or for no reason at all, Purchaser may as a matter of right terminate this Contract at any time prior to the end of the Due Diligence Period, and the parties hereto shall be relieved of any further liability hereunder and the Deposit shall immediately be returned to Purchaser. Such termination shall be in writing and delivered to Seller by no later than the last day of the Due Diligence Period. In the event Purchaser does not terminate this Contract, then the parties shall proceed to Settlement, subject to all other contingencies set forth herein.

If after its initial inspections and title search, Purchaser determines that additional inspections are necessary, including but not limited to a survey of the Property, then the Purchaser has the right to extend the Diligence Period for one thirty (30) day period by written notice to Seller given prior to the expiration of the Initial Due Diligence Period. If Purchaser exercises this right, the date of Settlement set forth below shall also be extended by thirty (30) days.

(b) Seller grants Purchaser and its agents, the right, during reasonable hours, to inspect the Property and the books and records pertaining thereto, provided that Purchaser shall and hereby does indemnify and hold Seller harmless from and against any loss or damage arising from such entry.

(c) Seller hereby agrees, within five (5) days after the ratification of this Contract by both parties, to deliver to Purchaser all engineering, environmental and other studies, reports, title commitments and/or policies, surveys, engineering plans, development agreements, licenses, permits, maps, certificates of occupancy, correspondence, notices, court filings, plans, tax statements, copies of leases, and other like materials with regard to the Property in Seller's possession or control (the "Due Diligence Items").

11. **EQUIPMENT CONDITION:** Purchaser agrees to accept the Property at the time of possession in its present physical condition, subject to the terms of section 10 above. Except as otherwise provided herein, Seller warrants that all appliances, heating and cooling equipment, plumbing and electric systems, and well and/or septic systems will be, at the time of settlement, in the equivalent condition as at the date of ratification of this Contract. Seller agrees to deliver the Property in broom clean condition and to exercise reasonable and ordinary care in the maintenance and upkeep of the Property between the date this Contract is executed by Seller and the time of Settlement. Seller grants to Purchaser or his

representative the right to make a preoccupancy or presettlement inspection to verify that the condition of the Property conforms to this Contract.

12. SELLER'S REPRESENTATIONS AND WARRANTIES: Seller represents and warrants as of the date of this Contract and as of the date of Settlement that:

(a) Seller is the sole fee simple owner of the Property and has the right, title, and authority to enter into this Contract and to perform its obligations hereunder;

(b) The entry and performance of this Contract by Seller will not breach any other agreement with any other party or create a violation of any applicable law, rule, or regulation and there are no other contracts for sale, suits in law or equity or other proceedings, outstanding order, writ or injunction to the knowledge of the Seller involving the Property; and

(c) Seller has provided, or will provide as set forth above, to Purchaser copies of all leases affecting the Property, if any. All such leases are valid and enforceable according to their terms, and no tenant is in default under any lease. Except for the leases provided to Purchaser by Seller, the Property is free of any right of possession or claim of right of possession of any party other than Seller. Between the date Seller executes this Contract and Settlement, Seller shall not modify, extend, or terminate any lease affecting the Property, nor enter into a new lease or take any action affecting or modifying the status of title or otherwise affecting the Property without Purchaser's prior written consent;

(d) Seller has no knowledge of, nor has Seller received any notice of, any actual or threatened action, litigation, or proceeding by any organization, person, individual or governmental agency (including governmental actions under condemnation authority or proceedings similar thereto) against the Property or Seller, nor has any such organization, person, individual or governmental agency communicated to Seller anything that Seller believes to be a threat of any such action, litigation or proceeding;

(e) Seller has received no notice of and has no knowledge of any violations of law, municipal or county ordinances, or other legal requirements with respect to the Property or with respect to the use, occupancy or construction thereon; and

(f) During Seller's ownership of the Property, and to the best of its knowledge, no Hazardous Materials have been deposited on or about the Property. "Hazardous Materials" shall mean and include asbestos, asbestos-containing materials, petroleum and petroleum products, the group of organic compounds known as polychlorinated biphenyls, and any substances or materials that are regulated, controlled or prohibited under the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. § 690, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. Sections 9601-9657, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), or any similar State law or local ordinance or any other environmental law, the Federal Water Pollution Control Act, 33 U.S.C. §1251, the Clean Air Act, 42 U.S.C. § 7401, the Toxic Substances Control Act ("TCSA"), 15 U.S.C. § 2601, or any similar State law or local ordinance, or any other Federal, State or local environmental statutes, regulations, ordinances or other environmental regulatory requirements. Seller represents and warrants that, to the best of its knowledge, none of the foregoing occurred with respect to the Property prior to the time Seller became the owner of the Property.

13. CONDITIONS PRECEDENT TO OBLIGATIONS OF PURCHASER: This Contract and all obligations of Purchaser are further subject to Purchaser determining in its sole and

absolute discretion that all of the conditions in this section 13 have been satisfied or waived by Purchaser. In the event that such conditions are not satisfied or waived by Purchaser, then Purchaser may terminate this Contract by giving written notice to Seller prior to or on the date of Settlement, and the Deposit shall be returned to Purchaser and the parties shall have no further obligation or liability to the other except for the indemnification obligations set forth sections 7 and 10(b). In Purchaser's discretion, Purchaser may extend the Settlement to allow the following conditions to be satisfied:

(a) All representations and warranties of Seller set forth herein shall have been true and correct when made and true and correct as the date of Settlement, with no material change therein; and

(b) As of Settlement, Seller shall have taken all action and delivered all documentation and materials required under this Contract.

14. **CONDEMNATION:** As used herein, the term "condemnation" refers to a taking by a public or governmental authority under power of eminent domain or a transfer in lieu thereof. Seller shall immediately notify Purchaser upon learning of the pendency of a condemnation proceeding or the likelihood thereof. Upon receipt thereof, Purchaser shall have ten (10) days to determine whether it wishes to (a) proceed to Settlement and be entitled to an assignment of all condemnation proceeds; or (b) terminate this Contract which shall have no further force and effect.

15. **RISK OF LOSS:** All risk of loss or damage to the Property by fire, windstorm, casualty, or other cause is assumed by Seller until Settlement. In the event of substantial loss or damage to the Property before Settlement, Purchaser shall have the option of either (i) terminating this Contract and recovering the Deposit, or (ii) affirming this Contract, in which event Seller shall assign to Purchaser all of Seller's rights under any policy or policies of insurance applicable to the Property.

16. **NOTICE:** All notices provided for herein shall be in writing and may be delivered in person, mailed in the United States mail postage prepaid, or overnight delivery courier. Any such notice shall be effective upon receipt if hand delivered, three (3) days after deposit with the U.S. Postal Service, if mailed, and one day after deposited with an overnight courier, if sent by overnight courier. The addresses to be used in connection with such correspondence and notices are as set forth on the signature page of this Contract, or such other address as a party shall from time to time direct in accordance with the provisions of this paragraph.

17. **DEFAULT:** If either Seller or Purchaser defaults under this Contract, the defaulting party, in addition to all other remedies available at law or in equity, shall be responsible for any damages and all expenses incurred by the non-defaulting party in connection with this transaction and the enforcement of this Contract, including, without limitation, attorneys' fees and costs, if any. In addition, if Seller defaults under this Contract the Deposit shall be returned to Purchaser, and if Purchaser defaults, then the Deposit shall be forfeited to the Seller.

18. **MISCELLANEOUS:** This Contract represents the entire agreement between Seller and Purchaser and may not be modified or changed except by written instrument executed by the parties. This Contract shall be construed, interpreted and applied according to the laws of the Commonwealth of Virginia and shall be binding upon and shall inure to the benefit of the heirs, personal representatives, successors and assigns of the parties. The forum for any disputes regarding this Contract or the Property shall be the federal or state court with jurisdiction in Staunton, Virginia. The representations and warranties made by Seller herein and all other provisions of this contract shall survive settlement.

19. **DEADLINE FOR EXECUTION:** If both Seller and Purchaser have not executed this Contract and each delivered evidence of its execution to the other party on or before 5:00 p.m. Eastern Standard Time on **March 8, 2021**, then this Contract shall be deemed withdrawn, null and void.

(Signature Page for Contract)

WITNESS the following signatures and seals.

SELLER:

THREE TWENTY ASSOCIATES

03/05/2021
Date

Wayt B. Timbale III (SEAL)

Wayt B. Timbale III, III (print name and title)

Address: 29 Crescent Drive
Staunton, VA 24401

Phone: 540-225-0732

Soc. Sec. or EIN # 54-0959570

PURCHASER:

03/03/2021
Date

Piddy & G Associates LLC
A Virginia limited liability company

By: Peggy C. Vaughn (SEAL)

PEGGY C. VAUGHN, Manager

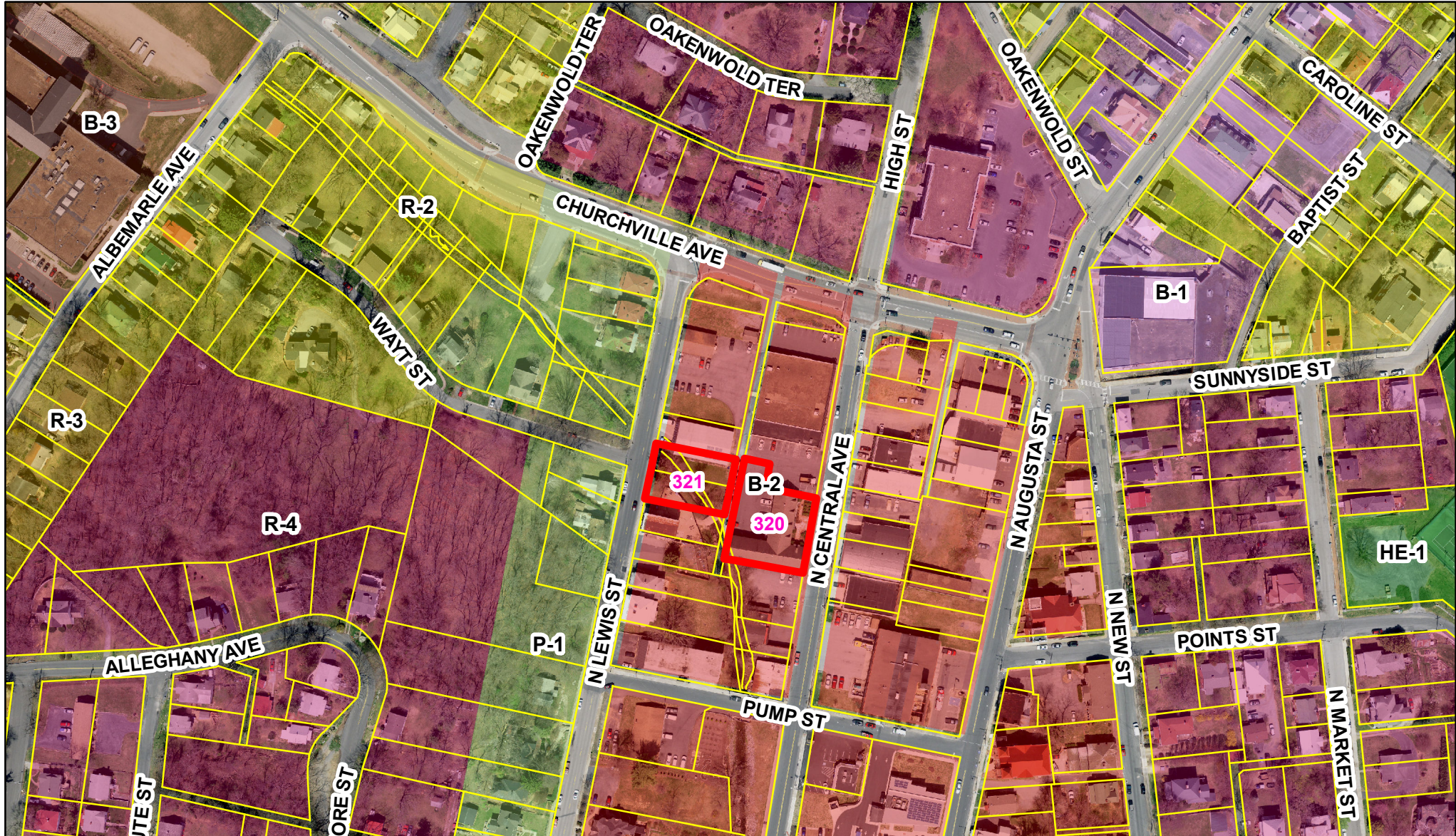
Address: 16 WILLIAMS ST.
STAUNTON, VA 24401

Phone: (540) 480-9076

Vicinity Map – 320 N Central Ave and 321 N Lewis St



Current Zoning - 320 N Central Ave and 321 N Lewis St



0 100 200 400 ft

Zoning

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

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

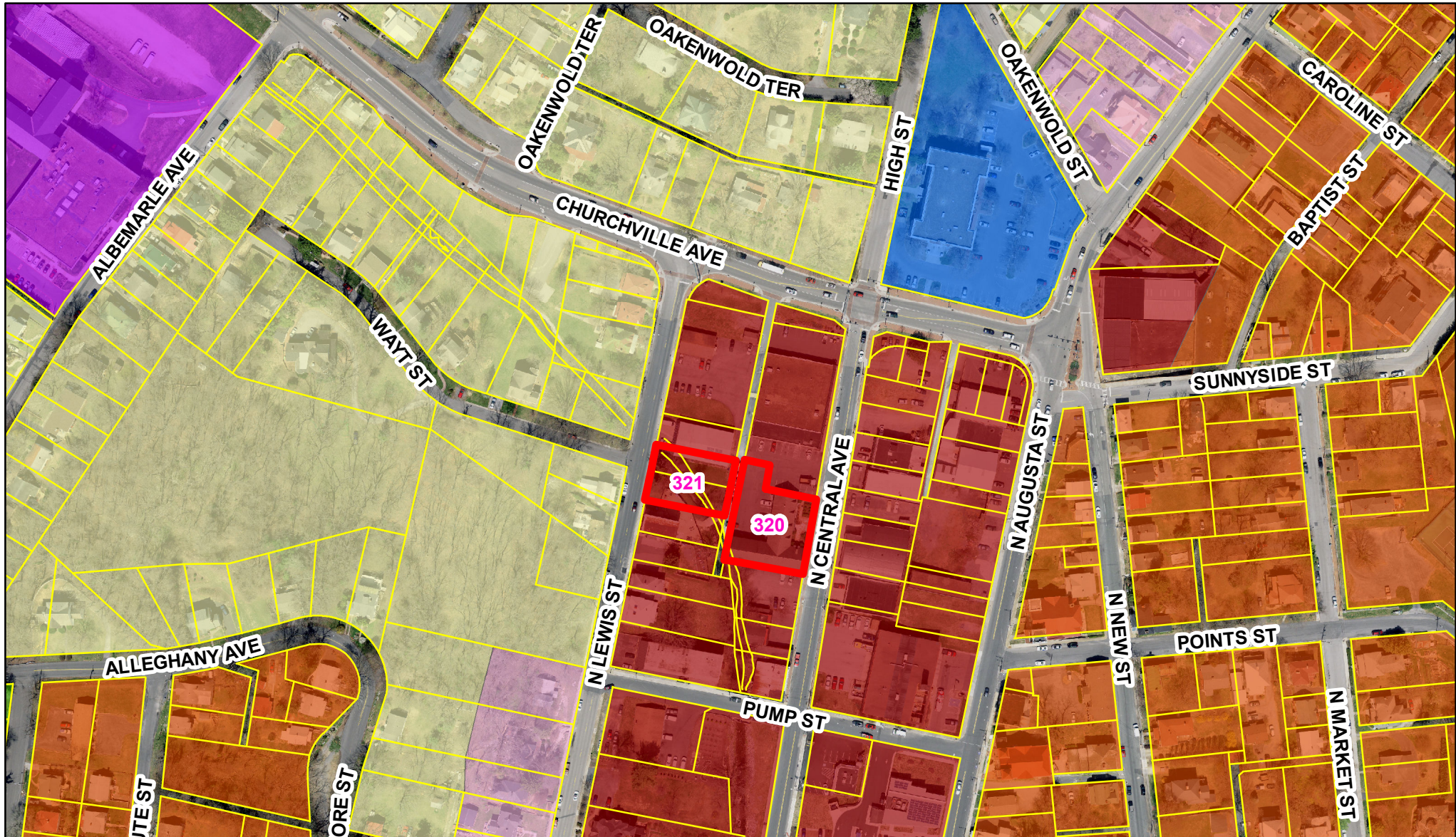
	I-2(conditional)
	I-3(conditional)
	P-1
	P-1(conditional)
	R-1

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

Additional Layers

	Selected Properties
	Lots

Future Land Use- 320 N Central Ave and 321 N Lewis St



Future Land Use



0 100 200 400 ft

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

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

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

Additional Layers

- Selected Properties
- Lots

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

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 10, 2021	City Council _____ John Blair, II City Attorney
Item #	C	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Procedural Ordinance Amendments	

Background: On May 27, 2021, the Staunton City Council began its discussion of its procedures. As part of that discussion, the City Attorney presented three proposed amendments to the Staunton City Code.

The proposed amendment to Staunton City Code Section 2.10.070 provides that the Council may cancel one of its regular meetings by a majority vote. This is a current practice of Council, and the ordinance codifies the practice.

The proposed amendment to Staunton City Code Section 2.10.080 conforms the Staunton City Code to the Virginia State and Local Government Conflict of Interests Act (COIA) for purposes of establishing a quorum. 2007 amendments to COIA state that if a majority of Council members are disqualified from a transaction due to potential conflicts of interests, the remainder of Council members shall constitute a quorum. The amendment states that if a majority of Council members are disqualified from a transaction pursuant to COIA, the remaining members of Council constitute a quorum.

The proposed Staunton City Code Section 2.10.095 establishes that the Council's procedures are found in Council Procedure Memoranda which are reviewed at least once every two years when new Council members are inducted. Additionally, the language within the proposed ordinance permits the Council to review and amend the Memoranda at any time it desires.

Attachments:

Attachment 1—Proposed Ordinance Staunton City Code Section 2.10.070

Attachment 2—Proposed Ordinance Staunton City Code Section 2.10.080

Attachment 3—Proposed Ordinance Staunton City Code Section 2.10.095

City Manager's Recommendation: Recommend the amended ordinances be adopted.

Suggested Motion: I move to adopt amended ordinances for the following Staunton City Code sections: 2.10.070 and 2.10.080, and to enact Staunton City Code section 2.10.095.

City Manager: Steven L. Rosenberg

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** 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 6.1.21

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: _____
Rachael Zinni, 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 6.1.21

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: _____
Rachael Zinni, Clerk of Council

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 its 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 each 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.

DRAFT 6.1.21

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: _____
Rachael Zinni, Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	June 10, 2021	City Council
Item #	D	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Ordinance Increasing the 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 pursuant to the statute.

On May 27, 2021, the Council considered a proposed ordinance that would expand the number of commissioners from five to seven. After receiving feedback from current commissioners, the Council requested the City Attorney to determine if it would be possible for the proposed ordinance to authorize the appointment of nine commissioners, but not require the immediate appointment of nine commissioners.

A 2010 Opinion of the Virginia Attorney General found that while a certain number of School Board members are authorized for election or appointment, only those members holding office are counted for purposes of establishing a quorum. Additionally, Virginia Code Section 36-12 states that a quorum is determined from commissioners "in office from time to time." The City Attorney is comfortable that the ordinance may permit the appointment of up to nine commissioners without affecting the number of commissioners needed to establish a quorum.

The attached ordinance provides that the Council may appoint up to nine commissioners. As discussed at the May 27th Council Work Session, the Council may begin by appointing two additional commissioners to the current five commissioners who constitute the SRHA board. After giving a seven commissioner board an opportunity to operate, the Council and SRHA may then determine if two additional commissioners need to be appointed to the SRHA board.

Attachment: Proposed Ordinance

City Manager's Recommendation: City Council discuss and consider the proposed ordinance increasing the number of commissioners from five to nine, and if they so choose, appointing at this time two more commissioners for a total of 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 nine, and to appoint two more commissioners at this time for a total of 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 up to nine, 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:

DRAFT 6.1.21

Effective Date:
Expiration Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Rachael Zinni, Clerk of Council

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