

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
October 14, 2021
5:00 p.m.**

- | | | |
|------------------|-----------|--|
| 5:00 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:05 p.m. | 2. | Discussion of Resolution of the Council of the City of Staunton, Virginia to Educate Staunton's Residents and Medical Community About Reports of the People's Republic of China's State-Sponsored Organ Harvesting from Prisoners of Conscience |
| 5:20 p.m. | 3. | Discussion of an Ordinance Amending Chapter 3.35, Transient Occupancy Tax, to Conform with the Code of Virginia |
| 5:30 p.m. | 4. | Application for Department of Criminal Justice Services Byrne/Justice Assistance Grant Program Training and Equipment Grant |
| 5:35 p.m. | 5. | Discussion of Resolution of the Council of the City of Staunton Reratifying and Reaffirming the Compensation Paid to Board of Equalization Members |
| 5:45 p.m. | | Break |
| 6:05 p.m. | 6. | Discussion of Virginia Municipal League Conference |
| 6:20 p.m. | 7. | Discussion of 2022 Legislative Program |
| 6:35 p.m. | 8. | Roll Call |
| 6:50 p.m. | 9. | Closed Meeting for Discussion of Prospective Candidates for the Position of Clerk of Council |

7:15 p.m.

Break

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
October 14, 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 September 23, 2021

REGULAR MEETING

- A. Public Hearing and Consideration of a Request by Barbara Whipple and Paul Kazarov to Vacate and Abandon Undeveloped Montgomery Street Located Between 301 Fayette Street, 522 Stuart Street, and 309 Fayette Street***

- B. Public Hearing and Consideration of a Request by the City of Staunton to Amend Chapter 18.120, Yard, Building Setback, and Open Space Exceptions, Subsection 18.120.010(4)(f) of Title 18, Zoning, of the Staunton City Code***

- C. Public Hearing and Consideration of an Ordinance Amending Chapter 3.35, Transient Occupancy Tax, to Conform with the Code of Virginia**

- D. Consideration of a Request by Aaron and Bithiah Reed for a Variance from Title 17, Subdivisions, Section 17.15.180, Size and Shape of Residential Lots Generally**

- E. Consideration of an Ordinance to Amend Section 5.20.220, Issuance of License, of Chapter 5.20, Precious Metals and Gems and Pawnbrokers, of Title 5, Business Licenses and Regulations, of the Staunton City Code to Conform with the Code of Virginia**

- F. Consideration of Application for Department of Criminal Justice Services Byrne/JAG Training and Equipment Grant**
- G. Consideration of Resolution of the Council of the City of Staunton Reratifying and Reaffirming the Compensation Paid to Board of Equalization Members**
- H. Consideration of Staunton City Council Retreat Report: Vision, Values, Strategic Areas, Actions**

Matters from the City Manager

Matters from the Public*

Adjournment

***Public Participation**

For instructions on how to participate in a Public Hearing and Matters from the Public portions of the City Council meeting visit www.staunton.va.us/council.

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 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*

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***Public Participation**

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CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	Councilmember Carolyn Dull
Item #	2	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government Inclusion	
Subject:	Discussion of Resolution of the Council of the City of Staunton, Virginia to Educate Staunton’s Residents and Medical Community About Reports of the People’s Republic of China’s State-Sponsored Organ Harvesting from Prisoners of Conscience	

Background: At the request of Councilmember Carolyn Dull, this item has been added to Council's work session agenda for October 14, 2021. A draft resolution is attached for discussion.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO EDUCATE STAUNTON'S RESIDENTS AND MEDICAL COMMUNITY
ABOUT REPORTS OF THE PEOPLE'S REPUBLIC OF CHINA'S STATE-
SPONSORED ORGAN HARVESTING
FROM PRISONERS OF CONSCIENCE**

WHEREAS, the global organ trafficking trade exists and a large component of this practice involves the coerced harvesting of organs from individuals who do not consent to such actions; and

WHEREAS, medical "tourism", the practice of traveling to other countries for medical procedures, including organ transplantation, is increasingly prevalent, and in the case of certain organ transplantation, the source of such organs is not readily discoverable by recipients, many of whom are unaware of information regarding the donors or whether or not the donated organ was procured voluntarily and in accordance with ethical and legal standards; and

WHEREAS, there is a growing amount of evidence that the People's Republic of China is sponsoring organ harvesting from prisoners of conscience-specifically certain ethnic minority and religious groups such as practitioners of Falun Gong (also known as Falun Dafa) as documented by independent, non-partisan organizations, Non-Governmental Organizations, and tribunals such as the International Coalition to End Transplant Abuse in China (ETAC), The China Tribunal, and Freedom House; and

WHEREAS, in 2016, the United State House of Representatives unanimously adopted House Resolution 343 condemning the systemic, state-sanctioned organ harvesting in the People's Republic of China and called on the Government of the People's Republic of China to end the practice of organ harvesting from prisoners of conscience; and

WHEREAS, there is little public awareness of the People's Republic of China's nonconsensual organ harvesting from prisoners of conscience; and

WHEREAS, the Staunton City Council received a presentation and petition signed by eighty-two individuals at its September 23, 2021 meeting urging the Staunton City Council to inform its residents of the People's Republic of China's nonconsensual organ harvesting from prisoners of conscience; and

WHEREAS, Staunton residents should be fully informed of the organ source in China before they make the decision to engage in medical tourism in China and the Staunton City Council should assist in raising awareness of this issue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that the residents and medical community serving the City of

47 Staunton and the surrounding region be informed about the risks of travel to China for
48 organ transplants to help prevent our local citizens from unknowingly receiving organ
49 transplants from state-sponsored nonconsensual organ harvesting from prisoners of
50 conscience.

51
52 **BE IT FURTHER RESOLVED** that the Council of the City of Staunton,
53 Virginia opposes any coerced organ harvesting, specifically including, but not limited to,
54 any state-sponsored nonconsensual organ harvesting from prisoners of conscience.

55
56 **BE IT FURTHER RESOLVED** that a copy of this Resolution shall be provided
57 to the Governor of the Commonwealth of Virginia and to both United States Senators
58 representing the Commonwealth of Virginia.

59
60
61
62 Adopted this ____ day of _____, 2021.

63 _____
64 Andrea W. Oakes, Mayor

65
66
67 Attest: _____
68 Morgan C. Smith, Interim Clerk of Council
69
70

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	Maggie Ragon Commissioner of the Revenue John Blair, II City Attorney
Item #	3 & C	
Ordinance #		
Department:	Commissioner of Revenue City Attorney	
Council Vision:	Responsive, Efficient Government	
Subject:	Ordinance Amending Chapter 3.35, Transient Occupancy Tax, to Conform with the Code of Virginia	

Background: The Virginia General Assembly during its 2021 Session, enacted amendments to state statutes authorizing localities to impose a transient occupancy tax (TOT). Specifically, the legislature amended Virginia Code Section 58.1-3819 which imposes the tax on the total price paid for a room. Previously, the statutes only authorized application of the tax the charge levied by the establishment offering lodging space. The state code amendment provides for the application of the tax to accommodation fees charged to customers by online travel companies. The proposed ordinance amendment will conform the Staunton City Code's transient occupancy tax with the recently enacted state code provisions.

Attachments:

Attachment 1—Virginia Code Sections 58.1-3819 and 58.1-3826

Attachment 2—Proposed Ordinance Amending Chapter 3.35, Transient Occupancy Tax

City Manager's Recommendation: Recommend adoption of the proposed ordinance amending Staunton City Code Chapter 3.35, Transient Occupancy Tax, to conform with the recently enacted state code provisions.

Suggested Motion: I move that City Council adopt the proposed ordinance amending Staunton City Code Chapter 3.35, Transient Occupancy Tax, to conform with the recently enacted state

code provisions.

City Manager: Steven L. Rosenberg

§ 58.1-3819. (Effective until September 1, 2021) Transient occupancy tax

A. 1. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe.

2. Unless otherwise provided in this article, any county that imposes a transient occupancy tax at a rate greater than two percent shall, by ordinance, provide that (i) any excess from a rate over two percent shall be designated and spent solely for such purpose as was authorized under this article prior to January 1, 2020, or (ii) if clause (i) is inapplicable, any excess from a rate over two percent but not exceeding five percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. Unless otherwise provided in this article, for any county that imposes a transient occupancy tax pursuant to this section or an additional transient occupancy tax pursuant to another provision of this article, any excess over five percent, combining the rates of all taxes imposed pursuant to this article, shall not be restricted in its use and may be spent in the same manner as general revenues. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No

commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

Code 1950, § 76.1; 1970, c. 443; 1971, Ex. Sess., c. 214; 1973, c. 433; 1974, c. 614; 1983, c. 313; 1984, c. 675; 1985, c. 556; 1992, cc. 263, 834; 1996, c. [833](#); 1997, cc. [757](#), [764](#); 1998, cc. [729](#), [733](#); 1999, cc. [233](#), [234](#), [241](#), [253](#), [260](#); 2000, c. [470](#); 2001, cc. [571](#), [585](#); 2003, c. [939](#); 2004, cc. [7](#), [610](#); 2005, cc. [76](#), [915](#); 2006, cc. [67](#), [376](#); 2007, cc. [86](#), [596](#), [767](#); 2008, c. [230](#); 2009, cc. [13](#), [31](#), [116](#), [497](#), [513](#), [524](#); 2010, c. [505](#); 2011, cc. [385](#), [606](#); 2012, c. [290](#); 2013, cc. [19](#), [200](#), [319](#), [378](#); 2014, c. [188](#); 2015, cc. [57](#), [78](#), [98](#); 2016, c. [51](#); 2017, c. [23](#); 2018, c. [293](#); 2020, cc. [330](#), [1214](#), [1263](#).

This section has more than one version with varying effective dates. Scroll down to see all versions.

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

§ 58.1-3819. (Effective September 1, 2021) Transient occupancy tax

A. 1. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. The tax shall be imposed on the total price paid by the customer for the use or possession of the room or space occupied in a retail sale. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe.

2. Unless otherwise provided in this article, any county that imposes a transient occupancy tax at a rate greater than two percent shall, by ordinance, provide that (i) any excess from a rate over two percent shall be designated and spent solely for such purpose as was authorized under this article prior to January 1, 2020, or (ii) if clause (i) is inapplicable, any excess from a rate over two percent but not exceeding five percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. Unless otherwise provided in this article, for any county that imposes a transient occupancy tax pursuant to this section or an additional transient occupancy tax pursuant to another provision of this article, any excess over five percent, combining the rates of all taxes imposed pursuant to this article, shall not be restricted in its use and may be spent in the same manner as general revenues. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § [58.1-3823](#), then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels,

motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § [58.1-3711](#) shall apply to any tax levied under this section, mutatis mutandis.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

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§ 58.1-3826. (Effective until September 1, 2021) Scope of transient occupancy tax

The transient occupancy tax imposed pursuant to the authority of this article shall be imposed only for the occupancy of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

2005, c. [20](#).

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§ 58.1-3826. (Effective September 1, 2021) Scope of transient occupancy tax

A. The transient occupancy tax imposed pursuant to the authority of this article shall be imposed only for the use or possession of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

B. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the locality and shall be liable for the same.

C. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge. When the accommodations are at a hotel, the accommodations intermediary shall remit the taxes on the accommodations fee to the locality and shall remit any remaining taxes to the hotel, which shall remit such taxes to the locality. When the accommodations are at a short-term rental, as defined in § [15.2-983](#), or at any other accommodations, the accommodations intermediary shall remit the taxes on the room charge to the locality.

D. An accommodations intermediary shall not be liable for taxes under this article remitted to an accommodations provider but that are then not remitted to the locality by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider shall be liable for that portion of the taxes under this article that relate to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider.

E. In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

2005, c. [20](#);2021, Sp. Sess. I, c. [383](#).

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Ordinance No. 2021 - ____

AN ORDINANCE
AMENDING, RESTATING AND REORDAINING
CHAPTER 3.35, TRANSIENT OCCUPANCY TAX,
OF TITLE 3, REVENUE AND FINANCE,
OF THE STAUNTON CITY CODE
TO CONFORM WITH THE CODE OF VIRGINIA

Recitals

A. It has been ascertained that Chapter 3.35, Transient Occupancy Tax, of Title 3, Revenue and Finance, of the Staunton City Code (SCC) merits amendment to conform with the Code of Virginia;

B. Virginia Code § 58.1-3819 authorizes localities to collect transient occupancy tax on the gross proceeds of room rentals of hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days;

C. Virginia Code § 58.1-3819 has been amended to provide that beginning September 1, 2021, the transient occupancy tax shall be computed upon the basis of the total charges or the total price paid for use or possession of the room;

D. Virginia Code § 58.1-3826 has been amended to further provide that for any room rental where an accommodations provider contracts with an intermediary to facilitate the sale of accommodations and the intermediary charges the customer for the room and also an accommodations fee, the intermediary would be deemed the dealer for the transaction and would be required to separately state the taxes on the invoice and to collect the taxes on the entire amount paid for the use or possession of the room;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Chapter 3.35, Transient Occupancy Tax, of Title 3, Revenue and Finance, of the Staunton City Code is hereby amended to read as follows:

3.35.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Accommodations” shall mean, any room or space for which tax is imposed on the retail sale pursuant to this Chapter and includes but is not limited to, any public or private hotel, inn,

apartment, hostelry, tourist home or house, motel, rooming house, or other lodging place within the city of Staunton offering lodging for four or more persons at any one time, and the owner and operator thereof, who for compensation, furnishes lodging to any transients as hereinafter defined.

"Accommodations fee" shall mean the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

"Accommodations intermediary" shall mean any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person.

"Accommodations provider" shall mean any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

"Commissioner of the revenue" shall mean the commissioner of the revenue of the city of Staunton, Virginia, or any of his duly authorized deputies or agents.

~~"Hotel" shall mean any public or private hotel, inn, hotel, hostelry, tourist home or house, motel, rooming house, or other lodging place within the city of Staunton offering lodging for four or more persons at any one time, and the owner and operator thereof, who for compensation, furnishes lodging to any transients as hereinafter defined.~~

~~"Person" shall mean, and include but is not limited to, individuals, firms, partnerships, associations, corporations, persons acting in representative capacity, and combinations of individuals of whatever form and character.~~

~~"Retail sale" shall mean the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.~~

“Room charge” shall mean the full retail price charged to the transient for the use of the accommodations, including any accommodations fee, before taxes. Any additional charges made in connection with the rental of accommodations are deemed to be a part of the charge for the room and are subject to the tax. For example, additional charges for movies, local telephone calls and similar services are subject to the tax. Toll charges for long-distance telephone calls are not subject to the tax.

~~“Room rental” shall mean the total charge made by any such hotel for lodging or space furnished any such transient. If the charge made by such hotel to such transient includes any charge for services or accommodations in addition to that of lodging, or the use of space, then such portion of the total charge as represents only room or space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.~~

“Transient” shall mean any person who, for any period of ~~not more~~ fewer than 30 consecutive days, either at his own expense or at the expense of another, obtains ~~lodging or the use or possession of a room or any space occupied for lodging~~ in any ~~hotel accommodations~~ as hereinabove defined, for which lodging or use of space a ~~charge price~~ is ~~made charged~~.

“Treasurer” shall mean the treasurer of the city of Staunton, Virginia, or any of his authorized deputies or agents.

3.35.020 Levy and rate.

In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby imposed and levied, for the purpose of funding the general operation of the city government, on each and every transient a tax equivalent to six and seven-tenths percent of the total ~~amount room charge~~ paid ~~by the transient~~ for ~~the use or possession of a room or space occupied for lodging rental~~ by or for any such transient to any ~~hotel accommodations~~.

3.35.030 Exceptions.

No tax shall be payable hereunder on room ~~rental charge~~ paid to any hospital, medical clinic, convalescent home or home for the aged. Also, no tax shall be payable hereunder on space rental paid to any travel campground.

3.35.040 Collection.

~~Every person receiving any payment for room rental with respect to which a tax is levied under this chapter shall collect the amount of tax hereby imposed from the transient on whom the same is levied or from the person paying for such room rental, at the time payment for such room rental is made.~~

(1) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this chapter, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the City and shall be liable for the same.

(2) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this chapter as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge. When the accommodations are at a hotel, the accommodations intermediary shall remit the taxes on the accommodations fee to the locality and shall remit any remaining taxes to the hotel, which shall remit such taxes to the City. When the accommodations are at any other accommodations, the accommodations intermediary shall remit the taxes on the room charge to the City

(3) An accommodations intermediary shall not be liable for taxes under this chapter remitted to an accommodations provider but that are then not remitted to the City by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider shall be liable for that portion of the taxes under this article that relate to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider.

(4) In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

All taxes collected pursuant to this chapter are deemed in be held in trust for the City.

3.35.050 Reports and remittances.

(1) The person collecting any such tax shall make out a report upon such forms and setting forth such information as the commissioner of the revenue may prescribe and require, showing the total room charge paid by the customer for the use or possession of a room or space occupied for lodging by or for a transient amount of room rental charges collected, and the tax required to be collected,~~;~~ and The report shall be sign and deliver the same submitted to the commissioner of the revenue.

(2) The commissioner of the revenue shall determine whether the report is in proper form and upon such determination shall cause a copy to be delivered to the treasurer.

(3) The person collecting any such tax shall remit the tax to the treasurer.

(4) Said reports and remittances shall be made on or before the twentieth day of the month following each month and covering the amount of tax collected during the preceding month. ~~The first report must be filed not later than August 20, 1985.~~

...

In all other respects, the provisions of Chapter 3.35 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

This ordinance shall be effective retroactively to and including September 1, 2021.

Introduced:

Adopted:

Effective: Retroactively to September 1, 2021

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan C. Smith,
Interim Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	Staff Members: Chief Jim Williams Capt. Chad Kauffman
Item #	4 & F	
Ordinance #		
Department:	Police	
Council Vision:	Responsive, Efficient Government	
Subject:	Application for Department of Criminal Justice Services Byrne/Justice Assistance Grant Program Training and Equipment Grant	

Background: The Staunton Police Department is committed to providing high-quality, ongoing training opportunities to its officers. Of particular importance is training related to use of force and de-escalation. To that end, the department is requesting that City Council authorize application to the Virginia Department of Criminal Justice Services Byrne/Justice Assistance Grant Program for a law enforcement training and equipment grant, for the purchase of a use of force training simulator. The VirTra V100 simulator to be procured will permit in-house training on topics ranging from communication skills, de-escalation and mental health crises, to use of deadly force decision-making.

Fiscal Impact: The amount of funding available is \$25,000, with a 25% local match. The match will be paid from state asset forfeiture funds.

Attachment: Department of Criminal Justice Services Byrne/Justice Assistance Grant Program Application

City Manager's Recommendation: Recommend that City Council authorize the Department of Criminal Justice Services Byrne/Justice Assistance Grant Program application for a grant in the amount of \$25,000, with the local match to be paid from state asset forfeiture funds.

Suggested Motion: I move that City Council authorize application for the Department of Criminal Justice Services Byrne/Justice Assistance Grant, in the amount of \$25,000, with a 25% local

match to be paid from state asset forfeiture funds, to purchase a use of force training simulator, as proposed.

City Manager: Steven L. Rosenberg

9125 - Byrne JAG Grant Program FY 22 PS Programs Staunton Police Department

Application Details

Funding Opportunity: 3334-Byrne/Justice Assistance Grant Program 2022- LE Equipment and Training
Funding Opportunity Due Date: Oct 22, 2021 5:00 PM
Program Area: Byrne Justice Assistance Grant
Status: Editing
Stage: Final Application

Initial Submit Date:
Initially Submitted By:
Last Submit Date:
Last Submitted By:

Contact Information

Primary Contact Information

Name*: Capt. Chad R Kauffman Suffix
Salutation First Name Middle Name Last Name
Title*: Captain
Email*: kauffmancr@ci.staunton.va.us
Address*: 116 W Beverley St

Phone*: Staunton Virginia 24401 Zip +4
City State/Province Postal Code/Zip
540-332-3855 Ext.
Phone
###-###-####
Fax: 540-332-3980
###-###-####

Organization Information

Federal ID Number*: 546001631
Organization Name*: Staunton
Organization Type*: City Government
Unique Entity Identifier (UEI): 057931552
SAM Validation: Yes
SAM Expiration Date: 2022-06-11
Organization Website: For example: <http://www.dcs.virginia.gov>
Address*: City of Staunton

P. O. Box 58

Staunton Virginia 24402 Zip +4
City State/Province Postal Code/Zip

Phone*: (540) 332-3822 Ext.
#####

Fax: ### ### #####

Faith Based Organization*: No

FIPS Code (Only Required for Local Government): 790-Staunton

Face Sheet - BJAG

Face Sheet

Select the congressional district(s) that will benefit from the program.

Congressional District(s)*: 6th
Choose all that apply.

Best Practice?: For JJDP programs only.

Select all jurisdiction(s) served; if appropriate, select "STATEWIDE"

Jurisdiction(s) Served*: STAUNTON
Choose all that apply.

Program Title*: Byrne JAG Grant Program FY22 PS Programs Staunton Police Department

Click [here](#) to see if you are certified.

Certified Crime Prevention Community?* No

VLEPSC or CALEA accredited?* Yes

Type of Application*: New

Check the box(s) that best describes the applicant service area.

Community Setting*: Urban

In this space, provide a short description of the project.

Brief Project Overview*:

The purpose of this project is to implement an in-house use of force training simulator program. The use of force simulator utilizes realistic training scenarios capable of supporting the entire use of force spectrum from verbal skills to deadly force decision-making. Additionally, the program contains modules on topics such as de-escalation, responding to calls involving subjects with autism, traumatic brain injury, and mental health crises, ensuring officers receive up to date and ongoing evidence-based training in these critical areas.

Project Director

Name: Prefix James E Williams Suffix
First Name Middle Name Last Name

Title*: Chief of Police

Address*: City Hall, Basement Floor

116 W. Beverley St.

Address Line 2

Staunton Virginia 24401 4279

City State Zip Code +4

Phone Number*: 540-332-3845

Fax Number: 540-332-3980

Email Address*: williamsje@ci.staunton.va.us

Is the mailing address the same as the physical address?

Mailing Address*: Yes

Mailing Address:

Address Line 2

City Virginia Zip Code +4
State

Project Administrator

Name: Prefix Steven L Rosenberg Suffix
First Name Middle Name Last Name

Title*: City Manager

Address*: City Hall, 3rd Floor
116 W. Beverley St.
Address Line 2
Staunton Virginia 24401 4279
City State Zip Code +4

Phone Number*: 540-332-3812

Fax Number: 540-851-4000

Email Address*: rosenbergsl@ci.staunton.va.us

Is the mailing address the same as the physical address?

Mailing Address*: Yes

Mailing Address:

Address Line 2

City Virginia Zip Code +4
State

Finance Officer

Name: Prefix Phillip M Trayer Suffix
First Name Middle Name Last Name

Title*: Chief Financial Officer

Address*: City Hall, 3rd Floor
116 W. Beverley St.
Address Line 2
Staunton Virginia 24401 4279
City State Zip Code +4

Phone Number*: 540-332-3809

Fax Number: 540-851-4017

Email Address*: trayerpm@ci.staunton.va.us

Is the mailing address the same as the physical address?

Mailing Address*: Yes

Mailing Address:

Address Line 2

City Virginia Zip Code +4
State

Project Narrative Form

Project Narrative

Demonstration of Need*:

Project Narrative Staunton Police Department, Use of Force Training Simulator Program Demonstration of Need The Staunton Police Department is

led by Chief Jim Williams and consists of 52 sworn officers and 16 full-time civilian employees serving a community of nearly 25,000 citizens. The SPD provides 24-hour patrol coverage and criminal investigative functions while also staffing the City's E-911 Communication Center. The agency averages approximately 17,500 calls for police services a year. In addition to providing 24-hour patrol coverage and criminal investigative functions, the department is very active in community policing initiatives and has maintained CALEA accreditation since 1985. The Staunton Police Department places a strong emphasis on training. Beyond meeting minimum DCJS and CALEA requirements, the leadership of the department seeks to maintain a high level of service to the community by ensuring its officers are afforded as many training opportunities as possible. Over the past several years, there have been many high-profile use of force incidents across the country. These incidents have shed light on the need for additional training in areas such as use of force, de-escalation, working with people in mental health crisis, and those on the autism spectrum. The President's Task Force on 21st Century Policing specifically identifies training in de-escalation and use of force as an action step toward building trust and legitimacy with the citizenry (Office of Community Oriented Policing Services. 2015. The President's Task Force on 21st Century Policing Implementation). In the past, the department has provided training to officers in the above-mentioned areas, but the efforts are often time and manpower intensive, particularly when ensuring every sworn officer receives the training. Examples include annual hands-on use of force training, which requires multiple instructors over several days, and over 300 hours of overtime, a one-time presentation on working with those on the autism spectrum, and a one-time 40-hour Crisis Intervention Team course for every officer. It is difficult to ensure officers receive regular refresher training in these areas. As with many other law enforcement agencies in Virginia and around the country, the Staunton Police Department faces challenges with recruiting and retaining qualified officers. The turnover rate has led to a younger, less-experienced workforce, and difficulty in allowing officers to attend much needed training due to staffing shortages. All of these issues reinforce the need to provide a solution to address the many, ongoing training needs of the officers. Implementing an in-house simulator-based program will allow more flexibility in scheduling training, increase access to training topics that are difficult to find outside of the department, and reduce the amount of overtime required for mandatory use of force training. The use of force simulator has been shown to provide less experienced officers a higher level of confidence related to critical incident decision-making, which is paramount to citizen and officer safety (Davies, 2015). Davies, A. (2015). The Hidden Advantage in Shoot/Don't Shoot Simulation Exercises for Police Recruit Training. Salus Journal(3). Retrieved from https://salusjournal.com/wp-content/uploads/2015/03/Davies_Salus_Journal_Issue_3_Number_1_2015_pp_16-30.pdf (2015). Office of Community Oriented Policing Services. 2015. The President's Task Force on 21st Century Policing Implementation. US Department of Justice.

Project Description*:

The Staunton Police Department seeks to implement a use of force simulator training program through the VirTra V-100 training solution. The simulator, which will be housed and utilized on site at the Staunton Police Department building, has several components designed to provide realistic training in use of force from communication skills to deadly force encounters. The project design begins with installation of the simulator at the police department headquarters. This includes a high-definition projector, shot tracking equipment, a low light kit, scenario software, collapsible screen, and a laptop computer. Having the simulator set up at the Department headquarters will provide easy access to officers while on duty, thereby encouraging frequent use outside of regularly scheduled training. Following the installation of the simulator, VirTra will provide onsite instructor training of up to six officers, who will manage and administer the simulator training to department officers. The system also includes the VirTra ?Virtual Interactive Coursework and Training Academy? certified simulator training curriculum. This science-based approach to the use of simulation as a training system provides instructors with lesson plans, student outlines, presentation material, pre-tests, post-tests, course evaluations, and all interactive video learning material in conjunction with the simulator for each available course. Virtual instructor scenarios teach, train, test, and sustain methodology to ensure participants dynamically absorb information to facilitate long-term transfer of critical psycho-motor skills. The coursework includes topics such as contact and cover, crisis de-escalation, autism awareness, dog encounters, active threat, human factors in force encounters, mental health, high-risk vehicle stops, and officer first aid, among others. These modules are designed as stand-alone courses and will be used to meet mandatory in-service and CALEA compliance requirements, and provide a readily accessible tool for remedial training needs.

Service Area Demographic/Target Population*:

The Staunton Police Department provides law enforcement services within the corporate limits of the City of Staunton. The Department serves approximately 25,000 people. Of those, 80% identify as white, 11% identify as black, 3 % are Hispanic, 1% are Asian, with the rest identifying as other race. The median age is 43, with 46% being male, and 54% female. This project targets the entire population of the City of Staunton.

Sustainment Plan*:

The use of force simulator is a self-contained system that provides hundreds of scenarios. Each of these scenarios has approximately 80 branching options, which changes the scenario based on the actions of the officer, or the instructor. The depth of content included in this system will provide years of training scenarios. Accessories and new content are available on an as-needed basis. The Department administers use of force and mental health training annually. The simulator program will be incorporated into the annual training plan.

Goals and Objectives

Requested

If this is not requested, please indicate that here and then mark this form as complete.

Are Goals and Objectives required by the funding opportunity?* Yes

Goals and Objectives

Goal Number	Goal	Objective	Activities	Month (in which implementation step occurs)
1	Provide in-house training for officers in the areas of use of force, de-escalation, and mental health calls for service.	Installation of a use of force simulator at the Staunton Police Department.	1. Identify and prepare space to install simulator at police headquarters. 2. Install simulator.	February
1	Provide in-house training for officers in the areas of use of force, de-escalation, and mental health calls for service.	Provide instructor training on use of force simulator operation.	1. Identify instructor candidates. 2. Conduct instructor training, provided onsite by vendor.	February
1	Provide in-house training for officers in the areas of use of force, de-escalation, and mental health calls for service.	Provide simulator training to all sworn officers in department.	1. Identify scenarios for inclusion in training. 2. Schedule officers for training. 3. Deliver training modules to each officer.	August

Budget

Budget

Budget Categories	Federal	State	Special	Cash Match	In-Kind Match	Total Program
Personnel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Consultant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Subsistence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$18,674.70	\$0.00	\$0.00	\$6,224.90	\$0.00	\$24,899.60
Supplies/Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Indirect Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$18,674.70	\$0.00	\$0.00	\$6,224.90	\$0.00	\$24,899.60

Match Percentage

Match Percentage: 25.0%

Funds From Other Sources

Source	Amount
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No Data for Table

Personnel and Employee Fringe Benefits

Requested

If this is not requested, please indicate that here and then mark this form as complete.

Is Personnel being requested?*: No

Personnel

			Total Hours Per Week (if applicable)	Total Hours Per Year	Total Annual Salary (grant- funded plus other sources)	Percent being requested	Number of Grant- Funded Hours (hours per year)	Grant- Funded Full Time Equivalent (?FTE?)	Total Salary Amount Requested from Grant	New Position?	Federal Funds	State Funds	Special Funds	Cash Match	In- Kind Match	Personnel Total
Employee Name	Position Title	Position														

No Data for Table

Employee Fringe Benefits

Employee Name	FICA	Retirement	Group Life	Health Insurance	Workers? Comp	Unemployment	Disability	Other	Requested Employee Fringe Benefits Total	If Other, Please Describe	Federal Funds	State Funds	Special Funds	Cash Match	In- Kind Match	Employee Fringe Benefits Total
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No Data for Table

Position and Justification

Employee Name	Description of Position	Justification for Position
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No Data for Table

Personnel and Employee Fringe Benefits Totals

DCJS FUNDS

Federal Funds:	\$0.00
State Funds:	\$0.00
Special Funds:	\$0.00

Match Funds

Cash Match:	\$0.00
In-Kind Match:	\$0.00

Personnel/Fringe Total

TOTAL:	\$0.00
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Consultants

Requested

If this is not requested, please indicate that here and then mark this form as complete.

Are Consultant and/or Consultant Travel being requested?*: No

Consultant

Name of Consultant	Consultant Hourly Rate	Total Number of Hours	Total Consultant Cost	Federal Funds	State Funds	Special Funds	Cash Match	In-Kind Match	Consultant Total
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No Data for Table

Consultant Subsistence (lodging + meals) & Travel

Name of Consultant	Number of Nights	Lodging Rate	Total Lodging	Number of Days	Per Diem Rate	Total Meals	Number of Miles	Mileage Rate	Total Travel	Other Subsistence/Travel	Total Other Travel	Federal Funds	State Funds	Special Funds	Cash Match	In-Kind Match	Consultant Subsistence & Travel Total
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No Data for Table

Consultant Role Description and Justification

Name of Consultant	Description of Consultant's Role	Justification for Use of Consultant
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No Data for Table

Consultant Subsistence & Travel Totals

DCJS FUNDS

Federal Funds:	\$0.00
State Funds:	\$0.00
Special Funds:	\$0.00

Match Funds

Cash Match:	\$0.00
In-Kind Match:	\$0.00

Consultant Subsistence & Travel Total

TOTAL:	\$0.00
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Travel

Requested

If this is not requested, please indicate that here and then mark this form as complete.

Is Travel being requested?*: No

Local Mileage

Number of Miles	Mileage Rate	Total Local Mileage	Federal Funds	State Funds	Special Funds	Cash Match	In-Kind Match	Local Mileage Total
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No Data for Table

Non-Local Mileage

Number of Miles	Mileage Rate	Total	Federal Funds	State Funds	Special Funds	Cash Match	In-Kind Match	Non-Local Mileage Total
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No Data for Table

Mileage Description and Justification

Type	Description of Mileage	Justification for Mileage
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No Data for Table

Travel Totals

DCJS FUNDS

Federal Funds:	\$0.00
State Funds:	\$0.00
Special Funds:	\$0.00

Match Funds

Cash Match:	\$0.00
In-Kind Match:	\$0.00

Travel Total

TOTAL:	\$0.00
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Subsistence/Other Travel Costs

Requested

If this is not requested, please indicate that here and then mark this form as complete.

Are Subsistence/Other Travel Costs being requested?*: No

Subsistence

Event Title	Number of People Attending	Number of Nights	Lodging Rate	Total	Number of Days	Per Diem Rate	Total	Total Subsistence	Federal Funds	State Funds	Special Funds	Cash Match	In-Kind Match	Subsistence Total
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No Data for Table

Subsistence Description and Justification

Event	Description of Costs	Justification for Costs
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No Data for Table

Other Travel Costs

Event Title	Number of People Attending	Number of Airfare Tickets	Airfare Rate	Total Airfare	Other Travel Costs	Total Cost for Air and Other Fares	Federal Funds	State Funds	Special Funds	Cash Match	In-Kind Match	Other Travel Costs Total
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No Data for Table

Other Travel Costs Description and Justification

Event	Description of Other Costs	Justification for Other Costs
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No Data for Table

Subsistence/Other Travel Costs Totals

DCJS FUNDS

Federal Funds:	\$0.00
State Funds:	\$0.00
Special Funds:	\$0.00

Match Funds

Cash Match: \$0.00

In-Kind Match: \$0.00

Subsistence/Other Travel Costs Total

TOTAL: \$0.00

Equipment

Requested

If this is not requested, please indicate that here and then mark this form as complete.

Is Equipment being requested?*: Yes

Equipment

Equipment Item	Cost Per Item/Monthly Rate	Total Number of Items/Number of Months	Total Cost	Federal Funds	State Funds	Special Funds	Cash Match	In-Kind Match	Equipment Total
VirTra 100 LE Simulator	\$17,154.50	1	\$17,154.50	\$12,865.88	\$0.00	\$0.00	\$4,288.62	\$0.00	\$17,154.50
Tetherless P320FS/CA Adapter Plate	\$480.70	1	\$480.70	\$360.53	\$0.00	\$0.00	\$120.17	\$0.00	\$480.70
Refill Station	\$4,404.40	1	\$4,404.40	\$3,303.30	\$0.00	\$0.00	\$1,101.10	\$0.00	\$4,404.40
VirTra 100 Installation/Training	\$2,860.00	1	\$2,860.00	\$2,145.00	\$0.00	\$0.00	\$715.00	\$0.00	\$2,860.00
			\$24,899.60	\$18,674.71	\$0.00	\$0.00	\$6,224.89	\$0.00	\$24,899.60

Equipment Description and Justification

Equipment Item	Description of Equipment	Justification for Equipment
VirTra 100 LE Simulator	Use of Force simulator, includes projector, shot tracking equipment, training scenario software, collapsible screen, and laptop computer.	This item is the core of the simulator system. All components are required to operate the system and run the training simulator scenarios.
Refill Station	Tabletop refill station for all refillable magazines. Includes automatic push button activation and one CO2 tank.	The simulator uses CO2-based recoil kits to enhance realism by providing recoil when the non-firearm pistols are fired at the simulator. It is important to provide realistic training on use of force applications.
Tetherless P320FS/CA Adapter Plate	Adapter plate for the TRK-P320FC-SM. This item is required to refill CO2 magazines for the non-firearm simulator pistols.	The adapter plate works in conjunction with the refill station, and is necessary to refill the CO2 magazines.
VirTra 100 Installation/Training	VirTra simulator installation and training.	This item is required to effectively set up and run the simulator.

Additional Documentation

Description	File Name	Type	Size	Upload Date
VirTra Use of Force Simulator Quote	Staunton VAPD V-100 Cap Grant.pdf	pdf	127 KB	10/05/2021 09:59 AM

Equipment Totals

DCJS FUNDS

Federal Funds: \$18,674.71

State Funds: \$0.00

Special Funds: \$0.00

Match Funds

Cash Match: \$6,224.89

In-Kind Match: \$0.00

Equipment Total

TOTAL: \$24,899.60

Supplies & Other Expenses

Requested

If this is not requested, please indicate that here and then mark this form as complete.

Are Supplies & Other Expenses being requested?*: No

Supplies & Other Expenses

Supply/Item Requested	Cost Per Item/Monthly Rate	Total Number of Items/Number of Months	Total Cost	Federal Funds	State Funds	Special Funds	Cash Match	In-Kind Match	Supplies & Other Expenses Total
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No Data for Table

Supply/Item Requested Description and Justification

Supply/Item	Description of Supply/Item	Justification for Supply/Item
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No Data for Table

Supplies & Other Expenses Totals

DCJS FUNDS

Federal Funds: \$0.00

State Funds: \$0.00

Special Funds: \$0.00

Match Funds

Cash Match: \$0.00

In-Kind Match: \$0.00

Supplies & Other Expenses Total

TOTAL: \$0.00

Attachments

Attachments Required?

Are additional attachments required by the funding opportunity?*: No

Attachments

Description	File Name	Type	Size	Upload Date
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No files attached.

Non-Supplantation

Non-Supplantation

Applicants under this grant program are required to certify to DCJS, that the funding requested in this application does not supplant or replace, in whole or in part, federal, state, or local funds already supporting current program services.

I certify that the grant funds requested under this grant program will be used to supplement existing funds and will not replace (supplant) funds that have been appropriated for the same purposes.

Certification*: Yes

Project Administrator*: Steven Rosenberg
First Name Last Name
City Manager 10/05/2021
Title Date

General Conditions and Assurances

General Conditions and Assurances

I certify that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with the provisions of all other federal and state laws and rules and regulations that apply to this award.

Certification*: Yes

Authorized Official (Project Administrator)*: Steven Rosenberg 10/05/2021
First Name Last Name Date

Lobbying and Disbarment

Performance Sites

Street Address	City	County	State	Zip Code
116 W Beverley St	Staunton	Virginia	Virginia	24401-4279

Lobbying and Disbarment Certification

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Certification*: Yes

Authorized Representative*: Steven Rosenberg
First Name Last Name
City Manager 10/05/2021
Title Date

Authority Certification

Authority Certification

Authorized Individual*: Chad Kauffman
First Name Last Name
Captain 10/05/2021
Title Date



7970 S Kyrene Road, Tempe, AZ 85284 USA | TOLL FREE: 800.455.8746 PH: 480.968.1488 FAX: 480.968.1448 | VIRTRA.COM

Account Name Staunton Police Department
Contact Name Chad Kauffman
Phone 5403323855
Email kauffmancr@ci.staunton.va.us

Created Date 9/28/2021
Quote Number 00005851
Expiration Date 12/31/2021

Ship To Name Staunton Police Department

Prepared By Jon Merone
Email jmerone@virtra.com

Product Code	Product	Product Description	Sales Price	Quantity	Total Price
V-VICTA-01	VirTra Virtual Interactive Coursework and Training Academy™	VirTra-Virtual Interactive Coursework and Training Academy™ certified simulator training curriculum. V-VICTA™ is a progressive science based approach to the use of simulation as a training system. Program materials include teacher lesson plans, student outline, presentation material, pre-tests, post-tests, course evaluation and all interactive video learning material in conjunction with the simulator for each available course. Virtual Instructor scenarios teach, train, test and sustain methodology to ensure participants dynamically absorb information to facilitate long term transfer of critical psycho-motor skills. Available exclusively to all VirTra simulation systems under a current Service or Subscription plan.	\$0.00	1.00	\$0.00
V-100LE-1	VirTra 100 LE (w/ 1 year warranty)	Includes projector, shot tracking equipment, low light kit, scenario authoring software, collapsible screen, laptop computer and a hard case for easy transport. One year warranty and support services included.	\$17,154.50	1.00	\$17,154.50
V-100-INSTL	VirTra 100 Installation/Training	VirTra Installation and Training for one (1) V-100 System. Includes all travel and expenses in the CONUS.	\$2,860.00	1.00	\$2,860.00
VWSA-RFS	Refill Station	Table-top refill station for all refillable magazines. Includes automatic push button activation and one CO2 tank which must ship empty.	\$4,404.40	1.00	\$4,404.40
VWSA-P320FC-AP	Tetherless-P320FS/CA-Adapter Plate	Adapter plate for the TRK-P320FC-SM (Requires VirTra refill station).	\$480.70	1.00	\$480.70

Subtotal	\$24,899.60
Discount	0.00%
Total Price	\$24,899.60
S&H	\$0.00
Grand Total	\$24,899.60

**Sales Terms and Conditions for Direct Sales to End Users/Buyer
Effective as of August 13, 2020 (supersedes all prior versions)**

Definitions: The following capitalized words shall mean: "End Users/Buyer" means the organization or person who buys Seller's Goods and Services. "Goods and Services" means the articles, products, accessories and services to be supplied to



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Buyer by Seller. "Technology and Intellectual Property Rights" means all patents, registered and unregistered designs, copyright, trademarks, know-how, software, firmware, hardware, systems, components, or assemblies. "Seller" means VirTra, Inc., located at 7970 S Kyrene Rd., Tempe, AZ 85284.

These Sales Terms and Conditions for Direct Sales to End Users/Buyers ("T&C") apply to Buyer's purchase of all Goods and Services purchased directly from Seller. Goods and Services sold by Seller are expressly subject to and conditioned upon the T&C set forth herein. By accepting delivery of the Goods and Services, Buyer accepts and is bound to these T&C. Any different or additional terms set forth by, whether in Buyer's purchase order or another communication, are expressly rejected and will not be binding on Seller unless agreed to in writing by an authorized officer of Seller.

All Sales Final. All sales are final and no returns, refunds or exchanges of the Goods and Services are allowed, except as provided by state or federal law, and, to the returns, refunds or exchanges are required by law, must be preapproved by Seller using their Return Merchandise Authorization (RMA) form.

Restocking Fees. In Seller's sole discretion, all returns, refunds or exchanges may be charged a restocking fee of up to 15% of the purchase price paid, plus any applicable shipping and sales tax, unless the returned product is defective, or the return is a direct result of Seller's error.

Payment Terms. Terms of payment are within Seller's sole discretion and, unless otherwise agreed to by Seller in writing, 50% deposit payment must be received prior to Seller's acceptance of an order with the 50% balance due upon shipping. Payment for Goods and Services will be made in United States currency (\$US Dollar) by a preapproved payment method. Credit payment terms must be preapproved by Seller's Finance Department and if approved, invoices are due and payable within the time period noted on invoices, measured from the date of the invoice. Seller may at its sole discretion invoice parts of an order separately. Seller may suspend or cancel Buyer's order for any failure to comply with agreed upon payment terms. Seller is not responsible for pricing, typographical, or other errors in any offer by Seller and reserves the right to cancel any orders resulting from such errors.

Late Payments. Interest and late payment fees may be calculated from the day after the payment's stated due date through the date payment is received in full, at the maximum legal allowable interest rate in effect on the applicable dates.

Taxes. Sales tax, end user tax, pass-through tax, value-added tax (VAT), transaction privilege tax, consumption tax, customs tax and/or duties are the sole responsibility of Buyer, and Buyer agrees to reimburse Seller for all applicable taxes that Seller is required to collect, regardless of the tax amount being excluded from Seller's quotes or Buyer's Purchase Orders.

Tax Exemption. If Buyer requests tax exempt status then Buyer must provide Seller with a correct, valid and signed tax exemption certificate applicable to the specific Goods and Services purchased, relevant to the end use location, prior to Seller invoicing. If an invalid tax exemption certificate is received or no tax exemption certificate is received, it will be the responsibility of Buyer to pay all required taxes. Additionally, it will be Buyer's responsibility to obtain any tax refunds permitted if Seller has collected and remitted taxes to a taxing authority.

Shipping; Title; Risk of Loss. Shipping and handling cost will be added to all invoices unless otherwise expressly indicated and agreed to in writing at the time of sale. Seller reserves the right to make partial shipments unless specifically stated otherwise on Buyer's signed Pro Forma Invoice or purchase order and such shipping terms are pre-approved by Seller in writing. Products may ship from multiple locations following the rules of the International Commercial Terms (Incoterms) as published by the International Chamber of Commerce (ICC). Title and risk of loss passes from Seller to Buyer FOB Origin domestic or Free Carrier (FCA) international upon Seller's delivery to the named place of delivery, cleared for export, as mutually agreed by both buyer and seller. Once seller is deemed to have delivered goods to the named place of delivery, the buyer is responsible for both unloading the goods and loading them onto their own carrier. Any loss or damage that occurs after seller's delivery is Buyer's responsibility. Buyer must promptly file claims for damaged items with the freight carrier. Shipping dates are estimates only.

Excusable Delays. Seller will use commercially reasonable efforts to deliver all products ordered as agreed or as soon as reasonably practicable. In the event of interruption of any delivery due to causes beyond the reasonable control of Seller, including but not limited to force majeure, fire, labor disturbances, riots, accidents, or inability to obtain necessary materials or components, Seller has the right, in its sole discretion and upon oral or written notice to Buyer, to delay or terminate the delivery.

Not For Resale or Export. Buyer represents and warrants that they are buying Seller's products for the specified end user, and Buyer will not resale or export Seller's products to a country other than the country listed as the Buyer's shipping destination. The shipment of certain Seller products outside of the United States of America (USA) is restricted by US federal law and neither Seller's products nor the technology can be exported out of the US without Seller's prior written approval. In addition, certain Seller Products require a validated export/import license (DSP 5, 61, or 73) prior to shipment to certain countries. If required, Buyer agrees to submit the required paperwork to Seller to process an application to obtain the required import/export license(s) from the US State Department. Seller cannot guarantee US State Department approval and has the right to cancel any item(s) not approved for import/export by the US State Department.

Regulations and Restrictions. Buyer agree to comply with all applicable laws, codes and license requirements, and controls of the United States and other applicable jurisdictions in connection with the use of Seller products including Buyer's acceptance of responsibility for the payment of any relevant taxes or duties. Buyer is responsible for understanding and verifying all local laws, regulations, restrictions and building code requirements for the purchase, delivery, receipt, storage, installation and use of Seller's Goods and Services. Seller may suspend or cancel Buyer's order, at Seller's sole discretion, for violation of regulations and restrictions.

Technology and Intellectual Property Rights. Buyer agrees that Seller claims, and has claim to, various proprietary rights of its Goods and Services, and Buyer agrees to take reasonably necessary steps to ensure that Seller's rights will not directly or indirectly be violated, which would cause irreparable harm to Seller. Except for the license to use the Goods and Services, the sale of Goods and Services will not confer upon Buyer any license, express or implied, under any patents, trademarks, trade names, or other proprietary rights owned or controlled by Seller, its subsidiaries, affiliates, or suppliers; it being specifically understood and agreed that all the rights are reserved to Seller, its subsidiaries, affiliates, or suppliers. Buyer may not obscure, remove, or alter any copyright, trademark, service mark or other proprietary notices or legends on the products..



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Design Changes. Seller reserves the right to make changes in design of any of its products without incurring any obligation to notify Buyer or to make the same change to products previously purchased by Buyer.

Severable Provisions. If any provision of these T&C is found to be invalid or unenforceable by a court of competent jurisdiction, then the remainder will remain in full force and effect and any invalid provision(s) will be modified or partially enforced by the court to the maximum extent permitted by law to effectuate the purpose of this agreement.

Limitation of Liability. Seller shall not be liable for any or all loss or damage suffered by Buyer in excess of the contract price. Nothing contained in these T&C shall be construed so as to limit or exclude the liability as a result of Seller's gross negligence or that gross negligence of its employees or agents.

Relationship of Parties. Nothing contained in these T&C shall be construed as establishing or implying any partnership or joint venture between the parties and nothing in these T&C shall be deemed to construe either of the parties as the agent of the other.

Assignment and Sub-Contracting. The contract between Buyer and Seller for the Goods and Services shall not be assigned or transferred, nor the performance of any obligation sub-contracted, without the prior written consent of both Buyer and Seller.

Entire Agreement. These T&C, along with the any product warranty, license and service agreement(s) provided, constitute the entire agreement between the parties. These Sales T&C supersede and replace any prior agreement or understanding between the parties, including any oral representations concerning the subject matter of this agreement. Any prior or extrinsic representations or agreements, with the exception of the product warranty, if provided and any service and license agreement(s), are intended to be discharged or nullified.

Governing Law; Jurisdiction and Venue. The laws of the State of Arizona, USA govern this transaction and agreement, without regard to conflicts of law. Any litigation regarding the interpretation or enforcement of these T&C shall be resolved in the State of Arizona and the courts of Arizona shall have exclusive jurisdiction over such litigation and the parties agree to such exclusive jurisdiction. The parties expressly reject any application of the United Nations Convention on Contracts for the International Sale of Goods ("CISG") to these T&C and the associated transactions.

Exclusions and Limitations; Release. To the extent permitted by law, Seller's warranty and the remedies set forth in that warranty are exclusive and in lieu of all other warranties, remedies, and conditions, whether oral or written, statutory, express or implied, as permitted by applicable law, Seller specifically disclaims any and all statutory or implied warranties, including without limitation, warranties of merchantability, design, fitness for a particular purpose, arising from a course of dealing, usage or trade practice, warranties against hidden or latent defects, and warranties against patent infringement. If Seller cannot lawfully disclaim statutory or implied warranties than to the extent permitted by law, all such warranties are limited to the duration of the express warranty described above and limited to the other provisions contained in the warranty document. The remedies provided for in the warranty are expressly in lieu of any other liability Seller may have. Seller's cumulative liability to any party for any loss or damage resulting from any claims, demands, or actions arising out of or relating to any Seller product will not exceed the purchase price paid to Seller by Buyer for the product, notwithstanding third-party purchases. In no event will Seller be liable for any direct, special, indirect, incidental, exemplary, punitive or consequential damages, however caused, whether for breach of warranty, breach of contract, negligence, strict liability, tort or under any other legal theory, even if Seller has been advised of the possibility of those damages or if those damages could have been reasonably foreseen, and notwithstanding any failure of essential purpose of any exclusive remedy provided in the warranty. Some local laws do not allow for the limitation or exclusion of liability for incidental or consequential damages, so the above limitation or exclusion may not apply to Buyer. Seller disclaims any representation that it will be able to repair any product under warranty or make a product exchange without risk to or loss of programs or data. Buyer agrees to release and save Seller harmless from any and all liability arising out of use or misuse of Seller product, including any claims for damages and personal injuries. Buyer agrees to assume all risks of loss and all liability for any damages and personal injury which may result from use or misuse of Seller product. Seller is not liable for any claims made by a third party or by Buyer for or on behalf of a third party.

To accept this quote as a purchase order, please sign and return to VirTra rep

Signature: _____

Printed Name: _____

Date: _____

-SELECT PAYMENT METHOD-

_____ Credit Card; include contact information only
(subject to limits)

_____ Purchase Order:

_____ Check:

_____ Other (please specify):

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	Staff Member: Charley Haney
Item #	5 & G	
Ordinance #		
Department:	City Assessor	
Council Vision:	Responsive, Efficient Government	
Subject:	Resolution of the Council of the City of Staunton Reratifying and Reaffirming the Compensation Paid to Board of Equalization Members	

Background: The City previously created a permanent Board of Equalization (BOE), consistent with Virginia Code § 58.1-3373. The BOE consists of three regular members and one alternate member and is tasked with hearing and giving consideration to complaints about, and adjusting and equalizing, real estate assessments.

Pursuant to Virginia Code § 58.1-3375, BOE members are compensated for their time engaged in the duties of the BOE, in an amount fixed by City Council. For years, pursuant to prior to Council action, the BOE has received compensation in the amount of \$35.00 per each meeting attended. The City Assessor believes it is in the best interests of the City and its citizens to reratify and reaffirm that each BOE member is to be compensated in such amount.

Attachment: Proposed Resolution

City Manager's Recommendation: Recommend that Council adopt the resolution, as presented.

Suggested Motion: I move that Council adopt the proposed resolution reratifying and reaffirming that Board of Equalization members are to be compensated \$35.00 per each meeting attended for their time engaged in the duties of the BOE.

City Manager: Steven L. Rosenberg

Introduced:
Adopted:
Effective:

47
48
49
50
51
52
53
54
55

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan C. Smith,
Interim Clerk of Council

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	Councilmember Brenda Mead
Item #	6	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Discussion of Virginia Municipal League Conference	

Background: At the request of Councilmember Brenda Mead, this item has been added to Council's work session agenda for October 14, 2021. Council members who attended the Virginia Municipal League annual conference earlier this month will have an opportunity to discuss share subjects of interest from the conference.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	Steven L. Rosenberg City Manager Leslie Beauregard Assistant City Manager
Item #	7	
Ordinance #		
Department:	City Manager	
Council Vision:	Responsive, Efficient Government	
Subject:	Discussion of 2022 Legislative Program	

Background: Each year, City Council adopts a legislative program which is transmitted to the Governor, local General Assembly members, the Virginia Municipal League (VML), and Virginia First Cities. During Council's work session, there will be a discussion of the City's legislative program for 2022. Last year's resolution, adopted by Council, is attached for Council's reference.

Attachment: 2021 Legislative Program and Resolution

City Manager's Recommendation: Discuss and provide input on the 2022 Legislative Program so that it may be prepared and adopted at City Council's meeting in November or December.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

**RESOLUTION ESTABLISHING THE
CITY OF STAUNTON'S
2021 LEGISLATIVE PROGRAM**

The Mayor and City Council of the City of Staunton, Virginia, governing from a position closest to the City's citizens and desiring to make City government more responsive to them, believe it is important to advise the City's representatives in the Virginia General Assembly of the City's legislative positions.

THEREFORE, BE IT RESOLVED by the Council of the City of Staunton that the legislative principles adopted by the Virginia Municipal League (VML) are hereby endorsed:

The Governor and General Assembly should not:

- Restrict further local revenue authority or sources.
- Impose new funding requirements or expand existing ones on services delivered by local governments.
- Shift state funding responsibilities onto local governments.
- Impose state fees, taxes or surcharges on local government services.
- Place additional unfunded mandates and other administrative burdens on local governments.

BE IT FURTHER RESOLVED that City Council respectfully requests that the General Assembly **support** legislation regarding the following issues:

A. Education

1. The General Assembly should fully fund public education—funding all mandated programs and services of education on the basis of realistic costs; increasing Standards of Quality funding, coming from general fund revenues, appropriated to elementary and secondary education; providing for flexibility in the use of those funds to meet unique local needs; and supporting specialized training, professional development and extended contracts for staff in challenged schools.
2. The General Assembly should fully fund the Virginia Preschool Initiative.
3. The General Assembly should continue to support the revisions of the system of accountability to encompass balanced assessments and expand the implementation of problem-based assessments for greater validity and more cost-effective sampling techniques, and continue the implementation of expedited test retakes to more accurately reflect student achievement, sense of inquiry, and love of learning.

4. The General Assembly should enact legislation to double the sales and use tax revenue distribution statewide to provide funding for capital for new or renovated school building projects, using the same formula for sales and use tax distribution as is used currently for distribution for Standards of Quality funding.
5. The General Assembly should provide new avenues for funding public school construction and renovation costs, including the creation of a pilot program of competitive grants using funds from the Virginia Public Building Authority to offset new construction costs for publicly owned and operated K-12 schools.

B. Pediatric Cancer Research

City Council is appalled by the lack of cancer research coordination, the glacially slow FDA new treatment approval process, and the totally inadequate level of federal funding for pediatric cancer research. Less than 4% of all cancer research spending is for pediatric cancer and only two treatments are currently approved by the FDA. Council requests that the Virginia General Assembly petition the federal government to make pediatric cancer a real priority in order to save the lives of countless children who cannot speak for themselves or vote.

C. Certificates of Public Need

Council supports Virginia's Certificate of Public Need (COPN) program as an important component of the Commonwealth's health care system and encourages the General Assembly to retain COPN in its current form.

D. Chesapeake Bay Water Quality

City Council requests that the Commonwealth increase Stormwater Local Assistance Fund (SLAF) funding to at least \$50 million and Agricultural BMP Cost-Share Program funding to at least \$100 million.

E. Transportation

1. City Council supports improvements to railroad infrastructure to increase freight shipment capacity and reduce truck traffic and impacts on Interstate 81.
2. City Council supports a Primary Seatbelt Law.
3. City Council supports the use of non-motorized transportation, including trails, pathways and green corridors, for health, energy conservation and cost reasons for all Virginians.

4. City Council supports increased federal and state funding for public transit; policies that allow for the equitable distribution of such funding; and dedicated sources for such funding.

F. Libraries

City Council supports efforts to maintain and increase State Aid to Public Libraries as mandated by the Code of Virginia to strengthen funding for public library materials and programs that target childhood literacy and STEM instruction.

G. Virginia State Parks

City Council encourages the Governor and General Assembly to support additional land acquisition for state parks, outdoor recreation and natural areas.

H. Broadband Expansion

City Council supports the expansion of broadband to all areas of the Commonwealth.

I. Solar Tax Incentives

City Council supports state tax incentives for private homeowners, businesses and the solar energy industry to incentivize an increase in the use of clean solar energy systems, to reduce dependence on extractive fossil fuels and emissions and increase energy independence.

J. Opioids

City Council supports any efforts to curb opioid use and abuse, including state programs that partner with local governments to deal with the effects of this continuing epidemic.

K. Fair Elections

Like many of our citizens, members of City Council regard with concern the reports received from other states and regions of apparent attempts on the part of government officials to suppress voter turnout. Reductions in voting locations, malfunctioning voting machines, preemptory removal of citizens' names from voting rolls, and other such strategies for unfairly influencing the outcome of an election reflect an abandonment of the democratic principles upon which our nation and commonwealth were founded.

Council urges our representatives in the General Assembly to make every effort to ensure that Virginia elections are fair, secure, accurate, accessible,

and transparent. Further, Council urges the General Assembly to explore and implement additional strategies for encouraging voter turn-out, including:

- automatic registration
- expanded voting hours

L. Public Notice, Public Hearing and Public Procurement

The General Assembly should support legislation to reduce required, expensive newspaper advertising for public notices, public hearings and public procurement including legislation to give localities the option to use electronic or other forms of notification as an alternative to newspaper advertising.

M. Behavioral Health and Development Disability

1. The General Assembly should provide full funding for the System Transformation Excellence and Performance (STEP-VA) initiative of the Virginia Department of Behavioral Health & Developmental Services.
2. The General Assembly should increase the Medicaid Early Intervention case management reimbursement rate to its data-determined adequacy.
3. The General Assembly should fund 800 additional Family and Individual Supports (FIS) Waivers and 250 Community Living (CL) Waivers.
4. The Valley Community Services Board has proposed a community crisis center that will offer both detox and crisis intervention services. And while the needs of our citizens are great, the closest center is 29 miles away in Harrisonburg. For instance, the suicide rate in our area is higher than both the Virginia and national averages and drug induced deaths are 16.6 per 100,000 as compared to 10.6 statewide. The General Assembly should provide the necessary funding and support this new center that will better serve our City and region.

N. State Aid to Localities for Law Enforcement - HB599

The City of Staunton requests the General Assembly fully fund HB599 for law enforcement as mandated by the Code of Virginia.

O. Middle River Regional Jail Staffing and Construction Funds

1. The City of Staunton requests the General Assembly fund required staffing positions for the Middle River Regional Jail (MRRJ). In 2018, the Virginia Department of Corrections published a staffing analysis for

MRRJ based on an average daily population (ADP) for 2017 of 775 member jurisdiction inmates. This resulted in a recommendation for an additional 76 jail officer positions and 17 support positions. The member jurisdiction ADP for 2018 was 857, exceeding the 2017 ADP that resulted in the recommendation of additional fully-funded staff positions and demonstrating the continued need. The City of Staunton appreciates the additional five emergency jail officer positions added for FY2021; however, as noted in the referenced staffing analysis, additional positions are needed to appropriately supervise inmates.

2. In December 2019, the Middle River Regional Jail Authority submitted a Community Based Corrections Plan to the Virginia Department of Corrections proposing expansion of the Middle River Regional Jail. The Jail Authority presented that plan to the Commonwealth of Virginia Board of Local and Regional Jails in September 2020. The board approved the plan and requested funding from the Commonwealth of Virginia. The City supports state funding for the proposed jail expansion that will be considered during the 2021 legislative session and requests its approval by the General Assembly.

P. Mental Health of First Responders

In 2018, the Code of Virginia was amended to require mental health awareness programs for fire and EMS personnel, prescribing specific actions and training that must occur, including managing stress, self-care techniques and resiliency in addition to the provision of peer support. Trauma and PTSD are realities in the lives of all first responders, yet vital funding to implement the required programs did not follow the mandates. City Council requests that the General Assembly add funding that can be accessed by localities in order to better offer vital services, including access to providers who specialize in the needs of first responders and much needed training.

Q. Economic Development

1. Because site readiness, characterization and development are key to Virginia's and the City of Staunton's economic development efforts, City Council supports increased funding for the Virginia Business Ready Sites Program (VBRSP).
2. City Council supports maintenance of funding for GO Virginia that will encourage collaboration among Virginia's localities in order to spur economic growth, diversification and higher paying jobs.
3. The 2020 General Assembly-approved amendments to § 2.2-3115 of the State and Local Government Conflict of Interests Act may have

created a major deterrent to continued participation by citizen volunteers on local industrial development authorities and economic development authorities. The City of Staunton supports the need for transparency but also wishes to ensure further disclosure requirements are not placed on volunteers who wish to serve on economic development or industrial development authorities.

R. Plastics Recycling Facility

On April 1, 2019, the City stopped collection of plastic of any sort for recycling. Because of a stressed recycling market and a processing capacity that has become very limited in recent years, plastic is now ending up in the landfill as trash. This is very undesirable for the environment, our citizens and our economy. Therefore, City Council requests that the General Assembly provide funding or offer incentives so a plastic recycling facility can be located in the Shenandoah Valley.

S. Freedom of Information Act (FOIA)

The City of Staunton supports the position that any proposed changes to the Virginia Freedom of Information Act legislation be sent to the FOIA Advisory Council for analysis and recommendations prior to General Assembly consideration or enactment.

T. Planning District Commissions

The City of Staunton supports increased state funding for the statewide network of planning district commission/regional councils (PDCs). PDCs carry out efforts supported by state and local policymakers to advance and sustain regional coordination, cooperation and technical assistance for the benefit of regions across the Commonwealth.

U. Sovereign Immunity

Expanding liability and eroding immunities at the state level across the nation have had a chilling effect on the actions of local government officials contributing to local government insurance problems, creating immense financial risks (particularly for legal costs), and posing a substantial obstacle to the provision of needed public services. The Virginia General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials.

BE IT ALSO RESOLVED that City Council respectfully requests that the General Assembly **oppose** the following legislation and mandated regulations:

A. Eminent Domain by Private Utilities for Surveying

City Council opposes the eminent domain rights extended to Dominion Energy and other private utilities to enter onto private property without the consent of the landowner for the purpose of surveying for proposed projects before agreements have been reached with such property owners.

B. Stormwater Utility Exemptions

City Council opposes legislation which would exempt any property owner from the payment of local stormwater utility fees.

C. Water Quality Funding

The Commonwealth's Final Chesapeake Bay TMDL Phase III Watershed Implementation Plan (August 2019) (WIP III) includes language imposing a new "floating" wasteload allocation on larger wastewater treatment plants. This new requirement would cut the total wasteload allocation to Augusta County Service Authority (with which the City of Staunton contracts for wastewater treatment) by more than 45% (based on 2018 flow data), possibly requiring expensive upgrades which would significantly impact ratepayers with minimal additional benefit. Budget language was included during the 2020 General Assembly session that directs the Virginia Department of Environmental Quality to establish a task force to evaluate the most cost-effective methods to realize goals in WIP III and report to the General Assembly in December 2020. While the solutions from this group may result in a "glass half full" situation, the City supports the position of the Virginia Association of Municipal Wastewater Agencies that this requirement is completely unnecessary in order to meet nutrient targets and asks that the General Assembly reconsider the WIP III mandate. City Council further requests, to facilitate continued successful local water quality improvement projects, full capitalization by the Commonwealth of the Water Quality Improvement Fund and provision for the necessary appropriations for local government water quality improvement projects, to continue the substantial progress made in the restoration of the Chesapeake Bay.

D. Land Use Control

Localities must maintain control of local land use decisions. Neither the state nor the federal government should usurp or pre-empt a locality's authority to make such decisions; nor should they impose requirements that weaken planning and land use functions. This includes the authority to promote affordable and mixed income housing as well as the required infrastructure to facilitate in-fill development, redevelopment and mixing of uses. City Council opposes legislation which would affect the City's authority in these areas.

The Clerk of Council shall mail or deliver a copy of this Resolution to the Governor, the City's representatives in the General Assembly, other selected members of the General Assembly and area local governments; to the Virginia Municipal League, Virginia Association of Counties and Virginia First Cities; and to other interested persons, as appropriate.

Adopted this 10th day of December, 2020.

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



Andrea W. Oakes, Mayor

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	City Council
Item #	9	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Closed Meeting for Discussion of Prospective Candidates for the Position of Clerk of Council	

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

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

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

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

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, September 23, 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)
 Brenda O. Mead (remote participant)
 R. Terry Holmes

ALSO PRESENT: **Steven Rosenberg, City Manager**
 Leslie Beauregard, Assistant City Manager
 John Blair, City Attorney
 Rachael ML Zinni, 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 mask wearing is encouraged for non-vaccinated individuals, not required for vaccinated individuals, and that hand sanitizing stations are placed inside and outside chambers for use.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Mayor Oakes. She introduced Reverend William AJ Heine, Rector Trinity Episcopal Church, who gave prayer.

MAYOR'S REPORT

Mayor Oakes read the following proclamation honoring Trinity Episcopal Church's 275th Anniversary:

WHEREAS, Trinity Episcopal Church on West Beverley Street, Staunton, Virginia, was established in 1746, when it was known as Augusta Parish, and is one year older than the City of Staunton; and

WHEREAS, three buildings have been built on the current site of the church, including the current sanctuary constructed in 1855, with many additions and renovations throughout the years; and

WHEREAS, the parish has been consistently involved with community of which it is an integral part, and has hosted community meetings, civic assemblies and concerts, including the annual Staunton Music Festival; and

WHEREAS, over the years, Staunton Mayors, Council members and other community members all have been parishioners; and

WHEREAS, 2021 is the year of Trinity Episcopal Church's 275th anniversary, and there

will be celebrations held with the entire community.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council that, in recognition of the 275th anniversary of Trinity Episcopal Church, it does hereby acknowledge and celebrate the parish as well as its historic contributions and continuing service to the community. Adopted this 23rd day of September, 2021.

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Rachael ML Zinni

CLERK OF COUNCIL

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Mr. Claffey commented that the Friends of the Library are holding their book sale from October 12 - 15, 2021, at Gypsy Hill Park.

Ms. Mead read a portion of an article concerning the Augusta County Courthouse and the stance from Staunton City Council on the topic of the August County Courthouse. Brief discussion from Council members ensued on this topic.

Mr. Holmes encouraged people receive inoculations against COVID-19 and become vaccinated to do their part in helping the community survive and thrive.

Ms. Dull stated she received a letter from Valley Supportive Housing, highlighting that they are at capacity for assisting individuals with mental illness, developmental disabilities, and substance abuse issues in finding housing. She encouraged citizens to look into supporting this group and their work. She also mentioned that Augusta Health has canceled all elective surgical procedures due to the lack of beds due to COVID-19 patients. She also encouraged individuals to get vaccinated.

APPROVAL OF MINUTES

Mr. Claffey moved to approve the Work Session and Regular Meeting Minutes of September 9, 2021, as presented.

Mr. Holmes commented that he would abstain from voting on the minutes, as he was not present at the September 9, 2021 meeting.

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

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

REGULAR MEETING

A. Public Hearing and Consideration of a Request by Kevin Pollard, KP's Cars, LLC, to Rezone 1906 W. Beverley Street from R-2, Low Density Residential District, to B-2, General Business District

Rodney Rhodes, Senior City Planner, stated that the parcel of land at 1906 West Beverley Street does have a residence on it, but is severely dilapidated. He commented that the applicant is wanting to expand the lot for his car business after purchasing the lot during a tax sale this past year. He noted that the Planning Commission approved the rezoning of this parcel at their August 19, 2021 meeting. He continued that there was no public input on this item when publicized. He finished that the applicant was not present at the Council meeting tonight.

Mr. Claffey commented that the house at 1906 West Beverley Street has plywood over the door opening and has certainly seen better days.

Mayor Oakes stated the following:

"In a moment, I will open up the Public Hearing. It is a time that Council sets aside to hear from citizens and others about a specific topic.

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 limit, I will let you know that your time limit has expired.

For our Zoom participants, please raise your hand now if you wish to speak on this particular Public Hearing. If you raise your hand during this Public Hearing, you also be able to raise your hand during this Council meeting for other Public Hearings and Matters of the Public. Please keep your comments to 5 minutes as well.

Once everyone who wishes to speak has had an opportunity, I will then close the Public Hearing.

I will now open the Public Hearing so if you wish to speak, please approach the podium. And will alternate between individuals physically present and those that have their hands raised via the Zoom platform."

The public hearing was opened.

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

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Mr. Claffey moved that Council adopt the ordinance and approve the rezoning, as recommended by the Planning Commission.

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

145	Ms. Darby	aye	Ms. Dull	aye
146	Ms. Mead	aye	Mayor Oakes	aye
147	Mr. Claffey	aye	Vice Mayor Robertson	aye
148	Mr. Holmes	aye		

149
150
151 **Ordinance No. 2021-29**

152
153 **AN ORDINANCE REZONING**
154 **FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT,**
155 **TO B-2, GENERAL BUSINESS DISTRICT,**
156 **THAT CERTAIN TRACT OR PARCEL OF LAND**
157 **LOCATED AT 1906 W BEVERLEY ST. (PID 3622), STAUNTON, VIRGINIA**
158

159 **Recitals**

160
161 **A.** It appears by deed dated June 1, 2021, recorded in the Clerk's Office of the
162 Circuit Court of the City of Staunton, Virginia, as instrument number 210001841, that KP's
163 Cars LLC, acquired the property known as 1906 W Beverley Street (PID 3622), with further
164 description provided in the deed, a copy of which is annexed and incorporated by reference
165 **(Exhibit A)**;
166

167 **B.** KP's Cars LLC, has submitted an application for a zoning classification change
168 for the parcel from R-2, Low Density Residential District to B-2, General Business District, a
169 copy of which is annexed and incorporated by reference **(Exhibit B)**;
170

171 **C.** The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, "Generalized
172 Land Use and Development Guide," designates this area as Commercial and Residential and
173 the proposed zoning is consistent with the residential classification;
174

175 **D.** The Planning Commission of the City of Staunton, after study and review, has
176 properly heard the matter and recommended approval of the proposed rezoning on the basis
177 that the rezoning would serve the interests of public necessity, convenience, general welfare,
178 and good zoning practice;
179

180 **E.** This matter has been properly advertised, heard, and considered; and
181

182 **F.** These recitals are an integral part of this ordinance.
183

184 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of
185 Staunton, Virginia, that the property known as 1906 W Beverley Street (PID 3622), in the City
186 of Staunton, Virginia, is **HEREBY REZONED** from R-2, Low Density Residential District
187 to B-2, General Business District on the basis that the rezoning would serve the interests of
188 public necessity, convenience, general welfare, and good zoning practice.
189

190 Introduced: September 23, 2021

191 Adopted: September 23, 2021

192 Effective Date: September 23, 2021
193

/s/Andrea W. Oakes

Andrea W. Oakes, Mayor

ATTEST: /s/Rachael ML Zinni

Rachael ML Zinni, Clerk of Council

B. Consideration of Resolution of the Council of the City of Staunton Appointing an Interim Clerk of Council and Authorizing the City Manager to Designate Such Person in Certain Circumstances

Steve Rosenberg, City Manager, commented that Ms. Rachael Zinni, Clerk of Council, would be resigning as of October 8, 2021. He stated that the resolution covers three points: Ms. Morgan Smith, Executive Assistant to the City Manager, would be appointed Interim Clerk of Council; Ms. Smith's salary would be increased by ten percent for the duration of her appointment; and, that Mr. Rosenberg would be able to appoint a Clerk for other Boards and Commissions that the Clerk of Council would cover without having to ask Council to approve those appointments.

Mr. Rosenberg commented that there was an update to the resolution, clarifying that Morgan Smith would be Interim Clerk of Council and not Acting Clerk of Council as previously stated in the prior draft of the resolution.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Vice Mayor Robertson moved that Council adopt the proposed resolution appointing Morgan C. Smith interim Clerk of Council, for the period stated in the resolution, and authorizing the City Manager to designate a Clerk of Council in certain circumstances, to serve as clerk to bodies other than Council.

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

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

C. Consideration of Ordinance Amending Section 2.30.010, Appointment-General Duties, of Chapter 2.30, City Clerk, of Title 2, Administration, of the Staunton City Code Authorizing the City Manager, Upon Consultation with the Mayor, to Designate an Acting Clerk

John Blair, City Attorney, commented that this was more of a housekeeping item for clarification, as the ordinance currently states that Council must have a special meeting to appoint someone to act as Acting Clerk if the Clerk of Council cannot fulfill their non-Council Board and Commission meetings. The amendment would state that the City Manager would work with City Staff to find an Acting Clerk and would consult with the Mayor to allow the temporary appointment for those meetings, as the Clerk of Council is appointed by Council.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Mr. Holmes moved that Council adopt the proposed ordinance amending Section 2.30.010, Appointment-General Duties, of Chapter 2.30, City Clerk, of Title 2, Administration, of the Staunton City Code Authorizing the City Manager, Upon Consultation with the Mayor, to Designate an Acting Clerk.

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

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

**AN ORDINANCE AMENDING SECTION 2.30.010,
APPOINTMENT – GENERAL DUTIES, OF CHAPTER 2.30, CITY CLERK, OF
TITLE 2, ADMINISTRATION, OF THE STAUNTON CITY CODE
AUTHORIZING THE CITY MANAGER
UPON CONSULTATION WITH THE MAYOR
TO DESIGNATE AN ACTING CLERK**

Recitals

A. Pursuant to Chapter 2.30 of the Staunton City Code, City Council appoints a City Clerk who serves as Clerk of Council;

B. The Clerk of Council attends all meetings and maintains records of the proceedings of City Council, the Historic Preservation Commission, Planning Commission, the Board of Zoning Appeals, and other such boards and commissions as Council may designate;

C. Occasions arise in which the Clerk of Council is unavailable to attend meetings, necessitating the designation of a temporary acting City Clerk;

D. It would serve the City's and City Council's interests for City Council to authorize the City Manager to designate an acting clerk, in consultation with the Mayor, in the anticipated or unanticipated absence of the Clerk of Council; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 2.30.010, Appointment – General duties, of Chapter 2.30, City Clerk, of Title 2, Administration, of the Staunton City Code be and hereby is amended as follows:

2.30.010 Appointment – General duties.

(1) The council shall appoint a city clerk, who shall serve as clerk of the council, clerk of the planning commission, clerk of the board of zoning appeals and clerk to such other boards and commissions as the council may designate.

(2) If the clerk is unavailable for any reason, the city manager, in consultation with the mayor, shall designate an acting clerk to serve as clerk of the planning commission, clerk of the board of zoning appeals and clerk to such other boards and commissions as the council may designate. The individual designated as acting clerk shall be vested with all the authority of the city clerk and may perform all acts which are required or permitted to be performed by the city clerk.

(23) The city clerk shall maintain an accurate record of the proceedings of the council and of the boards and commissions which he has been designated by the council to serve. The clerk shall attend all such meetings, unless excused by the mayor or the chairman of the respective board or commission. It shall be the duty of the clerk to index all such proceedings for easy reference, to maintain a record of the proceedings in permanent record form, to file and maintain, in a secure manner, copies of franchise agreements, long-term contracts, contracts having major significance involving the city, written opinions of the city attorney for the benefit of the council, petitions, judicial decisions involving the city and other documents which may normally be considered long-term or permanent records of the city. He shall perform such other duties as properly appertain to the office or as are prescribed by the council.

In all other respects, the provisions of Chapter 2.30 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

/s/Andrea W. Oakes

Andrea W. Oakes, Mayor

ATTEST: /s/Rachael ML Zinni

Rachael ML Zinni, Clerk of Council

D. Discussion of Staunton City Council Retreat Report

Leslie Beauregard, Assistant City Manager, presented the results of the Staunton City Council Retreat Report, including the vision, strategic areas, actions, and values that were discussed. The vision that was most prominent was “A culturally rich, historic city with an exciting future of innovation, growth and resilience” and the tagline of “You Belong Here.” Eleven different topics were discussed at the retreat, but there are five main categories under values that include integrity, inclusion and equity, excellence, engagement, and environmentally conscious. Under strategic areas the topics of infrastructure, economic development, responsive and efficient government, West End, and built environment. The actions from that discussion include ARPA funds use and stormwater management, including who would be responsible for these actions, measurement of the actions, and other accountability measurement guides. Other actions included corridor overlay review, economic development incentive philosophy and program, staff training and development, employee demographics mirroring the community, West End marketing and plans with wayfinding signs, and the needs of different departments in the City to allow for maximum production.

There were other actions identified that did not fit into a specific category, but included: a pre-budget work session/mini retreat in January, a briefing on potential for developing a regional PSAP, exploring and dividing the Economic Development Director from the Community Development Director to become separate as part of the upcoming budget, reviewing Staff needs in the FY2023 budget, references to West End in city planning documents, continue to participate

in regional transit initiatives, and development/adoption of comprehensive rules of procedure for Council meetings.

Mr. Claffey queried about the streetscape portion for the current Capital Improvement Plan (CIP) and how funds are being distributed to what projects. He continued that it was important to know what new plans are in place to allow for better funding of the ARPA funds. He commented that there are sidewalks in areas and other projects that are important to get funded and completed prior to evaluating them in FY2023.

Mr. Rosenberg stated that those plans would be presented in a Council meeting to come, as City staff is currently working on those CIP requests. He clarified that the retreat was discussing the downtown area as far as streetscape discussion went. He mentioned that there would be CIPs coming forward for multiple projects based off of the retreat and other projects in the streetscape plans.

Ms. Beauregard commented that Council could bring other CIP projects to the attention of staff to be researched and presented, as the CIP process is commencing.

Mayor Oakes stated she liked the vision statement and other members of Council agreed.

Ms. Dull commented that Harrisonburg also has the same vision statement of "You Belong Here."

Mr. Rosenberg commented that this plan would be presented to Council to formally adopt this plan as their own in a forthcoming meeting.

Ms. Beauregard stated that the guidelines from ARPA funding encourage a community input piece and discussed the different programs that could be purchased to allow for the formation of a survey, distribution of the survey, and compilation of data obtained from the survey. She commented that ARPA funds could be used for year one and year three of the surveys, totaling \$13,500 per year. The second-year cost of the survey would be covered by the City, which would total \$15,500. She asked Council their thoughts on using the survey provider POLCO, which will formulate a survey, collect and then analyze the data to report to the City. She mentioned that just one step of that process (i.e. drafting a survey to distribute, analyzing data, etc.) could be easily twice as much in cost without accounting for the manpower to obtain those results.

Mr. Holmes asked if the surveys were able to be customized or if there was a standard survey POLCO would send out. He requested clarification on the overall cost for the surveys per year.

Ms. Beauregard stated that some customization could occur, but that the surveys are standard questions. She stated that the yearly total for the package of surveys would be \$13,500 per year for two years and one year at \$15,500. These packages allow for the surveys to be completed from start to finish and includes data compilation.

Mr. Claffey asked about who else could be able to be hired to complete the surveys and include the same end result as the ARPA package.

Ms. Beauregard stated that staff could look more into other providers of this service, but from her experience, there is no package like this one that exists, including the low-cost factor for the

product receive. She mentioned that most places will do an aspect of the work, but not the complete package, and typically for no less than twice the cost quoted in the ARPA package.

Mr. Claffey continued that he was concerned about surveys stating the current negatives the City was facing (i.e. recycling) and not encompass the larger long-term issues.

Mr. Holmes asked the scope of the survey and if all of the areas presented from the retreat report would be incorporated into the survey. He further queried about the employee survey aspect.

Ms. Beauregard stated that there would be data collection on every city service and to those residing in the City of Staunton. She stated that the employee surveys also offered the ability to allow insight on that matter.

Council agreed that this survey package would be a good place to start to obtain data and that they were interested in pursuing this survey package.

MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

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 or begin your call, 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 limit, 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 or to end your call. 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 or end your call. If you still continue to speak, I will ask the City Manager to end your call, and if you continue to speak from the podium you may be charged with disorderly conduct under Virginia Code § 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 are seeking information, you may mention it during your remarks and the City Manager or his staff may get in touch with you in the days ahead.

3. We ask that you direct your comments to Council as a whole and not to identify members of Council or to an individual employee of the City. If you want to take up an issue with an individual member of Council or an employee, please speak with us before or after the meeting. We are also

accessible by phone, mail or email. Again, we ask that you direct your comments to the Council as a whole.

4. We expect every speaker to be civil and courteous. Using profanity, making personal attacks on an individual unrelated to the performance of their official 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 or to end your call. 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 Acting Clerk of Council, Ms. Smith. And now, we welcome all speakers. The podium is now available for matters from the public.”

Jisun Bae, an immigrant from South Korea and living in Fairfax County, spoke about organ harvesting in China and to what degree the Chinese Communist Party (CCP) will go to in obtaining organs for transplantation. She encouraged the Council to adopt a resolution to condemn these practices.

Allison Profeta, Farrier Court, commented that she has basic demographic data on the City of Staunton and the importance in being diverse in choosing members for the Equity and Inclusion Commission.

Tiny Tang, an immigrant from China and living in Fairfax County, spoke about Falung Gong and the participants in that religion are being imprisoned in China and how the CCP force these prisoners to participate in organ donation, including sacrificing their lives for this practiced. She encouraged Council to adopt a resolution to condemn these practices and raise awareness.

Albino Fossa, 401 Bowling Street, continued documenting his issues with the Assessor’s Office and the value of his residence.

Baldwin Jennings, 332 Sharon Lane, stated that there are lights not working next to the bandstand and they should be replaced, as they pose a safety hazard for citizens walking that area at night.

Yvonne Wilson, 2017 First Street, compared mask and vaccine mandates to the CCP organ harvesting discussed earlier in this portion of the meeting. She voiced that mandates by the government on medical decisions to their residents in the United States concerns her and that the slippery slope could make this country like the Chinese Communist Party.

There was no one else wishing to speak.

479

480 **ADJOURNMENT**

481

482 There being no further business to come before Council, the meeting adjourned at 9:00 p.m.

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Rachael ML Zinni
Clerk of Council

DRAFT

City Council
WORK SESSION
September 23, 2021
5:00 p.m.

Council Members Present: Mayor Oakes, Vice Mayor Robertson, Council Members Claffey, Darby, and Holmes, with Council Members Mead and Dull participating remotely.

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

Mayor Oakes stated, “On September 17, 2021, I received a request from Councilor Dull to participate remotely in the September 23, 2021 Staunton City Council meeting due to a family member’s 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 September 23, 2021 Staunton City Council meeting due to a temporary medical condition.”

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

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

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

Mayor Oakes stated, “On September 21, 2021, I received a request from Councilor Mead to participate remotely in the September 23, 2021 Staunton City Council meeting due to a medical condition that prevents her physical attendance at the meeting. I will now entertain a motion to allow Councilor Mead’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 Mead to remotely participate in the September 23, 2021 Staunton City Council meeting due to a temporary medical condition.”

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

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

Mayor Oakes asked Councilor Mead to state the location from which she was participating. Ms. Mead responded that she was at 342 Sherwood Avenue, Staunton, Virginia. Mayor Oakes asked Council and the audience if they could hear Councilor Mead. The response was affirmative.

1. Consideration of Work Session and Regular Meeting Agendas

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

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
Ms. Darby	aye	Mr. Holmes	aye
Vice Mayor Robertson	aye		

2. Report on Disposition of Surplus Property

Phil Trayer, Chief Financial Officer, summarized the items being sold by the City of Staunton and the money received from those sales. He commented that Govdeals.com, a website most widely used by governments in the State of Virginia to sell surplus property, was used in these transactions. He stated that revenue of \$17,813 was generated in FY2020, \$13,561 was generated in FY2021, and since 2009, the City of Staunton has generated \$394,117.52 in revenue from using GovDeals when selling property no longer used by the City. He finished that there were also transfer items between City entities during those highlighted timeframes.

Mayor Oakes asked Council members if they had any questions.

Mr. Claffey inquired as to the description of the item “whacker tamper.”

Jeff Johnston, Director of Public Works, stated that it is a motorized compactor to compress ground in small repair projects. He commented that this particular item had been used to the point of being rendered useless.

Vice Mayor Robertson inquired to other potential uses or sales of these items and the depreciation cost that could reap tax amounts. He asked who or what company would buy something like the dilapidated whacker tamper.

Mr. Trayer stated that the items put up for sale are scrutinized and deemed otherwise insufficient of working value to the department that slates it for sale. He continued that other departments in City are asked if they are in need of the sale items and can be otherwise transferred. He commented that another government or police department might have used for that type of item.

Council members did not have any further questions.

3. **Discussion of Resolution of the Council of the City of Staunton Appointing an Interim Clerk of Council and Authorizing the City Manager to Designate Such Person in Certain Circumstances**

Steve Rosenberg, City Manager, commented that Ms. Rachael Zinni, Clerk of Council, would be resigning as of October 8, 2021. He stated that the resolution covers three points: Ms. Morgan Smith, Executive Assistant to the City Manager, would be appointed Interim Clerk of Council; Ms. Smith's salary would be increased by ten percent for the duration of her appointment; and, that Mr. Rosenberg would be able to appoint a Clerk for other Boards and Commissions that the Clerk of Council would cover without having to ask Council to approve those appointments.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

4. **Discussion of Ordinance Amending Section 2.30.010, Appointment-General Duties, of Chapter 2.30, City Clerk, of Title 2, Administration, of the Staunton City Code Authorizing the City Manager, Upon Consultation with the Mayor, to Designate an Acting Clerk**

John Blair, City Attorney, commented that this was more of a housekeeping item for clarification, as the ordinance currently states that Council must have a special meeting to appoint someone to act as Acting Clerk if the Clerk of Council cannot fulfill their non-Council Board and Commission meetings they are required to clerk. The amendment would state that the City Manager would work with City Staff to find an Acting Clerk and would consult with the Mayor to allow the temporary appointment for those meetings.

Mayor Oakes asked Council members if they had any questions.

Mayor Oakes commented that Council was not slated to vote on this item tonight, but inquired if this could be voted on in the Regular Agenda meeting. Mr. Blair stated that the Council could amend the agenda to include this item on tonight's agenda.

Councilor Dull commented that adding this item to tonight's Regular Agenda would be appropriate, as it is a basic housekeeping item.

Council members did not have any further questions.

Vice Mayor Robertson moved to amend the Regular Agenda for the September 23, 2021 meeting to have an addition of Item C, a Consideration of Ordinance Amending Section 2.30.010, Appointment-General Duties, of Chapter 2.30, City Clerk, of Title 2, Administration, of the Staunton City Code Authorizing the City Manager, Upon Consultation with the Mayor, to Designate an Acting Clerk.

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

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

Vice Mayor Robertson aye

5. Discussion of Establishment of Equity and Diversity Commission

Leslie Beauregard, Assistant City Manager, highlighted the main points of the resolution to Council: Membership numbers of this Commission and date where they would be appointed; Members would be of diverse backgrounds and hold a two-year term; and, Councilor Mead would serve as the initial liaison for the Commission. She continued that the following would need discussion during this work session: if members of the Commission would be residents of the City of Staunton or if a portion of members would reside in the City; would public input be wanted in the different aspects of the framework and charge, among other items, of the Commission, and; would Council like to have supplemental questions asked to applicants to this Commission that will specify to address areas of equity and diversity.

Ms. Beauregard continued with the Commission charge, that the resolution outlines they will objectively evaluate existing data studies and reports from available sources concerning social and racial equity in the City that evaluates social determinants and inequitable outcomes within the City of Staunton. The Commission would also collect their own data, research, and evaluate those outcomes. A minimum of one public hearing would be held to receive input concerning racial and social equity. A report would then be issued to Council to report the analysis of existing data studies and reports concerning racial and social equity, their own research and findings, and a summary of all public comments and other communications received by the Commission about specific inequitable, social and racial outcomes with the City and a proposed framework to pursue over the next twelve to eighteen months to address those specific factors.

Ms. Beauregard finished with providing examples to Council of Commissions or Boards of the same background in other localities across the State of Virginia and their structure and progress.

Mayor Oakes asked Council members if they had any questions.

Mr. Claffey asked if there was a difference between the terms “Board” and “Commission,” as he noted Ms. Beauregard used them interchangeably in her discussion. Ms. Beauregard stated that those terms were the same.

Mr. Claffey posed the question to Mr. Blair for legal clarification. He commented that there was an issue in the Library Board which he is liaison, where the Board stated they were different than a Commission in certain regards.

Mr. Blair stated that Ms. Beauregard was correct and the State of Virginia does not differentiate anything between the term “Board” and “Commission.” He continued that the Library Board advises the City Manager and is not an advisor to Council, unlike the Equity and Diversity Commission.

Ms. Mead commented that all points of inclusion across equity and diversity should be addressed in the resolution and did not know if stronger wording needed to be added to indicate that request.

Vice Mayor Robertson queried if the Nominations Committee would review and appoint the members of this Commission like they do others for the City.

Ms. Beauregard stated that would be the process for this Commission. She asked Council what is their pleasure when it comes to the supplemental questions for this Commission.

Mr. Rosenberg clarified that there are standard questions on the application for any Board or Commission, but that there could be supplemental questions asked to elaborate on the topic of equity and diversity for these particular applications.

Vice Mayor Robertson inquired if pointed race, gender, sexual orientation, and other identifying information could be asked of applicants. Mr. Blair stated that he would double check the law, but that those questions could be posed, but that an applicant would not be required to answer those types of questions. He asked for Ms. Beauregard's opinion on best practice for an answer to this question.

Ms. Beauregard state that the Staunton City School Board's application for their equity and diversity board were not only asked about their race and gender identity, but also about the applicant's qualifications to sit on that specific board.

Vice Mayor Robertson asked the number of members on board appointed by the School Board. Ms. Beauregard stated they had twenty members.

Ms. Darby inquired if those members were all citizens of the City of Staunton.

Jon Venn, Director of Human Resources, commented that out of the twenty members, ten were connected to the school division (i.e. teacher, student, parent, administrator, or alumni) and ten were citizens of Staunton interested in equity work.

Ms. Dull commented that she thought seven to nine members would be effective for this Commission. She continued that they should be citizens of Staunton, there should be public input via an online survey, and there should be supplemental questions to the initial application. She commented that it should be more focused on why they are experts or interest in the Commission. There should also be acknowledgement of elderly and disabled populations in this group. She finished that the labels associated with the Tourism Board to specify their diversity title in the group.

Mr. Blair interjected that the application could not include asking if someone has a disability per the Americans with Disabilities Act.

Ms. Dull stated she was not asking for that to be on the application, but that each member could have a specification to what they could research. She asked what authority the Commission would have to obtain data and if Staff would provide the ability to research and obtain this data. She finished that a report could be accomplished after a minimum six months of formation.

Vice Mayor Robertson commented he thought seven members would be adequate, agreeing with Ms. Dull that too many members could be unproductive and an uneven number would be needed in case of any tie breakers.

Mr. Claffey queried that the advertisement of the supplemental questions would be ideal, so that all members of Council and members of the community would have the same information. He agreed that seven members would be appropriate.

Ms. Darby agreed that seven members would be sufficient for this Commission and that they would be residents of the City of Staunton. She was also in agreeance over the supplemental question ideas presented by Ms. Dull and Mr. Claffey brought to the discussion. She mentioned that even six months might be too soon for a report to be expected, but that the timeline could be focused on once the Commission members have been chosen.

Ms. Beauregard queried the dates where in which the Commission would be formed and then when the Commission would have a report due to Council. She commented that the Bicycle and Pedestrian Advisory Commission took approximately nine to twelve months to issue their first report after being formed as a Commission.

Vice Mayor Robertson commented that the Commission members would be appointed by December 2021 or January 2022, then the report to Council due six months after that formation.

Mr. Claffey stated February 2022 would be more of an adequate timeline for Commission members to be appointed due to holidays and Clerk of Council interviews, with their interviews starting January 2022. He stated that six months after the appointment of the members would be a reasonable timeline for a first report to be due.

Mr. Holmes recognized that the Commission would be formed and a report would be issued after the Fiscal Year Budget and funding would have to be figured out after the results of their report. He offered that the Commission members have an initial term variance, so that members would not have the same term expiration date and potentially have a whole new group of people be introduced to that Commission. He finished that seven to nine members would be appropriate, leaning towards nine, to allow for a greater potential for a quorum.

Ms. Mead stated that seven might be too small of a group of people due to the potential lack of diversity on the Commission.

Mayor Oakes stated she was interested in five to seven members.

Ms. Beauregard confirmed the following for the formation of this Commission from all members of Council: the number of members would equal seven, the members would be residents of the City of Staunton, there is a desire for public input for Council's review on the Commission, the approval of supplemental questions for applicants, that this Commission would have members around the end of January 2022 with taking their seats in February 2022, and the members would have six months to provide a report to Council. She then inquired about a discretionary budget for the Commission.

Mr. Claffey asked for clarification from the City Manager on how discretionary funding was among other Boards and Commissions across the City and if ARPA or other funds could be used.

Ms. Beauregard stated that the Planning Commission is the only group that would get any funding for new members to allow for training of that member and the budget is approximately two or three per year. She continued that Sheryl Wagner, Director of Tourism, will consider using part of the budget allotted for her office if the Tourism Advisory Board is in need of funds, but there is no discretionary budget for that board. She finished that there are grants funds for DEI Initiatives and that is an option to look into for funding.

Mr. Holmes inquired if poverty was included in the structure of this Commission. If that group was not considered before, he stated that the topic should also be included, as it is shown that minorities also make up a large percent of the community who lives in poverty.

Ms. Dull queried if all members of Council could have input on the application received for this Commission, as it is a newly formed Commission.

Discussion ensued on this topic, ending with that the Nominations Committee would review the applications and interview the applicants, but that the process does allow for any members of Council to be present while those interviews are given without direct input from non-Nominations Committee members.

Council members did not have any further questions.

Mr. Rosenberg clarified that the public input survey would be given prior to the resolution being finalized to allow for public input. Council stated that was its pleasure for the next step in the formation of this Commission.

6. Discussion of Staunton City Council Retreat Report

Mr. Rosenberg stated that this item or Roll Call could be pushed to the Regular Agenda, as long as Council made a motion to amend the Regular Agenda again for tonight's meeting.

Council conferred that the Staunton City Council Retreat Report could be moved to the Regular Agenda as Item D.

Ms. Darby moved that Council amend the Work Session and Regular Agenda meetings to allow for Item 6 of the Work Session to be Item D in the Regular Agenda meeting.

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

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

7. Roll Call

Ms. Mead did not have any items for discussion at this time.

Mr. Claffey asked about updates on the Augusta County Courthouse. Mr. Rosenberg stated that any of the updates that could be discussed are slated for the closed meeting in this agenda. The only updates that could be shared were those reported by the media over the last week.

Vice Mayor Robertson inquired about the mandates of wearing masks in City buildings. Mr. Rosenberg commented that the mandate for wearing masks in City buildings came from the Virginia Department of Labor and Industry, where there is not an option to not comply with that requirement imposed by the State of Virginia.

Ms. Darby asked about what is being done about the conditions of Spring Hill Road and what can be done to help alleviate those current conditions. Mr. Rosenberg commented that the City is waiting for the project on Spring Hill Road to be finished and then go forward to see what needs to be addressed by Columbia Gas and/or the City.

Mr. Johnston added that the City has been evaluating the situation and have resources marked in case that Spring Hill Road needs some repair. He continued that this situation is being more closely monitored than in the past.

Mr. Rosenberg continued that if there are more immediate concerns that can be addressed with Columbia Gas, then that can be brought to their attention.

Discussion ensued on the current condition of Spring Hill Road and that the situation would be closely monitored.

Mr. Holmes stated that vaccinations are important for the community to receive and that local hospitals are at and above capacity again. He strongly encouraged citizens to get inoculated and that a proclamation should be made by Council.

Ms. Dull did not have any items for discussion at this time.

Mayor Oakes did not have any items for discussion at this time.

8. Closed Meeting for (i) Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Regarding the Order to Show Cause Concerning the Staunton Juvenile and Domestic Relations District Courts Facilities and (ii) Discussion of Possible Acquisition of Real Property Within the City

Mr. Holmes moved that Council enter a closed meeting for: (i) consultation with legal counsel for necessary legal-related advice and discussion regarding the Order to Show Cause that was served on each Council member concerning the Staunton Juvenile & Domestic Relations District Court Facility located in the District Courts Building at 6 East Johnson St., Staunton, pursuant to Virginia Code Section 2.2-3711(A)(8); and (ii) discussion of possible acquisition of real property for a public purpose located within the City limits of Staunton, Virginia, where discussion in an open meeting would adversely affect the public body's bargaining position or negotiating strategy pursuant to Virginia Code Section 2.2-3711(A)(3).

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

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

Council members entered into a closed meeting.

Vice Mayor Robertson moved that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed

and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

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

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

Council members entered into an open meeting.

The work session adjourned at 7:21 p.m.

Morgan C. Smith
Interim Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	Staff Members: Rodney Rhodes Tim Hartless
Item #	A	
Ordinance #		
Department:	Community Development — Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Public Hearing and Consideration of a Request by Barbara Whipple and Paul Kazarov to Vacate and Abandon Undeveloped Montgomery Street Located Between 301 Fayette Street, 522 Stuart Street, and 309 Fayette Street	

Background: Barbara Whipple and Paul Kazarov have requested a vacation of an undeveloped (paper) street that connects a previously vacated portion of Lushbaugh Street with Fayette Street. The applicant and City staff researched the matter, and it is unclear when or how the street was originally platted. The street appears on older plats of various lots and maps; however, in later years, the street is not shown on maps of the area. Over the years, the name of other sections of Montgomery Street appears on plats with different names. The eastern portion, from Church Street to S. Saint Clair Street, was somehow changed to Lushbaugh Street. The western portion, from Stuart Street to Green Street, was changed to Callaghan Street and later to Callaghans Alley. Various maps and plats have been produced that do not show this section of Montgomery Street. It is believed that the street was never built and at some point, the area was re-platted as lots; however, no evidence has been found to indicate the street was ever formally vacated. The formal vacation of streets and alleys can only be accomplished through action by City Council after conducting a public hearing. There is no evidence that this section of Montgomery Street ever went through this public process. Ms. Whipple and Mr. Kazarov purchased 309 Fayette Street in October of 2020. A portion of the home encroaches on the undeveloped street. Ms. Whipple and Mr. Kazarov were advised that in order correct this matter, they should request a street vacation.

Analysis: Staff has reviewed the request and has not identified any issues. The area has been developed with a majority of the buildings being used as single-family homes. Other sections of Madison Place and Lushbaugh Street (formerly Montgomery Street) have been formally vacated, leaving this section of Montgomery Street to terminate in a dead end and serving no purpose.

Planning Commission Recommendation: At its meeting of September 18, 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 4-0 vote, the Commission unanimously voted to recommend approval of the proposed street vacation.

Attachments:

Attachment 1—Application and Supporting Documents

Attachment 2—Undeveloped Montgomery Street Markup

Attachment 3—Proposed Ordinance of Vacation

Suggested Motion (to be made after the public hearing is conducted): I move that Council adopt the ordinance and approve the street vacation, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg



Attachment 1

DEPARTMENT OF PLANNING & INSPECTIONS

116 W. BEVERLEY STREET | P.O. Box 58 |
STAUNTON, VA 24402 540.332.3862
(OFFICE) 540.332.3807 (FAX)

ALLEY & STREET VACATION APPLICATION

DATE OF APPLICATION: 08/13/2021
APPLICANTS NAME: Barbara Whipple ; Paul Kazarov
ADDRESS: 111 Madison Place, Staunton VA 24401
TELEPHONE NUMBER: 540-886-2686 ALTERNATE: 973-202-7026 (Barbara's mobile)
EMAIL ADDRESS: bb-whipple@yahoo.com pkazarov@yahoo.com
(underscores)
LOCATION OF PROPERTY: 309 Fayette St., Staunton VA 24401
PLAT PROVIDED ☒ YES ☐ NO (REQUIRED)

LEGAL DESCRIPTION OF PORTION OF ALLEY OR STREET IN THIS REQUEST:

unopened Montgomery Street

IS THE PORTION OF THE ALLEY OR STREET IN THIS REQUEST IMPROVED? ☐ YES ☒ NO

IF YES, IS IT BEING USED BY PERSONS OTHER THAN YOURSELF? ☐ YES ☐ NO

IF YES, EXPLAIN: _____

TO YOUR KNOWLEDGE, ARE THERE ANY UTILITIES IN THE PORTION OF THE ALLEY OR STREET

AFFECTED BY THIS REQUEST? ☐ YES ☒ NO IF YES, EXPLAIN?

PURPOSE OF THE REQUEST? (see attached, bottom of page) Unopened Montgomery St. is long obsolete yet still unvacated. It runs through our property house. Survey + city records need to be reconciled.

ORDINANCE PROVIDED? ☐ YES ☐ NO Jessica Robinson, Esq. will provide

*An electronic copy, in word document format, must be emailed to Planning Office. Application is considered incomplete until this is provided.

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

SIGNATURE OF APPLICANT Barbara Whipple Paul Kazarov

It is lengthy, but please take the time to read the attached summary and additional maps + information.

Summary from Barbara Whipple relevant to the review of this application

Thank you for reviewing and processing our application for the vacation of Unopened Montgomery St., which runs through our property at 309 Fayette St.

Background

My husband Paul Kazarov, our daughter Clara Kazarov and I purchased this neglected property in October 2020 as an improvement project. A survey had been made in February 2020 for an earlier interested buyer by Brandon Trump of Lotts & Associates. It is attached to this application (**Attachment 1**), and it is the survey recorded with the Staunton Circuit Court.

On the survey, you will see that the property sharply tapers from the front to the rear boundaries in a straight line. The north boundary follows what is called "Unopened Montgomery St." (UMS). The south edge of UMS goes right through the house and deck!

Please note comments 8 and 9 on the survey. At the time of the purchase, we were reassured that this unopened city street would have no limiting implications to the property, even though it in no way conforms to the present natural grassy rear yard bordered by shrubbery and trees. We naively accepted that opinion and thought we might eventually approach the north adjoiners about buying back those small segments of their land lying within the natural yard space.

What catalyzed our interest in having UMS vacated began with a complaint to the City Planning Dept. about a large shed we'd relocated in order to have easier access to the back of the house. It became visible from Stuart St. which offended someone. There was no Certificate of Appropriateness for the shed on file at its original nor new location. Unfortunately, we were unaware of the visibility complication along with the 5' setback rule from all property lines when we moved the shed.

Due to the peculiar shape of the plat with a very narrow rear boundary, it is impossible to comply with both requirements. It appears we must get rid of the shed. We are told that a variance to the rear boundary setback cannot be considered for an auxiliary structure.

With our attention now focused on potential problems with UMS, we seek its vacation in order to:

1. avoid any future complications around actual property boundaries
2. resolve any questions around the allowable placement of an auxiliary structure
3. relieve our discomfort around an unresolved right-of-way running through our house
4. relieve future owners of this burden
5. remove one important barrier in approaching the northern adjoiners and the city about purchasing pieces of the back yard so that it forms a coherent whole – and matches the city's GIS understanding of the property!

Relevant Research

The original (known) reference for this portion of Montgomery St. is dated January 21, 1870 (**Attachment 2**). It was found in Deed Book 5, Page 412, as indicated on the February 2020 survey by Brandon Trump of Lott & Associates attached to the application. It is vague and offers no specifics about the location of the properties A and B, nor other information about Montgomery Street's full span at the time.

The only other known reference cited by Mr. Trump is a 2018 survey of north adjoining 301 Fayette St. by Balzer & Associates (**Attachment 3**).

City staff have been very helpful in trying to determine the true status of this unopened section of Montgomery St. since **it does not appear in subsequent maps by Jed Hotchkiss (1884 Attachment 4; 2 pages) and Sanborn (1894, 1899, 1914, 1921; Attachment 5; 3 pages)**. It appears that Montgomery St. at earlier times was the name of today's Lushbaugh St. to the east and Callahan Alley to the west. Perhaps the unopened segment through 309 Fayette was intended to join these two early portions.

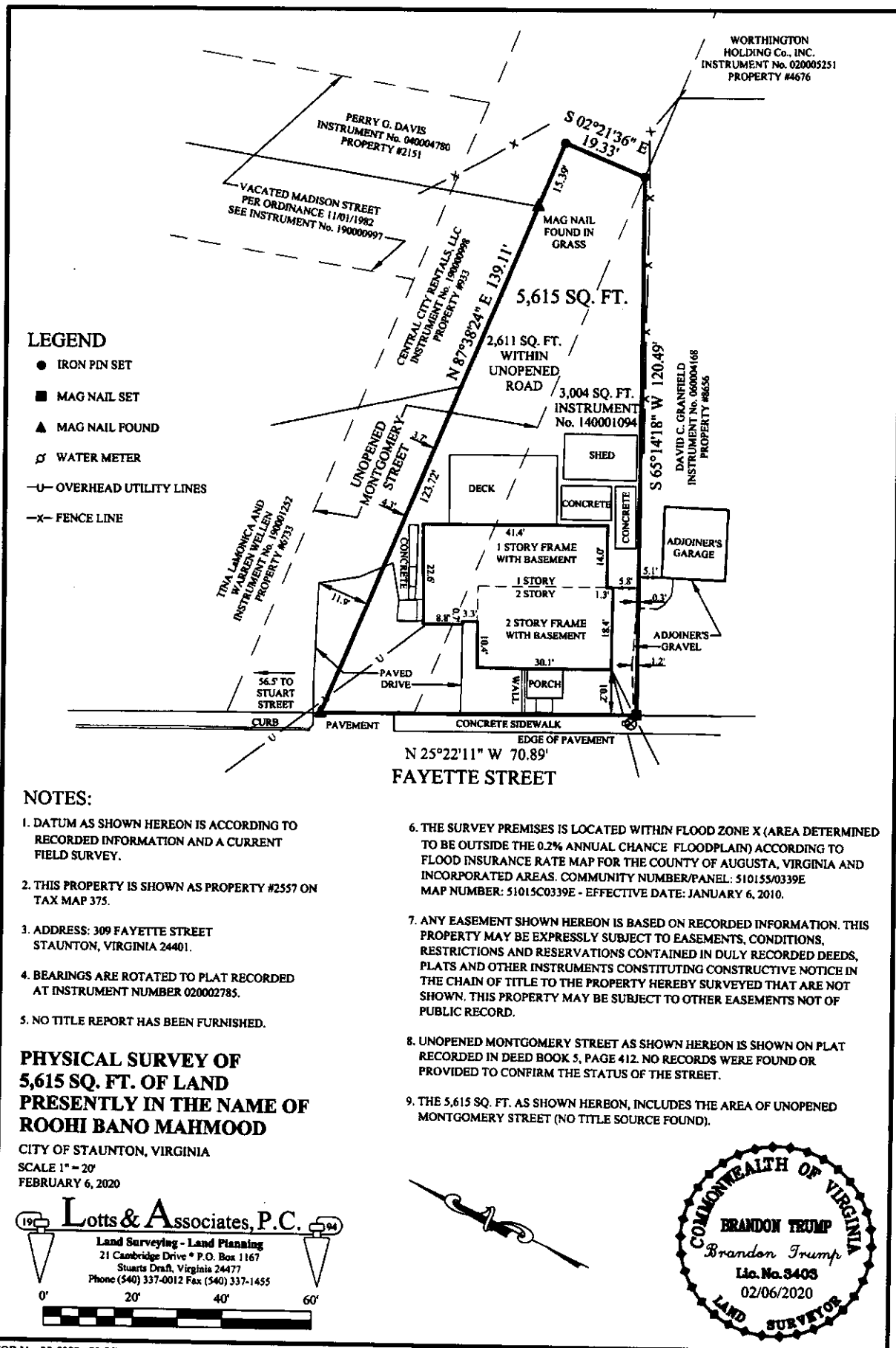
On the 1884 Hotchkiss map, a structure already exists on the property. By then, Montgomery St. seems to have changed to a right angle roadway *below* the structure, originating off of today's Stuart St. It would seem logical that some sort of legal vacating of the 1870 "ghost" portion must have occurred to allow for the building of structures on the property, and that a revised route for Montgomery St. was put in place?

Further, former owners of 309 Fayette petitioned the city in 1982 to vacate Unopened Madison Place, which followed the exact same footprint of Hotchkiss' Montgomery St. In the ordinance that was signed on 11/1/1982 (**Attachment 6; 2 pages**), there is no mention of an Unopened Montgomery St. coming off of Fayette St. and intersecting with unopened Madison Place. The only reference is to Lushbaugh St., the right-angle easterly continuation of Madison Place. Why would the owners have objected to Unopened Madison Place, but not Montgomery? Likely, they didn't know it existed, nor did the city when they issued the ordinance.

Oddly, the 2020 and 2018 surveys also reflect vacated Madison Place ending at UMC and continuing east as UMC, not "Lushbaugh St." as referenced in the ordinance. **The City map of vacated streets shows this area vacated!**

Please reference city GIS maps (**Attachment 7; 2 pages**) that reflect the city's understanding of the property and compare it to the surveys.

It is clear from current GIS and historic Sanford maps, along with the geography and use of the property that UMS must have been abandoned long, long ago.



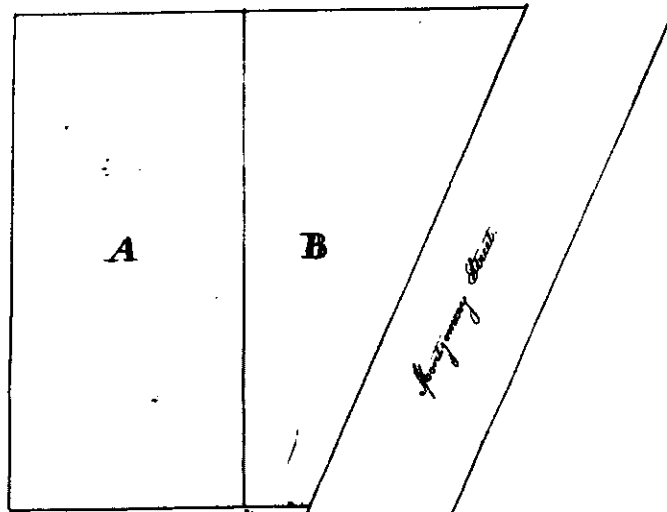
State of Virginia, County of Augusta as was:

S. Williams & Bennett, a Notary Public for the County of Augusta, and State of Virginia, do Certify, that
Almon W. H. Stant whose name is signed to the within deed annexed, bearing date on the 24th day of April 1870
has acknowledged this same before me in my County aforesaid. Given under my hand this 24th day of January 1871

William S. Bennett N. P.

D.B.S-
412

Road of 30 feet.



Christ Church's Office of the County of Chester for the Town of Charleston

January 21st, 1870.

This Deed from Almon W. H. Stant annexed to a Deed of J. L. Lough and Wm. L. Lough was
any presented in the Office aforesaid, and with the Certificate and Plot annexed, admitted to record,

In testimony whereof, I have hereunto set my hand and the Seal of the Office of the County of Chester, this 21st day of January 1870.

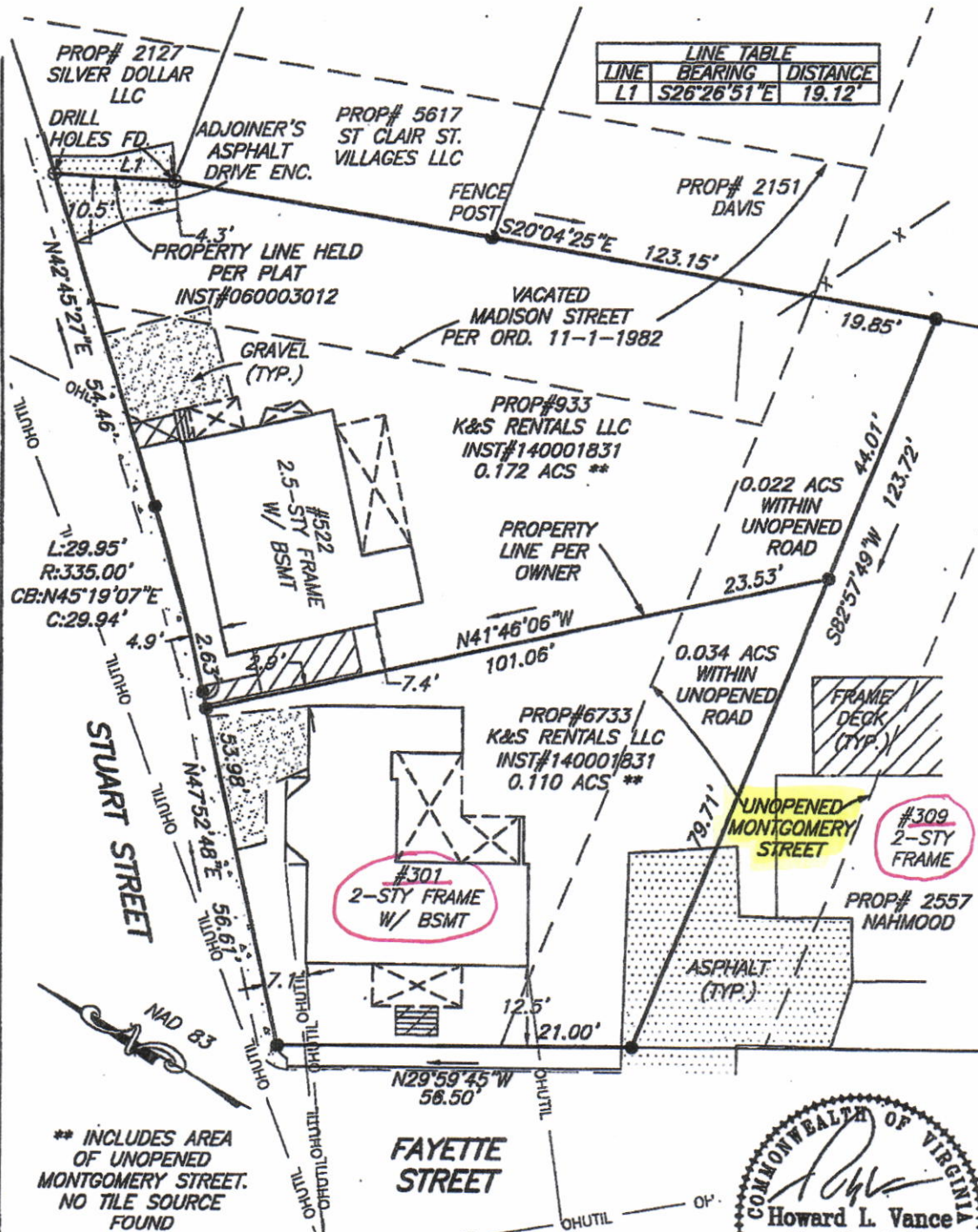
This Deed of Partition between William Howell and William Chapman made this 4th day of January A.D. 1870, (Witnessed); that whereas the parties are joint and equal owners of the proper hereinafter described, situated in the County of Chester and State of Virginia, and in view that each one own and hold his share in severalty, do make this instrument - the said property so owned is the purchase by them of one conveyed to them by James A. Pope and William P. Howland by Deed on this 24th day of April 1866, of record in the Clerk's Office of the County of Chester - and is a part of lot 'No 13' fronting on Broadly Street forty seven (47) feet. Now the said parties hereby for the said property between themselves as follows - the said William Howell is to have, hold and for that portion of the property fronting on said street sixteen feet on the East side of and including division wall in the house on said lot, and running by a straight line with the West side of said lot to the back line of said lot, in a Southern direction; - and the said William Chapman is to have, and possess the residue of said property in severalty, making a front of thirty one feet on said street but the said William Howell and those who may claim under him, are to have, use and enjoy, a distinction as hereinafter, in common with the said William Chapman and those who may claim

to the original Deed, of which this is the Recd. that stamp of the Clerk of the County of Chester is annexed to the Deed.

from James A. Pope and William P. Howland on 24th day of April 1866.

18000 1479

IS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.



PLAT SHOWING
IMPROVEMENTS ON
PROP#S 933 & 6733

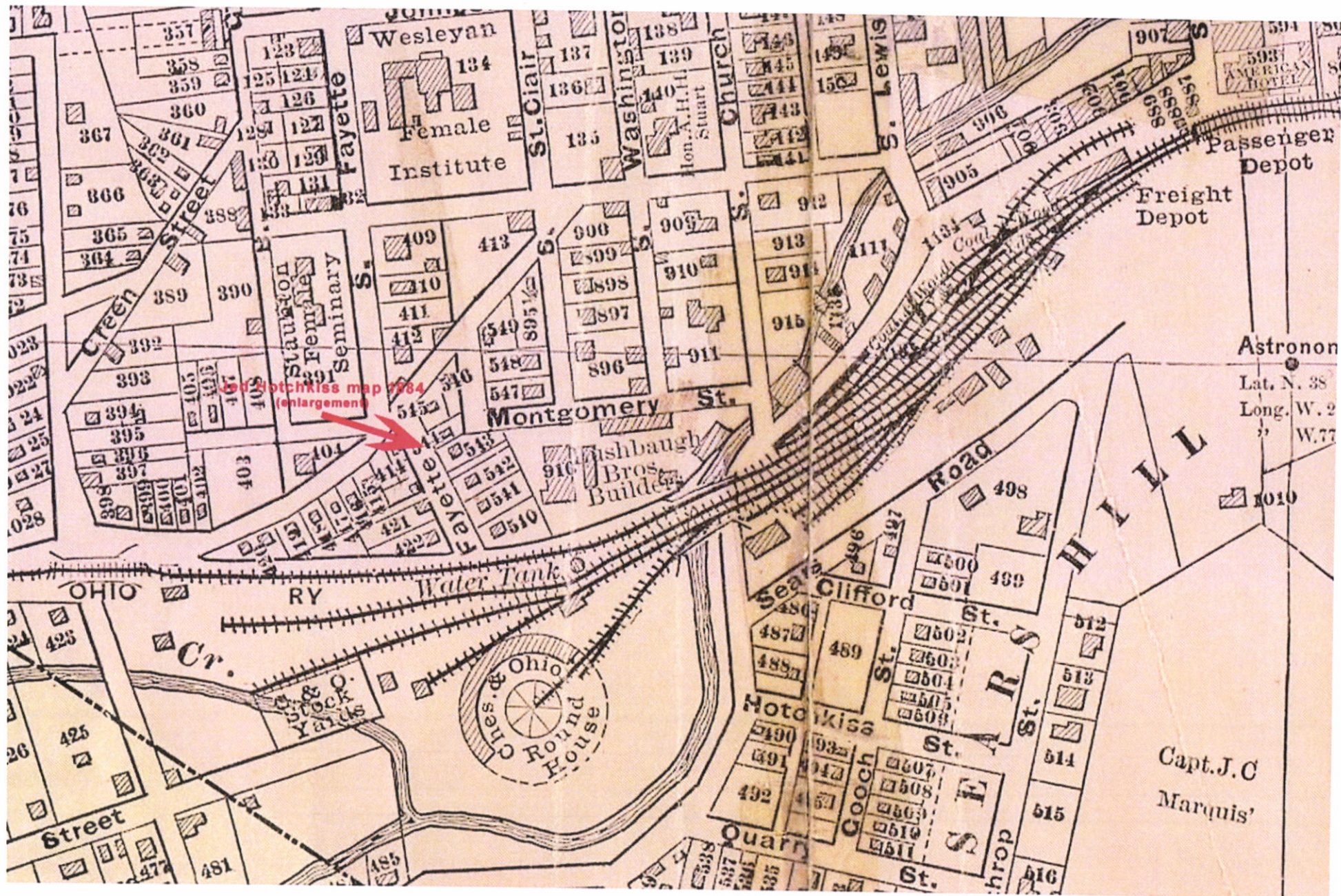
PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS
ROANOKE • RICHMOND • NEW RIVER VALLEY • STAUNTON • HARRISONBURG

1561 Commerce Road • Suite 401 • Verona, Virginia 24482 • Phone (540) 248-3220 • hvance@balzer.com



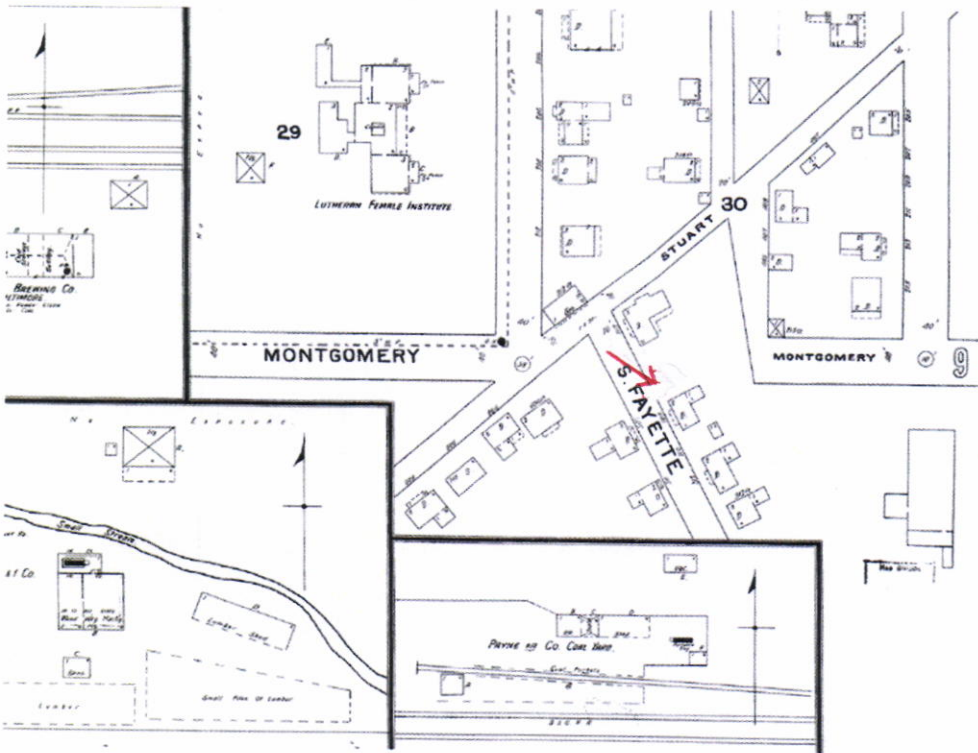
BALZER
AND ASSOCIATES INC.
BVING
REFLECTING TOMORROW

- [illegible]

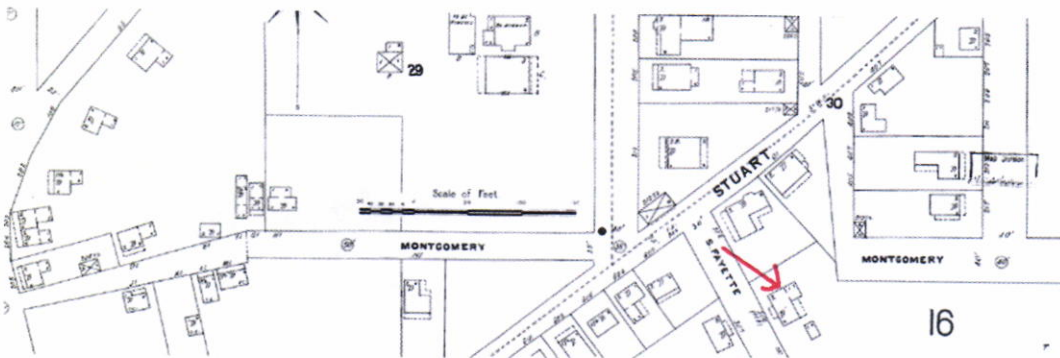


309 Fayette St. Attachment 5, p. 1
→ = location of 309 Fayette St.

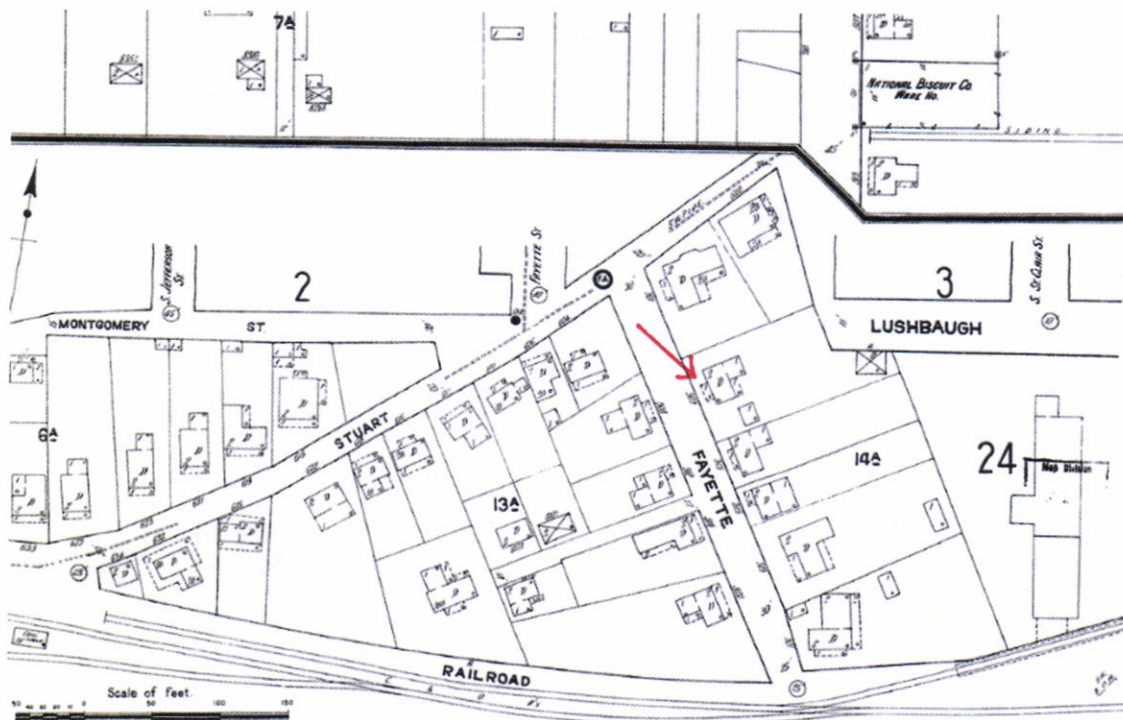
SANBORN MAPS - 1894



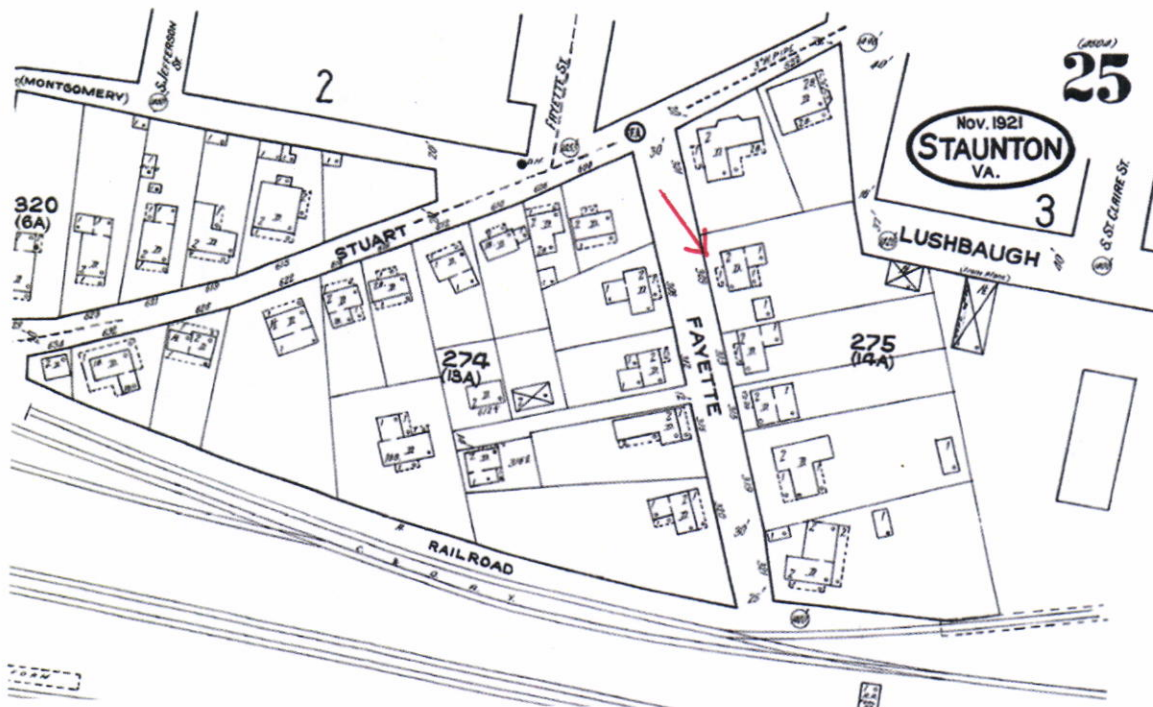
SANBORN MAPS - 1899

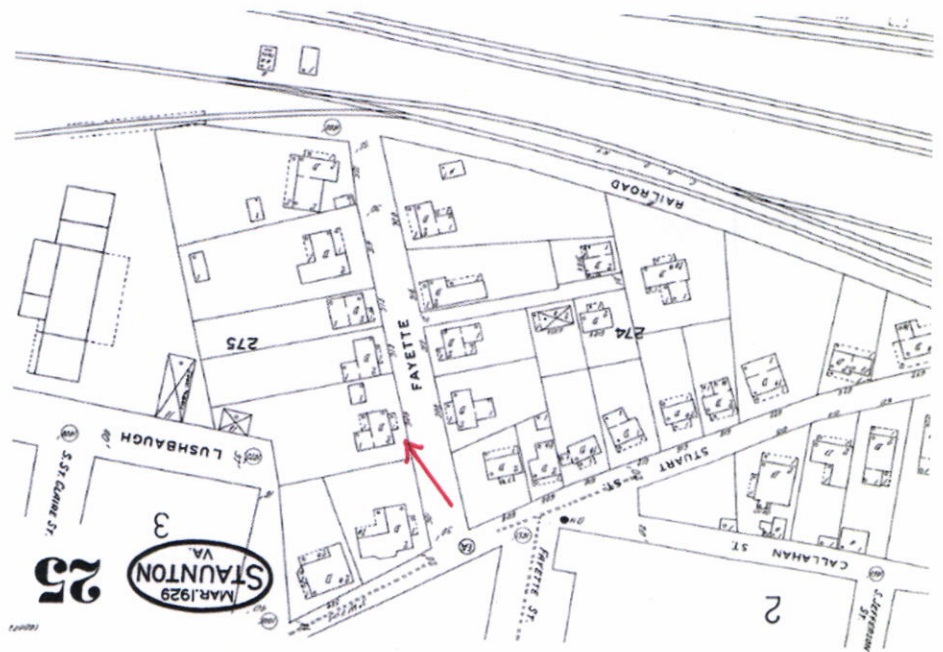


1914



1921





AN ORDINANCE VACATING UNOPENED MADISON PLACE
EXTENDING IN A SOUTHERLY DIRECTION FROM STUART
STREET BETWEEN 516 STUART STREET, 220 AND 224
SOUTH ST. CLAIR STREET ON THE EAST AND 522
STUART STREET, 309 FAYETTE STREET ON THE WEST
TO LUSHBAUGH STREET

WHEREAS, Raymond O. and Margaret R. Fauber, 309 S. Fayette Street applied under authority of Section 15.1-482, Code of Virginia (1950 as amended) to have Madison Place hereinafter described vacated and abandoned by the City of Staunton, and,

WHEREAS, The requirements of said section have been met, notice having been given in accordance with Section 15.1 - 431 Code of Virginia (1950 as amended) a hearing held pursuant thereto on September 23rd, 1982 and a second reading of the proposed ordinance having been had of the 14th day of October, 1982 with no objection to said proposed vacation and abandonment having been made at either time, and,

WHEREAS, the City of Staunton reserves easements over the vacated and abandoned street for utility purposes, now,

BE IT ORDAINED BY THE City Council of the City of Staunton, Virginia that

All that certain portion of Madison Place situated in the City of Staunton bounded to the North by Stuart Street, to the east by 516 Stuart Street 220 and 224 South St. Clair Street, to the West by 522 Stuart Street and 309 Fayette Street and to the south by 309 Fayette Street and Lushbaugh Street by a line extended with the line of the rear lot lines of 220 and 224 South St. Clair Street to the rear lot line of 309 Fayette Street.

be, and the same is hereby vacated, closed and abandoned as a street serving the public street system and the City of Staunton, Virginia.

This ordinance shall become effective on November 1, 1982.

CERTIFIED

Thomas E. Roberts
Thomas E. Roberts, Mayor

ATTEST:

Bette W. Herr
Bette Herr, Clerk

A TRUE COPY TESTE:

Jaith Simmons

LOST DOCUMENT AFFIDAVIT

COMMONWEALTH OF VIRGINIA, AT LARGE
CITY OF STAUNTON, to-wit:

This day Faith Simmons personally appeared before me, the undersigned notary public in and for the aforesaid City, in the Commonwealth of Virginia, and under oath stated and certified:

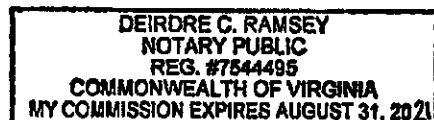
1. In my position as Clerk of Council, I am the custodian for the minute book and other official records of the City Council for the City of Staunton.
2. The original Ordinance, dated November 1, 1982 (the Ordinance), has been lost or destroyed and cannot not be produced.
3. This Lost Document Affidavit is attached to an attested copy of the Ordinance and said Affidavit, by reference, is made a part of the Ordinance.

Faith Simmons
Faith Simmons

Subscribed and sworn to before me this 6th day of May, 2019.

(Signature)
Notary Public

My commission expires on 8/31/2021 and my Notary Registration Number is 7544495.



Vacated
 Madison St
 Lushbaugh St
 outlined in
 red
 05/25/21

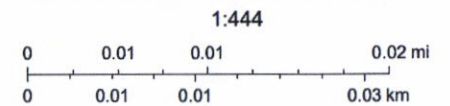
309 Fayette St. Attachment 7 p.1

Additional Map Layers



5/25/2021, 8:47:59 AM

- | | | | |
|-------------|---------------------------------|--------------------|---------------|
| — Lot_Lines | Vacated Streets & Alleys (line) | • AddressPoints | 2018Image.tif |
| Lot_Numbers | — Alley (96) | Point_of_Interests | Red: Band_1 |
| City Limits | — Misc (3) | Road Centerline | Green: Band_2 |
| Parcels | — Street (89) | | Blue: Band_3 |



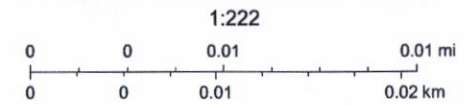
309 Fayette St. Attachment 7, p. 2 GIS
 from City
 of property
 (yellow
 dotted lines)
 05/25/21

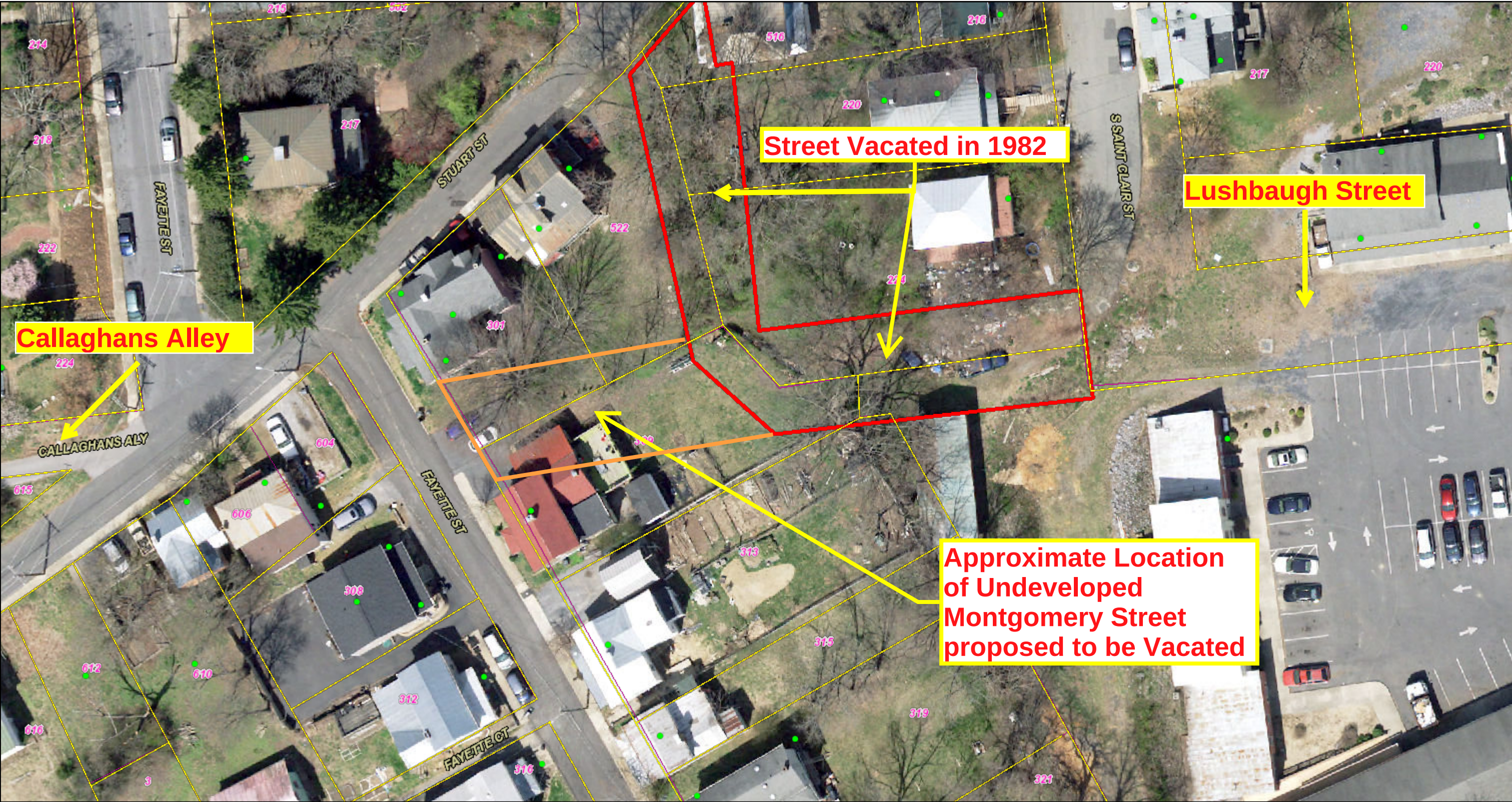
Additional Map Layers



5/25/2021, 8:08:09 AM

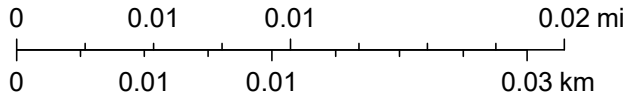
- | | | | |
|-------------|-------------------|-----------------|---------------|
| Lot_Lines | Parcels | Road Centerline | Green: Band_2 |
| Lot_Numbers | AddressPoints | 2018Image.tif | Blue: Band_3 |
| City Limits | Point_of_Interest | Red: Band_1 | |





9/1/2021, 11:59:04 AM

1:444



Ordinance No. 2021-__

AN ORDINANCE
CLOSING, VACATING, DISCONTINUING AND ABANDONING A PORTION OF
UNOPENED MONTGOMERY STREET
LOCATED BETWEEN 301 FAYETTE STREET (PID 6733) AND
522 STUART STREET (PID 933) ON THE NORTH
AND 309 FAYETTE STREET (PID 2557) ON THE SOUTH

Recitals

A. An application for street vacation has been filed by Barbara Whipple and Paul Kazarov, pursuant to § 15.2-2006 of the Code of Virginia, 1950, as amended, to have all of that certain portion of the street as hereinafter described, vacated and abandoned by the City of Staunton, Virginia;

B. The subject portion of the street was initially platted in 1870 and was never accepted by the City as part of its public street system;

C. Paul W. Kazarov, Barbara Whipple and Clara A. Kazarov are the owners of 309 Fayette Street, identified as City of Staunton PID 2557, and seek to close the portion of the unopened Montgomery Street located to the north of their property and to the south of 301 Fayette Street, identified as City of Staunton PID 6733, and 522 Stuart Street, identified as City of Staunton PID 933, consisting of an area of approximately forty feet (40') in width and one hundred twenty three and seventy-two hundredths feet (123.72') in length;

D. A plat showing the aforesaid portion of the alley to be vacated and abandoned (the area shaded in red) is annexed and incorporated by reference as **Exhibit A**;

E. The requirements of § 15.2-2006 of the Code of Virginia have been met along with those of § 15.2-2204 of the Code of Virginia;

F. At its regular meeting on September 16, 2021, the Planning Commission of the City of Staunton, Virginia, after study and review, properly heard the matter and recommended approval of vacating said portion of the street;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the City hereby **CLOSES, VACATES, DISCONTINUES** and **ABANDONS** the portion of the street described as follows:

DRAFT 9.15.21

The portion of a 40 foot wide street running a distance of 123.72 feet
adjoining City Tax Map Parcels 2557, 6733 and 933,
with reservation to the City of Staunton of any existing utility lines located in the street, with
ownership of the area of the vacated street determined in accordance with applicable law.

Introduced:
Adopted:
Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan C. Smith,
Interim Clerk of Council

Ordinance No. 2021-__

**AN ORDINANCE
CLOSING, VACATING, DISCONTINUING AND ABANDONING A PORTION OF
UNOPENED MONTGOMERY STREET
LOCATED BETWEEN 301 FAYETTE STREET (PID 6733) AND
522 STUART STREET (PID 933) ON THE NORTH
AND 309 FAYETTE STREET (PID 2557) ON THE SOUTH**

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A. An application for street vacation has been filed by Barbara Whipple and Paul Kazarov, pursuant to § 15.2-2006 of the Code of Virginia, 1950, as amended, to have all of that certain portion of the street as hereinafter described, vacated and abandoned by the City of Staunton, Virginia;

B. The subject portion of the street was initially platted in 1870 and was never accepted by the City as part of its public street system;

C. Paul W. Kazarov, Barbara Whipple and Clara A. Kazarov are the owners of 309 Fayette Street, identified as City of Staunton PID 2557, and seek to close the portion of the unopened Montgomery Street located to the north of their property and to the south of 301 Fayette Street, identified as City of Staunton PID 6733, and 522 Stuart Street, identified as City of Staunton PID 933, consisting of an area of approximately forty feet (40') in width and one hundred twenty three and seventy-two hundredths feet (123.72') in length;

D. The requirements of § 15.2-2006 of the Code of Virginia have been met along with those of § 15.2-2204 of the Code of Virginia;

E. At its regular meeting on September 16, 2021, the Planning Commission of the City of Staunton, Virginia, after study and review, properly heard the matter and recommended approval of vacating said portion of the street;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the City hereby **CLOSES, VACATES, DISCONTINUES** and **ABANDONS** the portion of the street described as follows:

The portion of a 40 foot wide street running a distance of 123.72 feet adjoining City Tax Map Parcels 2557, 6733 and 933,

with reservation to the City of Staunton of any existing utility lines located in the street, with ownership of the area of the vacated street determined in accordance with applicable law.

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50 Introduced:

51 Adopted:

52 Effective Date:

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Andrea W. Oakes, Mayor

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56 ATTEST:_____

57 Morgan C. Smith,
58 Interim Clerk of Council

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 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 the City of Staunton to Amend Chapter 18.120, Yard, Building Setback, and Open Space Exceptions, Subsection 18.120.010(4)(f) of Title 18, Zoning, of the Staunton City Code	

Background: This request was first considered by City Council at its July 22, 2021 meeting. After conducting the public hearing, City Council voted 4-3 to deny the request and not amend the Zoning Code. Then, at its August 12, 2021 meeting, City Council adopted a resolution (Attachment 2) proposing a change to the previously rejected amendment and referring the matter back to Planning Commission for further review and study. Council's proposed change called for an additional provision requiring each single-family dwelling constructed to be served by its own individual easement and prohibiting shared access easements. Staff made the directed change, and the revised version of the draft ordinance is attached (Attachment 4).

Analysis: The draft ordinance would allow a single-family dwelling to be constructed on existing nonconforming lots which do not have the required street frontage if certain requirements are met. The requirements include: proof of an easement for access to the property; the access easement must be at least 10 feet in width; the easement giving access to the property must front on a developed City street; access from undeveloped streets and alleys will not be permitted; every dwelling constructed must have its own individual access easement; and development on these lots shall meet all other pertinent zoning requirements.

Planning Commission Recommendation: At its meeting of September 18, 2021, the Planning Commission conducted a public hearing and considered the request. During the

public hearing four people spoke in favor of the amendment and one person spoke about the need for a detailed study of the implications of the amendment. On a 4-0 vote, the Commission unanimously voted to recommend approval of the proposed amendment.

Attachments:

Attachment 1—July 22, 2021 City Council Briefing

Attachment 2—August 12, 2021 City Council Resolution

Attachment 3—Examples of Land Locked Lots

Attachment 4—Draft Ordinance

Suggested Motions (to be made after the public hearing is conducted): I move that Council adopt the ordinance and approve the amendment, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 22, 2021	Staff Members: Rodney Rhodes Tim Hartless
Item #	A	
Ordinance #		
Department:	Community Development — Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Public Hearing and Consideration of a Request by the City of Staunton to Amend Chapter 18.120, Yard, Building Setback, and Open Space Exceptions, Subsection 18.120.010(4)(f) of Title 18, Zoning, of the Staunton City Code	

Background: At the direction of Planning Commission, staff has drafted an amendment to Section 18.120(4)(f) of the Zoning Code of Staunton to help facilitate the development of existing nonconforming residentially zoned lots which have been platted without the required 30 feet of street frontage.

Staunton City Code Section 18.120(4)(f) provides:

No dwelling shall be erected on a lot which does not abut at least one street for at least 30 feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

The current provision precludes any development on existing nonconforming lots that do not have the necessary street frontage. Individual property owners may apply for variances; however, due to the recurring nature of the situation, the formulation of a general regulation to be adopted as an amendment to the zoning code is the proper method to address the matter. Staff estimates that there are dozens of lots that are unbuildable under the current provision. Most, if not all, of these lots were platted in the county (without right-of-way requirements) prior to annexation.

Analysis: The draft amendment would allow one single-family dwelling to be constructed on any existing lot zoned residential which does not have the required street frontage if certain requirements are met. The requirements include: proof of an easement for access to the property; access easement must be at least 10 feet in width; easement giving access to the property must come from a developed City street; and access from undeveloped streets and alleys will not be permitted.

Planning Commission Recommendation: At its meeting of May 20, 2021, Planning Commission conducted a public hearing. During the public hearing several people spoke in opposition to the amendment because it would allow development on several lots in their neighborhood (Powhatan Street). After the public hearing was closed, discussion ensued and some concerns were raised with the proposed language in the draft. Minor revisions were made to the draft ordinance to address those concerns. Planning Commission considered the request again at its meeting of June 15, 2021. On a 4-0 vote, the Commission unanimously voted to recommend approval of the proposed amendment.

Attachment: Draft Ordinance Chapter 18.120

Suggested Motion (to be made after the public hearing is conducted): I move that Council adopt the ordinance and approve the amendment, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg

**A RESOLUTION OF INTENT
OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO CONSIDER AMENDING SECTION 18.120.010,
SETBACK EXCEPTIONS, OF CHAPTER 18.120, YARD, BUILDING SETBACK,
AND OPEN SPACE EXCEPTIONS,
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE
TO ADD AN EXCEPTION FOR EXISTING LOTS WITHOUT THE REQUIRED
STREET FRONTAGE**

Recitals

A. City Staff have ascertained that there are a number of lots in the City of Staunton that were platted on subdivision plats without frontage on a public street;

B. The Staunton City Code (SCC) prohibits dwellings from being constructed on a lot that does not front on a public street for at least 30 feet;

C. The Planning Commission of the City of Staunton (Planning Commission) authorized staff to draft an amendment to the SCC that would allow one single-family dwelling to be constructed on each existing lot that was platted without the 30 feet of required street frontage;

D. At its regular meeting on June 17, 2021, the Planning Commission, after study and review, properly heard the matter and recommended approval of the proposed code amendment on the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice;

E. Staunton City Council conducted a public hearing at its regular meeting on July 22, 2021, and after properly hearing the matter, voted not to approve the proposed code amendment;

F. After further consideration and review, City Council desires to propose a change to the previously rejected zoning text amendment which would allow a property owner to construct one single-family dwelling on a lot provided that the property owner obtained a ten-foot-wide ingress/egress easement from the lot to a public street; and the proposed amendment would prohibit another lot from utilizing the same ingress/egress easement in order to meet the SCC's street frontage requirement. A copy of the proposed zoning text amendment is annexed and incorporated by reference;

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

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

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Council of the City of Staunton, Virginia hereby adopts a resolution of intent to consider amending Section 18.120.010, Setback exceptions, of Chapter 18.120, Yard, Building Setback, and Open Space Exceptions, of Title 18, Zoning, of the Staunton City Code.

The Clerk of Council is **DIRECTED** to forward a copy of this resolution to the City's Planning and Zoning staff so they may facilitate having this item placed on an upcoming Planning Commission agenda for further review and study.

Introduced: August 12, 2021

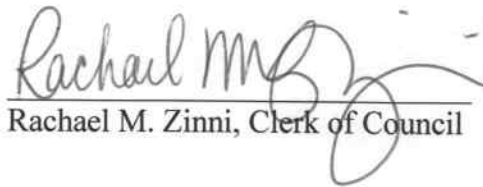
Adopted: August 12, 2021

Effective Date: August 12, 2021



Andrea W. Oakes, Mayor

ATTEST:


Rachael M. Zinni, Clerk of Council

Chapter 18.120

YARD, BUILDING SETBACK, AND OPEN SPACE EXCEPTIONS

Sections:

18.120.010 Setback exceptions.

18.120.010 Setback exceptions.

The following requirements provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth except in Division II of this title:

(1)

(2)

(3)

(4) The following provisions also apply to certain conditions with respect to the use of lots and access points:

(a) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have effectively established an average setback line which is less than the specified setback for that district, then no building on that side of the street shall be required to have a front yard greater than the average front yard of the existing buildings. However, when there are buildings on the adjacent lots on both sides, the front yard shall not be required to be greater than the average of the front yards of the buildings on the adjacent lots. Only front yards that are front facing based on the orientation of the principal structure, and the address assigned by the city, shall be a factor in these calculations.

(b) Lots having frontage on more than one street shall provide the required front yards along those streets. On a corner lot in a residential district (R-1, R-2, R-3, R-4 and P-1), the front yard shall be designated by the orientation of the front or main door of the principal structure, as determined by the address assigned by the city, unless the front yard is designated on the recorded subdivision plat. The rear yard shall be opposite the front yard. The other yard abutting a street shall be a side yard and shall not be less than one-half of the front yard setback of the underlying district for single-family dwellings and accessory buildings, unless the lot meets the small lot exception granted under subsection (4)(d) of this section. Terraces and porches shall not encroach into this side yard setback notwithstanding the exceptions in subsection (1) of this section.

(c) Division of a Lot. No recorded lot shall be divided into two or more lots unless such division results in the creation of lots, each of which conforms to all of the applicable regulations of the district in which the property is located. No reduction in the size of a recorded lot below the minimum requirements of this title shall be permitted.

(d) Dwellings on Small and/or Narrow Lots. Where there are existing recorded lots which do not meet the minimum lot area and/or width requirements, single-family dwellings may be constructed (provided the building front yard setback is 15 feet or the average setback established by dwellings or structures existing at the start of construction, whichever is greater) and as long as a side yard shall be not less than four feet and the sum of the side yards shall be not less than 10 feet and as long as all other requirements, except lot size and lot width, are met.

(e) Principal Uses Without Buildings. Where a permitted use of land involves no structures, such use, excluding agricultural uses, shall nonetheless comply with all yards and minimum lot area requirements applicable to the district in which located, as well as obtain any other license or permit applicable to that particular use.

(f) No dwelling shall be erected on a lot which does not abut on at least one street for at least 30 feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

(g) For any existing lot zoned residential which was displayed on a recorded subdivision plat without the required 30 feet of street frontage required in subsection (f), one single-family dwelling may be approved pursuant to the following conditions.

(i) In cases where frontage on a public street is less than 10 feet:

(a) The applicant must show evidence of the existence of an easement to the lot for ingress and egress to a public street

(b) The easement shall be a minimum of 10 feet in width.

(c) Undeveloped streets, or undeveloped portions of streets, may not be used for access to the lot. Access must come from a constructed and accepted public street.

(d) The lot must have been originally platted prior to annexation from Augusta County or in the City of Staunton prior to November 1, 1969 regardless of subsequent revisions.

(ii) In cases where the frontage on a public street is less than 30 feet but more than 10 feet, the lot may obtain approval for one single-family dwelling ~~be developed~~ without an easement

(iii) An easement approved pursuant to this subsection may only be utilized by one single family dwelling to meet the street frontage requirements of this section.

(gh) An attached or detached private garage which faces on a street shall not be located closer than 25 feet to the street right-of-way line.

(hi) Accessory buildings shall not be located in any required front yard with the exception of through lots in residential districts. On a lot in a residential district (R-1, R-2, R-3, R-4 and P-1) with frontage on two parallel streets, the front yard shall be designated by the orientation of the front or main door of the principal structure, as determined by the address assigned by the city unless the front yard is designated otherwise on the recorded plat. The yard abutting the other, parallel street shall be considered the secondary front yard, and an accessory building thereon is permitted solely for a single-family use that satisfies the front yard setback requirements of such district. (Ord. 2021-02; Ord. 2019-09; Ord. 2011-07; Ord. 2009-22; Ord. 2009-20; Ord. 2004-06. Zoning ordinance Art. 5, § 4).

Powhatan and Ramsey Streets



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	City Limits		Point_of_Interests		Red: Band_1		

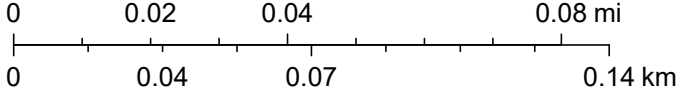
End of Mulberry Street - Park Hill Neighborhood



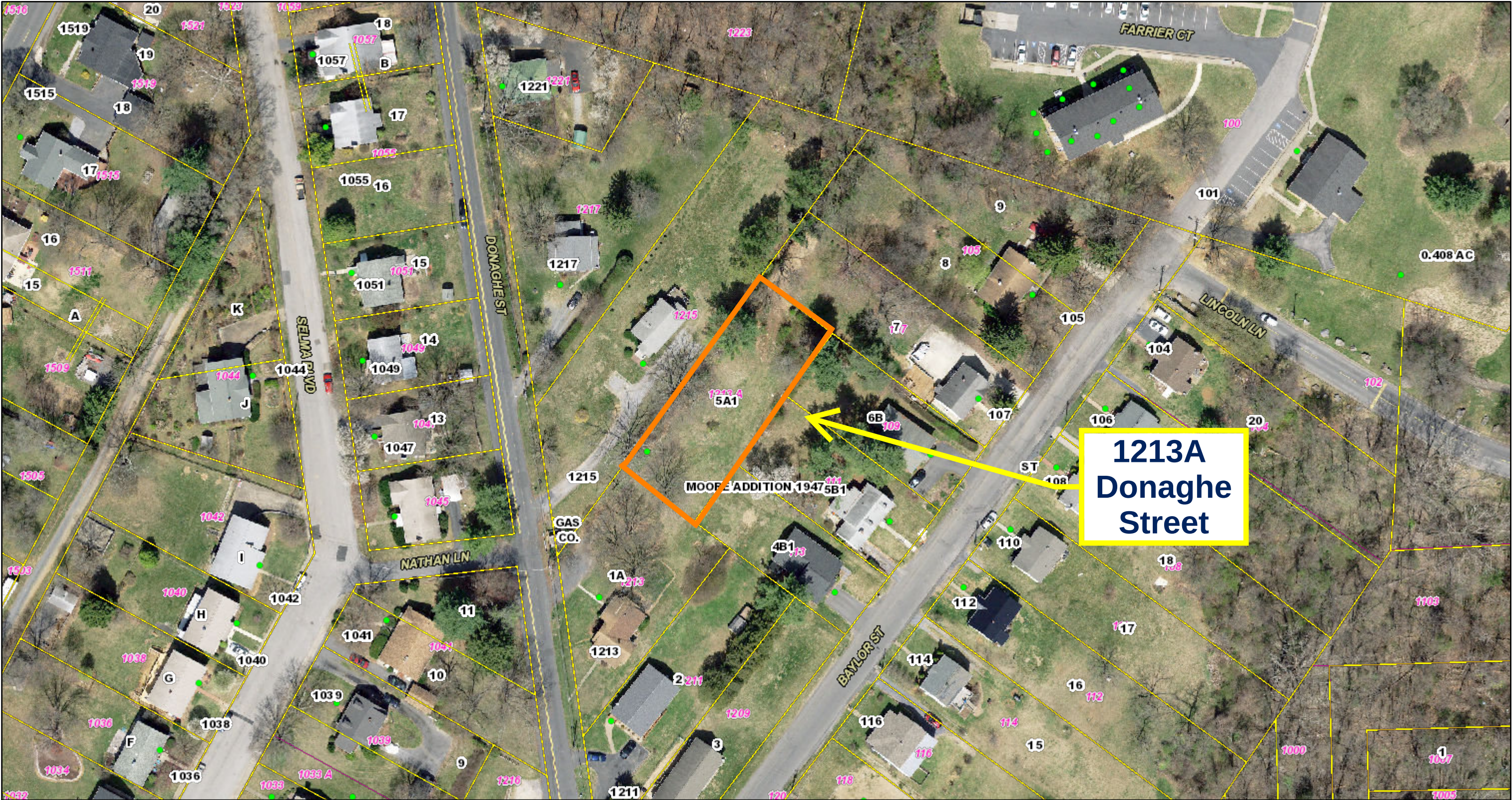
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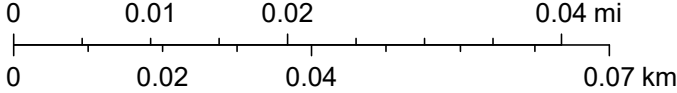
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Ordinance No. 2021-____

**AN ORDINANCE AMENDING SECTION 18.120.010,
SETBACK EXCEPTIONS, OF CHAPTER 18.120, YARD, BUILDING SETBACK,
AND OPEN SPACE EXCEPTIONS,
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE
TO ADD AN EXCEPTION FOR EXISTING LOTS WITHOUT THE REQUIRED
STREET FRONTAGE**

Recitals

A. City Staff have ascertained that there are a number of lots in the City of Staunton that were platted on subdivision plats without frontage on a public street;

B. Staunton City Code prohibits dwellings from being constructed on a lot that does not front on a public street for at least 30 feet;

C. The Planning Commission of the City of Staunton has authorized staff to draft an amendment to the Staunton City Code that would allow one single-family dwelling to be constructed on each existing lot that was platted without the 30 feet of required street frontage;

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 18.120.010, Setback exceptions, of Chapter 18.120, Yard, Building Setback, and Open Space Exceptions, of Title 18, Zoning, of the Staunton City Code, is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

18.120.010 Setback exceptions.

The following requirements provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth except in Division II of this title:

(1)

(2)

(3)

(4) The following provisions also apply to certain conditions with respect to the use of lots and access points:

(a)

(b)

(c)

(d)

(e)

(f)

(g) For any existing lot zoned residential which was displayed on a recorded subdivision plat without the required 30 feet of street frontage required in subsection (f), one single-family dwelling may be approved pursuant to the following conditions:

(i) In cases where frontage on a public street is less than 10 feet:

(a) The applicant must show evidence of the existence of an easement to the lot for ingress and egress from a public street.

(b) The easement shall be a minimum of 10 feet in width.

(c) Undeveloped streets, or undeveloped portions of streets, may not be used for access to the lot. Access must come from a street accepted by City Council pursuant to Staunton City Code Section 12.05.03.

(d) The lot must have been originally platted prior to annexation from Augusta County or have been platted in the City of Staunton prior to November 1, 1969 regardless of subsequent revisions.

(ii) In cases where the frontage on a public street is less than 30 feet but more than 10 feet, the lot may obtain approval for one single-family dwelling without an easement.

(iii) An easement found in compliance with this subsection may only be utilized by one single-family dwelling to meet the street frontage requirements of this section.

~~(g)~~ (h) An attached or detached private garage which faces on a street shall not be located closer than 25 feet to the street right-of-way line.

~~(h)~~ (i) Accessory buildings shall not be located in any required front yard with the exception of through lots in residential districts. On a lot in a residential district (R-1, R-2, R-3, R-4 and P-1) with frontage on two parallel streets, the front yard shall be designated by the orientation of the front or main door of the principal structure, as determined by the address assigned by the city unless the front yard is designated otherwise on the recorded plat. The yard abutting the other, parallel street shall be considered the secondary front yard, and an accessory building thereon is permitted solely for a single-family use that satisfies the front yard setback requirements of such district. (Ord. 2021-02; Ord. 2019-09; Ord. 2011-07; Ord. 2009-22; Ord. 2009-20; Ord. 2004-06. Zoning ordinance Art. 5, § 4).

In all other respects, the provisions of Chapter 18.120, Yard, Building Setback, and Open Space Exceptions, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:

Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan C. Smith, Interim Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	Staff Members: Rodney Rhodes Tim Hartless
Item #	D	
Ordinance #		
Department:	Community Development — Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Consideration of a Request by Aaron and Bithiah Reed for a Variance to Title 17, Subdivisions, Section 17.15.180, Size and Shape of Residential Lots Generally	

Background: Michael C. Brown, on behalf of Aaron and Bithiah Reed, has requested a variance from Section 17.15.180 of Title 17, Subdivisions, of the Staunton City Code. This section of the subdivision ordinance prohibits the creation of lots with elongated portions designed to achieve the required street frontage (pipestems). The section states:

17.15.180 Size and shape of residential lots generally.

The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for building. Lots shall not contain peculiarly shaped elongations which are designed solely to provide necessary square footage of area or frontage on a public road and which would be unusable for normal purposes.

A letter from Michael C. Brown requesting the variance and outlining the reasons for the request is attached.

The Reeds own property located at 35 Arlington Street. The property is zoned R-2, Low Density Residential District. The property consists of three separate lots (lot 7, lot 8, and parcel 6), and contains approximately 3.2 acres. The Reeds have submitted a minor subdivision plat to combine lot 8 and parcel 6 to create Lot 8A containing 3.007 acres. Lot 7 would remain a separate lot. If the plat is approved, the area that is currently lot 8 would not meet the minimum lot width

requirements and therefore be unusable as part of the larger proposed lot 8A. It would serve as an elongated portion solely for the purpose of obtaining frontage and access to Arlington Street. Upon review of the plat, staff determined that the new Lot 8A would be a pipestem lot that could not be approved administratively.

Analysis: City staff reviewed the request and has not identified any issues, other than its ineligibility for administrative approval. The R-2, Low Density Residential District allows for one dwelling per lot. If the variance from the subdivision standard is approved, the newly created Lot 8A could be developed with one single-family dwelling and associated accessory buildings.

Parcel 6, as it is currently platted, has frontage on undeveloped Hancock Street and undeveloped Frazier Street. Without a variance, in order for parcel 6 to be developed, one of those two streets would need to be constructed by the developer, inspected by the City Engineer, and then accepted into the City street system. The topography of parcel 6 is challenging. The steep slope limits the number of building sites and developability of the land. When combined with the cost of building a public street, the feasibility of developing the land becomes improbable.

Both lots 7 and 8 are smaller in overall size and width than the current zoning requirements allow and as a result they are both existing nonconforming lots. The lots qualify for an exception in the Zoning Code that, without a variance, would allow each lot to be developed with reduced minimum setbacks for single-family use; however, once lot 8 is combined with the larger parcel 6 to create lot 8A, this narrow strip of land would be unusable for purposes of constructing any structure.

The criteria for approving variances from the Zoning Code are detailed in the Code of Virginia; however, the criteria for approving variances from the Subdivision Ordinance are only regulated by the City's local ordinance. It provides:

Section 17.05.070 Variances from Title Provisions

Where a subdivider can show that a provision of this title would cause an unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent of such provision, the Council, on recommendation of the Commission, may authorize a variance. Any variance thus authorized shall be entered in writing in the minutes of the Council and the reason on which the departure was justified set forth.

In general, a prohibition on pipestem lots is a positive goal for the City. Typically, pipestem lots allow large tracts of land to be subdivided without building streets. While this was once acceptable in an agrarian setting such as a county, in an urban setting, the lack of streets and a developed grid-like pattern can cause difficulty in providing public utilities, traffic control, ease of navigation, and ease of movement for pedestrians. However, in this instance, parcel 6 is unlikely to be developed as it is currently platted. Approval of the plat would allow the land to be developed in a manner that does not negatively impact the area. The issuance of a variance would not permit the construction of additional dwellings. It would merely allow the property owner to construct the dwelling in a more favorable location. The Comprehensive Plan designates the area as Low Density Residential. The proposed division meets and exceeds all the other City Code requirements, including the minimum road frontage. For these reasons, staff recommended to the Planning Commission approval of the request for variance.

Planning Commission Recommendation: At its meeting of September 18, 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 4-0 vote, the Commission unanimously voted to recommend approval of the proposed variance from the requirements of the Subdivision Ordinance.

Attachments:

Attachment 1—Letter from Applicant dated August 25, 2021, plat and plat markup

Attachment 2—Vicinity Map of 35 Arlington St

Attachment 3—Draft Resolution

Suggested Motions (to be made after the public hearing is conducted): I move that Council adopt the resolution and approve the variance from Title 17, Section 17.15.180, as recommended by the Planning Commission.

City Manager: Steven L. Rosenberg

Attachment 1

Michael C. Brown / Architect

11 East Beverley Street/Suite 5, Staunton, VA 24401

E mch_arch@verizon.net

P/F 540.851.0121

August 25, 2021

City of Staunton Planning Commission
116 W Beverley St
Staunton, VA 24401

Re: Request for Subdivision Variance

Members of the Planning Commission,

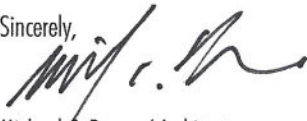
I am writing you on behalf of Aaron and Bithiah Reed, who own the property in the attached plat. It is the Reed's desire to construct a single-family residence on this property. However, the access to the property is quite limited. They also own the parcel labeled Lot 8 on the plat, and would like to use it for access to the larger portion behind it. As you can see in the marked-up copy, this is where the residence would be located.

Using Lot 8 for access brings up several problems, which we are attempting to solve. First, a driveway cannot simply be extended through Lot 8, as without 70 feet of street frontage, the main lot is not usable. In order to solve this problem, we are combining Lot 8 with the main lot as shown, and abandoning the adjacent alley, in order to get as much frontage as possible. However, we have discovered that the alley must be divided equally between Lots 7 and 8, so with the existing 60 feet of road frontage, we will only add an additional 7'-6" for a total of 67'-6". The problem is that we need 70 feet of frontage in order to avoid the access being defined as a pipe stem lot, which is not allowed per the subdivision ordinance.

Thus, we are hereby asking for a variance to allow an access driveway through the former Lot 8, with the frontage of 67'-6" to the main lot in the rear. We believe this is a minor deviation from the subdivision ordinance, and it applies only to this peculiar situation. The difference is only 2'-6". The frontage for the former Lot 8 will be similar, and in fact, greater, than some of the other lots on Arlington Street, so this lot adheres to the spirit of the ordinance, which is to prohibit very narrow access points which are out of sync with typical lots in a neighborhood. The appearance from Arlington Street will be that of a landscaped lot with a driveway, of a typical size of the other lots on the street. Finally, without this access, it will be very difficult to use the larger main lot, as there is no other easy access to it. This is the hardship.

Thank you for your time in reviewing this matter. We look forward to a resolution of the problem.

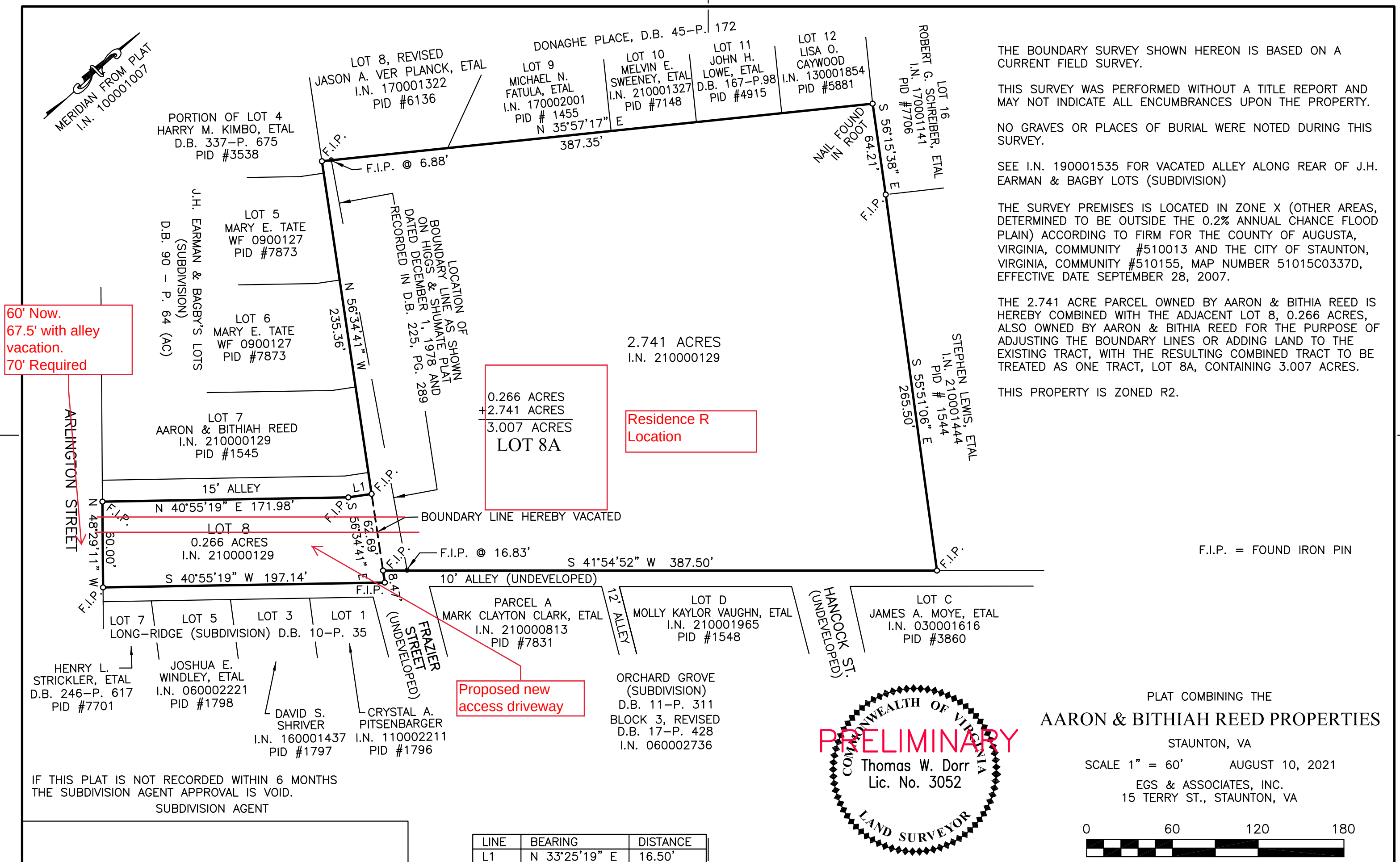
Sincerely,



Michael C. Brown / Architect

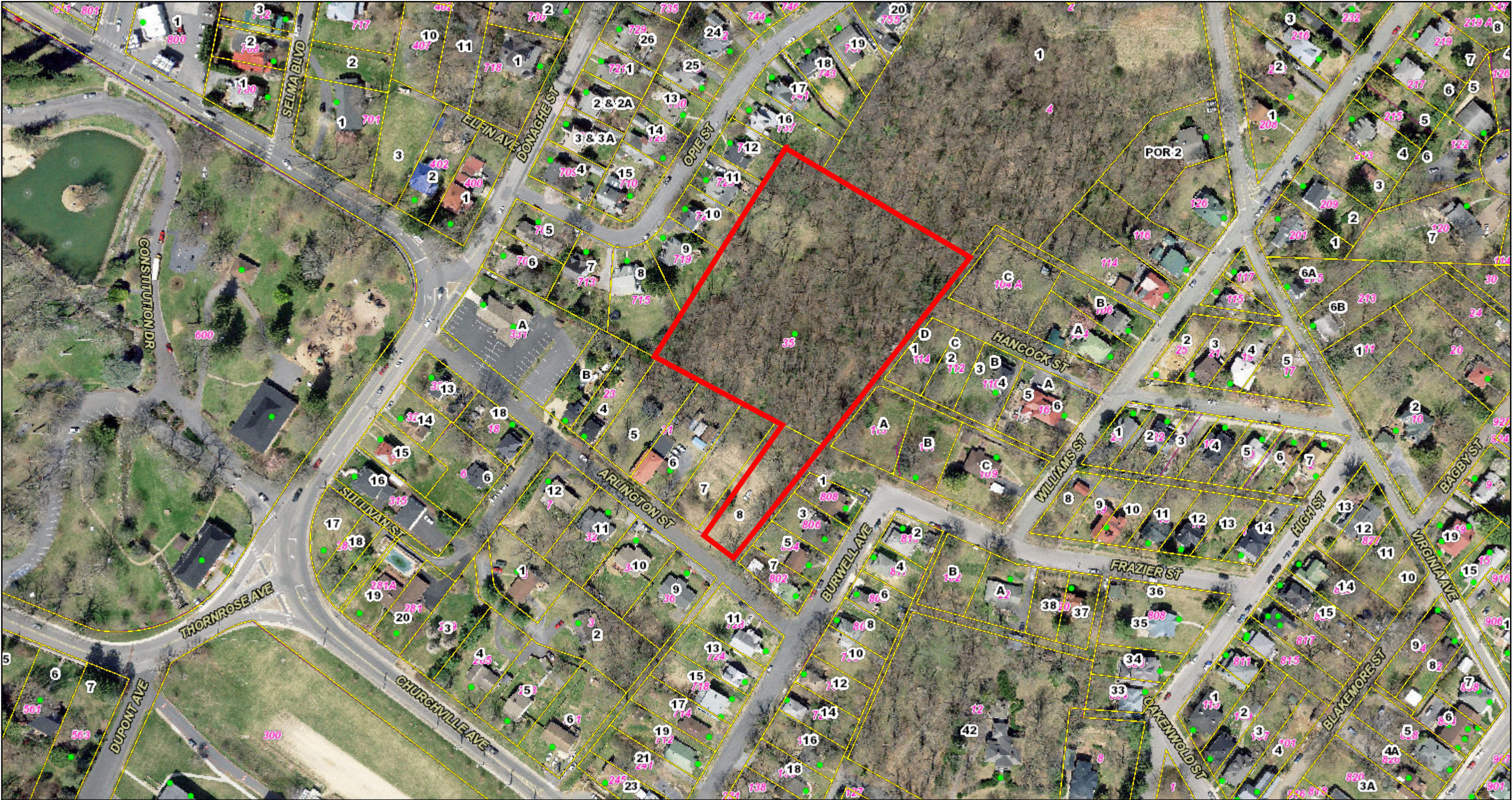


LINE	BEARING	DISTANCE
L1	N 33°25'19" E	16.50'



Vicinity Map of 35 Arlington St

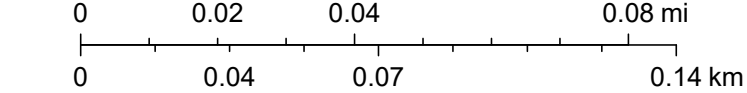
Attachment 2



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| Lot_Numbers | AddressPoints | 2018Image.tif | Blue: Band_3 |
| City Limits | Point_of_Interests | Red: Band_1 | |



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**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO GRANT A VARIANCE FROM THE CITY OF
STAUNTON SUBDIVISION ORDINANCE FOR A
PARCEL LOCATED AT 35 ARLINGTON STREET**

Recitals

WHEREAS, Title 17 of the Staunton City Code (“SCC”) establishes the subdivision standards for the City of Staunton, Virginia (“the City”); and

WHEREAS, SCC Section 17.15.180 prohibits subdivision lots with “peculiarly shaped elongations”; and

WHEREAS, Aaron and Bithiah Reed (“the Reeds”) desire to build a single family residence at 35 Arlington Street in the City; and

WHEREAS, in order to construct a single family residence at 35 Arlington Street (Parcel Identification Number 1545), the Reeds will need to obtain approval of a minor subdivision plat; and

WHEREAS, the Reeds’ proposed minor subdivision plat contains a peculiarly shaped elongation; and

WHEREAS, Staunton City Code Section 17.05.070 permits the Staunton City Council to authorize a variance to the provisions of Title 17 of the Staunton City Code; and

WHEREAS, the minor subdivision plat does not create any additional lots, but merely combines two existing nonconforming lots, a departure may be made without destroying the intent of such provision of Title 17 of the Staunton City Code; and

WHEREAS, the Staunton Planning Commission conducted a hearing on the Reeds’ variance request at the Commission’s September 16, 2021 meeting and recommended the granting of the variance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that pursuant to Staunton City Code Section 17.05.070, a variance from the requirements of Staunton City Code Section 17.15.180 is granted to the Reeds for the property located at 35 Arlington Street, Staunton, Virginia.

47 Adopted this ____ day of _____, 2021.

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52 Attest: _____

53 Morgan C. Smith, Interim Clerk of Council

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Andrea W. Oakes, Mayor

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	John C. Blair, II City Attorney
Item #	E	
Ordinance #		
Department:	City Attorney	
Council Vision:	Responsive, Efficient Government	
Subject:	An Ordinance to Amend Section 5.20.220, Issuance of License, of Chapter 5.20, Precious Metals and Gems and Pawnbrokers, of Title 5, Business Licenses and Regulations, of the Staunton City Code to Conform with the Code of Virginia	

Background: The City Attorney's office continues its ongoing effort to address Staunton City Code updates and to propose amendments as necessary or appropriate. While reviewing Staunton City Code Section 5.20.220, it was noted that the minimum amount for a bond with surety or letter of credit for individuals engaging in the business of a pawnbroker does not conform with the Code of Virginia. The attached ordinance reflects the corrected language to align the City's code with the Code of Virginia.

Virginia Code Section 54.1-4003 requires that individuals licensed as a pawnbroker or engaging in the business of a pawnbroker must have a bond with a surety in the amount of \$50,000.

Attachments:

Attachment 1—Proposed Ordinance

Attachment 2—Virginia Code Section 54.1-4003

City Manager's Recommendation: Adopt the proposed ordinance, as presented, to conform the Staunton City Code with the Code of Virginia.

Suggested Motion: I move that City Council adopt the proposed ordinance that would amend Section 5.20.220, Issuance of License, of Chapter 5.20, Precious Metals and Gems and Pawnbrokers, of Title 5, Business Licenses and Regulations, of the Staunton City Code as indicated in the proposed ordinance to conform with the language with the Code of Virginia.

City Manager: Steven L. Rosenberg

Ordinance No. 2021 - _____

**AN ORDINANCE AMENDING, RESTATING AND REORDAINING
SECTION 5.20.220, ISSUANCE OF LICENSE, OF CHAPTER 5.20, PRECIOUS
METALS AND GEMS AND PAWNBROKERS, OF TITLE 5, BUSINESS
LICENSES AND REGULATIONS, OF THE STAUNTON CITY CODE, TO
AMEND THE BOND REQUIREMENT ON PAWNBROKERS IN ORDER TO
CONFORM WITH THE CODE OF VIRGINIA**

Recitals

A. As part of City staff's ongoing review of the Staunton City Code (SCC), it has been ascertained that SCC Section 5.20.220 merits amendment to conform with the Code of Virginia;

A. Localities are authorized to issue licenses allowing individuals to engage in the business of a pawnbroker;

B. Pursuant to § 54.1-4003 of the Code of Virginia, no person "shall be licensed as a pawnbroker or engage in the business of a pawnbroker without having in existence a bond with surety in the minimum amount of \$50,000 to secure the payment of any judgment recovered;"

C. The City Council finds that it is in the interest of the City and its citizens to amend the SCC provision relating to the minimum amount for a bond with surety or letter of credit for individuals engaging in the business of a pawnbroker to conform 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 5.20.220, Issuance of License, of Chapter 5.20, Precious Metals and Gems and Pawnbrokers, of Title 5, Business Licenses and Regulations, of the Staunton City Code be and hereby is amended as follows:

5.20.220 Issuance of license.

The license authorized by the circuit court for the city of Staunton may be issued by the commissioner of revenue for the city of Staunton, Virginia, upon the following conditions:

(1) The applicant shall furnish the date of birth of the applicant.

DRAFT 10.14.21

(2) The applicant shall designate the location of the building wherein the business shall be conducted.

(3) The applicant, at the time of obtaining such license, shall enter a recognizance to the city of Staunton secured by corporate surety authorized to do business in the commonwealth of Virginia, in the penal sum of ~~\$2,500~~\$50,000 conditioned upon the due observance of the terms of Section 54.1-4000 through and including Section 54.1-4014 of the Code of Virginia, as amended. In lieu of a bond, the applicant may cause to be issued by a bank authorized to do business in the commonwealth of Virginia a letter of credit in favor of the city of Staunton, conditioned as aforesaid, in the same penal amount. The bond, or letter of credit, set forth herein shall be kept in force and effect during all times that said business is conducted, and evidence of this shall be furnished to the commissioner of revenue upon request. Any person who has previously obtained a license to operate a pawnbroker business who has not posted the bond or letter of credit required hereunder shall be required to post such bond or letter of credit prior to the continuation of such business under the license previously issued.

In all other respects, the provisions of Chapter 5.20, Precious Metals and Gems and Pawnbrokers, of Title 5, Business Licenses and Regulations, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:

Effective Date:

Andrea W. Oakes, Mayor

ATTEST:

Morgan Smith, Interim Clerk of Council

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle V. Occupations Regulated by Local Governing Bodies

Chapter 40. Pawnbrokers

§ 54.1-4003. Bond required; private action on bond

A. No natural person shall be licensed as a pawnbroker or engage in the business of a pawnbroker without having in existence a bond with surety in the minimum amount of \$50,000 to secure the payment of any judgment recovered under the provisions of subsection B.

B. Any person who recovers a judgment against a licensed pawnbroker for the pawnbroker's misconduct may maintain an action in his own name upon the bond of the pawnbroker if the execution issued upon such judgment is wholly or partially unsatisfied.

Code 1950, § 54-845; 1988, c. 765; 1998, c. [848](#); 2019, c. [238](#).

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

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 14, 2021	City Council Steven L. Rosenberg City Manager Leslie Beauregard Assistant City Manager
Item #	H	
Ordinance #		
Department:	City Council City Manager	
Council Vision:	Responsive, Efficient Government	
Subject:	Staunton City Council Retreat Report	

Background: On August 10 and 11, 2021, City Council conducted a retreat, facilitated by Kimball Payne and Michael Gillette. Council received and approved the minutes of the retreat at its September 9, 2021 regular meeting. Staff subsequently synthesized the elements of the retreat as reported in the minutes into a summary document, a City Council Retreat Report, included as Attachment 1 to this briefing. The report was discussed at Council's work session on September 23, 2021. Consideration of the retreat report is scheduled for October 14, 2021.

Attachments:

Attachment 1—City Council Retreat Report

Attachment 2—City Council Retreat Report Presentation

City Manager's Recommendation: Adopt the vision, values, strategic areas and actions as contained in the attached report.

Suggested Motion: I move that City Council adopt the Staunton City Council Retreat Report, including its vision, values, strategic areas and actions.

City Manager: Steven L. Rosenberg

City Council Retreat Report

Strategic Areas

Actions

Infrastructure	1. Use of ARPA funds and other federal/state assistance	Accountability	Measure
	<i>Through the American Rescue Plan Act (ARPA), the City will receive \$12.9M in federal funds to address the negative impacts of the COVID-19 health pandemic.</i>	City Manager's Office Finance	Quarterly reports; other measures of impact TBD
		Est. Cost	Est. Timeline
		Total ARPA funds received = \$12.9M; % of this to be dedicated to city infrastructure will be determined	Funds obligated by end of 2024
	2. Stormwater Management	Accountability	Measure
	<i>In response to the devastating flooding in August of 2020 that resulted in 166 reports of damage estimated at \$3.1 million, City staff has since been working on a flood mitigation strategy. The first step was the study by Wiley Wilson on which Council was briefed at its meeting on May 27, 2021. City Council was again briefed on August 26, 2021, were presented with several recommendations by staff, and provided feedback and approval to move forward with those recommendations.</i>	Public Works Community Development	TBD
		Est. Cost	Est. Timeline
		For all recommendations approximately \$8M to implement; ongoing costs TBD	TBD and depending on recommendation
Economic Development	1. Review Corridor Overlay	Accountability	Measure
	<i>City Council to provide input concerning corridor overlay regulations.</i>	Community Development	TBD
		Est. Cost	Est. Timeline
		TBD	December 2021
	2. Economic Development Incentive Philosophy and Program	Accountability	Measure
	<i>Review the existing information on the city's incentive programs and whether these can be improved and adjusted based on other best practices.</i>	Economic Development	TBD
		Est. Cost	Est. Timeline
		TBD	September 2022

Strategic Areas**Actions****Responsive, Efficient Government****1. Staff training and development**

Ongoing training and development is critical to a well informed and prepared city workforce, City Council and community.

Accountability

All departments

Measure

TBD

Est. Cost

Varies on training and development opportunities

Est. Timeline

Ongoing

2. Employees reflecting the community they serve

The City should strive to utilize recruitment processes and grow a workplace culture that attracts a diverse applicant pool and reflects the community that is being served.

Accountability

All departments

Measure

Census data of general population and demographics; demographic data of City of Staunton employees and job candidates

Est. Cost

TBD

Est. Timeline

Ongoing

West End**1. Small Area Plan for the West End**

A Small Area Plan would help to define the vision of the West End.

Accountability

Community Development
Finance

Measure

TBD

Est. Cost

\$50,000 to \$100,000

Est. Timeline

FY2023

2. Marketing

Targeted marketing for the West End businesses would be beneficial for that area of the city.

Accountability

TBD

Measure

TBD

Est. Cost

TBD

Est. Timeline

Ongoing

3. Wayfinding signs

Targeted wayfinding for the West End businesses would be beneficial for that area of the city.

Accountability

TBD

Measure

TBD

Est. Cost

TBD

Est. Timeline

Ongoing

Strategic Areas**Actions****Built Environment****1. New police department space needs analysis**

Staff will conduct, through an RFP, a space needs analysis that will then inform decisions about department facilities.

Accountability

Police
City Manager's Office
Public Works

Measure

TBD

Est. Cost

TBD

Est. Timeline

FY2023

2. Fire department facilities

Staff will conduct, through an RFP, a space needs analysis that will then inform decisions about department facilities.

Accountability

Fire and Rescue
Finance
City Manager's Office
Public Works

Measure

TBD

Est. Cost

TBD

Est. Timeline

FY2023

3. Streetscape plan

Staff will update City Council on the elements of the plan not yet completed; those elements included in the current capital improvement plan (CIP); the cost of each element included in the CIP; and a rough cost estimate for each element not included in the CIP.

Accountability

Community Development
Public Works
Finance

Measure

TBD

Est. Cost

TBD

Est. Timeline

TBD but for FY2023
potentially

4. Schools and public works facilities

The joint workgroup of City Council, School Board and city and school staff have been meeting and working through this issue to arrive at possible approaches to the immediate needs of the schools to vacate space at Shelburne Middle School and to address space needs of the city and schools.

Accountability

Public Works
City Manager's Office

Measure

TBD

Est. Cost

TBD

Est. Timeline

March 2022

5. Citywide space needs analysis and plan

Public Works is currently leading an assessment of present and future space needs of city departments. Once that is completed staff will develop a plan to address those needs with the possibility of expansion of space in partnership with the schools.

Accountability

Public Works
Impacted departments

Measure

TBD

Est. Cost

TBD

Est. Timeline

March 2022

Other Actions Not Aligned with a Strategic Area

1. Provide City Council with a briefing for a potential regional public safety answering point (PSAP) by early 2022.
2. Conduct a pre-budget work session with City Council in January to review financials, budget projections, and budget priorities for FY2023.
3. Consideration of the separation of the Director of Economic Development and Director of Community Development positions as part of the FY2023 budget.
4. Include specific references to the West End redevelopment in City planning documents.
5. Continue to participate in regional public transit initiatives.
6. Consider the development and adoption of comprehensive rules of procedure for Council meetings.
8. Review the organizational structure and revise as appropriate to better achieve Council's goals.
9. Develop a process and dashboard of important benchmarks for City projects.
10. Provide semi-annual reports on the progress related to Council initiatives and other City projects and programs.



Staunton City Council Retreat Report

September 23, 2021

Presented by the City Manager's Office



A culturally rich, historic city
with an exciting future of
innovation, growth and
resilience.

You belong here!

Vision

Operating Principles/Values Δ Values

- Open, honest communications ●
- Listen ●
- Respect different opinions ●
- Fiscally responsible ●
- Community engagement ●
- Respect diversity ●
- Politeness ●
- Environmentally conscious ●
- Integrity ●
- Trust ●
- Ongoing education & development ●

Integrity

Inclusion + Equity

Excellence

Engagement

Environmentally Conscious



Strategic Areas

Actions

Infrastructure

1. Use of ARPA funds and other federal/state assistance	Accountability	Measure
	Est. Cost	Est. Timeline
<i>Through the American Rescue Plan Act (ARPA), the City will receive \$12.9M in federal funds to address the negative impacts of the COVID-19 health pandemic.</i>	City Manager's Office Finance	Quarterly reports; other measures of impact TBD
	Total ARPA funds received = \$12.9M; % of this to be dedicated to city infrastructure will be determined	Funds obligated by end of 2024
2. Stormwater Management	Accountability	Measure
	Est. Cost	Est. Timeline
<i>In response to the devastating flooding in August of 2020 that resulted in 166 reports of damage estimated at \$3.1 million, City staff has since been working on a flood mitigation strategy. The first step was the study by WileyWilson on which Council was briefed at its meeting on May 27, 2021. City Council was again briefed on August 26, 2021, were presented with several recommendations by staff, and provided feedback and approval to move forward with those recommendations.</i>	Public Works Community Development	TBD
	For all recommendations approximately \$8M to implement; ongoing costs TBD	TBD and depending on recommendation

Infrastructure



1. Use of ARPA funds and other federal/state assistance*
2. Stormwater management

*Staff will provide a recommendation tonight about a public engagement strategy

Economic Development



1. Corridor overlay review
2. Economic development incentive philosophy and program

Responsive, Efficient Gov't



1. Staff training + development
2. Employee demographics reflecting the community they serve

West End

1. Small area plan
2. Marketing
3. Wayfinding signs

Built Environment

1. Police dept. space needs
2. Fire dept. facility
3. Streetscape plan
4. Schools + PW facilities
5. Citywide space needs analysis and plan



Other Actions Identified

1. Hold pre budget work session/mini retreat in January 2022
2. Provide briefing on potential for developing regional public safety answering point (PSAP) – early 2022
3. Explore Econ. Dev. Director and Comm. Dev. Director as separate in FY2023 budget
4. Review staffing needs - FY2023
5. Include references to West End in city planning documents
6. Continue to participate in regional public transit initiatives
7. Development/adoption of comprehensive rules of procedure for Council meetings

Implementation

- Team approach to help achieve the Strategic Areas and Actions
 - ✓ Review organizational structure and revise as appropriate

- 
- A horizontal decorative bar composed of several colored segments: purple, olive green, blue-grey, grey, yellow, maroon, dark blue, tan, teal, and olive green.
- Semi-Annual Reporting on progress of Plan
 - Benchmarks/Dashboards
 - Annual Retreat