Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
November 11, 2021
5:00 p.m.

5:00 p.m.	**1.**	**Consideration of Work Session and Regular Meeting Agendas**
5:10 p.m.	**2.**	**Presentation by Shenandoah Valley Regional Airport**
5:25 p.m.	**3.**	**Shenandoah Community Capital Fund Annual Report**
5:40 p.m.	**4. & G**	**Discussion of Approval of Opioid Settlement Claims and a Memorandum of Understanding to Establish the Virginia Opioid Abatement Fund and Settlement Allocation**
5:55 p.m.		**Break**
6:15 p.m.	**5.**	**Discussion of 2022 Legislative Program**
6:35 p.m.	**6.**	**Roll Call**
6:45 p.m.	**7.**	**Closed Meeting for 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 Court Facilities**
7:15 p.m.		**Break**

Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
November 11, 2021
7:30 p.m.

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Darby

Mayor's Report

Proclamation—Small Business Saturday

Proclamation—Veterans Day

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of October 28, 2021

REGULAR MEETING

A. Presentation of Certificate of Appreciation to Colton Lotts, Staunton Fire and Rescue, and to Recognize the Efforts of the City of Staunton by Central Shenandoah Health District/Virginia Department of Health

B. Public Hearing and Consideration of a Request by Aaron and Bithiah Reed to Vacate and Abandon All of the Remaining Portion of a 15-foot-wide Alley Extending from Arlington Street Between Lots 7 and 8 of the of J.H. Earman and S.N. Bagby's Lots (Subdivision)*

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

D. Public Hearing and Consideration of a Request by Staunton/Augusta YMCA for a Special Use Permit for 575 New Hope Road (PIN #10377) Under the Provisions of Subsection 18.20.030(9),

Uses Permitted on Review, of Chapter 18.20, R-1, Low Density Residential District, of Title 18, Zoning, of the Staunton City Code*

E. Presentation of Quarterly Financial Report

F. Discussion of FY2021 End of Year General Fund Financial Overview and Fund Analysis

G. Consideration of Approval of Opioid Settlement Claims and a Memorandum of Understanding to Establish the Virginia Opioid Abatement Fund and Settlement Allocation

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, Virginia

Meeting Date:	**November 11, 2021**	**City Council**
Item #	**1**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Values: Integrity Engagement**	
Subject:	**Work Session and Regular Meeting Agendas**	

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

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

City Manager: Steven L. Rosenberg

Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
November 11, 2021
5:00 p.m.

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Matters from the City Manager

Matters from the Public*

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CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 11, 2021**	**Steven L. Rosenberg City Manager**
Item #	**2**	
Department:	**City Manager's Office**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Engagement**	
Subject:	**Shenandoah Valley Regional Airport**	

Background: Greg Campbell, Executive Director of the Shenandoah Valley Regional Airport Commission, will attend the work session to update Council on recent developments at the airport. He will be joined by Commissioner of the Revenue Maggie Ragon, the city's appointee to the commission.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 11, 2021**	**Steven L. Rosenberg City Manager**
Item #	**3**	
Department:	**City Manager**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Engagement**	
Subject:	**Shenandoah Community Capital Fund Annual Report**	

Background: Debbie Irwin, Executive Director of Shenandoah Community Capital Fund (SCCF), will present SCCF's annual report for fiscal year 2021. The report is attached to this agenda briefing.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg















Introducing the…
SHENANDOAH COMMUNITY CAPITAL FUND

SCCF
CAPITAL • SUPPORT • COMMUNITY

Understanding the Impact of SCCF
New name, bigger impact,
same mission to serve and support entrepreneurs.

NOTES FROM OUR CLIENTS

“I'm so grateful for this whole experience. Every person involved has just been incredible”

- Mark, American Parkour



“SCCF provided one of our start-up loans so we could start our facility. More importantly, it connected us to the local entrepreneurial community.”

- Eric, Black Bear Composting



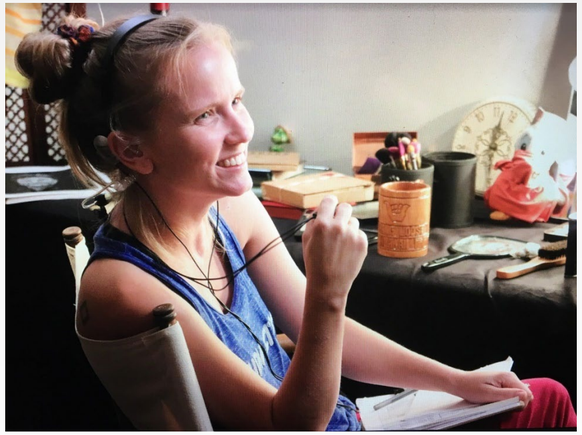
“Without SCCF, I wouldn’t be at my business valuation, I wouldn’t have gotten a very large contract. I wouldn’t have been how successful we have been for the last couple months.”

- Sean, Panoramic Infosec



“I credit Staunton Creative Community Fund with helping turn our business from a side project into a full-time job..”

- Lysandra, Deep Structure Productions



STAUNTON COVID RELIEF LOAN FUND AND FLOOD RELIEF FUND

$100K

IN COVID RELIEF LOANS DISPERSED TO STAUNTON BUSINESSES

18

STAUNTON BUSINESSES FUNDED

$171K

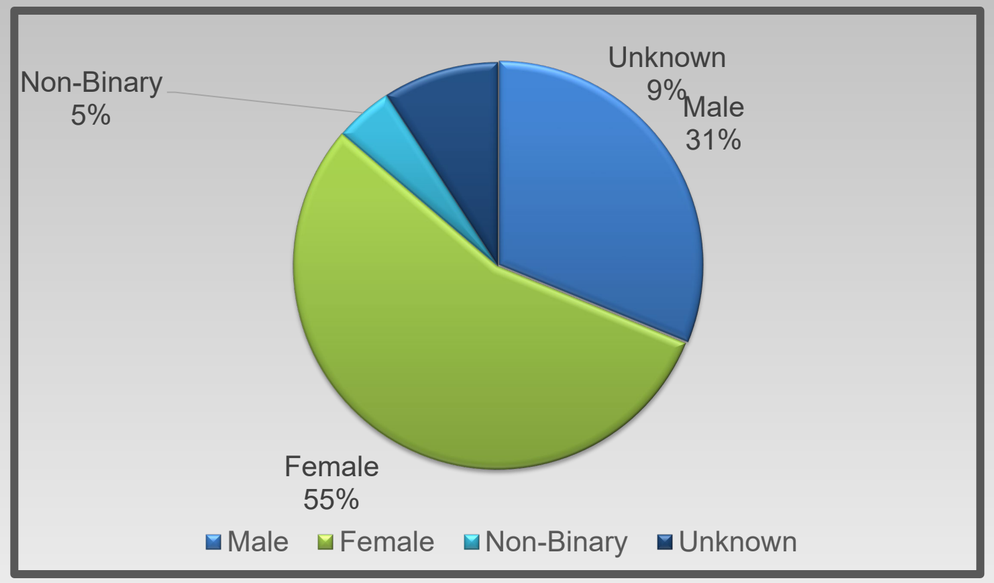
IN FLOOD RELIEF DONATIONS RAISED TO SUPPORT REBUILDING

27

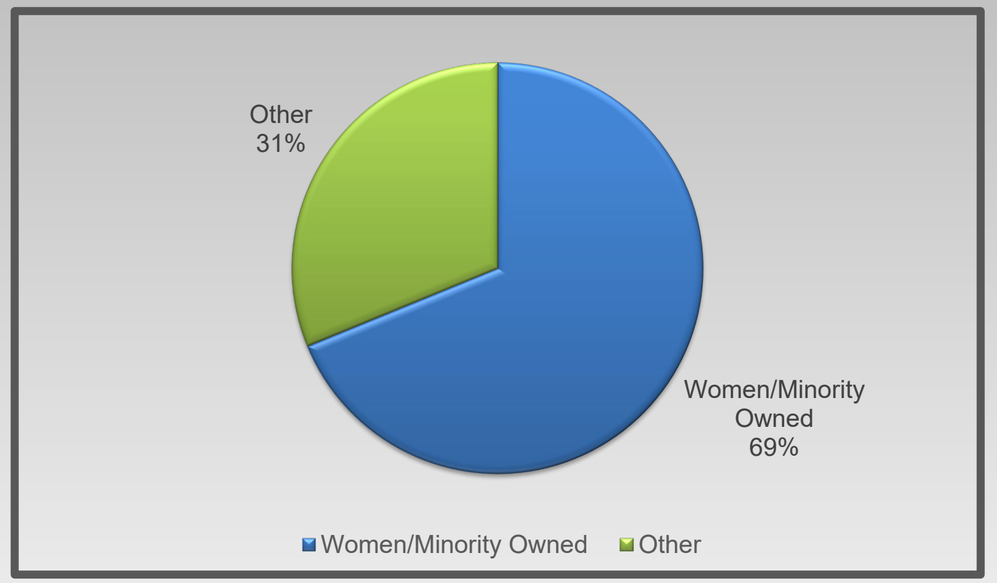
DOWNTOWN STAUNTON BUSINESSES SUPPORT IN THEIR REBUILDING EFFORTS

UNDERSTANDING THE CLIENTS SCCF SERVES

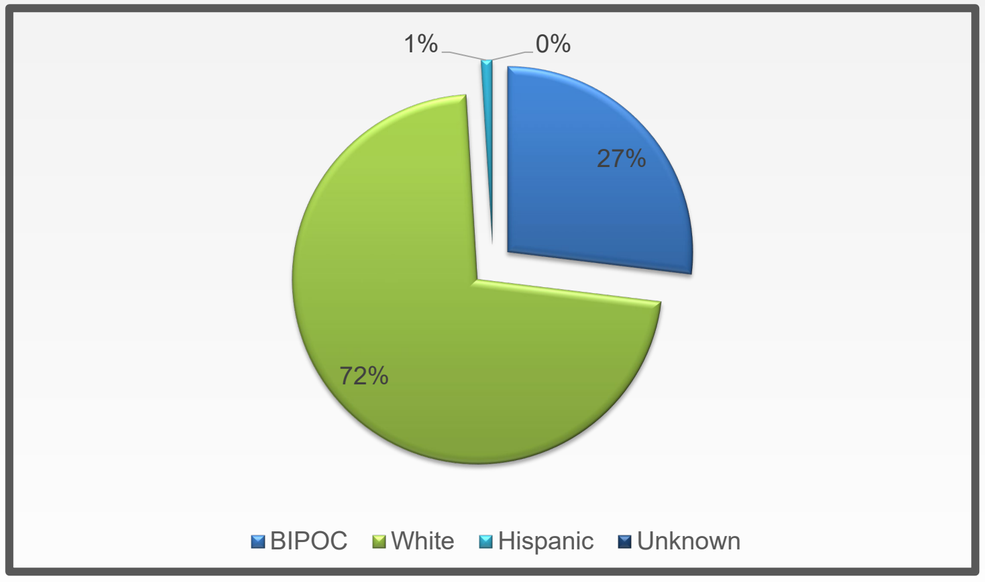
In the following slides, we'll be going over the programs that SCCF conducts as well as the client demographics of those we serve. The $20,000 that the City of Staunton invests into SCCF directly impacted the new S2V program. One major noteworthy item from that program is the City of Staunton's investment support Sean Zirkle with Panoramic Infosec. Sean ability to participate in S2V led to over $12 million in revenue and the creation of 42 jobs. The biggest need we are seeing with a success like this, is talent recruitment and retention. Great things are happening in the region with workforce development, but there is still room for growth around skills development.



GENDER DISTRIBUTION



WOMEN/MINORITY OWNED BUSINESSES



ETHNICITY DISTRIBUTION

37

AVERAGE AGE OF A CLIENT

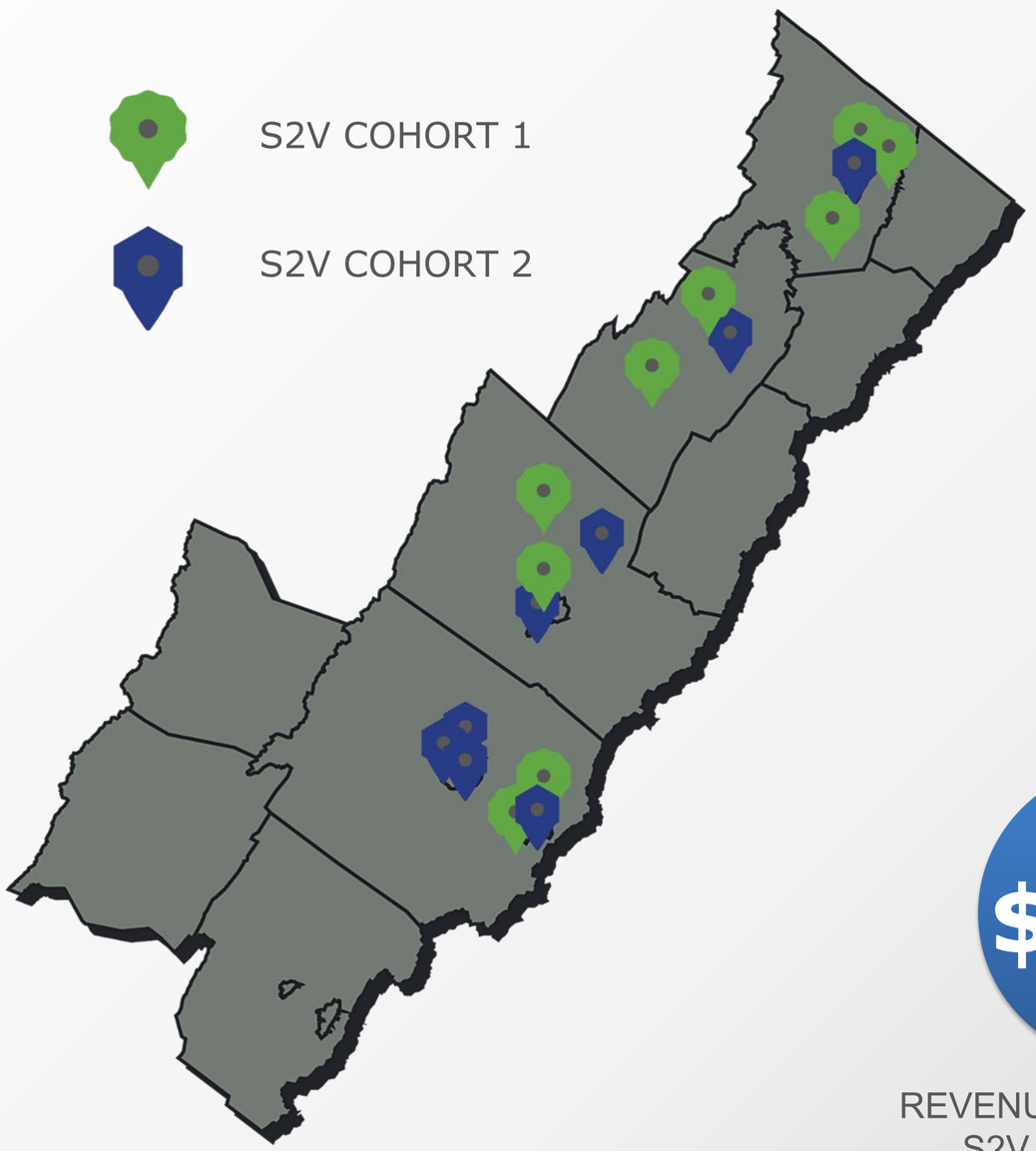
3%

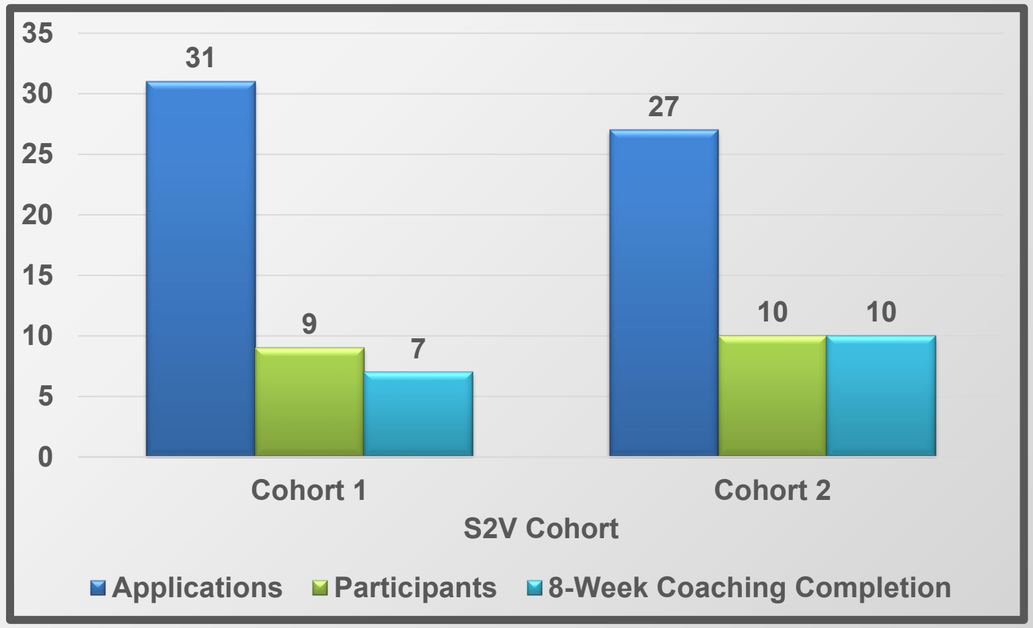
% OF VETERAN OWNED BUSINESSES

STARTUP SHENANDOAH VALLEY (S2V)

Startup Shenandoah Valley (S2V) is the newest program of SCCF. The program is designed to help rural entrepreneurs accelerate their businesses to produce more revenue and high-wage jobs.

In terms of data for S2V, we specifically pay attention to demographics, location of the business, number of mentors engaged in the program, number of applications submitted, number of jobs created, amount of revenue generated by the businesses, and amount of investment into the S2V participants.





APPLICATION/PARTICIPATION IN S2V

$13M

REVENUE GENERATED BY S2V PARTICIPANTS

46

NUMBER OF JOBS CREATED BY S2V COMPANIES

34

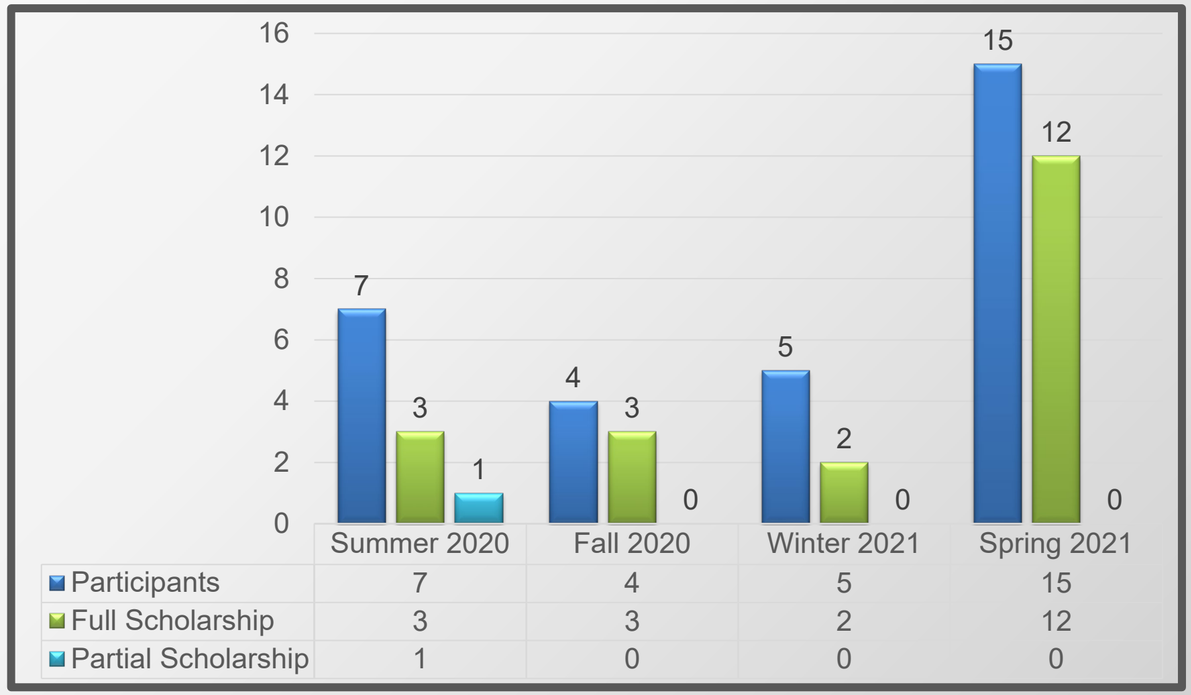
NUMBER OF MENTORS IN THE NETWORK

BUSINESS BOOTCAMP

Business Bootcamp is the original program of SCCF. This program helps entrepreneurs dip their toes in the world of entrepreneurship. It helps to validate idea and develop the foundations business owners need to be successful. This past year, we increased our focus on women and entrepreneurs of color. Scholarship money was raised through the generous support of a Staunton private donor, AT&T, and the JustPax Fund. These investments helped over 25 entrepreneurs gain access to the information they needed to start, sustain, or grow their business.

We also partner with other localities to offer Business Bootcamp across the region. This year we have and will partner with Lexington and Shenandoah County.





BUSINESS BOOTCAMP PARTCIPATION AND SCHOLARSHIP USE

20

FULL SCHOLARSHIPS FUNDED BY SCCF SPONSORS

87%

SPRING 2021 COHORT IS 87% WOMEN & 34% BIPOC

9

GUEST INSTRUCTORS HAVE PARTICIPATED IN ALL 4 COHORTS

FUTURE GROWTH

Build to Scale

- $750,000
- 3-year term
- Develops and Implements a database of ecosystem resources to help entrepreneurs get easier access to the support
- Researches, develops and creates additional programs to support tech and tech-enables companies
- Builds a regional coalition whose mission is to create a common language around entrepreneurship and produce a strong storytelling strategy for the region’s entrepreneurial activity

Community Navigator

- $1,000,000
- 2-year term
- Fund 5 partner organizations at $100,000 to further support women entrepreneurs and entrepreneurs of color
- Trains other ecosystem builders on effective community strategy and supports further development of the entrepreneurial ecosystem

THANK YOU

A big thank you to the City of Staunton for your ongoing support of SCCF. These past 2 years have been years of incredible growth for SCCF. With the support of localities like the City of Staunton, we can build a more vibrant entrepreneurial ecosystem and see more business growth and stability across the Shenandoah Valley. A special thank you to the Staunton EDA Board for the support of the Build to Scale grant that was awarded to SCCF on September 30, 2021.

CITY COUNCIL

AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**November 11, 2021**	**John C. Blair, II City Attorney**
Item #	**4 & G**	
Department:	**City Attorney**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence**	
Subject:	**Approval of Opioid Settlement Claims and Memorandum of Understanding to Establish the Virginia Opioid Abatement Fund and Settlement Allocation**	

Background: A number of legal claims were initiated against various manufacturers and distributors of opioid pharmaceuticals. The Office of the Virginia Attorney General was among the entities initiating litigation against entities in the opioid pharmaceutical supply chain.

As a result of the litigation, one manufacturer (Janssen) and three distributors (McKesson, Cardinal Health, and AmerisourceBergen) of opioid pharmaceuticals have agreed to a $26 billion national settlement which includes the potential distribution of up to $530 million to Virginia and its localities. The settlement would resolve all claims that settlement participants could have against Janssen, McKesson, Cardinal Health, and AmerisourceBergen arising out of the manufacture and distribution of opioid pharmaceuticals. Virginia's portion of the settlement funds and the distribution of the funds is the subject of a Memorandum of Understanding between the Office of the Virginia Attorney General and Virginia localities. The proposed settlements provide for payments to the Commonwealth of Virginia to be allocated to localities in accordance with the Memorandum of Understanding.

The amount of funds that Virginia receives is contingent upon how many localities agree to participate in the settlements and the Memorandum of Understanding.

If the Council agrees to participate in the settlements, the City will receive some funds in the form of a direct payment from the Office of the Attorney General. Additionally, the City will have the opportunity to receive funds from the Opioid Abatement Authority established at the 2021 Session of the Virginia General Assembly as a result of the settlements.

In order to participate in the settlements, the Council must approve resolutions agreeing to the settlements as well as to the Memorandum of Understanding's terms by January 2, 2022.

Attachments:

Attachment 1— Draft Resolution Approving of the City's Participation in the Proposed Settlement of Opioid-Related Claims Against McKesson, Cardinal Health, AmerisourceBergen and Janssen

Attachment 2— Draft Resolution Approving of the City's Participation in the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding

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

Suggested Motion: I move that the Staunton City Council adopt the resolution approving settlements with opioid pharmaceutical supply chain participants and the resolution approving participation in the memorandum of understanding with the Virginia Attorney General, as presented

City Manager: Steven L. Rosenberg

RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

Recitals

A. The opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services;

B. The Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff attention and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia;

C. Settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to $26 billion nationwide to resolve opioid-related claims against them; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that it **APPROVES** of the City's participation in the proposed settlements of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and **DIRECTS** the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.

Adopted this _____day of _____, 2021.

_____
Andrea W. Oakes, Mayor

Attest: _____
Morgan Smith, Interim Clerk of Council

DRAFT

RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
APPROVING OF THE CITY'S PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING ("MOU") AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE MOU

Recitals

A. The opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services;

B. The Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff attention and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia;

C. In order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that it hereby **AUTHORIZES** and **APPROVES** of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") attached hereto and incorporated by reference as Exhibit "A," and further **DIRECTS** the City Attorney to execute the MOU.

Adopted this _____day of _____, 2021.

_____
Andrea W. Oakes, Mayor

Attest: _____
Morgan Smith, Interim Clerk of Council

DRAFT

VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

4. "Counsel" shall mean the undersigned private attorneys representing the Political Subdivisions.

5. "The Parties" shall mean the Commonwealth of Virginia, the Political Subdivisions, and Counsel.

6. "Negotiating Committee" shall mean a three-member representative group of the Parties. The Commonwealth shall be represented by the Virginia Attorney General or his designees. The Political Subdivisions and Counsel shall be represented by W. Edgar Spivey of Kaufman & Canoles, P.C. or his designee, and J. Burton LeBlanc of Baron & Budd, P.C. or his designee.

7. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant named in Complaints filed by all the Political Subdivisions in court on or before April 30, 2020 when that resolution has been jointly entered into by the Commonwealth, the Political Subdivisions, and Counsel. "Settlement" also shall include the approval by a United States Bankruptcy Court of a plan of reorganization or liquidation of a Pharmaceutical Supply Chain Participant, or any other determination, ruling, or decision by a United States Bankruptcy Court, in which legal or equitable claims against the Pharmaceutical Supply Chain Participant by the Commonwealth and the Political Subdivisions are settled, adjudicated, released, or otherwise resolved.

8. "Opioid Funds" shall mean monetary amounts obtained through a Settlement as defined in this MOU.

9. "Approved Abatement Purposes" shall mean efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the

opioid epidemic, including but not limited to those efforts described in Section C(4)(a) through (j) of this MOU. In addition, "Approved Abatement Purposes" shall include the types of efforts approved for funding by the Authority that is defined in Section C(1). "Approved Abatement Purposes" also shall include any other abatement or remediation purposes to the extent such purposes are described in a Settlement.

10. "Pharmaceutical Supply Chain" shall mean the process and channels through which opioids or opioid products are manufactured, marketed, promoted, distributed or dispensed.

11. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be initially divided with fifteen percent (15%) going to the Participating Political Subdivisions ("Subdivision Share"), seventy percent (70%) going to the Virginia Opioid Abatement Fund and to other Approved Abatement Purposes as further described herein ("Opioid Abatement Share"), and fifteen percent (15%) going to the Commonwealth of Virginia ("Commonwealth Share").

2. The Subdivision Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

3. In the event a Participating Political Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Participating Political Subdivision shall be redistributed equitably based on the composition of the successor subdivision.

4. The Commonwealth Share shall be deposited to the Attorney General's Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund with moneys transferred to the Commonwealth's General Fund as provided by law. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Commonwealth Share shall be deposited and distributed accordingly.

5. The Opioid Abatement Share of 70% of the Opioid Funds shall be allocated and paid as follows:

   a. Fifty-five percent (55%) of the Opioid Funds shall be allocated and paid to the Virginia Opioid Abatement Fund ("Fund").

   b. Fifteen percent (15%) of the Opioid Funds shall be allocated and paid to the Participating Political Subdivisions and shall be used for Approved Abatement Purposes ("Direct Subdivision Abatement Share"). Upon request, a Participating Political Subdivision shall make publicly available information showing the purposes for which the Participating Political Subdivision used Direct Subdivision Abatement Share funds. The Direct Subdivision Abatement Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who

elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

6. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Subdivision Share and the Commonwealth Share shall be used for Approved Abatement Purposes.

7. To receive funds allocated under this MOU from any Settlement, the Commonwealth and the Participating Political Subdivisions will comply with the terms of any such Settlement, including, among other things, any reporting requirements or restrictions on the use of funds for administrative purposes.

C. Virginia Opioid Abatement Fund and Virginia Opioid Abatement Authority

1. The Parties have sought creation of a Virginia Opioid Abatement Authority ("Authority") through legislation submitted to the Virginia General Assembly, which passed in the form attached hereto as Exhibit B. The Authority shall administer the Fund, which also shall be created through the legislation. The Authority shall seek to abate and remediate the opioid epidemic in Virginia through financial support from the Fund in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in Virginia.

2. The Authority shall be governed by a Board of Directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources, or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a Participating Political Subdivision, to

be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority of an urban or suburban region containing Participating Political Subdivisions and one representative of a community services board or behavioral health authority of a rural region containing Participating Political Subdivisions, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a Participating Political Subdivision, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing City or County Attorney of a Participating Political Subdivision, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

a. The members appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor.

b. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Ex officio members shall serve terms coincident with their terms of office.

c. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.

3. The Authority shall establish specific criteria and procedures for awards from the Fund; establish requirements for the submission of funding requests; evaluate funding requests in accordance with the criteria established by the Authority; make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of minimum percentages of funds that must be awarded to each Participating Political Subdivision; and evaluate the implementation and results of all efforts receiving support from the Authority.

4. The Authority may make grants and disbursements from the Fund that support efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic. Such efforts may include but shall not be limited to the following:

a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies.

b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved, or are at risk of becoming involved, in the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;

e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;

f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;

g. Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;

h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and

j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services.

5. The Authority shall provide financial support only for efforts that satisfy the following conditions:

a. The efforts shall be conducted or managed by a Virginia state agency or Participating Political Subdivision;

b. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;

c. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

d. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

6. The Authority shall give priority to applications for financial support for efforts that:

a. Collaborate with an existing program or organization that has an established record of success treating, preventing or reducing opioid use disorder or the misuse of opioids;

b. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate relative to population;

c. Treat, prevent or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community, as that term is defined in Va. Code § 56-576; or

d. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

7. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

a. Fifteen percent (15%) shall be restricted for use by state agencies;

b. Fifteen percent (15%) shall be restricted for use by Participating Political Subdivisions with these funds distributed in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

c. Thirty-five percent (35%) shall be restricted for use for regional efforts (a partnership of at least two Participating Political Subdivisions within a community services board region); and

d. Thirty-five percent (35%) shall be unrestricted and may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by the Participating Political Subdivisions, or for regional efforts in addition to the amounts set forth in subparagraphs 7(a)-(c), provided that the Authority shall ensure that such funds are used to accomplish the purposes described above or invested as described immediately below.

8. In distributing money from the Fund, the Authority shall balance immediate and anticipated needs with projected receipts of funds in order to best accomplish the purposes for which the Authority is established.

9. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System.

D. Payment of Counsel and Litigation Expenses

1. The Parties anticipate that any national Settlement will provide for payment of all or a portion of the attorneys' fees and litigation expenses of named plaintiff Participating Political Subdivisions. Counsel for any named plaintiff Participating Political Subdivision that seeks to recover attorneys' fees and litigation expenses from Settlement funds shall first seek to recover such fees and expenses from any national Settlement fund established to pay such fees and expenses. For such purposes, the Parties agree that the monetary recoveries obtained via Settlement are attributable to the Commonwealth and the Political Subdivisions 50% each.

2. In addition, the Parties agree that a supplemental attorneys' fees and costs fund (the "Deficiency Fund") will be created; provided, however, that such Deficiency Fund may not violate the terms of any national Settlement. In such event, the Parties

agree to exert diligent efforts to accomplish an alternate arrangement that preserves the payment of counsel and litigation expenses outlined hereunder. Administration of the Deficiency Fund shall be the responsibility of the Political Subdivisions, and the costs of administration may be paid out of the Deficiency Fund.

3. The Deficiency Fund is to be used to compensate counsel for the Participating Political Subdivisions that filed suit on or prior to April 30, 2020. Eligible contingent fee contracts shall have been executed on or before April 30, 2020.

4. The Deficiency Fund shall be funded as follows: from any national Settlement, the funds deposited in the Deficiency Fund shall be 25% of the Subdivision Share and 25% of the Direct Subdivision Abatement Share of each payment (annual or otherwise) that is allocated to the Commonwealth of Virginia (including its political subdivisions) for that Settlement. These funds shall be deposited to the Deficiency Fund prior to distribution to the Participating Political Subdivisions. No portion of the Deficiency Fund shall be drawn from the Commonwealth Share or the Fund.

5. The maximum percentage of any contingency fee agreement permitted for compensation shall be 25% of the portion of the Subdivision Share and the Direct Subdivision Abatement Share attributable to the named plaintiff Participating Political Subdivision that is a party to the contingency fee agreement, plus expenses attributable to that named plaintiff Participating Political Subdivision. Under no circumstances may counsel collect more for its work on behalf of a named plaintiff Participating Political Subdivision than it would under its contingency agreement with that named plaintiff Participating Political Subdivision.

6. To the extent that funds available in the designated amounts or percentages set forth in this Section D are inadequate to fully pay amounts due under contingent fee contracts, funds shall be distributed to private counsel for named plaintiff Participating Political Subdivisions who filed suit and entered into contingent fee contracts prior to April 30, 2020 on a pro rata basis based on the percentage of the total population of named plaintiff Participating Political Subdivisions contained in the named plaintiff Participating Political Subdivision that private counsel represents.

7. Any funds remaining in the Deficiency Fund in excess of the amounts needed to cover private counsel's representation agreements shall revert to the Participating Political Subdivisions and be allocated to the sources from which they derived.

8. Any attorneys' fees related to representation of the Commonwealth of Virginia shall not be paid from the Subdivision Share, the Direct Subdivision Abatement Share, or the Fund but shall be drawn directly from the Commonwealth Share or through other sources. Any payments of attorneys' fees related to representation of the Commonwealth of Virginia from such other sources shall not be deemed Opioid Funds subject to allocation under this MOU.

E. Settlement Negotiations

1. The Negotiating Committee members agree to inform each other in advance of any negotiations relating to any Virginia-only Settlement with a Pharmaceutical Supply Chain Participant that includes both the Commonwealth and its Political Subdivisions and shall provide each other the opportunity to participate in such negotiations.

2. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants. Neither this provision, nor any other, shall be construed to state or imply that the Commonwealth or the Political Subdivisions are unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the Commonwealth's and the Political Subdivisions' efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.

3. As this is a Virginia-specific effort, the Negotiating Committee shall be chaired by the Attorney General or his designee.

4. The Commonwealth of Virginia, the Political Subdivisions, or Counsel may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section E.

5. The obligations in this Section E shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case-specific resolution with that particular Pharmaceutical Supply Chain Participant.

6. Nothing in this MOU alters or changes the right of the Commonwealth or any Political Subdivision to pursue its own claim. The intent of this MOU is to join the Parties to reach a Settlement or Settlements.

Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above MOU, including comments solicited from client Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the Commonwealth and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require acceptance by the Commonwealth of Virginia and the Participating Political Subdivisions.

We, the undersigned, hereby accept the VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING. We understand that the purpose of this MOU is to permit collaboration between the Commonwealth of Virginia and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential Settlement funds obtained under this MOU between the Commonwealth of Virginia and the Participating Political Subdivisions in a manner that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Virginia.

Executed this 20th day of August, 2021.

FOR THE COMMONWEALTH OF VIRGINIA:

Mark R. Herring

MARK R. HERRING
ATTORNEY GENERAL

Executed this 20th day of August, 2021

Signature: _____

Printed Name: W. Edgar Spivey

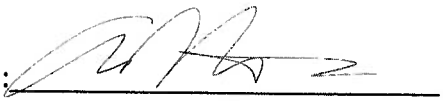
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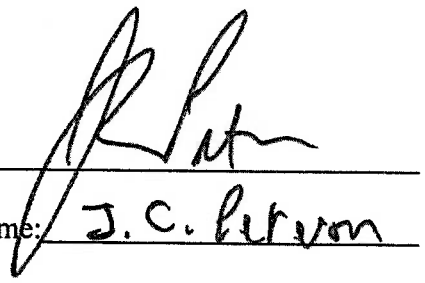
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EXHIBIT A

Table 1: Opioid Settlement Allocations to Counties and Independent Cities

Location	%	Location	%	Location	%
Accomack	0.348%	Franklin City	0.079%	Norton City	0.110%
Albemarle	0.863%	Frederick	1.277%	Nottoway	0.133%
Alexandria City	1.162%	Fredericksburg City	0.524%	Orange	0.638%
Alleghany	0.213%	Galax City	0.139%	Page	0.410%
Amelia	0.100%	Giles	0.409%	Patrick	0.329%
Amherst	0.299%	Gloucester	0.424%	Petersburg City	0.395%
Appomattox	0.133%	Goochland	0.225%	Pittsylvania	0.750%
Arlington	1.378%	Grayson	0.224%	Poquoson City	0.186%
Augusta	0.835%	Greene	0.178%	Portsmouth City	1.937%
Bath	0.037%	Greensville	0.124%	Powhatan	0.262%
Bedford	0.777%	Halifax	0.353%	Prince Edward	0.190%
Bland	0.147%	Hampton City	1.538%	Prince George	0.351%
Botetourt	0.362%	Hanover	1.079%	Prince William	3.556%
Bristol City	0.434%	Harrisonburg City	0.523%	Pulaski	1.061%
Brunswick	0.107%	Henrico	4.473%	Radford City	0.247%
Buchanan	0.929%	Henry	1.220%	Rappahannock	0.091%
Buckingham	0.127%	Highland	0.023%	Richmond	0.084%
Buena Vista City	0.078%	Hopewell City	0.344%	Richmond City	4.225%
Campbell	0.456%	Isle of Wight	0.356%	Roanoke	1.498%
Caroline	0.318%	James City	0.612%	Roanoke City	1.859%
Carroll	0.440%	King George	0.306%	Rockbridge	0.235%
Charles City	0.073%	King William	0.178%	Rockingham	0.614%
Charlotte	0.138%	King and Queen	0.072%	Russell	1.064%
Charlottesville City	0.463%	Lancaster	0.135%	Salem City	0.786%
Chesapeake City	2.912%	Lee	0.556%	Scott	0.421%
Chesterfield	4.088%	Lexington City	0.093%	Shenandoah	0.660%
Clarke	0.125%	Loudoun	2.567%	Smyth	0.592%
Colonial Heights City	0.283%	Louisa	0.449%	Southampton	0.137%
Covington City	0.100%	Lunenburg	0.088%	Spotsylvania	1.417%
Craig	0.070%	Lynchburg City	0.816%	Stafford	1.443%
Culpeper	0.790%	Madison	0.163%	Staunton City	0.440%
Cumberland	0.100%	Manassas City	0.452%	Suffolk City	0.710%
Danville City	0.637%	Manassas Park City	0.095%	Surry	0.058%
Dickenson	0.948%	Martinsville City	0.494%	Sussex	0.081%
Dinwiddie	0.196%	Mathews	0.088%	Tazewell	1.606%
Emporia City	0.050%	Mecklenburg	0.344%	Virginia Beach City	4.859%
Essex	0.101%	Middlesex	0.108%	Warren	0.766%
Fairfax	8.672%	Montgomery	1.205%	Washington	0.996%

Fairfax City	0.269%	Nelson	0.147%	Waynesboro City	0.363%
Falls Church City	0.102%	New Kent	0.156%	Westmoreland	0.223%
Fauquier	1.210%	Newport News City	2.047%	Williamsburg City	0.086%
Floyd	0.182%	Norfolk City	3.388%	Winchester City	0.649%
Fluvanna	0.194%	Northampton	0.122%	Wise	1.756%
Franklin	0.954%	Northumberland	0.129%	Wythe	0.642%
				York	0.561%

EXHIBIT B

Va. Code Ann. § 2.2-2365

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2365. Definitions

As used in this article, unless the context requires a different meaning:

"Authority" means the Opioid Abatement Authority.

"Board" means the board of directors of the Authority.

"Community services board region" means a region as determined by the Department of Behavioral Health and Developmental Services for purposes of administering Chapter 5 (*§ 37.2-500* et seq.) of Title 37.2.

"Fund" means the Opioid Abatement Fund.

"Historically economically disadvantaged community" means the same as such term is defined in *§ 56-576*.

"Local apportionment formula" means any formula submitted to the Attorney General by participating localities pursuant to the provisions of subsection B of *§ 2.2-507.3*.

"Participating locality" means any county or independent city that agrees to be bound by the terms of a settlement agreement entered into by the Attorney General relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and that releases its own such claims.

"Regional effort" means any effort involving a partnership of at least two participating localities within a community services board region.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

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End of Document

Va. Code Ann. § 2.2-2366

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2366. Opioid Abatement Authority established

The Opioid Abatement Authority is established as an independent body. The purpose of the Authority is to abate and remediate the opioid epidemic in the Commonwealth through financial support from the Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

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End of Document

Va. Code Ann. § 2.2-2367

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2367. Board of directors; members

A. The Authority shall be governed by a board of directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a participating locality, to be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority serving an urban or suburban region containing participating localities and one representative of a community services board or behavioral health authority serving a rural region containing participating localities, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a participating locality, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing county or city attorney of a participating locality, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

The member appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor. If the term of the office to which a member appointed pursuant to clause (iii) or (v) was elected expires prior to the expiration of his term as a member of the board, the Governor may authorize such member to complete the remainder of his term as a member or may appoint a new member who satisfies the criteria of clause (iii) or (v), as applicable, to complete the remainder of the term.

B. 1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms.

2. Ex officio members shall serve terms coincident with their terms of office.

C. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board.

D. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business.

E. The Board shall meet annually or more frequently at the call of the chairman.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

EDITOR'S NOTE. --

Acts *2021, Sp. Sess. I, cc. 306* and *307* , cl. 2 provides: "That the initial appointments of nonlegislative citizen members to the board of directors of the Opioid Abatement Authority shall be staggered as follows: (i) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of one year, (ii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of two years, (iii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of three years, and (iv) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. For purposes of this enactment, "nonlegislative citizen member" means any member identified in clauses (iii) through (viii) of § *2.2-2367 of the Code of Virginia*, as created by this act. Any nonlegislative citizen member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year terms."

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2368

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§ 2.2-2368. Duties of the Authority

The Authority shall:

1. Establish specific criteria and procedures for awards from the Fund;

2. Establish requirements for the submission of funding requests;

3. Evaluate funding requests in accordance with the criteria established by the Authority and the provisions of this article;

4. Make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of mandatory minimum percentages of funds to be awarded from the Commonwealth to each participating locality;

5. Evaluate the implementation and results of all efforts receiving support from the Authority; and

6. Administer the Fund in accordance with the provisions of this article.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2369

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§ 2.2-2369. Powers of the Authority

In order to carry out its purposes, the Authority may:

1. Make grants and disbursements from the Fund that support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids or otherwise abate or remediate the opioid epidemic;

2. Pay expenditures from the Fund that are necessary to carry out the purposes of this article;

3. Contract for the services of consultants to assist in the evaluation of the efforts funded by the Authority;

4. Contract for other professional services to assist the Authority in the performance of its duties and responsibilities;

5. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this article;

6. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance, or support provided by or to the Authority or otherwise in furtherance of the purposes of this article;

7. Perform any lawful acts necessary or appropriate to carry out the purposes of the Authority; and

8. Employ such staff as is necessary to perform the Authority's duties. The Authority may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Staff of the Authority shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees. Staff of the Authority shall not be subject to the provisions of Chapter 29 (*§ 2.2-2900* et seq.) of Title 2.2.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2370

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§ 2.2-2370. Conditions and restrictions on financial assistance

A. The Authority shall provide financial support only for efforts that satisfy the following conditions:

1. The efforts shall be designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic, which may include efforts to:

a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved in, or are at risk of becoming involved in, the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;

e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;

f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions and the needs of their families, including infants with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;

g. Support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;

h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and

j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services;

2. The efforts shall be conducted or managed by any agency of the Commonwealth or participating locality;

3. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;

4. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

5. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

B. The Authority shall give priority to applications for financial support for efforts that:

1. Collaborate with an existing program or organization that has an established record of success treating, preventing, or reducing opioid use disorder or the misuse of opioids;

2. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate, relative to population;

3. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community; or

4. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2371

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§ 2.2-2371. Cooperation with other agencies

All agencies of the Commonwealth shall cooperate with the Authority and, upon request, assist the Authority in the performance of its duties and responsibilities.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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Va. Code Ann. § 2.2-2372

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§ 2.2-2372. Form and audit of accounts and records

A. The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B. The accounts and records of the Authority are subject to an annual audit by the Auditor of Public Accounts or his legal representative.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

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Va. Code Ann. § 2.2-2373

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§ 2.2-2373. Annual report

The Authority shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Authority no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The executive summary shall include information regarding efforts supported by the Authority and expenditures from the Fund.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

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Va. Code Ann. § 2.2-2374

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§ 2.2-2374. Opioid Abatement Fund

A. There is hereby created in the state treasury a special, nonreverting fund to be known as the Opioid Abatement Fund, referred to in this section as "the Fund," to be administered by the Authority. All funds appropriated to the Fund, all funds designated by the Attorney General under *§ 2.2-507.3* from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be authorized by majority vote of the Board.

B. Moneys in the Fund shall be used to provide grants and loans to any agency of the Commonwealth or participating locality for the purposes determined by the Authority in accordance with this article and in consultation with the Office of the Attorney General. The Authority shall develop guidelines, procedures, and criteria for the application for and award of grants or loans in consultation with the Office of the Attorney General. Such guidelines, procedures, and criteria shall comply with the terms of any applicable settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities.

C. The Authority shall fund all staffing and administrative costs from the Fund. Its expenditures for staffing and administration shall be limited to those that are reasonable for carrying out the purposes of this article.

D. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

1. Fifteen percent shall be restricted for use by state agencies;

2. Fifteen percent shall be restricted for use by participating localities, provided that if the terms of a settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities, require this portion to be distributed according to a local apportionment formula, this portion shall be distributed in accordance with such formula;

3. Thirty-five percent shall be restricted for use for regional efforts; and

4. Thirty-five percent shall be unrestricted. Unrestricted funds may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by participating localities, or for regional efforts in addition to the amounts set forth in subdivisions 1, 2, and 3, provided that the Authority shall ensure that such funds are used to accomplish the purposes of this article or invested under subsection F.

E. In distributing money from the Fund under subsection D, the Authority shall balance immediate and anticipated needs with projected receipts of funds to best accomplish the purposes for which the Authority is established.

F.The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.40. The State Treasurer is not liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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Va. Code Ann. § 2.2-2375

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§ 2.2-2375. Exemption from taxes or assessments

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

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§ 2.2-2376. Exemption of Authority from personnel and procurement procedures

The provisions of the Virginia Personnel Act (*§ 2.2-2900* et seq.) and the Virginia Public Procurement Act (*§ 2.2-4300* et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

History

2021, Sp. Sess. I, cc. 306, *307*.

Annotations

Notes

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CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**November 11, 2021**	**Steven L. Rosenberg** **City Manager** **Leslie Beauregard** **Assistant City Manager**
Item #	**5**	
Department:	**City Manager**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Engagement** **Strategic Area: Responsive, Efficient Government**	
Subject:	**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. Council discussed the City's legislative program for 2022, at its work session on October 14, 2021. During Council's work session on November 11, 2021, there will be a continued discussion of the program.

A draft resolution setting forth the program, with proposed changes to last year's program highlighted, is attached for Council's consideration (with proposed deletions stricken and proposed additions underlined.) Also attached, for Council's reference, are a draft of the same document, without highlighted changes (which may be easier to read) and VML's adopted 2022 legislative program.

City Manager's Recommendation: Review and discuss the draft 2022 Legislative Program, providing input to staff so that it may be finalized and scheduled for Council's consideration at its meeting on December 9, 2021.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

RESOLUTION ESTABLISHING THE
CITY OF STAUNTON'S
2022 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 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. While City Council appreciates that the General Assembly dedicated CARES Act and American Rescue Plan Act funds to the Virginia Preschool Initiative, the General Assembly should fully fund the initiative on an ongoing and permanent basis.

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. City Council appreciates that the General Assembly dedicated CARES Act funds for school HVAC renovations; however, the General Assembly should provide new and continuing 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.

6. The General Assembly should reinstate the requirement that school principals alert law enforcement about misdemeanor offenses that occur on school property, for example alleged sexual assaults.

B. Pediatric Cancer Research

City Council is appalled by the lack of cancer research coordination, the glacially slow Food and Drug Administration (FDA) new treatment approval process, and the 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 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 continued improvements to Interstate 81 to address ongoing traffic and safety concerns, and 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. While the $10 million in funding for multi-use trails provided by the General Assembly in 2021 is a good start, City Council supports additional funding for non-motorized transportation, including trails, pathways and green corridors, for health, energy conservation and fiscal 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. City Council is also interested in seeing the results and outcomes of a transit equity modernization study that was initiated during the 2021 General Assembly session, with the interim report expected by late 2021 and the final report by mid-2022.

F. Libraries

Though the General Assembly restored $1 million in library aid for FY 2022, State Aid to Public Libraries still requires further attention and action by the General Assembly. City Council supports efforts to maintain and increase such aid 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

While City Council supports the $800,000 provided for state park acquisition and the $25 million in ARPA funds allocated to park maintenance and construction, City Council encourages the Governor and General Assembly to continue to support and increase funding for additional land acquisition for state parks, outdoor recreation and natural areas.

H. Broadband Expansion

The General Assembly allocated significant funds to start to address the issue of broadband expansion across all areas of the state, including new grants to localities. City Council supports ongoing General Assembly funding for the expansion of broadband infrastructure to all areas of the Commonwealth to ensure all Virginia residents have equitable access to this vital service.

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 to increase energy independence.

J. Opioids

City Council appreciates the General Assembly's establishment of the Opioid Abatement Authority in 2021. City Council supports any efforts to curb opioid use and abuse, including additional 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 increased voter participation, including automatic registration and expanded voting hours.

L. Public Notice, Public Hearing and Public Procurement

The General Assembly should adopt 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 funding to address the workforce crisis community services boards (CSBs) are experiencing. This should be the top priority for the General Assembly regarding behavioral health and developmental disability services.

2. The General Assembly should increase its funding for the outpatient services step of System Transformation Excellence and Performance (STEP-VA) initiative of the Virginia Department of Behavioral Health & Developmental Services to account for circumstances in which billing of new members under Medicaid expansion does not make up for the permanent reduction in general fund dollars incurred by CSBs as part of Medicaid expansion. The General Assembly should also fully fund the case management and care coordination steps of STEP-VA.

3. The General Assembly should provide the funds to decrease the priority one wait list by approximately 1,350 individuals. Roughly 13,800 people with developmental disabilities (DD) are on the wait list for community-based services. Receiving a slot enables an individual who needs DD services and supports to live a life that is fully integrated in the community.

4. The General Assembly should increase its funding for Permanent Supportive Housing (PSH) to help keep more individuals stable in the community, rather than cycling back into the hospital system. Increased funding for PSH will reduce the hospital census pressures by facilitating the discharge of individuals from the hospital as soon as they are clinically ready. 87% of individuals served in PSH remained stably housed for at least one year, according to Department of Behavioral Health and Developmental Services data, which saved $12.2 million in state psychiatric bed day costs during the one-year period.

5. The Valley Community Services Board has proposed a community crisis center that will offer both detoxification and crisis intervention services. And while the needs of our citizens are great, the closest community 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 local 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 for 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 Transfer of Inmates to the Virginia Department of Corrections

1. The City of Staunton requests the General Assembly fully 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. As shown in the table below, MRRJ has been routinely operating at two times its rated capacity for several years. The City of Staunton appreciates the additional emergency jail officer positions that were added in FY2021; however, as noted in the referenced staffing analysis, additional fully funded jail officer positions (guaranteed each year) are needed to appropriately supervise inmates.

Fiscal Year	MRRJ Rated Capacity	Average Daily Population	Percentage of Rated Capacity
FY 2017	396	830	**210%**
FY 2018	396	878	**222%**
FY 2019	396	923	**233%**
*FY 2020	396	862	**218%**
*FY 2021	396	820	**207%**
*FY 2022	396	769	**194%**

2. § 53.1-20 of the Code of Virginia requires the Director of the Virginia Department of Corrections to receive eligible inmates within 60 days of the date on which the inmate's final sentencing order is transmitted to the Director. MRRJ, which is rated to house 396 inmates, routinely houses up to 200% of its rated capacity. This housing challenge is exacerbated by the failure of the Director to accept eligible inmates in a timely manner, unduly and inappropriately burdening the City of Staunton and other member jurisdictions of the Middle River Regional Jail Authority with the impacts of an inmate population that the General Assembly has by law directed the Virginia Department of Corrections to house. The City requests that the General Assembly enact legislation which more strongly requires the Director to timely accept state-responsible inmates.

P. First Responders

1. In 2018, the Code of Virginia was amended to require mental health awareness programs for fire and emergency medical services 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 post-traumatic stress disorder 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.

2. City Council asks the General Assembly to support the following legislative initiatives as prioritized by the Virginia Fire Chiefs Association:

   a. Virginia Retirement System enhanced benefits for 9-1-1 dispatchers with local option;

b. Expansion of the Workers' Compensation Cancer Presumption (beyond five years);

c. Return the funding stream of Line of Duty Act back to the Commonwealth of Virginia; and

d. Dedicated emergency manager for each locality provided there is a dedicated funding stream from the Commonwealth of Virginia.

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.

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 industrial development or economic development authorities.

R. Plastics Recycling Facility

The current stressed recycling market and limited processing capacity 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 commissions/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 General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials.

V. Sales Tax on Food for Home Consumption

City Council asks the General Assembly to reduce or eliminate the sales tax on food for home consumption (grocery items and prepared foods for home consumption) to assist in dealing with food insecurity in our community.

W. Water Quality

1. City Council, in agreement with the Virginia Association of Municipal Wastewater Agencies, supports adequate funding of the state Water Quality Improvement Fund grants to localities for wastewater nutrient removal consistent with the Chesapeake Bay total maximum daily load (TMDL) standard.

2. To make certification of the existing pollution control equipment sales tax exemption more efficient and effective for localities and for the Department of Environmental Quality, City Council supports the amendment of Virginia Code § 58.1-3660 to enable political subdivisions to self-certify equipment for the political subdivision's own facilities.

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Agency, in accordance with the Safe Drinking Water Act and be at least as protective.

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. Land Use Control

Localities must maintain control of local land use decisions. Neither the state government nor the federal government should usurp or preempt 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 ____ day of_____, 2021.

_____
Andrea W. Oakes, Mayor

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

RESOLUTION ESTABLISHING THE
CITY OF STAUNTON'S
~~2021~~2022 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**~~THEREFORE, BE IT **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~~While City Council appreciates that the General Assembly dedicated CARES Act and American Rescue Plan Act funds to the Virginia Preschool Initiative, the General Assembly should fully fund the ~~Virginia Preschool Initiative~~initiative on an ongoing and permanent basis.

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~~City Council appreciates that the General Assembly dedicated CARES Act funds for school HVAC renovations; however, the General Assembly should provide new and continuing 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.

6. The General Assembly should reinstate the requirement that school principals alert law enforcement about misdemeanor offenses that occur on school property, for example alleged sexual assaults.

B. Pediatric Cancer Research

City Council is appalled by the lack of cancer research coordination, the glacially slow Food and Drug Administration (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 continued improvements to Interstate 81 to address ongoing traffic and safety concerns, and 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~~While the $10 million in funding for multi-use trails provided by the General Assembly in 2021 is a good start, City Council supports additional funding for non-motorized transportation, including trails, pathways and green corridors, for health, energy conservation and ~~cost~~fiscal 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. City Council is also interested in seeing the results and outcomes of a transit equity modernization study that was initiated during the 2021 General Assembly session, with the interim report expected by late 2021 and the final report by mid-2022.

F. Libraries

Though the General Assembly restored $1 million in library aid for FY 2022, State Aid to Public Libraries still requires further attention and action by the General Assembly. City Council supports efforts to maintain and increase ~~State Aid to Public Libraries~~such aid 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

While City Council supports the $800,000 provided for state park acquisition and the $25 million in ARPA funds allocated to park maintenance and construction, City Council encourages the Governor and General Assembly to continue to support and increase funding for 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.~~The General Assembly allocated significant funds to start to address the issue of broadband expansion across all areas of the state, including new grants to localities. City Council supports ongoing General Assembly funding for the expansion of broadband infrastructure to all areas of the Commonwealth to ensure all Virginia residents have equitable access to this vital service.

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 to increase energy independence.

J. Opioids

City Council appreciates the General Assembly's establishment of the Opioid Abatement Authority in 2021. City Council supports any efforts to curb opioid use and abuse, including additional 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'~~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~~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 increased voter ~~turn-out~~participation, including~~:~~ automatic registration and expanded voting hours.

- ~~automatic registration~~
- ~~expanded voting hours~~

L. Public Notice, Public Hearing and Public Procurement

The General Assembly should ~~support~~adopt 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~~funding to address the workforce crisis community services boards (CSBs) are experiencing. This should be the top priority for the General Assembly regarding behavioral health and developmental disability services.

~~1.~~2. The General Assembly should increase its funding for the outpatient services step of System Transformation Excellence and Performance (STEP-VA) initiative of the Virginia Department of Behavioral Health & Developmental Services to account for circumstances in which billing of new members under Medicaid expansion does not make up for the permanent reduction in general fund dollars incurred by CSBs as part of Medicaid expansion. The General Assembly should also fully fund the case management and care coordination steps of STEP-VA.

~~2. The General Assembly should increase the Medicaid Early Intervention case management reimbursement rate to its data-determined adequacy.~~

3. The General Assembly should provide the funds to decrease the priority one wait list by approximately 1,350 individuals. Roughly 13,800 people with developmental disabilities (DD) are on the wait list for community-based services. Receiving a slot enables an individual who needs DD services and supports to live a life that is fully integrated in the community.

4. The General Assembly should increase its funding for Permanent Supportive Housing (PSH) to help keep more individuals stable in the community, rather than cycling back into the hospital system. Increased funding for PSH will reduce the hospital census pressures by facilitating the discharge of individuals from the hospital as soon as they are clinically ready. 87% of individuals served in PSH remained stably housed for at least one year, according to Department of Behavioral Health and Developmental Services data, which saved $12.2 million in state psychiatric bed day costs during the one-year period.

~~3. The General Assembly should fund 800 additional Family and Individual Supports (FIS) Waivers and 250 Community Living (CL) Waivers.~~

~~4.~~5. The Valley Community Services Board has proposed a community crisis center that will offer both ~~detox~~detoxification and crisis intervention services. And while the needs of our citizens are great, the closest community 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 local 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 for 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~~Transfer of Inmates to the Virginia Department of Corrections

1. The City of Staunton requests the General Assembly fully 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~~As shown in the ~~recommendation of additional fully-funded staff positions and demonstrating the continued need.~~table below, MRRJ has been routinely operating at two times its rated capacity for several years. The City of Staunton appreciates the additional ~~five~~ emergency jail officer positions that were added ~~for~~in FY2021; however, as noted in the referenced staffing analysis, additional fully funded jail officer positions (guaranteed each year) are needed to appropriately supervise inmates.

Fiscal Year	MRRJ Rated Capacity	Average Daily Population	Percentage of Rated Capacity
FY 2017	396	830	**210%**
FY 2018	396	878	**222%**
FY 2019	396	923	**233%**
*FY 2020	396	862	**218%**
*FY 2021	396	820	**207%**
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2. § 53.1-20 of the Code of Virginia requires the Director of the Virginia Department of Corrections to receive eligible inmates within 60 days of the date on which the inmate's final sentencing order is transmitted to the Director. MRRJ, which is rated to house 396 inmates, routinely houses up to 200% of its rated capacity. This housing challenge is exacerbated by the failure of the Director to accept eligible inmates in a timely manner, unduly and inappropriately burdening the City of Staunton and other member jurisdictions of the Middle River Regional

Jail Authority with the impacts of an inmate population that the General Assembly has by law directed the Virginia Department of Corrections to house. The City requests that the General Assembly enact legislation which more strongly requires the Director to timely accept state-responsible inmates.

~~1. 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

1. In 2018, the Code of Virginia was amended to require mental health awareness programs for fire and ~~EMS~~emergency medical services 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~~post-traumatic stress disorder 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.

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R. Plastics Recycling Facility

~~On April 1, 2019, the City stopped collection of plastic of any sort for recycling. Because of a~~The current stressed recycling market and ~~a~~limited 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.

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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.

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

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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.~~C. Land Use Control

Localities must maintain control of local land use decisions. Neither the state government nor the federal government should usurp or ~~pre-empt~~preempt 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 ____ day of_____, ~~2020~~2021.

_____

Andrea W. Oakes, Mayor

ATTEST: _____

~~Suzanne F. Simmons~~ Morgan C. Smith,
Interim Clerk of Council

VML 2022 Legislative Program

As approved by the VML Membership on October 4, 2021

I. LEGISLATIVE PRIORITIES

FUNDING THE REAL COST OF EDUCATION

- A strong public school system is essential to economic development and prosperity.
- The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes.
- The Standards of Quality should recognize the resources, including staff positions, required for a high-quality public education system.
- VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities.
- VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning.
- Local governments match more than is required for basic state education dollars, pay most public-school capital costs, and struggle to find scarce local tax dollars to keep up with the demands for meeting additional and expanding state requirements for creating 21st century learning environments for our children to master the challenges of tomorrow's workplace.

STATE ASSISTANCE TO LOCAL POLICE DEPARTMENTS (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The state created a program of financial assistance to local police departments (HB 599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium. VML calls for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation

SOVEREIGN IMMUNITY

Expanding liability and eroding immunities at state levels 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.

FUNDING OF COMMUNITY SERVICES BOARDS AND BEHAVIORAL HEALTH AUTHORITIES

- VML supports sufficient and sustained state funding and technical assistance for community services boards/behavioral health authorities to implement STEP-VA requirements and to support the planning and implementation of Marcus Alert protocols. This funding should not come at the expense of other community-based service initiatives and requirements; nor should the burden of funding these state initiatives be shifted to local governments.
- Federal ARPA funds and robust state revenues offer an opportunity for the state to make new investments in the community and in the state hospitals.
- Investments must go to both build the network of community-based services and to assist state hospitals with their vital mission. This cannot be a zero-sum funding situation where one part of the system benefits at the expense of the other part of the system.

MARIJUANA: CLARIFICATION OF LOCAL REFERENDUM AND STATE SUPPORT

VML urges the General Assembly to clarify the city and town referendum opt-out process by specifying that:

- towns may hold concurrent referendum with their counties with the outcome of the town referendum binding within the town, and
- only in the case of a town not holding a referendum would a county's referendum outcome affect a town's legal sales of recreational marijuana.

VML further requests dedicated and near-term financial state support to assist communities with the upfront, pre-implementation administrative, health, and public safety costs incurred prior to the start of legal sales in localities. This includes training for local law enforcement, and other applicable local government personnel (taxation, finance, revenue, code enforcement, zoning, etc.) on the new law and regulations.

VML urges the Cannabis Control Authority to begin its work as soon as possible to fill the regulatory vacuum. This work must include participation by local governments to clarify state and local roles and responsibilities pertaining to marijuana rules and regulations. This work must include participation by local governments to clarify state and local roles and responsibilities pertaining to marijuana rules and regulation, including but not limited to, establishing enforcement guidance and training, standards, and guidance for marijuana equivalents, and eliminate ambiguity from local authority. VML supports the equitable implementation of this law.

II. LEGISLATIVE PROGRAM ITEMS (listed alphabetically)

ADDRESSING BEHAVIORAL HEALTH SERVICES IN LOCAL AND REGIONAL JAILS

New state regulations establishing behavioral health care will apply to every local and regional jail. VML urges the state to provide adequate and necessary funding for such services through either enhanced jail per diem payments or other funding mechanisms to cover the additional costs to appropriately serve inmates with serious behavioral health needs.

BROADBAND

VML supports affordable broadband or internet access for all Virginians. Localities understand the importance of robust broadband for economic development projects as well as in households. As the state and federal governments offer money to ensure all Virginians have broadband, they should also use their funding resources to make it affordable for all. This includes working with private broadband, internet, and wireless companies and potential new service providers, including electric cooperatives, to ensure access to robust service at an affordable cost.

COLLECTIVE BARGAINING

Concerns about the increase in the cost of government, bureaucracy in local government operations, and more adversarial employee relations are reasons that VML has traditionally opposed collective bargaining.

VML does not support requiring localities to engage in collective bargaining.

COMMUNICATIONS SALES AND USE TAX

The Virginia Communications Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communications sales and services.

- VML supports setting the tax rate at the same level as the state sales tax rate and broadening the coverage of the tax to include audio and video streaming services and prepaid calling cards.
- VML opposes transfers of these revenues to the state general fund for purposes other than those currently stipulated in the Code of Virginia.

ECONOMIC DEVELOPMENT

VML supports local flexibility to promote economic development as our localities come out of this pandemic. A changed business landscape will necessitate a review of revenue sources to localities along with new ideas and actions that will broaden and diversify local revenue streams. Retention of current businesses is vital, and we support continued grant funding for current businesses that are both efficient and effective.

The 2020 General Assembly-approved amendments to Sec. 2.2-3115 under the Conflict of Interests Act are creating a major deterrent to continued participation by citizen volunteers on local industrial development authorities and economic development authorities. VML supports transparency but also a balance in financial reporting requirements on citizen volunteers to ensure that economic development authorities and industrial development authorities continue to operate with interested and knowledgeable volunteers.

EXPAND LOCAL AUTHORITY TO SELF-CERTIFY TAX EXEMPT UTILITY CAPITAL IMPROVEMENTS

VML supports an amendment to Code of Virginia § 58.1-3660 enabling political subdivisions to self-certify equipment, facilities, devices, or other property intended for their own use in conjunction with the operation of their water, wastewater, stormwater, or solid waste management facilities or systems.

FREEDOM OF INFORMATION ACT (FOIA)

The Virginia FOIA drives and impacts localities every single day. Poorly conceived legislation can complicate and unintentionally thwart the timely delivery of public documents to Virginia citizens seeking information.

- VML supports FOIA legislation review by the FOIA Council prior to enactment.
- VML supports expanding electronic meetings outside of declared emergency periods with flexibility for localities to determine how to include public participation and public comment.
- VML supports clear guidelines on fees for FOIA requests but does not support shifting the burden of FOIA costs to localities.

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 all types of housing to include but not limited to short-term rentals. VML also supports local government authority to promote affordable and mixed income housing as well as the required infrastructure to facilitate in-fill development, redevelopment and mixing of uses. Any mandate from the state should include full funding for the locality.

LOCAL OPTION INCOME TAX

To broaden local tax bases, the General Assembly should authorize, at local option, a "piggy-back" income tax to be imposed at the local level for both general and special purposes. Such authority could help take the pressure off real estate taxes and help keep people in their homes as property values rise.

SCHOOL MODERNIZATION AND ONE PERCENT LOCAL OPTION SALES TAX

VML supports the statewide authority for local governments to impose a one percent sales tax to help raise funds for school construction and renovation. For those already imposing an approved one percent sales tax for local or regional special funding needs, an additional one percent for school infrastructure funding should be authorized for school construction and renovation purposes.

STATEWIDE AUTHORITY TO ENTER INTO A CLEAN ENERGY CONTRACT

VML supports legislation that allows any locality to enter into a Clean Energy Contract also known as a Virtual Power Purchase Agreement (VPPA).

TAXING, LICENSING, AND REGULATING INTERNET-BASED BUSINESSES AND SERVICES

State actions to regulate private enterprises employing a business model that emphasizes the use of the internet to either provide retail, facilities, or ride-sharing services must acknowledge local government interests and include local governments in the decision-making.

As general principles, VML believes state and local policies should 1) encourage a level playing field for competing services in the market place; 2) not provide a tax preference or tax policy advantage for one group at the expense of another group in the competitive field; 3) seek to preserve state and local revenue; 4) ensure safety, reliability, and access for consumers, providers, and the public; and 5) protect local government's ability to regulate businesses whether they are traditional, electronic, internet-based, virtual, or otherwise.

VML also believes that the state should not prohibit the sharing of financial information between the Commonwealth and appropriate local authorities that is normally treated as a part of the public domain. VML further believes that the state should not prohibit a locality from exercising its authority to enter into voluntary collection agreements provided that such agreements include provisions to protect the public's interest.

UTILITIES

Many local governments own and operate utilities that provide services that may include but are not limited to water, sewer, electric and natural gas. These utility services are funded by localities both outright and as enterprise funds and usually have bonding authority and financial restrictions on their operations. Moratoriums on service cut-offs without proof of COVID-related hardship result in lost revenues that cannot be recovered from citizens who were fully able to pay for the service. Customers' bills become a significant financial hardship for them because they assumed the state was going to cover the expense during the moratorium.

VML supports localities' right to manage the operation of utilities without state interference.

CITY COUNCIL

AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**November 11, 2021**	**John C. Blair, II City Attorney**
Item #	**7**	
Department:	**City Attorney**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence Strategic Area: Responsive, Efficient Government**	
Subject:	**Closed Meeting for 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 Court Facilities**	

Suggested Motion: I move to enter a closed meeting for 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 Facilities located in the District Courts Building at 6 East Johnson St., Staunton, pursuant to Virginia Code Sections 2.2-3711(A)(8) and 2.2-3711(A)(7).

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.

CITY OF STAUNTON, VIRGINIA

Proclamation

Veterans Day
November 11, 2021

WHEREAS, Veterans Day has its origins in the November 11, 1918, armistice which brought World War I to a conclusion; and

WHEREAS, the Allied victory in World War I affirmed the strength of great nations acting together for high purposes; and

WHEREAS, the people of the United States caused through their elected representatives the designation of November 11, as a federal legal holiday which in 1954 became officially known thereafter as Veterans Day; and

WHEREAS, Veterans Day continues to be celebrated and commemorated with solemn observances in honor of all Americans who have served their country in times of war and conflict; and

WHEREAS, Veterans Day has become a significant part of our American heritage as we recognize millions of our citizens whose military service has had a profound effect on history; and

WHEREAS, the courage, honor, sacrifice and dedication which veterans of the United States Armed Forces have displayed in the cause of justice, freedom and democracy are most worthy of recognition.

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that November 11, 2021, is hereby designated as

Veterans Day

in the City of Staunton, and Staunton City Council urges our community and communities across the country, to observe the day with appropriate ceremonies in honor of those who have served.

Adopted this 11th day of November, 2021.

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ANDREA W. OAKES, MAYOR

ATTEST: _____

INTERIM CLERK OF COUNCIL

CITY OF STAUNTON, VIRGINIA

Proclamation

Small Business Saturday
November 27, 2021

WHEREAS, the City of Staunton, Virginia, celebrates our local small businesses and the contribution they make to our local economy and community; and

WHEREAS, the citizens of the Staunton area support their local businesses and recognize that such local businesses create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, the City of Staunton, Virginia, supports local businesses by, among other initiatives and activities, having a downtown service district and partnering with the Staunton Downtown Development Association; and

WHEREAS, the City of Staunton, Virginia joins with other localities in Virginia and across the nation in recognizing the importance of local businesses.

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that November 27, 2021, is hereby designated as

Small Business Saturday

in the City of Staunton, and Staunton City Council urges the residents of our Staunton community, our regional community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Adopted this 11th day of November, 2021.

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ANDREA W. OAKES, MAYOR

ATTEST: _____

INTERIM CLERK OF COUNCIL

City Council
WORK SESSION
October 28, 2021
5:30 p.m.

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

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

Mayor Oakes stated, "On October 24, 2021, I received a request from Councilor Mead to participate remotely in the October 28, 2021 Staunton City Council Meeting due to a personal matter that prevents her physical attendance at the meeting. Pursuant to the Freedom of Information Act, I will now ask Councilor Mead to state the personal matter which makes it unable for her to attend tonight's Council meeting."

Ms. Mead stated that she had been out of town for the week and could not guarantee that she would be home in time to be prepared to attend in person.

Vice Mayor Robertson said, "Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Ms. Mead to remotely participate in the October 28, 2021 Staunton City Council meeting due to a personal matter."

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

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

Mayor Oakes asked Ms. 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 Ms. Mead. The response was affirmative.

Mayor Oakes stated, "On October 26, 2021, I received a request from Councilor Dull to participate remotely in the October 28, 2021 Staunton City Council Meeting due to a personal matter that prevents her physical attendance at the meeting. Pursuant to the Freedom of Information Act, I will now ask Councilor Dull to state the personal matter which makes it unable for her to attend tonight's Council meeting."

Ms. Dull stated that she was out of state on vacation.

Vice Mayor Robertson said, "Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Dull to remotely participate in the October 28, 2021 Staunton City Council meeting due to a temporary medical condition."

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

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

Mayor Oakes asked Ms. Dull to state the location from which she was participating. Ms. Dull responded that she was in South Nags Head, North Carolina. Mayor Oakes asked Council and the audience if they could hear Councilor Dull. The response was affirmative.

1. Consideration of Work Session and Regular Meeting Agendas

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

Mr. Holmes moved to add a discussion, regarding extending the response period Equity and Diversity Commission survey to allow more citizens the time to respond, as Item 5 and move those items that are listed as Items 5 and 6, to Items 6 and 7.

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

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

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

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

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

2. Staunton Public Library Annual Report 2020-2021

Director of Library Services Sarah Skrobis provided a timeline of Library happenings from July 2020 to May 2021 during the COVID-19 Pandemic and shared FY 2021 at a glance:

- 10,268 curbside pickups
- 34,851 in-person visitors
- 11,035 attendees at 197 virtual and in-person programs
- 793 new card applications
- 20,530 total registered library card holders
- 36,956 digital check-outs

Ms. Skrobis stated that along with the Library's partners at Augusta County Library and Waynesboro Public Library, all the libraries are permanently fine-free since July 2020. All existing

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overdue fines were waived and late fines are no longer charged on most items. Staff were able to reimagine Library services including being more flexible and not requiring appointments for pickups; CAPSAW provided grants for the Library to purchase Chromebooks now available for citizens to check out and use in the parking lot; pop-up library events with a small browsing selection; and Reader's advisory services including book lists, BookPage and reading recommendation request forms.

After the August 8, 2020 floods, the Library partnered with the Staunton Downtown Development Association to be a drop-off location for donations of cleaning supplies. Staff set up a booth outside and cataloged incoming donations to help match those in need with what was available.

Ms. Skrobis also shared that there were 18,764 items checked out from the Talking Book Center to 277 active patrons in Augusta, Bath, Highland and Rockbridge Counties and the Cities of Buena Vista, Lexington, Staunton and Waynesboro. The Center was a recipient of a $5,000 grant from the Community Foundation of the Central Blue Ridge and a $1,200 grant from the United Way of Rockbridge.

Mayor Oakes asked Council members if they had any questions.

Ms. Dull thanked Ms. Skrobis and said that Stauntonians loved the library.

Ms. Mead also thanked Ms. Skrobis and the library staff and the Friends of the Library for showing resilience during difficult circumstances.

Mr. Claffey stated that he has been amazed at all of the Library's achievements and that it has been a pleasure to serve as Council liaison to the Library Board.

Vice Mayor Robertson asked if book returns had improved since fines had been removed. Ms. Skrobis responded that the response she received is anecdotal, but on the whole patrons come in feeling relieved.

Mayor Oakes stated that she is pleased that the Library is no longer collecting fines, but that she did enjoy the Can My Fines event in which citizens could bring canned goods, that were then donated to the Blue Ridge Area Food Bank, to waive any fines on their account. Ms. Skrobis replied that staff always try to encourage people to donate and help their neighbors.

Council members did not have any further questions.

3. <u>Update on the Staunton Crossing Economic Development Business Plan</u>

Director of Economic and Community Development Billy Vaughn stated that in the area located at the front of the Staunton Crossing property a Chipotle and a Jersey Mike's will soon open. He also shared that a Wendy's and a new location for a Waffle House will be located in the front portion. He reminded Council that the $2.4 million demolition project began January 4, 2021 and the contractor has 12 months to complete the project. Mr. Vaughn stated that environmental abatement is 98% complete, but demolition is only 55% complete.

Mayor Oakes asked Council members if they had any questions.

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Mr. Claffey mentioned that Mr. Vaughn had stated in that morning's Economic Development Authority meeting that he did not anticipate that the project would be completed in the 12 months and that there are financial bonuses because of that. Mr. Vaughn stated that was correct that if the contractor has not completed the project, they will be required to pay liquidated damages in the amount of $600 per day until the project was complete as per the contract for the project.

Mr. Vaughn stated that the Virginia Economic Development Partnership had a $7 million competitive grant program for Virginia Business Ready Sites Program. The program is to increase the number of project ready sites statewide and to improve tier level designations. There is a local match required and Staunton will be applying for a $850,780 grant to complete due diligence studies and have Engineering and Design documents developed. The in-kind match is 3:1 and would amount to $280,757.

Mr. Holmes asked how long to it would take for Staunton Crossing to go from a Tier 2 to a Tier 4. Mr. Vaughn replied that the City is looking at probably a year or possibly a year and a half to get all of the utilities in place.

Mr. Rosenberg asked that Mr. Vaughn update the Council on the status on the request for proposals for marketing. Mr. Vaughn that the RFP was out from September 8 through October 6 and that they had received five proposals. They hope to have a decision made by mid-to-late November so that the company chosen can start the process of developing the Staunton Crossing marketing plan.

Council members did not have any further questions.

4. <u>Resolution to Authorize Amendments to the City's Financing Agreements with Virginia Resources Authority to Refinance the 2008A and 2008B Taxable General Obligation Bonds</u>

Chief Finance Officer Phil Trayer and Ted Cole from Davenport Finance were present to discuss with Council loan modifications of two loans issued through the Department of Water Quality which were originally used for construction at the Middle River Regional Waste Water Treatment Plant. Rate modifications on both loans will lower the rate from 2.52% to 1.721%.

The rate modification is expected to produce additional expense savings to the Sewer Fund of $170,416. Bonds to be considered include:

- The 2008 series A which was originally issued for $9.3 million, has a remaining balance of $4.6 million, and estimated gross expense savings as a result of the modification of $139,422.
- The 2008 series B which was originally issued for $2.07 million, has a remaining balance of $1.03 million, and estimated gross savings of $30,994.

Both loans are partially reimbursed by the Augusta County Service Authority at a percentage of 27.9%. As a result of this reimbursement the City's net savings are lowered by $44,546 which provides the City with a final estimated savings of $125,870.

Mayor Oakes asked Council members if they had any questions.

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Mr. Holmes stated that it was costing the City $45,000 to refinance, but that it was still a good deal.

Council members did not have any further questions.

5. Discussion Regarding Equity and Diversity Commission Survey

Mr. Holmes moved to move Item 5 to Item F on the Regular Meeting agenda.

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

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

6. Roll Call

Mr. Claffey asked what were the parameters and guidelines for wearing masks in City Hall and how much longer mask-wearing in the building would be mandated. Mr. Rosenberg responded that the City is following a Commonwealth of Virginia workplace regulation that requires the use of masks in City facilities when the City is designated as an area of substantial or high transmission of the COVID-19 virus. He stated that he monitors the transmission level almost daily.

Vice Mayor Robertson asked if the Public Works staff are going to do trash pickup and staff the Recycling Center the day after Thanksgiving. Mr. Rosenberg stated that the day after Thanksgiving is a City holiday and that Director of Public Works Jeff Johnston would need to check on the schedule.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any further questions.

7. 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 Court Facilities and (ii) Consultation and Discussion with Legal Counsel Requiring the Provision of Legal Advice by Such Counsel Pertaining to Pending Litigation/Claims Involving Verizon Virginia LLC

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 Facilities located in the District Courts Building at 6 East Johnson St., Staunton, pursuant to Virginia Code Sections 2.2-3711(A)(8) and 2.2-3711(A)(7); and (ii) consultation and discussion with legal counsel requiring the provision of legal advice by such counsel pertaining to pending litigation/claims involving Verizon Virginia LLC, pursuant to Virginia Code Sections 2.2-3711(A)(8) and 2.2-3711(A)(7).

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

Ms. Mead	aye	Mr. Claffey	aye
Ms. Darby	absent	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. Holmes and carried as follows:

Vice Mayor Robertson	aye	Ms. Darby	absent
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 7:22 p.m.

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Morgan C. Smith
Interim Clerk of Council

DRAFT

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, October 28, 2021
7:30 p.m.
Rita S. Wilson Council Chambers

PRESENT: **Mayor Andrea Oakes**
Mark Robertson, Vice Mayor
Stephen W. Claffey
Carolyn W. Dull (remote participant)
Brenda O. Mead (remote participant)
R. Terry Holmes

ABSENT: **Amy G. Darby**

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

Mayor Oakes called the meeting to order: Mayor Oakes called this meeting of Staunton City Council to order. Mayor Oakes stated that all individuals are to wear a mask and keep it on at all times.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Mr. Claffey.

MAYOR'S REPORT

Mayor Oakes read the following proclamation honoring National Nurse Practitioner Week:

WHEREAS, nurse practitioners serve as trusted health care providers for patients in Virginia; and

WHEREAS, nurse practitioners at the forefront of efforts to combat COVID-19, educating patients about prevention and ensuring the equitable distribution of vaccinations; and

WHEREAS, nurse practitioners work to expand access to care in underserved communities, end health disparities and combat systemic racism in health care; and

WHEREAS, patients depend on the more than 325,000 licensed nurse practitioners across the United States to diagnose, manage and treat their chronic and acute health care conditions; and

WHEREAS, nurse practitioners provide high-quality primary, acute and specialty health care services while emphasizing health promotion, disease prevention, health education and counseling, guiding patients to make

smarter health and lifestyle choices every day; and

WHEREAS, the confidence that patients have in nurse practitioner-delivered health care is evidenced by the more than 1 billion visits made annually to nurse practitioners across the country; and

WHEREAS, more than five decades of research confirms the high quality of care provided by nurse practitioners; and

WHEREAS, better utilization of nurse practitioners through modernized state laws and improved policies creates better health through a more accessible, efficient, cost-effective and higher-quality health care system; and

WHEREAS, the City of Staunton is proud to recognize and honor the service of nurse practitioners in our community.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council that November 7-13, 2021, is hereby designated as

National Nurse Practitioner Week

in recognition of the countless contributions nurse practitioners have made over the past half century and will continue to make on behalf of the health and well-being of citizens in our community.

Adopted this 28th day of October, 2021.

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

ATTEST: /s/Morgan C. Smith
INTERIM CLERK OF COUNCIL

Darla Topley, Nurse Practitioner, UVA Cardiology was in attendance to receive the proclamation.

Mayor Oakes said that she had the honor of judging a cake decorating contest at The Legacy. She also stated that it was National First Responders Day and that she wanted to thank all of the City's first responders. Mayor Oakes reminded the community that at 1 p.m. on Friday, October 29 there would be a ceremony at Montgomery Hall Park to honor important African American Stauntonians. The event is being hosted by the Staunton/Augusta County African American Research Society. She also reminded citizens that Halloween will be celebrated on the holiday, Sunday, October 31.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Mr. Claffey stated that the Nominations Committee met on October 11, 2021 and would like to make the following motion:

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To appoint Dr. Frank Heard to the Lewis Creek Watershed Advisory Committee to fill the unexpired term of Marcel Ciascai beginning October 1, 2021 and ending February 28, 2023.

To appoint Anna Schoenduby to the Tourism Advisory Board as the Retail Representative for a 3-year term to begin November 1, 2021 and end October 31, 2024.

To appoint Chris Okay and Jonathan Mason to the Redevelopment and Housing Authority with 4-year terms beginning November 1, 2021 and ending October 31, 2025.

To appoint Natasia Reinhardt to the Youth Commission for a 3-year term beginning November 1, 2021 and ending October 31, 2024.

To reappoint Susan Mace to the Youth Commission for a term beginning December 1, 2021 and ending November 30, 2024.

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

Vice Mayor Robertson shared information from the Augusta Health town hall meeting. As of this week, Augusta Health has administered 95,783 COVID vaccinations. There are slightly over 41,000 considered fully vaccinated in the community. He stated that in the summer there was a 30% positivity rate, as of this week the area is sitting at 11.9%. Vice Mayor Robertson asked that citizens consider getting the vaccination if they are so inclined.

Mr. Holmes stated that it would be helpful if all who are able could go out and get their vaccination or at least wear a mask.

APPROVAL OF MINUTES

Vice Mayor Robertson moved to approve the Work Session and Regular Meeting Minutes of October 14, 2021 as presented.

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

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

REGULAR MEETING

A. Resolution to Authorize Amendments to the City's Financing Agreements with Virginia Resources Authority to Refinance the 2008A and 2008B Taxable General Obligation Bonds

Chief Finance Officer Phil Trayer stated that Council is being asked to consider loan modifications of two loans issued through the Department of Water Quality which were originally used for

construction at the Middle River Regional Waste Water Treatment Plant. Rate modifications on both loans will lower the rate from 2.52% to 1.721%

The rate modification is expected to produce additional expense savings to the Sewer Fund of $170,416.

Bonds to be considered include the Series 2008A and Series 2008B.

Both loans are partially reimbursed by the Augusta County Service Authority at a percentage of 27.9%. As a result of this reimbursement the City's net savings are lowered by $44,546 which provides a final estimated savings $125,870.

All maturity dates on these bonds will remain as originally issued.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Ms. Dull moved to adopt the proposed resolution authorizing the decrease in the interest rate on the City's Taxable General Obligation Public Improvement Bonds, Series 2008A and Series 2008B, the execution of the amendments to the financing agreements between the City and Virginia Resources Authority related to the bonds, and the execution of allonges to the bonds, all for the purpose of decreasing the cost of funds thereon.

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

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

B. Consideration of a Lease Agreement between the City of Staunton and the Staunton School Board Authorizing the School Board to Use a City-Owned Vehicle

City Attorney John Blair stated that the City owns a 2018 Ford Transit van used by the Parks and Recreation department. The School Board has expressed interest in using the van when it is not in use. A lease agreement is needed for the School Board to be able to add the van to the Schools' insurance coverage.

Mayor Oakes asked if Council had any questions or comments.

Mr. Holmes asked what percentage of time that the City actually uses the vehicle. Mr. Blair responded that that data is not currently tracked, but it is not so much that Parks and Recreation had any issues with the School Board using the vehicle on an as needed basis.

Council members did not have any further questions.

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Mr. Claffey moved that City Council authorize the lease agreement between the City of Staunton and the Staunton School Board for the use of the 2018 Ford Transit van as noted in the lease agreement and further authorize and direct the City Manager to sign the lease agreement with such modifications and in final form as approved by the City Attorney.

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

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

C. Review and Approval of FY2023 Budget Calendar

Chief Finance Officer Phil Trayer stated the budget process has begun and is scheduled for completion on April 28, 2022 with the adoption of the budget. On the staff level, three budget review sessions have been added between the City Manager's Office and the Superintendent of Schools.

Key dates:

- December 16 – presentation of the draft CIP to the Planning Commission
- January 13 – presentation of draft CIP to City Council
- January 27 – joint School Board and City Council work session. Also, an additional review of the FY 2023 CIP with Planning Commission's suggestions incorporated.
- February 3 – initial budget work session
- February 10 – scheduled adoption of the CIP
- March 24 – City Manager's Proposed Budget presentation along with draft ordinance for consideration
- March 31 – budget work session
- April 7 – budget work session
- April 14 – joint School Board and City Council work session and budget public hearing
- April 21 – tentatively scheduled budget work session
- April 28 – final budget work session and adoption of the budget at the Regular Meeting.

Mayor Oakes asked if Council had any questions or comments.

Mayor Oakes stated the Council had discussed with the School Board that there would be additional meetings between the School Board and Council, or at least earlier meetings. She asked Mr. Trayer to address that. He responded that there are the same number of joint work sessions, but they are a month and a half earlier in the process.

Council members did not have any questions.

Mr. Holmes moved that City Council approve the budget calendar as proposed.

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

Mr. Claffey	aye	Vice Mayor Robertson	aye

DRAFT

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

D. American Rescue Plan Act Funds

Mr. Trayer provided an updated review of the American Recovery Plan Act (ARPA) and introduced the expenditure framework from which the City is to proceed. ARPA is still operating under the "Interim Final rules" by the U.S. Treasury department. Staff understanding is that Treasury is still considering procurement options as well as some modifications to the Loss of Revenue calculation.

The City of Staunton is slated to receive allocations of $4,842,749 and $8,113,077 for both County and City funding, respectively. Staunton qualified for County funding as the U.S. Census counted the City of Staunton within the County of Augusta for the allocation.

On May 25, 2021 the Treasury issued a notice to the City of Staunton that the first half of funding had been issued and sent to City's account. Amounts received equaled $6,478,213, one half of the City's total allotment of ARPA Funds.

The Treasury guidance calls for all expenditures to be encumbered by December 31, 2024 and spent by December 2026. Given the expanded expenditure timeline staff recommends focusing on utilizing the funds already received and to return to Council after the second installment is issued to the City.

There are five major categories by which the ARPA Funds can be used and they include:

1. Support for the Public Health and Economic Impacts
2. Premium pay for essential workers
3. Payroll Expenses for Public Health & Safety Employees
4. Replacement of local government's loss of revenue
5. Water, Sewer, and Broadband infrastructure

There are 15 sub categories which are considered eligible uses under the category of **Public Health and Economic Impacts**. They include:

1. Prevention and Mitigation of COVID-19
2. COVID-19 Treatment and Medical Services
3. Enhanced Behavioral and Mental Health Services
4. Support for Local Health and Public Safety Workforce
5. Improving the Design and Execution of Health and Public Health Programs
6. Addressing Disparities in Public Health Outcomes
7. Assistance for Negative Economic Impact on Households
8. Assistance to Small Business and Non-Profit
9. Aid to Impacted Industries
10. Rehiring of Local Government Employees
11. Assistance to Unemployed Workers
12. Improve Ability of Economic Relief Programs
13. Services for Qualified Census Tract and other Disproportionately Impacted Communities

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14. Investments to address Education Disparities
15. Promotion of Healthy Childhood Environments

Premium Pay. Under the ARPA program workers performing essential tasks during the COVID-19 public health emergency are eligible to receive premium pay. Compensation can be up to $13 per hour and is capped at a $25,000 aggregate per employee for the entire length of the program. Funds are to be used for employees who have faced, and continue to face, the greatest health risks due to their service. Premium Pay can be applied retroactively back to January 27, 2020.

Payroll Expenses. Under ARPA, localities can cover payroll expenses of public health and safety employees to the extent that the employee's services are devoted to mitigating or responding to the COVID-19 emergency. For administrative convenience, employees that are predominantly devoted to these services can be assumed to be totally devoted to such activities.

Loss of Revenue. ARPA allows for localities to recapture "general revenues" lost as a result of the COVID-19 Pandemic. General revenues include taxes, current charges, miscellaneous general revenue, and intergovernmental transfers between state and local governments and parking. Utility revenues, federal revenue and revenue proceeds from the issuance of debt are expressly prohibited.

Investment in Infrastructure. Under this category the City has the ability to fund improvements to existing infrastructures in water, sewer, stormwater, and broadband projects.

Current Community Needs Requests:

- Augusta Regional Dental
- Valley Community Services Board
- Community Foundation of the Central Blue Ridge
    - Childcare and Affordable Housing Needs Assessments
    - Mental Health Needs
    - Transportation
- City Council Requests:
    - Home repairs for low-income households within the Qualified Census Tract areas
    - Discounted facility and utility connection fees in affordable dwelling units

Current Departmental Requests:

- Sheriff Department –Body Camera funding
- Fire Department – Replacement of two 20+ year-old response apparatuses.
- Parks and Recreation **–** Gypsy Hill Park bathrooms
- Public Safety **–** Emergency Radio funding
- Planning and Development – Stormwater Management
- Information Technology **–** Building security upgrades
- City Sheriff and Clerk of Courts – Additional positions
- Sidewalk projects

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Assistant City Manager Leslie Beauregard shared that with the help of Communications Manager Michelle Bixler, they were working on a community survey in regards to ARPA. A postcard to a random sample of residents will be sent out November 5. Two weeks following the mailing, the survey will be open to the general community. The survey will be open for a total of six weeks.

Mayor Oakes asked if Council had any questions or comments.

Ms. Mead calculated that upwards of 80% of the funds estimated to be eligible for covering revenue loss would be about $5M. Ms. Beauregard confirmed that figure. Ms. Mead asked for confirmation that the City would have complete discretion regarding spending those funds but that they applied to past revenue losses, not future. Mr. Trayer said that the City would have a great deal of discretion would provide budgetary capacity, and that the City would be able to recalculate needs and make appropriate adjustments for 2021 losses. Ms. Mead also asked if Uniontown would be an area that might be considered under the category of water and sewer. Mr. Trayer replied that he believes Uniontown would qualify if Council so chose. Ms. Mead questioned if there would be any consideration given to, and providing some relief to hotels, restaurants and tourist attractions. Mr. Trayer said that the City's Tourism Department was in the process of applying for a separate grant as there is a specific tourism grant coming directly from the State through their ARPA money. Ms. Mead stated that she hoped the City would work to leverage ARPA funds with grants as much as possible.

Mr. Claffey asked if the City would be able to fund everything on the FY 2022 CIP with the ARPA funds and if that would positively impact the FY 2022 year end. Mr. Trayer stated that the City may be able to fund most of the CIP that is not already with established funding sources and perhaps add additional projects, like the School Warehouse. He reminded Council that the FY 2022 budget had to utilize a fund balance of $1.2M and a $300,000 negative contingency to balance.

Mayor Oakes asked if staff had considered providing funding to CAPSAW, as well as the Community Foundation, to allow them to handle the disbursement of funding to different outside agencies. Ms. Beauregard stated that staff would explore the logistics as the City of Waynesboro is the fiscal agent for CAPSAW, but that the City had worked with the Community Foundation with CARES Act funds.

Council members did not have any further questions.

E. Update on the Centralized Recycling Center Pilot Program

Director of Public Works Jeff Johnston provided the first quarterly update on the Recycling Center pilot program. The metrics by which staff is monitoring success are participation rates, collection rates, local comparisons and efficiency/costs.

In July 2021, there were 2,209 visits. August had 2,150 and September, 2,221. Almost 20% of those visitors came in the 11 a.m. to noon hour. Collection has increased for paper, cardboard, aluminum and metal and the City can now again recycle plastics, so those numbers continue to rise. Glass collection maintains a steady rate. Compared to the City of Harrisonburg, Staunton is fairly comparable in recycling turn-in in regards to pounds per capita. Staunton does turn-in significantly more glass per capita than Harrisonburg.

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Labor costs have been more than expected. Only one full-time employee was budgeted, trucks are filling faster than expected, the current hours do not allow for sufficient time to process materials, additional labor is required almost daily and there is significant overtime. Mr. Johnston stated that the Recycling Center will have new hours effective Monday, November 29. The Center will be open 9 a.m. to 3 p.m. Monday, Tuesday, Thursday and Friday and 8 a.m. to noon on Saturday.

There have been some savings in fuel and vehicle maintenance and revenue is currently averaging $1,600 from plastic, aluminum, metal and cardboard. Some issues have arisen through the past three months. The Recycling Center has had to expand its footprint twice, there have been significant traffic and safety issues when there are events at the stadiums or in the Gypsy Hill Park Gym. There have also been issues with vandalism and dumping and contamination of at least a day's worth of recycling.

Staunton's recycling program is more active than expected, even in the face of continued challenges. Mr. Johnston will return with the next update in January 2022.

Mayor Oakes asked if Council had any questions or comments.

Mr. Claffey suggested a different location for the Recycling Center between the baseball stadium and the golf course.

Ms. Mead asked what the recycling center hours for the City of Harrisonburg. Mr. Johnston replied that they are 8 a.m. to 4 p.m. Monday through Friday and 8 a.m. to noon on Saturday. The Harrisonburg recycling center is located at their public works compound. Ms. Mead asked how staff arrived at the new hours. Mr. Johnston stated that staff chose the six contiguous hours that captured the majority of visits. Staff will continue to keep hourly statistics and will tweak open hours as necessary.

Mayor Oakes asked why the City of Staunton Recycling Center was closed on Wednesday. Mr. Johnston replied that Wednesday is the day off for all of the refuse crews. Mayor Oakes also asked if she had to peel the labels off of her glass bottles when recycling. Mr. Johnston said that since glass is used as ground cover for the landfill, there is no need to remove the labels.

Mr. Holmes asked what equipment was parked at the Recycling Center. Mr. Johnston explained that two of the recycling trucks are parked on location as well as a refuse packer that is used for cardboard. No refuse assets have been diverted for the Recycling Center.

Ms. Dull asked if the data showed how many visitors were Augusta County citizens and how many were City of Staunton. Mr. Johnston stated that staff do not check driver's licenses, so he does not have that information. Ms. Dull asked that if the City was going to have to invest in better equipment for the Recycling Center in the future, why not invest in returning to curbside recycling. Mr. Johnston replied that was a possibility since the center is only a pilot program, however if the City were to return to curbside recycling the City would again no longer be able to recycle plastic. Mr. Rosenberg asked Mr. Johnston if it was accurate to say that the resources in terms of labor and equipment that are required for a permanent centralized location for the Recycling Center are different than the resources in terms of labor and equipment to restore curbside recycling. Mr. Johnston concurred.

Council members did not have any further questions.

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F. **Discussion of the Equity and Diversity Commission Survey**

Mr. Holmes stated that since there had not been many responses to the Equity and Diversity Commission survey, he would like to see the deadline for responses extended.

Ms. Beauregard stated that the survey had been open for two and a half weeks and in that time there were 77 responses, five of those were paper, with the rest completed online.

Mayor Oakes asked if Council had any questions or comments.

Ms. Mead stated that given the complexity of the survey and the importance of the information, the survey deadline should be extended by an additional two weeks.

Mr. Holmes asked if it was difficult to extend the deadline. Ms. Beauregard confirmed that it was not and that staff could make a renewed effort to publicize that it was reopened.

After a brief discussion, Council came to a consensus that December 31 should be the closing date of the survey.

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg reminded Council and the public about the ceremony at Montgomery Hall Park on Friday, October 29. He encouraged attendance in the event to recognize the prominent place the park has in the City's African American history and the wonderful opportunity to recognize the contributions of several individuals who made the facility possible. He also shared that the Halloween weekend was the last weekend for Shop and Dine Out in Downtown for this calendar year. He stated that Executive Director of the Staunton Downtown Development Association Greg Beam and Tourism Director Sheryl Wagner will be engaging in a survey of stakeholders about that program and what it might look like if it returns in 2022. Mr. Rosenberg also shared a letter from a visitor who was greatly impressed by Karen Bergmann, one of the City's travel counselors.

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 Clerk of Council 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 Interim Clerk of Council, Ms. Smith. And now, we welcome all speakers. The podium is now available for matters from the public as well as remote participants using the Zoom platform."

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

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:37 p.m.

_____

Morgan C. Smith
Interim Clerk of Council

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CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**November 11, 2021**	**Steven L. Rosenberg City Manager**
Item #	**A**	
Department:	**City Manager**	
Alignment with Staunton Plan (Value/Strategic Area):	**Values: Integrity Engagement**	
Subject:	**Presentation of Certificate of Appreciation to Colton Lotts, Staunton Fire and Rescue, and to Recognize the Efforts of the City of Staunton by Central Shenandoah Health District/Virginia Department of Health**	

Background: On behalf of the Central Shenandoah Health District and the Virginia Department of Health, Dr. Laura Kornegay, Health Director, would like to recognize locality partners, particularly the emergency coordinators who contributed so much time and effort to the response to the COVID-19 pandemic. Dr. Kornegay will present a certificate of appreciation to Colten Lotts, Staunton Fire and Rescue, and recognize the efforts of the City of Staunton in furtherance of public health over the last year and a half.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**November 11, 2021**	**Staff Members:** **Rodney Rhodes** **Tim Hartless**
Item #	**B**	
Department:	**Community Development—Planning and Zoning**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Built Environment**	
Subject:	**Public Hearing and Consideration of a Request by Aaron and Bithiah Reed to Vacate and Abandon All of the Remaining Portion of a 15-foot-wide Alley Extending from Arlington Street Between Lots 7 and 8 of the of J.H. Earman and S.N. Bagby's Lots (Subdivision)**	

Background: Aaron and Bithiah Reed have requested to vacate an alley running between lots 7 and 8 of the J.H. Earman and S.N. Bagby's Lots from Arlington Street to a point where it terminates into Parcel 6.

The Reeds own property located at 35 Arlington Street. The property is zoned R-2, Low Density Residential District. As depicted in the attached markup (Attachment 2), the property consists of three separate lots (Lot 7, Lot 8, and Tract 1), and contains approximately 3.2 acres. The Reeds have submitted a minor subdivision plat to combine Lot 8 and Tract 1 to create new Lot 8A containing 3.007 acres. Lot 7 would remain a separate lot. On October 14, 2021, City Council approved a variance from the subdivision standards which prohibit pipestem lots, allowing for the approval of the minor subdivision plat. The vacation of this alley would be the final step in combining all of 35 Arlington Street into two buildable lots (new Lot 8A and existing lot 7).

Analysis: Staff has reviewed the request and has not identified any issues. The R-2, Low

Density Residential District, allows for one dwelling per lot. With the approved variance to the subdivision standard, the newly created Lot 8A could be developed with one single-family dwelling and associated accessory buildings and existing Lot 7 could also be developed with one single-family dwelling and associated accessory buildings. The Reeds' own all properties adjoining the alley and are the only property owners impacted by the vacation. The ally "dead-ends" into the applicants' property and does not provide through access to another city street.

Attachments:
Attachment 1—Application, Plat, and Supporting Documents
Attachment 2—Alley Vacation—35 Arlington Street
Attachment 3—Draft Ordinance of Vacation

Planning Commission Recommendation: At its meeting of October 21, 2021, the Planning Commission conducted a public hearing and considered the request. During the public hearing, no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to recommend approval of the proposed alley vacation.

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

City Manager: Steven L. Rosenberg

Attachment 1

ALLEY & STREET VACATION APPLICATION

DATE OF APPLICATION: August 31, 2021
APPLICANTS NAME: Aaron Reed and Bithiah H. Reed
ADDRESS: 5906 Beech Ave
Bethesda, MD 20817
TELEPHONE NUMBER: (540) 885-1517 (Attorney) ALTERNATE: _____
LOCATION OF PROPERTY: 35 Arlington St., Staunton, VA
MAP PROVIDED X YES _____ NO
LEGAL DESCRIPTION OF PORTION OF ALLEY OR STREET IN THIS REQUEST
A portion of Alley 2,813 sq. feet consisting of undeveloped 15-foot wide alley between Lots 7 and 8 J.H. Earman and S.N. Bagby's Lots (subdivision)

IS THE PORTION OF THE ALLEY OR STREET IN THIS REQUEST IMPROVED?
_____ YES X NO
IF YES, IS IT BEING USED BY PERSONS OTHER THAN YOURSELF?
_____ YES X NO
IF YES, EXPLAIN: _____

TO YOUR KNOWLEDGE, ARE THERE ANY UTILITIES IN THE PORTION OF THE ALLEY OR STREET AFFECTED BY THIS REQUEST? _____ YES X NO
IF YES, EXPLAIN? To the best of knowledge and belief, no utilities exist in the alleyway.

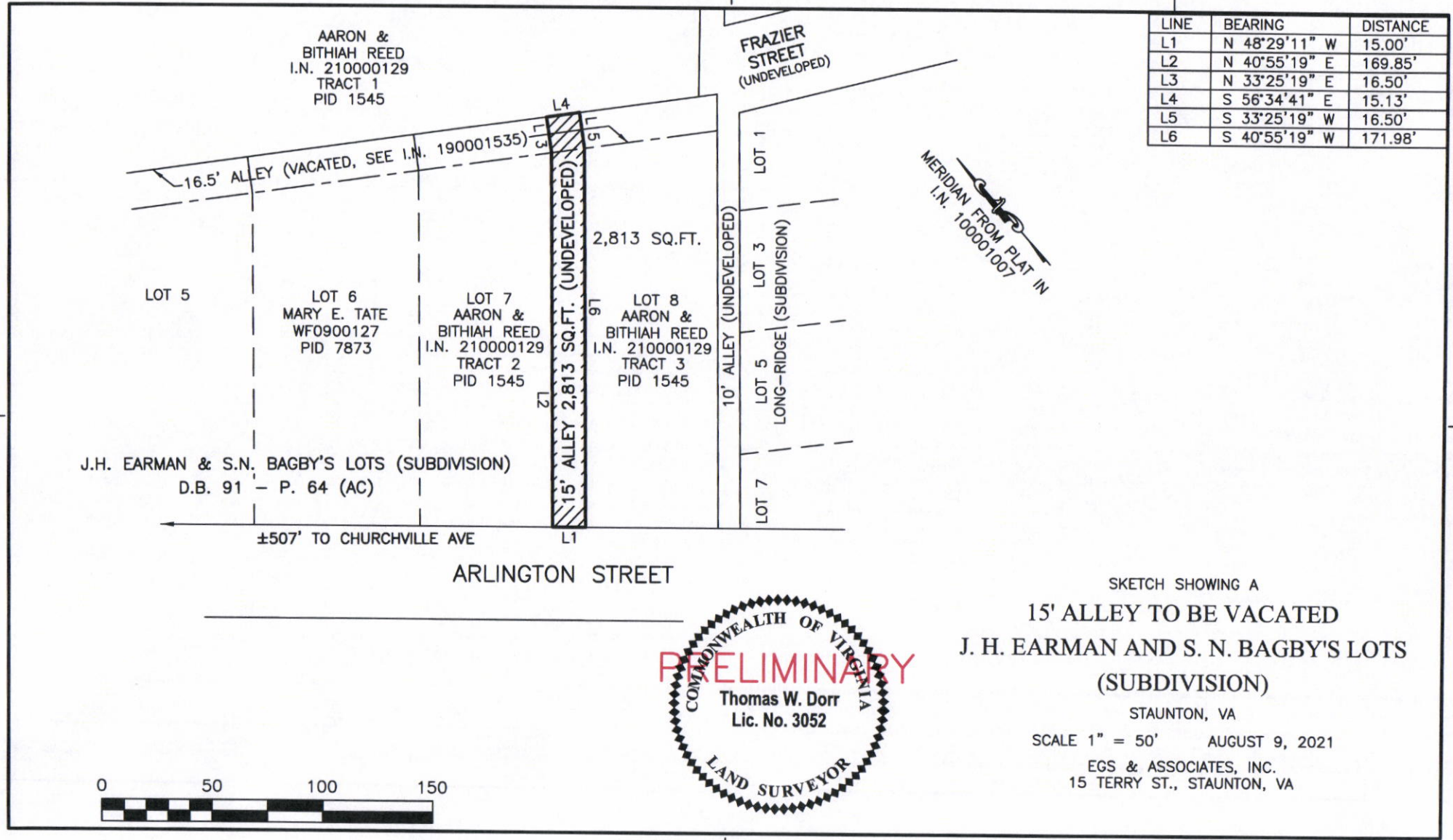
PURPOSE OF THE REQUEST? Mr. and Mrs. Reed own both Lot 7 and 8. The alleyway essentially cuts through the middle of their property. The purpose is to unify the properties and adjust the boundary lines for further development.

ORDINANCE PROVIDED? X YES _____ NO
FEE PAID? X YES _____ NO
SIGNATURE OF APPLICANT _____ Agent for Aaron Reed and Bithiah Reed
(OWNER/AGENT)

****

OFFICE USE:
LIST OF NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WHO HAVE PROPERTIES ABUTTING THE ALLEY OR STREET IN THIS REQUEST:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____



LINE	BEARING	DISTANCE
L1	N 48°29'11" W	15.00'
L2	N 40°55'19" E	169.85'
L3	N 33°25'19" E	16.50'
L4	S 56°34'41" E	15.13'
L5	S 33°25'19" W	16.50'
L6	S 40°55'19" W	171.98'

PRELIMINARY

COMMONWEALTH OF VIRGINIA
Thomas W. Dorr
Lic. No. 3052
LAND SURVEYOR

SKETCH SHOWING A

15' ALLEY TO BE VACATED
J. H. EARMAN AND S. N. BAGBY'S LOTS (SUBDIVISION)

STAUNTON, VA

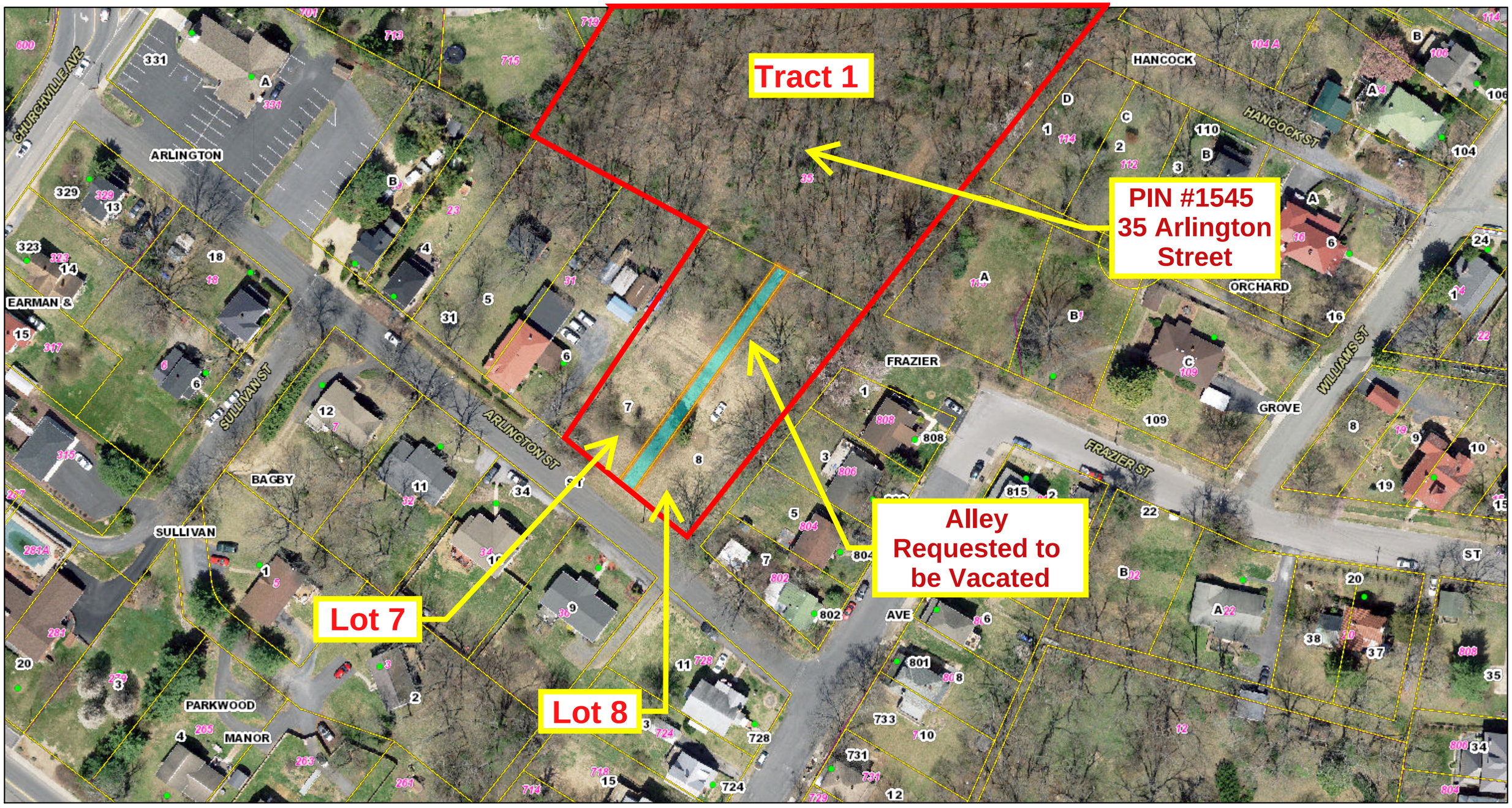
SCALE 1" = 50' AUGUST 9, 2021

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

JOB # A30930817

Alley Vacation - 35 Arlington Street

Attachment 2



9/30/2021, 4:49:19 PM

1:888

0 0.01 0.02 0.04 mi

0 0.02 0.04 0.07 km

Lot_Lines
Lot_Numbers
City Limits
Tax Parcels
AddressPoints
Point_of_Interests
Road Centerline
2018Image.tif
Red: Band_1
Green: Band_2
Blue: Band_3

For Information Purposes Only. Data owned by the City of Staunton and ESRI.

Ordinance No. 2021-___

AN ORDINANCE
CLOSING, VACATING, DISCONTINUING AND ABANDONING
A PORTION OF A 15' WIDE ALLEY LOCATED BETWEEN LOT 7 AND LOT 8
OF J.H. EARMAN AND S.N. BAGBY'S LOTS (SUBDIVISION)
CONSISTING OF A PORTION OF 35 ARLINGTON STREET (PID 1545)

Recitals

A. An application for alley vacation has been submitted by Aaron and Bithiah Reed, pursuant to § 15.2-2006 of the Code of Virginia, 1950, as amended, to have all of that certain portion of the alley as hereinafter described, vacated and abandoned by the City of Staunton, Virginia ("City");

B. Aaron Reed and Bithiah Reed are the owners of 35 Arlington Street within the municipal boundaries of the City (PID 1545), identified as Lot 7 and Lot 8 of the J.H. Earman and S.N. Bagby's Lots (subdivision) and seek to close the portion of the alley between the two lots consisting of an area of approximately fifteen (15) feet in width and 2,813 feet in total area;

C. The original subdivision plat for the J.H. Earman and S.N. Bagby's Lots, dated March 20, 1876, was recorded June 10, 1876 in the Clerk's Office of the Circuit Court of Augusta County, Deed Book 91, page 64. The subject portion of the alley was never accepted by the City as part of its public street system;

D. A plat showing the aforesaid portion of the alley to be vacated and abandoned (the area shown with hatch marks) 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 October 21, 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 alley;

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 alley described as follows:

> All that certain fifteen-foot-wide alley extending from Arlington Street back in a northeasterly direction between Lot 7 and Lot 8 of

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the J.H. Earman and S.N. Bagby's Lots (subdivision) consisting of 2,813 square feet as more particularly designated and described on the attached "sketch Showing 15' Alley to be Vacated J.H. Earman and S.N. Bagby's Lots (subdivision)," according to such sketch dated August 9, 2021, made by Thomas W. Dorr, Land Surveyor with EGS & Associates, Inc. (the "sketch")

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

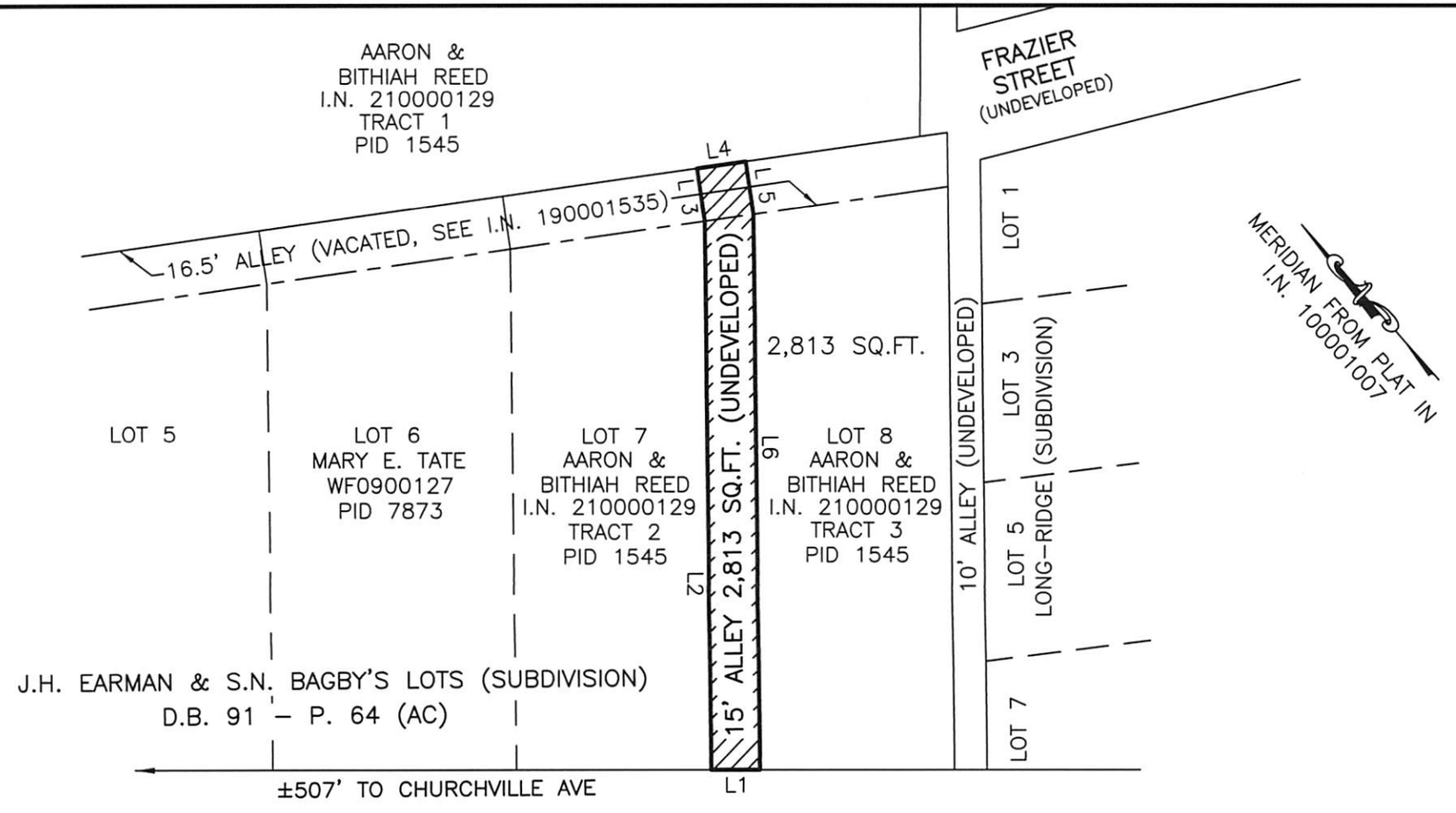
Introduced:
Adopted:
Effective Date:

_____
Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith
Interim Clerk of Council

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Exhibit A



LINE	BEARING	DISTANCE
L1	N 48°29'11" W	15.00'
L2	N 40°55'19" E	169.85'
L3	N 33°25'19" E	16.50'
L4	S 56°34'41" E	15.13'
L5	S 33°25'19" W	16.50'
L6	S 40°55'19" W	171.98'

0 50 100 150

COMMONWEALTH OF VIRGINIA
Thomas W. Dorr
Lic. No. 3052
8-9-21
LAND SURVEYOR

SKETCH SHOWING A

15' ALLEY TO BE VACATED
J. H. EARMAN AND S. N. BAGBY'S LOTS
(SUBDIVISION)

STAUNTON, VA

SCALE 1" = 50' AUGUST 9, 2021

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

JOB # A30930817

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**November 11, 2021**	**Staff Members:** **Rodney Rhodes** **Tim Hartless**
Item #	**C**	
Department:	**Community Development— Planning and Zoning**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Built Environment**	
Subject:	**Public Hearing and Consideration of a Request by Kelly Grantier to Amend Chapter 18.120, Yard Building Setback, and Open Space Exceptions, Subsection 18.120.010(4)(c) of Title 18, Zoning, of the Staunton City Code**	

Background: Kelly Grantier is requesting an amendment to Chapter 18.120, Yard, Building Setback, and Open Space Exceptions. The original purpose of the request was to allow for existing lots to be subdivided into small lots which are more narrow or smaller in overall size than the minimum requirements of the Zoning Code. These small lots would have been permitted in cases where the creation of the lot fits in with the existing development pattern of the street. However, the scope of the proposal has now been narrowed to only apply to situations where there are multiple single-family dwellings located on the same lot. The amendment would allow a lot to be subdivided, when it meets certain criteria, in order to improve the situation and allow each dwelling to exist on its own individual lot.

Analysis: Initially, staff had concerns about the broad application of this amendment and the possible impacts to residential neighborhoods without having a set of strict criteria to use in evaluating requests. Staff worked with the applicant to make several revisions and a considerable amount of time was spent reviewing possible scenarios and looking for potential loopholes and pitfalls. In an effort to ensure that staff would recommend approval, the applicant

agreed to limit to scope of the amendment to existing lots that contain more than one single-family dwelling. The *City of Staunton, Virginia Comprehensive Plan 2018 - 2040* encourages home ownership. The proposed amendment would permit a few existing rental dwellings to be converted to owner occupied dwellings by having the dwellings on separate lots.

The proposed amendment would:

1. Be limited to situations where more than one single-family dwelling exists on one lot.
2. Allow small lots to be created in situations where the new lot would meet the minimum size and width of at least 50% of the lots that exist on the same block.
3. Prohibit the creation of lots less than 40 feet wide and 70 feet deep.
4. Require that single-family dwellings located on the new lots would be subject to the small lot exception for minimum setbacks. In general, the setbacks would be: 15-foot front, 5-foot each side, and 25-foot or 30-foot rear depending on the zoning district.
5. Ensure that the end result of the subdivision is that each dwelling would be located on its own individual lot (making sure that new vacant lots are not created).

Planning Commission Recommendation: At its meeting of October 21, 2021, the Planning Commission conducted a public hearing and considered the request. During the public hearing, no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to recommend approval of the proposed code amendment with the stipulation that this exception would be limited to properties in the H-1, Historic Preservation District, where there is additional oversight.

Attachments:

Attachment 1—Draft Amendment to Chapter 18.120 of the Staunton City Code
Attachment 2—Draft Ordinance

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

City Manager: Steven L. Rosenberg

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) No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by any other building or structure except:

(a) Awnings and canopies, as provided for in the building code and SCC 12.05.110.

(b) Bay windows and chimneys, not to exceed two feet.

(c) Driveways, curbs, sidewalks, and steps; provided, however, steps or stairs to a dwelling, nonenclosed, not to exceed six feet.

(d) Fences, walls, and hedges, subject to the regulations as set forth in this chapter.

(e) Garbage disposal equipment, nonpermanent.

(f) Landscape features, planting boxes, and recreational equipment.

(g) Overhanging roof, eave, gutter, cornice, or other architectural feature, not to exceed three feet. Open fire escapes may extend into any required yard not more than six feet.

(h) Parking space subject to the regulations set forth in Chapter 18.125 SCC.

(i) Signs, subject to the regulations set forth in Chapter 18.140 SCC.

(j) Terraces (open) and porches (nonenclosed) not to exceed six feet.

(k) Trees, shrubs, flowers, and other plants subject to the vision requirements in this chapter.

(2) On any corner lot where a front and side yard is required, no wall, fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two and one-half feet and 10 feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 15 feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersections.

(3) The following regulations shall apply to fences and walls in residential districts, or in any other district when constructed, placed, and/or used for residential purposes:

(a) The height of a fence or wall shall be measured from the elevation at the base of the fence or wall, on the side away from the principal structure, vertically to the highest point of

the fence or wall, including any posts or decorative caps. In the case of fences on top of retaining walls or immediately adjacent to retaining walls, the height of the fence shall be measured from the top of the wall.

(b) In any required front yard, except as provided in subsection (2), (3)(d), or (3)(e) of this section, no fence or wall shall be permitted above the height of three and one-half feet, except as to retaining walls on lots with a grade in excess of 15 percent.

(c) In any required side or rear yard, no fence or wall shall be permitted above the height of eight feet.

(d) Only for the purposes of this section, on any lot having frontage on more than one street, the orientation of the front or main door of the principal structure, as determined by the address assigned by the city, shall establish a primary front yard and all other front yards shall be considered secondary front yards. In secondary front yard(s), no fence or wall shall be permitted above the height of three and one-half feet unless the fence or wall is set back at least half the required front setback for the lot.

(e) On any through lot, as to any secondary front yard(s), as established in subsection (3)(d) of this section, no fence or wall shall be permitted above the height of three and one-half feet unless the fence or wall is set back the full front setback required for the lot, or the average setback established by the adjacent existing dwellings or structures in the block, whichever is greater.

(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 except as prescribed below:~~.~~

(i) On lots containing more than one single-family dwelling, existing on or before (DATE OF ADOPTION), and located within the H-1, Historic Preservation District, in cases where more than half of existing lots with frontage on the same side of an existing and accepted public street between two intersecting streets have a width or overall lot area which is less than that required in the regulations of the respective district, a lot may be divided into two or more new lots when the new lots will be equal to or greater than the width and the lot area of at least half of the other lots existing on the same side of the street at the time the subdivision is proposed. In no case shall a lot be created which is less than 40 feet in width and 70 feet in depth. Width shall be measured at the front building line. The provisions of maximum lot length set forth in Sections 18.20.040(4)(b), 18.25.040(4)(b), and 18.30.010(4)(c) shall not apply to the newly created lots. The minimum required setbacks for the newly created lots shall conform to 18.120.010(4)(d), Dwellings on Small and/or Narrow Lots. The result of the approved and recorded plat must be that each single-family dwelling be located wholly on its own individual lot.

(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) 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) 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).

DRAFT

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 ALLOW THE DIVISION OF EXISTING LOTS WHICH CONTAIN MORE THAN ONE SINGLE-FAMILY DWELLING AND WHEN LOCATED IN AN H-1, HISTORIC DISTRICT

Recitals

A. Kelly Grantier has applied for a zoning text amendment to allow for the division of lots in H-1, Historic Districts, which have been developed with more than one single-family dwelling;

B. Staunton City Code prohibits lots from being divided unless the newly created lots meet the minimum size and width established for the zoning district in which the lots are located;

C. The proposed amendment would provide an exception to allow lots which contain more than one dwelling to be divided into lots that are smaller than the minimum size and width when the new lots would fit the existing development pattern of the street;

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) …..

(a) …..

(b) …..

(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~~.~~ except as prescribed below:

(i) On lots containing more than one single-family dwelling, existing on or before (DATE OF ADOPTION), and located within the H-1, Historic Preservation District, in cases where more than half of existing lots with frontage on the same side of an existing and ~~accepted~~ public street accepted by City Council between two intersecting streets have a width or overall lot area which is less than that required in the regulations of the respective district, a lot may be divided into two or more new lots when the new lots will be equal to or greater than the width and the lot area of at least half of the other lots existing on the same side of the intersecting streets at the time the subdivision is proposed. In no case shall a lot be created which is less than 40 feet in width and 70 feet in depth. Width shall be measured at the front building line. The provisions of maximum lot length set forth in Sections 18.20.040(4)(b), 18.25.040(4)(b), and 18.30.010(4)(c) shall not apply to the newly created lots. The minimum required setbacks for the newly created lots shall conform to 18.120.010(4)(d), Dwellings on Small and/or Narrow Lots. The result of the approved and recorded plat must be that each single-family dwelling be located wholly on its own individual lot.

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

DRAFT

CITY COUNCIL AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**November 11, 2021**	**Staff Members:** **Rodney Rhodes** **Tim Hartless**
Item #	**D**	
Department:	**Community Development— Planning and Zoning**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Built Environment**	
Subject:	**Public Hearing and Consideration of a Request by Staunton/Augusta YMCA for a Special Use Permit for 575 New Hope Road (PIN #10377) Under the Provisions of Subsection 18.20.030(9), Uses Permitted on Review, of Chapter 18.20, R-1, Low Density Residential District, of Title 18, Zoning, of the Staunton City Code**	

Background: Staunton-Augusta YMCA is requesting a Special Use Permit to use property located at 575 New Hope Road for recreational purposes. The property consists of approximately 35 acres and is currently developed with a farm house, barn and accessory buildings. According to the applicant, these buildings would be demolished to make way for development of the new facility. The property is located on the north side of New Hope Road near the location of the former City sewage treatment plant and the John Lewis Farm and homestead. Property to the east is used by Stuart Hall School as school athletic fields. An attached map (Attachment 3) shows the surrounding uses. The property is zoned R-1, Low Density Residential District, and has a considerable amount of area in the floodplain (Attachment 2, Map of Floodplain). The property to the north and to the east, with the exception of the City sewage treatment plant site, is part of the Bell's Lane Agricultural and Forestal District. The area was annexed into the City in 1986.

Staunton-Augusta YMCA is requesting a Special Use Permit to use the property as a day camp in the summer and an outdoor recreation area. This type of use is permitted in R-1 zoning, but only by Special Use Permit. Attachment 1, supplied by the applicant, includes a letter explaining the intended use as well as a conceptual plan.

Analysis: Development of this facility will likely occur in two phases. The first phase would be the construction of the outdoor recreation facilities and parking so that the YMCA can offer camp in the summer of 2022. The second phase would include the construction of the buildings onsite.

The Zoning Code does not establish any criteria to be used in evaluating applications for "Recreation Uses not Operated for Gain," for which the Special Use Permit is requested. In evaluating the application, staff looked at a number of factors:

- The impact of the recreational use on the surrounding properties
- Traffic impacts on New Hope Road
- The existence of the floodplain and development potential of the property
- The Comprehensive Plan *Land Use Guide, Future Land Use Map*

As previously noted, the surrounding properties include a mixture of uses, including agricultural, industrial, religious and single-family residential on large lots. Although a recreational facility of this size will impact the area, due to the seasonal and daytime only use of the facility, these impacts should be limited.

The Zoning Code does not include a required parking calculation for this type of use. Section 18.125.010(3) states "[f]or uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the Planning Commission." The applicant has proposed 54 parking spaces onsite. Twenty-four of the spaces are intended for employee use, based on the following calculation:

- 2 spaces per every 3 employees normally engaged in or about the grounds
- 2 shifts of 25 counselors + 10 support staff = 35 employees engaged at one time
- 35 employees, divided by 3, multiplied by 2 = 24 parking spaces

This leaves 30 parking spaces to be used by visitors and by parents dropping off and picking up children. (250 campers, divided by 30 spaces = approximately 1 space for each 8 campers)

These calculations are very similar to what the Zoning Code requires for a daycare. Staff considered the proposed parking plan adequate for the intended use and recommended approval by the Planning Commission.

Initially, the applicant had expressed an interest in a shared parking arrangement with Staunton Alliance Church, located across New Hope Road. At the Planning Commission meeting of October 21, 2021, the applicant stated it is no longer interested in such an arrangement and will provide all required parking on site.

Staff requested that the applicant conduct a turn lane warrant analysis to determine if a turn lane needs to be constructed on New Hope Road. Timmons Group conducted an analysis and based on its determination a turn lane is not necessary. The City Engineer has reviewed the Timmons Group's analysis and methodology and concurs.

The existence of the extensive amount of floodplain on the property would greatly hinder the developability of the land. The use of the area for recreational purposes is a highly compatible use in a floodplain.

An attached map (Attachment 5) illustrates the zoning surrounding the site. Zoning to the north and south is I-1, Light Industrial District. Zoning to the east is R-1, Low Density Residential District. Zoning to the west is R-1, Low Density Residential District, and B-3, Planned Business District (Stuart Hall Athletic Fields).

The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, Future Land Use Map (Attachment 4) designates this area as Conservation/Recreation/Open Space and Low Density Residential. The Future Land Use Map is generalized and not property specific and the requested Special Use is consistent with the Conservation/Recreation/Open Space designation. Furthermore, the proposal is supported by the following recreation objectives of the *Comprehensive Plan*:

- Provide appropriate facilities and programs to adequately meet the recreational needs of the community.
- Continue to support and provide facilities for active and passive recreation activities that provide opportunities for social interaction.
- Work with the local YMCA and similar organizations to provide joint programs and to supplement resources.
- Continue to support the network of parks; small and large.

Planning Commission Recommendation: At its meeting of October 21, 2021, the Planning Commission conducted a public hearing and considered the request. During the public hearing, no one spoke in opposition to the request. On a 5-0 vote, the Commission unanimously voted to approve the parking requirement of 54 spaces and recommend approval of the proposed Special Use Permit with the following conditions:

1. All structures or uses within the floodplain must comply with the Floodplain regulations set forth in SCC title 18.170.
2. A sight distance analysis will be required. The relatively short distance to the curve in New Hope Road may require a different location for the entrance to the site than what has been shown on the conceptual plan, depending upon the sight distance determination.
3. The 54 parking spaces determined to accommodate the use of the site shall be provided onsite and all arrival and departure activities for campers shall also be done onsite.
4. A site plan will be required prior to construction. If construction is phased, a separate site plan may be necessary for each phase.
5. The athletic fields shall not have stadium style illumination.

Attachments:
Attachment 1—Application and Supporting Documents
Attachment 2—575 New Hope Road Floodplain
Attachment 3—Surrounding Uses
Attachment 4—Vicinity Map—575 New Hope Rd
Attachment 5—Current Zoning—575 New Hope Rd
Attachment 6—Future Land Use—575 New Hope Rd

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

City Manager: Steven L. Rosenberg

Attachment 1

STAUNTON VIRGINIA

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

APPLICATION FOR SPECIAL USE PERMIT

DATE: 9/10/21

NAME OF APPLICANT: Staunton-Augusta YMCA

ADDRESS OF APPLICANT: 708 N. Coalter St., Staunton, VA 24401

PHONE #: 540-885-8089

E-MAIL ADDRESS: josh@saymca.org

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

LOCATION OF PROPERTY: 575 New Hope Rd.

MAP PROVIDED: YES X NO ____ SITE PLAN PROVIDED: YES X NO ____

FEE PAID: YES X NO ____ **check or cash only*

PRESENT ZONING OF THE PROPERTY: R1

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON REVIEW:
18.20.030 (9) Social and recreational uses not operated for gain.

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

LEGAL DESCRIPTION OF PROPERTY: (56-5) ADJ LEAVELL SHUE-35 ACRES APPROX.

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

Detailed description and documents are attached.

SIGNATURE: Jason Lackey

Jason Lackey
YMCA Board of Directors
540-295-6704

Commercial Purchase Agreement

This Commercial Purchase Agreement (the "Agreement") is dated September 7, 2021, between Boyd E. Tankersley Living Trust ("Seller") and Young Men's Christian Association of Staunton Virginia, a Virginia corporation ("Purchaser").

1. Sale of Property. Purchaser agrees to buy and Seller agrees to sell the land, all improvements thereon, and all rights and appurtenances thereto belonging, located in the City/~~County~~ of Staunton, Virginia, with a tax parcel no. of PIN 10377 and a street address of 575 New Hope Road, Staunton, Virginia 24401. Seller discloses that **[select one]:** [ ] there are no tenants or other parties in possession of the Property **OR** [X] there are tenants or persons who are in possession of the Property as set forth on **SCHEDULE A** attached hereto.

2. Purchase Price. The purchase price for the Property is FOUR HUNDRED TWENTY-FIVE THOUSAND AND NO/100 Dollars ($425,000.00) (the "Purchase Price") and shall be paid to Seller at Settlement, subject to the prorations and adjustments described herein, as follows:

A. Deposit. Purchaser shall make a deposit of $ 5,000.00 to be held by Nelson, McPherson, Summers & Santos, L.C. (the "Escrow Agent") in the form of: [ ] check [ ]cash [X]other cashiers check (the "Deposit"). Purchaser **[select one]:** [ ] has paid the Deposit to the Escrow Agent **OR** [X] will pay the Deposit to the Escrow Agent within five (5) days (the "Extended Deposit Date") after the date this Contract is fully executed by the parties. If Purchaser fails to pay the Deposit as set forth herein, then Purchaser shall be in breach of this Contract. At Seller's option and in lieu of all other remedies set forth in this Contract, Seller may terminate this Contract by written notice to Purchaser and neither party shall have any further obligation hereunder.

If the Escrow Agent is a Virginia Real Estate Board ('VREB") licensee, the parties direct the Escrow Agent to place the Deposit in an escrow account by the end of the fifth business banking day following the latter of: (i) the date this Contract is fully executed by the parties, or (ii) the Extended Deposit Date. If the Escrow Agent is not a VREB licensee, the parties direct the Escrow Agent to place the Deposit in an escrow account in conformance with applicable Federal or Virginia law and regulations. The Deposit may be held in an interest bearing account and the parties waive any claim to interest resulting from such Deposit. The Deposit shall not be released by the Escrow Agent until (i) credited toward the purchase price at settlement; (ii) Seller and Purchaser agree in writing as to its disposition; (iii) a court of competent jurisdiction orders a disbursement of the funds; or (iv) disbursed in such manner as authorized by the terms of this Contract or by Virginia law or regulations. Seller and Purchaser agree that Escrow Agent shall have no liability to any party for disbursing the Deposit in accordance with this paragraph, except in the event of Escrow Agent's negligence or willful misconduct.

B. Balance. The balance of the Purchase Price shall be paid by Purchaser **as set forth in Paragraph 15 below** ~~at Settlement in certified funds or bank wire (inclusive of any loan obtained by Purchaser to purchase the Property)~~.

3. Settlement.

A. Settlement of Property. Settlement of the purchase and sale of the Property shall be made at location of Purchaser's choice on or about two (2) weeks after the end of the Feasibility Period as it may be extended under Paragraph 15 herein ("Settlement"). Possession of the Property shall be delivered to Purchaser at Settlement.

B. Deliveries by Seller at Settlement. At Settlement, Seller shall deliver to Purchaser the following:

(i) A general warranty deed with full English covenants of title (the "Deed") conveying to the Purchaser good and marketable fee simple title to the Property, free and clear of all liens, encumbrances, conditions and restrictions, except any lien for real estate taxes not yet due and payable, and any Title Objections for which Purchaser has no objection and/or has waived such objection pursuant to Paragraph 5;

(ii) An affidavit for the benefit of Purchaser and its title insurer, satisfactory to Purchaser's title company (the "Affidavit") stating that (i) no right to a mechanic's or materialman's lien has accrued with respect to the Property as a result of any act or omission by the Seller and (ii) there are no outstanding leases or agreements with regard to, or other parties in or entitled to possession of, the Property except as disclosed in **SCHEDULE A** attached hereto;

(iii) A Certificate of Non-Foreign Status as required by Section 1445 of the Internal Revenue Code of 1986 and any other certificates required by any governmental authority or agency;

(iv) If the Property is leased, a tenant estoppel certificate and an assignment of lease (including the transfer of the security deposit at Settlement) for each and every tenant of the Property, in forms acceptable to Purchaser; and

(v) Such other Seller certifications as Purchaser's lender or title company may reasonably require.

C. Costs and Prorations. Seller shall pay the costs of preparing the Deed, the Grantor's tax thereon and any other expenses incurred by Seller. Purchaser shall pay for the title search, title insurance premiums, survey expenses, lender fees, Grantee's tax and all other settlement expenses incurred by Purchaser. Real estate taxes, rent, CAM and assessments, as applicable, shall be prorated between Seller and Purchaser as of the date of the Settlement. Each party shall pay its own legal, accounting and other expenses incurred in connection with this Agreement or Settlement.

D. Condition of Property. Purchaser agrees to accept the Property at Settlement in its physical condition at the time this Agreement is fully executed by all parties, except as otherwise provided herein. ~~Seller agrees to maintain the Property in good condition and repair until Settlement. At Settlement, Seller agrees to transfer to Purchaser all existing warranties, if any, on the Property's roof, structural components, HVAC, mechanical, electrical, security and plumbing systems.~~

4. Feasibility Period.

A. For a period of one hundred twenty (120) days, **as may be extended pursuant to Paragraph 15**, following execution of this Agreement by all parties (the "Feasibility Period"), Purchaser, its agents and contractors, shall have the right to: (i) enter the Property for the purpose of inspecting the Property and performing tests as are desirable to Purchaser in its sole and absolute discretion; (ii) seek zoning information from the local governing authority concerning Purchaser's intended use of the Property; and/or (iii) apply for lender financing to acquire the Property.

B. Within five (5) days after Seller's receipt of a fully executed copy of this Agreement, if not previously delivered, Seller shall deliver to Purchaser copies of the following materials related to the Property if in Seller's possession: (i) any Phase I or other environmental studies; (ii) a current survey; (iii) the most current owner's title insurance policy; and (iv) all leases and rent rolls for each tenant identified in **SCHEDULE A** (including without limitation, the base monthly rental and all taxes, insurance, and other pass-throughs paid by the tenant), and all contracts affecting the Property that are not terminable at will. Items (i) through (iv) are collectively referred to as the "Materials".

C. If Purchaser is not satisfied in its sole and absolute discretion with all aspects of the Property (including zoning) or the Materials, or has not obtained financing upon terms and conditions satisfactory to Purchaser, then Purchaser shall have the right, upon written notice to Seller prior to the expiration of the Feasibility Period, to terminate this Agreement, in which event the Deposit shall be refunded in full to Purchaser and the parties shall have no further obligation or liability to one another, except for any liability pursuant to the indemnity provisions of Paragraphs 4D., 10 and 11. **See Paragraph 15 regarding refund of Deposit.** ~~Purchaser acknowledges that the Feasibility Period will not be extended for any reason, regardless of whether Purchaser has completed its inspections or zoning inquiry, or has obtained financing~~.

D. If Purchaser fails to acquire the Property, Purchaser agrees: (i) to repair any damage arising as a result of its exercise of the right of access granted in this Paragraph 4; (ii) to indemnify and hold Seller harmless from any and all liability of any kind or nature whatsoever as a result of the exercise of such right of access, other than as a result of Seller's negligence or misconduct or the negligence or misconduct of Seller's agents, employees or contractors; and (iii) upon demand to return the Materials to Seller.

5. Title and Survey Objections. Purchaser may, at its sole expense, obtain a title insurance commitment and a survey for the Property. Prior to the expiration of the Feasibility Period, Purchaser shall notify the Seller in writing as to any title or survey objections regarding the Property that the Purchaser is unwilling to accept (collectively the "Title Objections"). Seller shall advise Purchaser in writing within ten (10) days after receipt of such notice, which if any of the Title Objections will not be cured by Seller at or prior to Settlement. If Seller fails to respond to Purchaser within such ten (10) day period or if Seller's response indicates that it does not intend to cure one or more of the Title Objections, then Purchaser may, at its option either (i) terminate this Agreement by giving written notice to Seller; (ii) cure such Title Objections at its own expense and proceed to Settlement with no reduction in the Purchase Price; or (iii) waive such Title Objections and proceed to Settlement, with no reduction in the Purchase Price. If Purchaser elects to terminate this Agreement, the Deposit shall be refunded in full to Purchaser and the parties shall have no further obligation or liability to one another, except for any liability pursuant to the indemnity provisions of Paragraphs 4D., 10 and 11.

6. Conditions Precedent to Obligation of Purchaser. This Agreement and all of Purchaser's obligations hereunder are further subject to Purchaser determining in its sole and absolute discretion that all of the conditions set forth in this Paragraph 6 have been satisfied or waived in writing by Purchaser. In the event that any of the following conditions are not satisfied or waived by Purchaser, Purchaser may give written notice to Seller terminating this Agreement on or before Settlement, in which event the Deposit shall be refunded in full to Purchaser and the parties shall have no further obligation or liability to one another, except for any liability pursuant to the indemnity provisions of Paragraphs 4D., 10 and 11. **See Paragraph 15 regarding refund of Deposit.**

A. Seller's Representations and Warranties. All the representations and warranties of Seller made herein shall have been true when made and shall be true and correct as of Settlement, with no material changes therein.

B. Seller's Deliveries. As of Settlement, Seller shall have taken all action and delivered all documents and materials required by this Agreement.

C. No Litigation. As of Settlement, there shall be no litigation, proceeding or investigation pending, or to the knowledge of Purchaser or Seller threatened, which might prevent or adversely affect the intended use of the Property or which questions the validity of any action taken or to be taken by Seller or Purchaser hereunder, or which threatens the continued operation of the Property for commercial purposes.

7. Representations and Warranties of the Seller. Seller, jointly and severally (if more than one Seller), represents and warrants unto Purchaser as of the date hereof and on the Settlement date that:

A. Authority and Marketable Title. Seller is the owner of the Property, possesses the requisite authority to enter into and perform this Agreement, and has the absolute right to sell, assign, and transfer the Property to Purchaser at Settlement.

B. No Pending Litigation or Bankruptcy. There are no actions, suits or proceedings at law or in equity pending, threatened against, or affecting the Property before or by any federal, state, municipal, or other governmental department, commission, board, bureau, agency, or instrumentality. No bankruptcy or similar action, whether voluntary or involuntary, is pending or is threatened against Seller, and Seller has no intention of filing or commencing any such action within ninety (90) days following Settlement.

C. No Outstanding Purchase Option. No option, right of first refusal or other contractual opportunity to purchase the Property has been granted to, or executed with, a third-party that is enforceable against Seller and/or the Property giving such third-party a right to purchase an interest in the Property or any party thereof.

D. No Notice of Repairs. Seller has received no written notice from any governmental agency that repairs, alterations or corrections that must be made to the Property.

E. Utilities. The Property is connected to **[select one]:** [X] a municipal ~~water and~~ sewer system and has utility meters installed within the Property **AND** [X] a well ~~and septic system~~ located on the Property. Seller makes no representations on whether the capacities of such utilities are sufficient for Purchaser's intended use of the Property.

~~F.~~ Hazardous Materials. To the best of Seller's actual knowledge, no toxic or hazardous materials (as said terms are defined in any applicable federal or state laws) have been used, discharged or stored on or about the Property in violation of said laws, and to the best of Seller's knowledge, no such toxic or hazardous materials are now or will be at Settlement located on or below the surface of the Property. ~~There are no petroleum storage tanks located on or beneath the surface of the Property.~~

G. Parties in Possession. As of the Settlement date, there will be no adverse or other parties in possession of the Property or any part thereof, nor has any party been granted any license, lease or other right or interest relating to the use or possession of the Property or any part thereof, except for the Leases attached hereto and made a part hereof as **SCHEDULE A.**

H. Other Contracts. Seller is not a party to any contracts relating to the Property that is not terminable at will, except as disclosed on **SCHEDULE B,** which is attached hereto and made a part hereof. Between the date of this Agreement and the Settlement date, Seller will not, without the prior written consent of Purchaser, which consent shall not be unreasonably withheld, enter into any contract relating to the Property that is not terminable at will.

I. No Undisclosed Restrictions. Seller has not, nor to the best of Seller's knowledge or belief has any predecessor in title, executed or caused to be executed any document with or for the benefit of any governmental authority restricting the development, use or occupancy of the Property that has not specifically been disclosed to Purchaser or wouldn't be revealed by a title report.

8. Risk of Loss. The risk of loss or damage to the Property by fire or other casualty prior to Settlement shall be on the Seller. If such loss or damage materially and adversely affects the use of the Property as of Settlement, Purchaser shall be entitled to terminate this Agreement by written notice to Seller, in which event the Deposit shall be refunded in full to Purchaser and the parties shall have no further obligation or liability to one another, except for any liability pursuant to the indemnity provisions of Paragraphs 4D., 10 and 11.

9. Condemnation. If, prior to Settlement, any taking pursuant to the power of eminent domain is proposed or occurs, as to all or any portion of the Property intended to be acquired at Settlement by the Purchaser, or sale occurs in lieu thereof, the Purchaser shall be entitled to terminate this Agreement by written notice to Seller, in which event the Deposit shall be refunded in full to Purchaser and the parties shall have no further obligation or liability to one another, except for any liability pursuant to the indemnity provisions of Paragraphs 4D., 10 and 11.

10. Access/Cooperation. During the term of this Agreement, Purchaser and his duly authorized agents shall be entitled to reasonable access to the Property for the purpose of surveying, appraising and making other findings related to the Property. Purchaser agrees to indemnify and hold the Seller harmless from any and all liability of any kind or naturewhatsoever as a result of the exercise of such right of access, other than as a result of the Seller's gross negligence or willful misconduct.

11. Agents and Brokers. Each party represents and warrants that it did not consult or deal with any broker or agent with regard to this Agreement or the transaction contemplated hereby, ~~except for the Listing Broker and the Selling Broker,~~ and each party hereto agrees to indemnify and hold harmless the other party from all liability, expense, loss, cost or damage, including reasonable attorneys' fees, that may arise by reason of any claim, demand or suit of any agent or broker arising out of facts constituting breach or the foregoing representation and warranting. ~~Listing Broker shall be paid a brokerage fee of Seller of [ ] _____ % of the Purchase Price. Selling Broker shall be paid by Seller a fee of [ ] _____ % of the Purchase Price. The fees to the Listing Broker and Selling Broker shall be paid in cash at Settlement.~~

12. Notices. Any notice, request or demand required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed sufficiently given if, delivered by hand or messenger at the address of the intended recipient, sent prepaid by Federal Express (or a comparable guaranteed overnight delivery service), or deposited in the United States first class mail (registered or certified, postage prepaid, with return receipt requested), addressed to the intended recipient, at the intended recipient's address set forth below, or at such other address as the intended recipient may have specified by written notice to the sender given in accordance with the requirements of this Paragraph. Any such notice, request or demand so given shall be deemed given on the day it is received by the recipient.

For the Seller: Boyd E. Tankersley, 575 New Hope Road, Staunton, VA 24401, with copy to John I. Hill, Esq., 404 South Wayne Avenue, Waynesboro, VA 22980.

For Purchaser: Staunton-Augusta YMCA, 705 North Coalter Street, Staunton, VA 24401, with copy to: Jessica L. Robinson, Esq., 12 North New Street, Staunton, VA 24401.

13. Default.

A. Default by Purchaser. If Purchaser defaults under this Agreement, the damages suffered by Seller would be difficult to ascertain. Therefore, Seller and Purchaser agree that, in the event of a default by Purchaser, Seller's sole and exclusive remedy, in lieu of all other remedies, shall be to terminate this Agreement and retain the Deposit as full and complete liquidated damages. ~~If the deposit is retained as liquidated damages, Seller agrees to~~

~~pay one-half of the Deposit to the Listing Broker to compensate Broker for his brokerage services in the transaction. Such payment shall have no effect on the payment due in any subsequent transaction~~. Seller hereby specifically waives the right to seek specific performance of this Agreement by Purchaser or any other remedy at law or in equity, provided that Seller reserves the right to all remedies available at law and in equity solely in order to enforce the indemnification obligations of Purchaser under Paragraphs 4D., 10 and 11 herein.

B. Default by Seller. If Seller defaults under this Agreement, Purchaser shall have the option to (i) seek specific performance of this Agreement, or (ii) terminate this Agreement, in which event the Deposit shall be promptly refunded to Purchaser. Seller shall be liable for Purchaser's expenses in the filing of any specific performance action, including reasonable attorney's fees and court costs.

C. Right to Cure Default. Prior to any termination of this Agreement as provided in Subparagraphs 13A. and 13B., the non-defaulting party shall provide written notice of any default(s) to the defaulting party (the "Default Notice") permitting the defaulting party ten (10) days to cure any such default(s). If defaulting party does not cure the default(s) or does not respond to the Default Notice, then the non-defaulting party may terminate the Agreement by written notice to the defaulting party. Nothing herein shall prevent either party from seeking a judicial determination regarding any default; provided however, the court shall award the expenses of attorney's fees and court costs to the prevailing party in any such action.

~~D. Brokerage Fees. Notwithstanding the remedies set forth in Subparagraphs 13A., 13B, and 13C, if either Seller or Purchaser defaults under this Agreement, the defaulting party shall be liable for the full amount of the brokerage fees set forth in Paragraph 11 and any brokerage fees set forth in Seller's listing agreement with the Listing Broker for the Property (which document is hereby incorporated herein by this reference) as if this Agreement and Seller's listing agreement had been performed, and for any damages and all expenses incurred by the Listing Broker and the Selling Broker in connection with this transaction and the enforcement of this Agreement and Seller's listing agreement, including, without limitation, attorney's fees and court costs. Payment of a real estate broker's fee as the result of a transaction relating to the Property which occurs subsequent to a default under this Agreement shall not relieve the defaulting party of liability for any brokerage fees due under this Agreement or Seller's listing agreement.~~

14. Miscellaneous.

A. Final Agreement. This Agreement contains the entire agreement between the parties hereto relating to the Property and supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, between the parties hereto.

B. Virginia Law Applicable. This Agreement shall be construed, performed and enforced in accordance with the laws of the Commonwealth of Virginia and shall not be amended or modified and no waiver of any provision hereof shall be effective unless set forth in a written instrument executed with the same formality as this Agreement.

C. Assignment. This Agreement shall not be assigned by one party without the written consent of the other party, except the assignment of this Agreement to an entity owned by Purchaser or the principals of Purchaser shall not require the consent of Seller, but Purchaser shall provide written notice to Seller of such assignment. This Agreement shall inure to the benefit of the parties hereto and their respective and permitted successors and assigns.

D. Counterparts. This Agreement may be signed in one or more counterparts, each of which is deemed to be an original and all of which shall together constitute the same instrument. The parties agree that a fax of any signed original document shall have the same effect as an original.

E. Tax-Deferred Exchange. Either party may elect to include the conveyance of the Property in an IRS Section 1031 Like Kind Exchange (a tax-deferred exchange). In the event that a party makes such an election, the non-exchanging party agrees to execute such documents necessary to effectuate such an exchange (at no cost to the exchanging party), but in no event shall such exchange affect the terms of the transaction or a party's responsibilities to the other party under this Agreement. The exchanging party shall bear the sole costs of its exchange.

F. **WIRE FRAUD ALERT.** Criminals are hacking email accounts of real estate agents, title companies, settlement attorneys, and others, resulting in fraudulent wire instructions being used to divert funds to the account of the criminal. Owner is advised to not wire any funds without personally speaking with the intended recipient of the wire to confirm the routing number and the account number. Neither Purchaser or Seller should send personal information such as Social Security numbers, bank account numbers, and credit card numbers except through secured email or personal delivery to the intended recipient.

15. Additional Provisions: (1) Purchaser shall pay $125,000.00 more of the Purchases Price on the date of Closing. The remaining balance of $300,000.00 will be paid in $100,000.00 increments, plus accrued interest at the rate of four percent (4%), on the first, second and third anniversary dates of the Closing, until paid in full. Purchaser shall incur a Pre-Payment Penalty of four percent (4%) of any principle payment of the $300,000.00 seller financed Note made in advance of the scheduled payment date. (2) Feasibility Period: At the end of the initial 120 days of the Feasibility Period, Purchaser will either move to Closing or can elect a 30-day extension of the Feasibility Period. If said 30-day extension is elected, $2,500.00 of the Deposit will become nonrefundable. At the end of the first 30-day extension of the Feasibility Period, Purchaser may elect an additional 30-day extension of the Feasibility Period, at which time the remaining $2,500.00 of the Deposit will become nonrefundable. Prior to the end of the second 30-day extension of the Feasibility Period, Purchaser will notify Seller that either Purchaser plans to move to Closing or Purchaser has decided to terminate this Agreement. If Purchaser elects to terminate this Agreement, the Deposit shall be released to Seller and the parties shall have no further obligations under this Agreement. (3) If the Purchaser elects to Purchase the Property, the $5,000.00 Deposit will be applied to the Purchaser Price at Closing. (4) ~~If the Closing occurs prior to March 1, 2022,~~ Seller shall have the right to continue to occupy the principal residence located on Property until 5:00 p.m. on ~~March 1,~~ May 31, 2022. If the Seller elects to continue to occupy the principal residence post-Closing, (i) Seller shall do so at their own risk and Seller shall indemnify Purchaser against and hold Purchaser harmless for any and all cost, liability, loss, damage or expense, including, but not limited to, attorney's fees, arising out of Seller's continued occupancy of the Property; (ii) Seller shall be responsible for providing insurance for Seller's personal property; ~~and (iii) if Seller fails to vacate the Property by 5:00 p.m. on March 1, 2022, Seller shall pay to Purchaser, as liquidated damages, the sum of $100.00/day, and shall also be responsible for all of Purchaser's costs, including but not limited to, reasonable attorney fees, related to removing Seller from the Property, regardless if it becomes necessary to file suit to effect such removal.~~ and (iii) **parties agree that the principal residence will** not **be accessible by anyone other than the Seller in addition Seller shall have use of the principal residence, sheds ,pods, and immediate property in the fenced in/off areas surrounding the** principal residence **and barn and shall have access to the lane for ingress and egress.** The parties agree that the terms of item (4) of this Paragraph 15 shall survive Closing and shall not be merged with the Deed.

16. Acceptance. To be effective this Agreement must be executed by Purchaser and Seller and an original copy of this Agreement returned to Purchaser no later than 5:00 p.m. on September 10, 2021, or this Purchase Agreement shall be deemed withdrawn.

Each of the parties has executed this Agreement in its name pursuant to due authority as of the dates set forth below.

YOUNG MEN'S CHRISTIAN ASSOCIATION OF STAUNTON VIRGINIA

By: YMCA of Staunton, VA
Purchaser
Printed Name: James Hall
Title (if applicable): CVO
Date: 9/9/2021

BOYD E. TANKERSLEY LIVING TRUST

By: Boyd E. Tankersley Living Trust
Seller
Printed Name: Boyd E. Tankersley
Title (if applicable):
Date: 9/10/21

Purchaser
Printed Name:
Title (if applicable):
Date:

Seller
Printed Name:
Title (if applicable):
Date:

Selling Company's Name and Address

Agent's Name
Agent's tel. no.
Fax no.
Agent's email

Listing Company's Name and Address

Agent's Name
Agent's tel. no.
Fax no.
Agent's email

SCHEDULE A

LEASES, AGREEMENTS AND CONTRACTS
FOR TENANTS AND OTHER PARTIES
IN POSSESSION OF THE PROPERTY

List below each such tenant or other party in possession of the Property, and provide Purchaser with a copy of each lease, license or other agreement. If verbal agreement, summarize terms below.

Also provide Purchaser with any contract affecting the Property that is not terminable at will.

The parties acknowledge that the Seller currently has verbally leased a portion of the Property to Scott Buchanan (the Tenant) until November 30, 2021. Seller shall terminate said lease and the Tenant and all of Tenant's personal property shall be removed from the Property by November 30, 2021, and, if said lease is not so vacated and the Tenant and Tenant's personal property so removed, Purchaser may terminate this Agreement and the Deposit shall be refunded to Purchaser, even if the Deposit, or any portion thereof, had become nonrefundable pursuant to Paragraph 15 of this Agreement.

SCHEDULE B

CONTRACTS RELATING TO THE PROPERTY
(Not terminable at will)

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

City of Staunton,

The Staunton Augusta YMCA is proposing a day camp to service the childcare needs of the greater Staunton, Augusta, and Waynesboro population. The anticipated finished build will accommodate approximately 250 campers and staff during the summer months from 7:00 a.m. to 6 p.m. Drop off will start at 7 and campers will be required to be present by 9:00 a.m., with pickup ranging from 4:00 p.m. to 6:00 p.m. During the non-summer months of the year, the camp may make use of the grounds by allowing the members to use the track and other facilities during the day for exercise and we may one day accommodate an after school program.

Without knowing precisely how much parking is required, we have estimated needing 54 parking spaces with 4 being wheelchair accessible. We have not spoken with Staunton Alliance Church across New Hope Rd. yet but there is a strong desire to use their existing 44 parking spaces in the lower tier for staff. This parking lot is approximately 200' to the lodge, not in use when we need it and the parking we would provide on our site could be reciprocated if they need expansion. This plan provides a greener and less intensive use of land.

There is 530' of linear curb for parents to drop off campers and accommodate vehicle stacking and there is a desire to collaborate with the city to provide bus pick-up at the elementary schools to eliminate unnecessary traffic on New Hope Rd.

Staunton City GIS shows an 8" water main running along the south side of new hope and a sewage manhole on the east most side of the property. The closest hydrant is at the west entrance to Staunton Alliance Church and is approximately 750' to the recreation facility.

These plans are preliminary and will change as the design is developed, but they are submitted in good faith.

Sincerely,

Jason Lackey
Member, Board of Directors
Staunton-Augusta YMCA
708 N. Coalter St.
Staunton, VA 24401
(540) 885-8089

SAYMCA Youth Activities Center at New Hope Field

Concept Rendering



PL

LEWIS CREEK

EST. STREAM BANK

FLOOD PLAIN

1290

1295

1300

1305

1310

PROPOSED
MULTI-PURPOSE
LODGE
80 x 30

28

26

PROPOSED INDOOR
RECREATION FACILITY

EX SAN LINE

1315

1320

1325

NEW HOPE ROAD

EX. HYDRANT

STAUNTON ALLIANCE CHURCH LOWER TIER PARKING

EX. 8" WATER MAIN

150' 0 150' 300' 450'

N

YOUTH ACTIVITIES CENTER AT NEW HOPE FIELD - CONCEPT

REV.

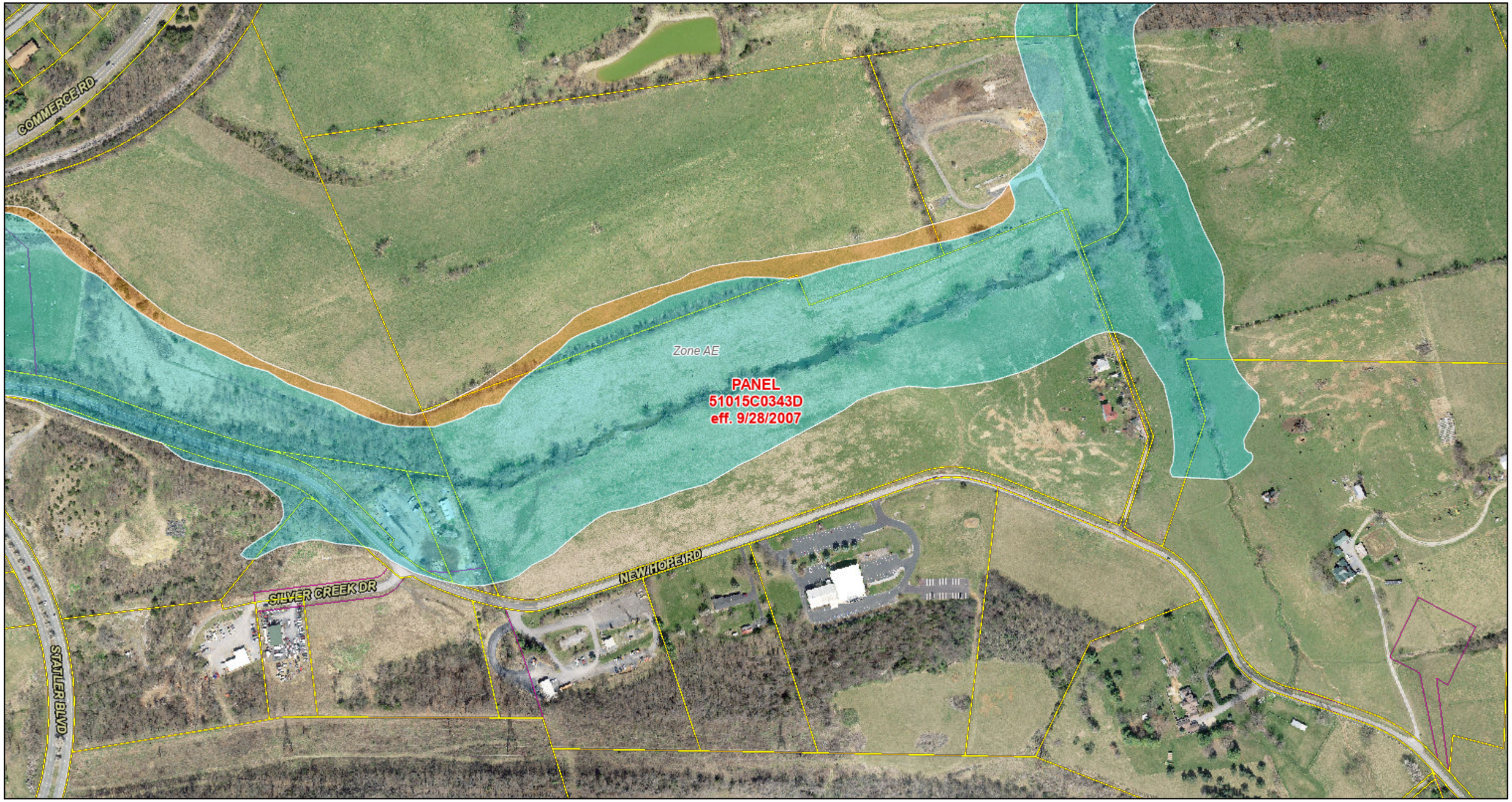
DRG. 9/10/21

SHEET

C1

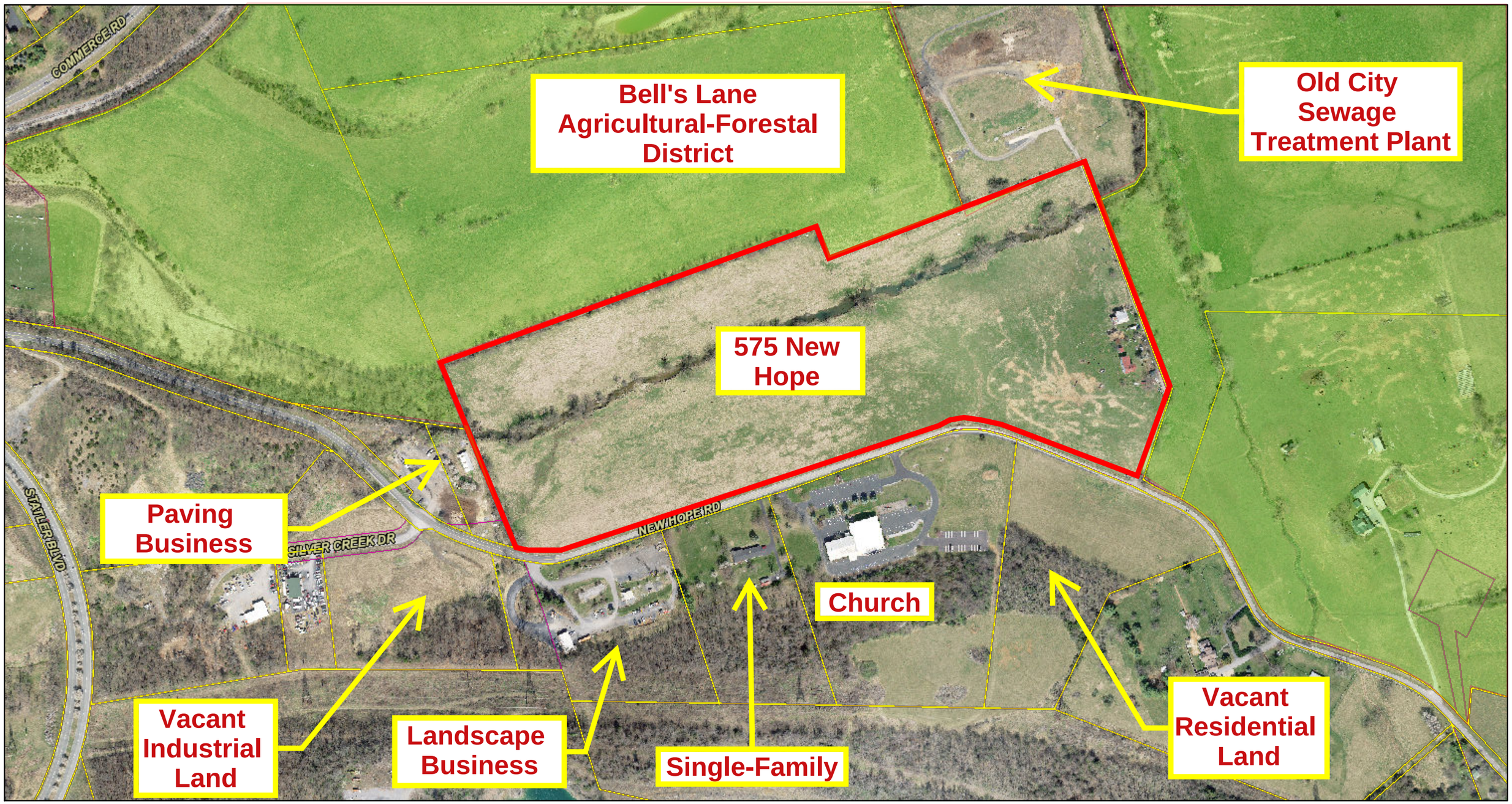
575 New Hope Road Floodplain

Attachment 2



Surrounding Uses

Attachment 3



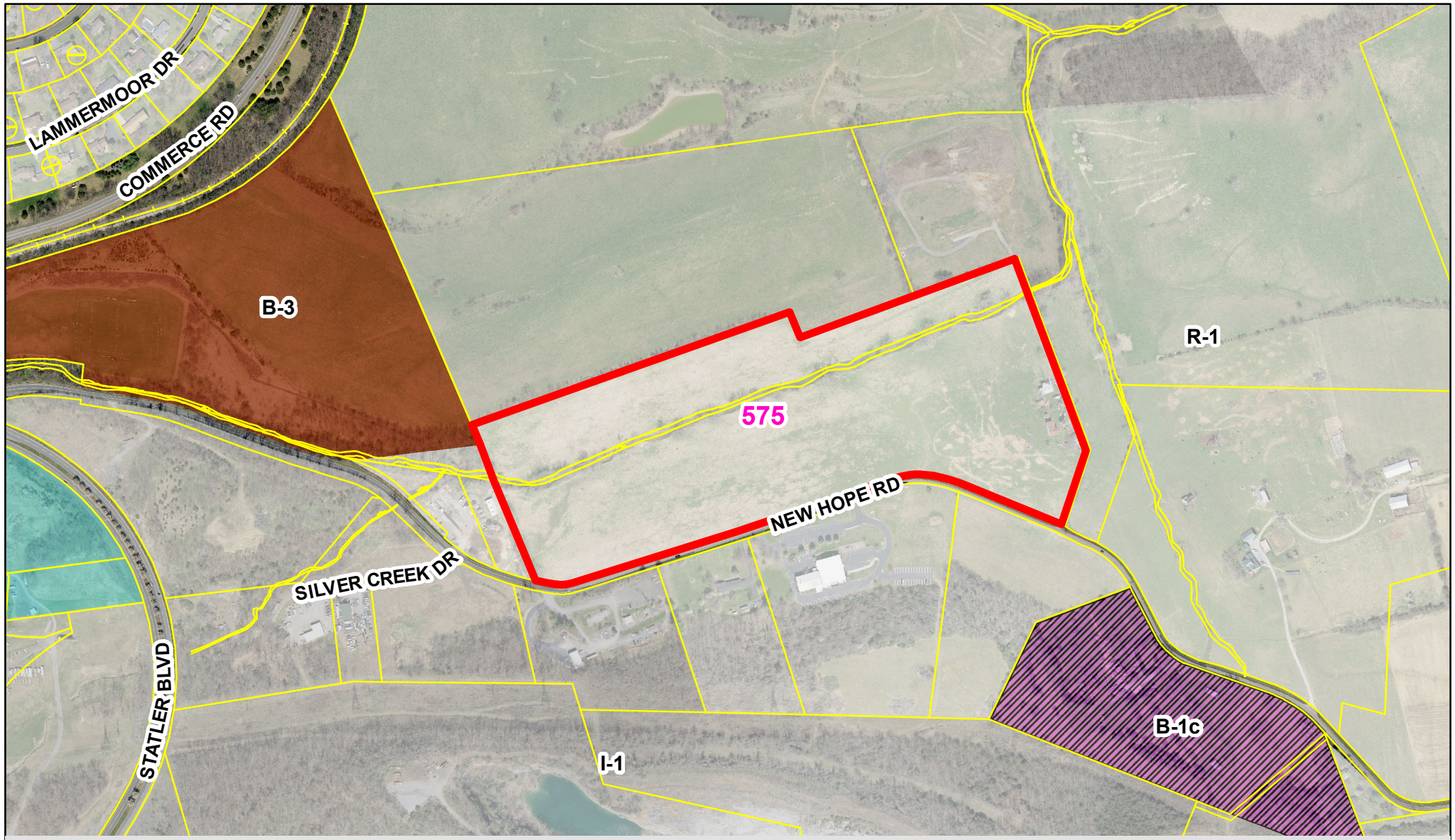
Vicinity Map – 575 New Hope Rd

Attachment 4



Current Zoning - 575 New Hope Rd

Attachment 5



Future Land Use - 575 New Hope Rd

Attachment 6



CITY COUNCIL

AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**November 11, 2021**	**Staff Member:** **Phil Trayer**
Item #	**E**	
Department:	**Finance**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence** **Strategic Area: Responsible, Efficient Government**	
Subject:	**Presentation of Quarterly Financial Report**	

Background: Phil Trayer, Chief Finance Officer, will present a financial report for the first quarter of fiscal year 2022. The quarterly financial report and the sales, meals, lodging tax reports, and golf history report are attached.

Attachments:

Attachment 1—Financial Report
Attachment 2—Sales, Meals and Lodging Tax Reports
Attachment 3—Golf Report

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

Attachment # 1

FY 2022 FINANCIAL REPORT - UNAUDITED

SEPTEMBER 30, 2021

GENERAL FUND REVENUES	FY2022 BUDGET	ACTUAL YTD	AVAILABLE BUDGET	% RECEIVED	Comment
PROPERTY TAXES					
Real Estate Taxes 2022 (75%) & 2021 (25%)	$ 20,167,363	$ 2,948,764	$ 17,218,599	15%	75% of 2022 Taxes due June 20, 2022 25% of 2022 Taxes due Dec 5, 2021
Real Estate - Public Service	905,000	-	905,000	0%	100% of 2022 Taxes due Dec 5, 2021
Real Estate - Interest	150,000	19,628	130,372	13%	
Real Estate- Penalty	115,000	43,045	71,955	37%	
Real Estate Tax -Downtown Serv District	120,000	2,741	117,259	2%	25% due Dec 5; 75% due June 21
Personal Property Taxes 2022-…	5,525,000	56,958	5,468,042	1%	100% of 2022 PP Tax due December 5, 2021
Personal Property Taxes -Prior Written Off	-	249	(249)	#DIV/0!	
Personal Property Taxes- Public Service	2,700	-	2,700	0%	
Personal Property -Interest	65,000	23,571	41,429	36%	
Personal Property - Penalty	85,000	15,390	69,610	18%	
Machinery & Tools Tax	450,000	-	450,000	0%	100% Tax Due December 5, 2021
TOTAL PROPERTY TAXES	**$ 27,585,063**	**$ 3,110,347**	**$ 24,474,716**	**11%**	
OTHER LOCAL TAXES					
Business & Occupational Licenses	$ 2,040,000	$ 98,694	$ 1,941,306	5%	BPOL License due March 1, 2022
Water Utility Tax	285,000	42,346	242,654	15%	Paid Monthly w/ 1-2 months delay in collection
Gas Utility	298,000	39,744	258,256	13%	Paid Monthly w/ 1-2 months delay in collection
Electric Utility	585,000	98,004	486,996	17%	Paid Monthly w/ 1-2 months delay in collection
Local Sales Tax	4,662,500	464,319	4,198,181	10%	Paid Monthly w/ 2 months delay in payment from State
Bank Stock	485,000	494	484,506	0%	Paid in June
Recordation	220,000	77,005	142,995	35%	Paid Monthly w/ 1 month delay in collection
Cigarette Tax	385,000	119,679	265,321	31%	Paid at sale date, no delay in collection
Lodging Tax	760,000	211,934	548,066	28%	Paid Monthly w/ 1 month delay in collection
Meals Tax	4,300,000	968,496	3,331,504	23%	Paid Monthly w/ 1 month delay in collection
Probate Tax on Wills	7,000	1,167	5,833	17%	
Short Term Rental Tax	23,000	-	23,000	0%	
Local Communications Tax	1,100,000	86,679	1,013,321	8%	Paid Monthly w/ 1-2 months delay in collection
TOTAL OTHER LOCAL TAXES	**$ 15,150,500**	**$ 2,208,559**	**$ 12,941,941**	**15%**	
PERMITS					
Short Term Rental Registration/Precious Metal	$ -	$ 150	$ (150)	#DIV/0!	
Judicial Charges for Services	900	167	733	19%	
Public Safety Charges for Services	197,000	44,470	152,531	23%	
Planning and Development Charges for Services	10,500	4,075	6,425	39%	
TOTAL PERMITS	**$ 208,400**	**$ 48,862**	**$ - $ 159,538**	**23%**	

SEPTEMBER 30, 2021

GENERAL FUND REVENUES	FY2022 BUDGET	ACTUAL YTD	AVAILABLE BUDGET	% RECEIVED	
FINES & FORFEITURES					
Circuit Court Fines	$ 168,000	$ 21,798	$ 146,202	13%	
Court Recorder Fees	46,000	17,700	$ 28,300	38%	
Courthouse Maintenance Fee	12,000	1,706	10,294	14%	
Animal Control Fines	6,000	1,840	4,160	31%	
TOTAL FINES & FORFEITURES	**$ 232,000**	**$ 43,044**	**$ 188,956**	**19%**	
REVENUE FROM USE OF PROPERTY					
Interest Revenue	$ 100,000	$ 12,689	$ 87,311	13%	
Rental of Real Property	54,000	6,450	47,550	12%	
Rental of Real Property-Recreation	5,500	1,140	4,360	21%	
TOTAL REVENUE FROM USE OF PROPERTY	**$ 159,500**	**$ 20,279**	**$ 139,221**	**13%**	
CHARGES FOR SERVICES					
Property Clean Up Fees	$ 2,000	$ 1,570	$ 430	78%	
Payment in Lieu of Tax from Proprietary Funds	1,217,260	-	1,217,260	0%	Allocation transfers from Enterprise Funds
DMV Stop Fees	6,000	1,571	4,429	26%	
Administrative Fees	18,000	5,775	12,225	32%	
Judicial Operations Charges for Services	70,167	16,220	53,947	23%	
Public Safety Tax Exempt Service Charge	6,400	-	6,400	0%	
Sale of Publications & Maps	-	127	(127)	#DIV/0!	
Recreation Charges for Services	$ 536,075	143,049	393,026	27%	
TOTAL CHARGES FOR SERVICES	**$ 1,855,902**	**$ 168,311**	**$ 1,687,591**	**9%**	
MISCELLANEOUS					
Sale of Salvage & Surplus	$ 15,000	$ 12,751	$ 2,249	85%	
Payment in Lieu of Taxes SRHA	14,000	-	14,000	0%	
Miscellaneous	-	6,068	(6,068)	#DIV/0!	
TOTAL MISCELLANEOUS	**$ 29,000**	**$ 18,820**	**$ 10,180**	**65%**	
RECOVERED COSTS					
Wellness Program Reimbursement	$ 12,500	$ -	$ 12,500	0%	
Recovered Costs - Courts	58,000	-	58,000	0%	
Recovered Costs- Public Safety	615,735	30,545	585,190	5%	Buy-In from Harrisonburg/Rockingham for Regional Jail
Recovered Costs- Police Security	45,000	(111)	45,111	0%	
Recovered Costs- Insurance Recovery	-	1,630	(1,630)	#DIV/0!	
Recovered Costs- Public Works	25,000	375	24,625	2%	
Recovered Costs- Education	379,000		379,000	0%	Software Annual Costs and Bus Mechanic Services
Recovered Costs- Recreation/ Library	55,000	13,349	41,651	24%	Talking Book Center Reimbursement
TOTAL RECOVERED COSTS	**$ 1,190,235**	**$ 45,787**	**$ 1,144,448**	**4%**	

SEPTEMBER 30, 2021

GENERAL FUND REVENUES	FY2022 BUDGET	ACTUAL YTD	AVAILABLE BUDGET	% RECEIVED	
COMMONWEALTH OF VIRGINIA REVENUE					
Public Facilities Tax	$ 50,000	$ -	$ 50,000	0%	State sales tax revenue from Hotel 24 South
Recordation	45,000	-	45,000	0%	
Rolling Stock Taxes	9,600	10,097	(497)	105%	
Motor Vehicle Rental Tax	87,500	29,911	57,589	34%	
HB599 Law Enforcement	954,888	238,745	716,143	25%	Quarterly Payments from State
Personal Property Tax Relief Act (PPTRA)	1,652,000	82,610	1,569,390	5%	
Recordation - Grantor's Tax	50,000	17,282	32,718	35%	
Juror/Witness Fees	10,000	225	9,775	2%	
DCJS- Victim Witness Grant	25,000	15,823	9,177	63%	
DMV Four for Life Funds	23,500	22,774	726	97%	
DMV Animal License Plates	750	-	750	0%	
State Crime Forfeited Assets- Police	-	1,980	(1,980)	#DIV/0!	Revenue based on criminal drug activity
Fire Programs Fund	88,000	-	88,000	0%	
E911 Wireless Funds	95,000	26,071	68,929	27%	Grants from the Wireless Board of Virginia
Street & Highway Maintenance	4,290,000	1,093,080	3,196,920	25%	Quarterly Payments from State
Public Assistance	1,521,908	212,755	1,309,153	14%	
CSA Administrative Fees	10,787	-	10,787	0%	
Comprehensive Services Act (CSA)	2,212,100	-	2,212,100	0%	
VA Comm for the Arts	4,500	-	4,500	0%	
Library	155,000	42,251	112,749	27%	Quarterly Payments from State
Commissioner of Revenue	132,408	21,779	110,629	16%	
Treasurer	130,338	21,076	109,262	16%	
Electoral Board & Registrar	73,926	-	73,926	0%	
Commonwealth Attorney	565,439	87,480	477,959	15%	
Sheriff	394,566	63,345	331,221	16%	
Circuit Court Clerk	323,591	48,748	274,843	15%	
Circuit Court Technology Grant	17,178	-	17,178	0%	
TOTAL COMMONWEALTH OF VIRGINIA	**$ 12,922,979**	**$ 2,036,031**	**$ 10,886,948**	**16%**	
FEDERAL REVENUES					
Victim Witness Federal Grant	$ 58,000	$ (15,823)	$ 73,823	-27%	Accrual - Will clear in coming months
Federal DMV Grant	-	(1)	1	#DIV/0!	Accrual - Will clear in coming months
U S Marshall Forfeited Asset	-	(4,980)	4,980	#DIV/0!	Accrual - Will clear in coming months
CARES Act Funding	6,499,222	-	6,499,222	0%	
Welfare Public Assistance	1,305,629	217,602	1,088,027	17%	
TOTAL FEDERAL REVENUE	**$ 7,862,851**	**$ 196,798**	**$ 7,666,053**	**3%**	
Appropriation of Prior Year Fund Balance	1,296,316	-	$ 1,296,316		
TOTAL PRIOR YEAR APPROPRIATIONS	**$ 1,296,316**	**$ -**	**$ 1,296,316**	**0%**	
TOTAL GENERAL FUND REVENUES	**$ 68,492,746**	**$ 7,896,838**	**$ 60,595,908**	**11.5%**	
	$ -	**$ -**			

SEPTEMBER 30, 2021

GENERAL FUND EXPENDITURES	FY2022 BUDGET	ACTUAL YTD	ENCUMBRANCES	AVAILABLE BUDGET	% EXPENDED
GENERAL GOVERNMENT ADMINISTRATION					
CITY COUNCIL	$ 137,661	$ 38,400	$ 8,500	$ 90,762	34%
CLERK OF COUNCIL	103,552	17,566	5,000	80,986	22%
CITY MANAGER	587,878	126,977	-	460,901	22%
HUMAN RESOURCES	661,295	134,786	22,625	503,884	24%
CITY ATTORNEY	396,182	70,292	46,238	279,652	29%
COMMUNICATIONS MANAGER	106,059	25,745	-	80,314	24%
PROFESSIONAL CONSULTANTS	75,000	-	-	75,000	0%
CITY MEMBERSHIPS	28,750	25,895	-	2,855	90%
FINANCE	964,767	242,116	131,714	590,937	39%
ASSESSOR	334,818	76,170	22	258,626	23%
COMMISSIONER OF REVENUE	374,685	77,749	491	296,444	21%
TREASURER	397,348	81,090	237	316,022	20%
REGISTRAR	201,824	47,712	85	154,027	24%
INFORMATION TECHNOLOGY	1,316,826	285,433	25,954	1,005,439	24%
RISK MANAGEMENT	695,000	236,178	235,146	223,676	68%
TOTAL GENERAL GOV'T ADMINISTRATION	**$ 6,381,645**	**$ 1,486,108**	**$ 476,012**	**$ 4,419,525**	**31%**
JUDICIAL ADMINISTRATION					
CIRCUIT COURT	$ 164,428	$ 27,172	$ -	$ 137,256	17%
GENERAL DISTRICT COURT	16,900	6,894	-	10,006	41%
MAGISTRATES	2,000	120	-	1,880	6%
JUVENILE DOMESTIC RELATIONS COURT	75,092	-	-	75,092	0%
CLERK OF THE CIRCUIT COURT	598,948	118,546	1,277	479,125	20%
SHERIFF	779,779	237,648	22,611	519,520	33%
VICTIM/WITNESS GRANT	86,881	16,639	-	70,242	19%
COMMONWEALTH ATTORNEY	924,533	183,902	16,616	724,015	22%
TOTAL JUDICIAL ADMINISTRATION	**$ 2,648,561**	**$ 590,922**	**$ 40,504**	**$ 2,017,136**	**24%**
PUBLIC SAFETY					
POLICE	$ 5,391,980	$ 1,375,129	$ 121,518	$ 3,895,334	28%
E911 CENTER	940,309	176,950	29,722	733,637	22%
FIRE	3,312,080	742,731	26,656	2,542,693	23%
COMMUNITY PUBLIC SAFETY	110,500	21,820	-	88,680	20%
JUVENILE DETENTION HOME	131,666	32,652	-	99,014	25%
JAIL	2,782,021	686,873	-	2,095,148	25%
OFFICE ON YOUTH	165,062	568	-	164,494	0%
INSPECTIONS	407,961	80,767	86	327,107	20%
ANIMAL CONTROL	100,778	(69)	-	100,847	0%
MEDICAL EXAMINER	250	80	-	170	32%
TOTAL PUBLIC SAFETY	**$ 13,342,607**	**$ 3,117,501**	**$ 177,982**	**$ 10,047,124**	**25%**

SEPTEMBER 30, 2021

GENERAL FUND EXPENDITURES	FY2022 BUDGET	ACTUAL YTD	ENCUMBRANCES	AVAILABLE BUDGET	% EXPENDED	
PUBLIC WORKS						
ENGINEERING	$ 286,401	$ 53,897	$ 394	$ 232,110	19%	
PUBLIC WORKS ADMINISTRATION	288,734	60,561	2,433	225,740	22%	
STREETS	3,275,050	280,796	462,124	2,532,130	23%	
TRAFFIC ENGINEERING	299,051	23,526	6,205	269,320	10%	
TRAFFIC SIGNALS	281,871	57,720	18,231	205,920	27%	
BUILDING MAINTENANCE	1,355,675	197,895	127,474	1,030,306	24%	
EQUIPMENT MAINTENANCE	473,653	88,052	3,075	382,526	19%	
TOTAL PUBLIC WORKS	**$ 6,260,435**	**$ 762,447**	**$ 619,936**	**$ 4,878,052**	**22%**	
HEALTH AND WELFARE						
PUBLIC HEALTH	$ 308,388	$ 139,808	$ -	$ 168,581	45%	
VALLEY COMM SERVICES BOARD	193,869	48,474	-	145,396	25%	Quarterly Payments
COMMUNITY POLICY MGMNT TEAM (CSA)	3,150,000	310,079	-	2,839,921	10%	
DEPT OF SOCIAL SERVICES	3,718,513	704,652	-	3,013,861	19%	
TAX RELIEF FOR THE ELDERLY	207,660	-	-	207,660	0%	Real Estate Tax Relief- processed May each year
COMMUNITY WELFARE ASSISTANCE	104,524	48,652	-	55,872	47%	Outside Agency Contributions
TOTAL HEALTH AND WELFARE	**$ 7,682,954**	**$ 1,251,664**	**$ -**	**$ 6,431,290**	**16%**	
EDUCATION -OTHER						
EDUCATIONAL CONTRIBUTIONS-BRCC	$ 9,000	$ 7,750	$ -	$ 1,250	86%	Contribution to Blue Ridge Community College
TOTAL EDUCATION-OTHER	**$ 9,000**	**$ 7,750**	**$ -**	**$ 1,250**	**86%**	
PARKS, RECREATION, LIBRARY, CULTURAL						
PARKS AND RECREATION ADMIN	$ 1,154,195	$ 278,193	$ 4,763	$ 871,239	25%	
HORTICULTURE	180,032	34,541	-	145,491	19%	
GOLF COURSE	130,931	22,299	6,145	102,487	22%	
COMMUNITY RECREATION ASSISTANCE	20,000	-	-	20,000	0%	Boys and Girls Club
PARK MAINTENANCE	1,179,438	219,680	35,766	923,992	22%	
COMMUNITY CULTURAL CONTRIBUTIONS	15,500	-	-	15,500	0%	Outside Agency Contributions
LIBRARY	1,203,637	228,834	6,511	968,293	20%	
TOTAL PARKS, RECREATION, LIBRARY, CULTURAL	**$ 3,883,733**	**$ 783,546**	**$ 53,184**	**$ 3,047,003**	**22%**	
PLANNING AND COMMUNITY DEVELOPMENT						
PLANNING	$ 327,208	$ 66,802	$ 42	$ 260,364	20%	
COMMUNITY DEVELOPMENT ASSISTANCE	461,286	128,880	-	332,406	28%	Outside Agency Contributions
ECONOMIC DEVELOPMENT	977,725	116,978	-	860,747	12%	
TOURISM	451,197	74,767	50	376,381	17%	
STAUNTON WELCOME CENTER	54,673	7,816	-	46,857	14%	
TRANSPORTATION-CSPDC	75,510	73,997	-	1,513	98%	
TOTAL PLANNING AND COMMUNITY DEVELOPMENT	**$ 2,347,599**	**$ 469,239**	**$ 92**	**$ 1,878,268**	**20%**	

SEPTEMBER 30, 2021

GENERAL FUND EXPENDITURES	FY2022 BUDGET	ACTUAL YTD	ENCUMBRANCES	AVAILABLE BUDGET	% EXPENDED	
TRANSFERS TO OTHER FUNDS/NON-DEPARTMENTAL						
TRANSFER TO DEBT SERVICE FUND	$ 4,844,415	$ -	$ -	$ 4,844,415	0%	Annual Debt Payments
TRANSFER TO CIP FUND	981,050	-	-	981,050	0%	
TRANSFER TO EDUCATION FUND	13,626,250	-	-	13,626,250	0%	Education Transfer/ Second half to occur in June
NON-DEPARTMENTAL EXPENDITURES	6,484,497	444	-	6,484,053	0%	Distribution account-equal to zero at year end
TOTAL TRANSFERS AND NON-DEPARTMENTAL	**$ 25,936,212**	**$ 444**	**$ -**	**$ 25,935,768**	**0%**	
TOTAL GENERAL FUND EXPENDITURES	**$ 68,492,746**	**$ 8,469,621**	**$ 1,367,710**	**$ 58,655,415**	**14.4%**	

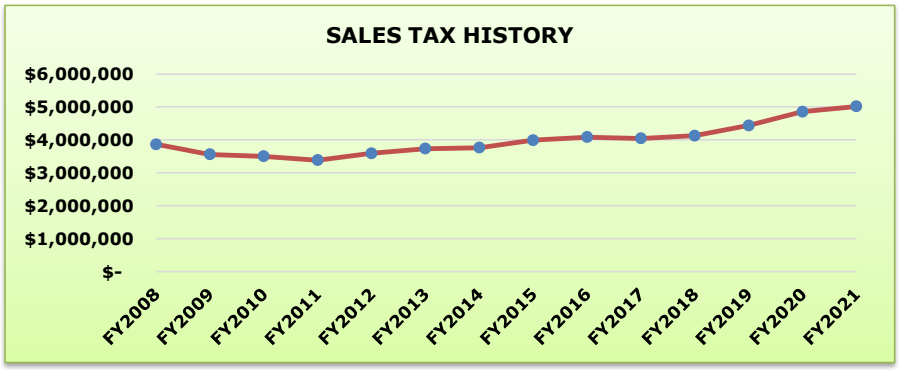
FY2022 GENERAL FUND BUDGET

ADOPTED BUDGET	$ 61,753,974	JULY 1, 2021
ADOPTED BUDGET - APPROPRIATION REDUCTION	$ (15,438,494)	
ENCUMBRANCE CARRY FORWARDS	1,050,277	JULY 1, 2021
FY2022 BUDGET AMENDMENT NO. 1	6,543,777	July 22, 2021
FY2022 BUDGET AMENDMENT NO. 2	194,995	August 26, 2021
FY2022 REVISED BUDGET	$ 68,492,746	
FY2022 REVENUES	$ 7,896,838	
FY2022 EXPENDITURES	$ (8,469,621)	
FY2022 NET YTD	$ (572,783)	

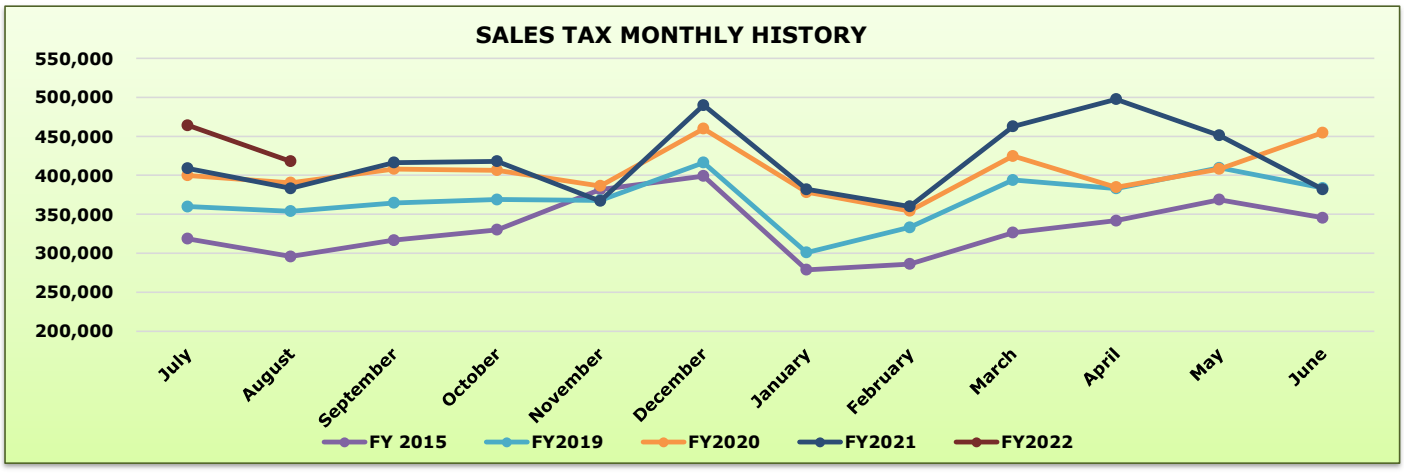
Attachment # 2

LOCAL SALES TAX - FY2022 - 1% Tax Rate

	FY2018	FY2019	FY2020	FY2021	FY2022	% Change	YTD Change
July	324,282.53	359,853.28	399,841.46	408,778.45	464,155.67	13.5%	$ 55,377.22
August	325,420.04	353,757.54	390,364.99	383,138.70	418,080.96	9.1%	$ 34,942.26
September	335,270.60	364,511.12	408,012.82	416,224.54	-	0.0%	
October	314,014.94	368,778.54	406,308.21	417,972.78	-	0.0%	
November	324,549.36	367,724.17	386,214.42	367,040.14	-	0.0%	
December	392,310.26	416,329.42	459,870.92	489,867.02	-	0.0%	
January	299,703.49	301,088.06	378,159.00	381,915.25	-	0.0%	
February	295,141.63	333,109.54	354,448.27	360,082.18	-	0.0%	
March	357,635.60	393,767.00	424,727.00	462,590.63	-	0.0%	
April	303,519.77	382,962.51	384,623.98	497,564.52	-	0.0%	
May	479,377.67	409,438.98	408,067.89	451,086.50	-	0.0%	
June	372,636.24	383,654.21	454,691.58	381,951.20	-	0.0%	
Totals	$ 4,123,862.13	$ 4,434,974.37	$ 4,855,330.54	$ 5,018,211.91	$ 882,236.63		$ 90,319.48
Budget	$ 4,100,400.00	$ 4,015,000.00	$ 4,300,000.00	$ 3,393,750.00	$ 4,662,500.00		
Budget Variance	$ 23,462.13	$ 419,974.37	$ 555,330.54	$ 1,624,461.91	$ (3,780,263.37)		
% OF BUDGET	100.6%	110.5%	112.9%	147.9%	18.9%		
% CHANGE- YEAR	3.4%	7.5%	9.5%	3.4%	-82.4%		

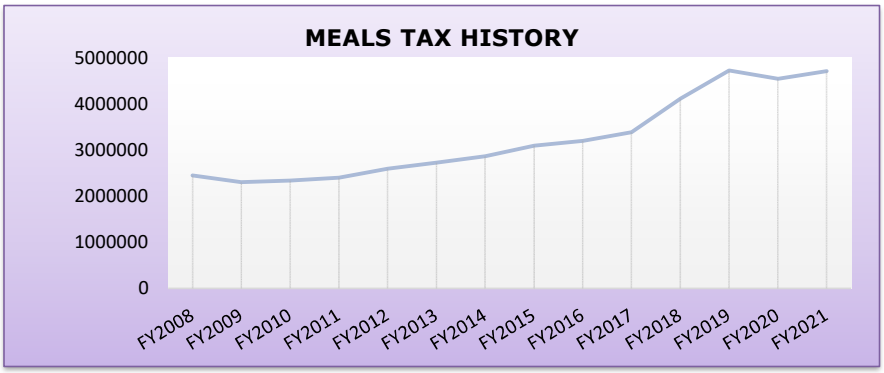


FY2008	$ 3,862,575	
FY2009	$ 3,554,096	-8.0%
FY2010	$ 3,495,905	-1.6%
FY2011	$ 3,381,018	-3.3%
FY2012	$ 3,588,737	6.1%
FY2013	$ 3,729,201	3.9%
FY2014	$ 3,760,505	0.8%
FY2015	$ 3,988,839	6.1%
FY2016	$ 4,079,919	2.3%
FY2017	$ 4,039,658	-1.0%
FY2018	$ 4,123,862	2.1%
FY2019	$ 4,434,974	7.5%
FY2020	$ 4,855,331	9.5%
FY2021	$ 5,018,212	3.4%

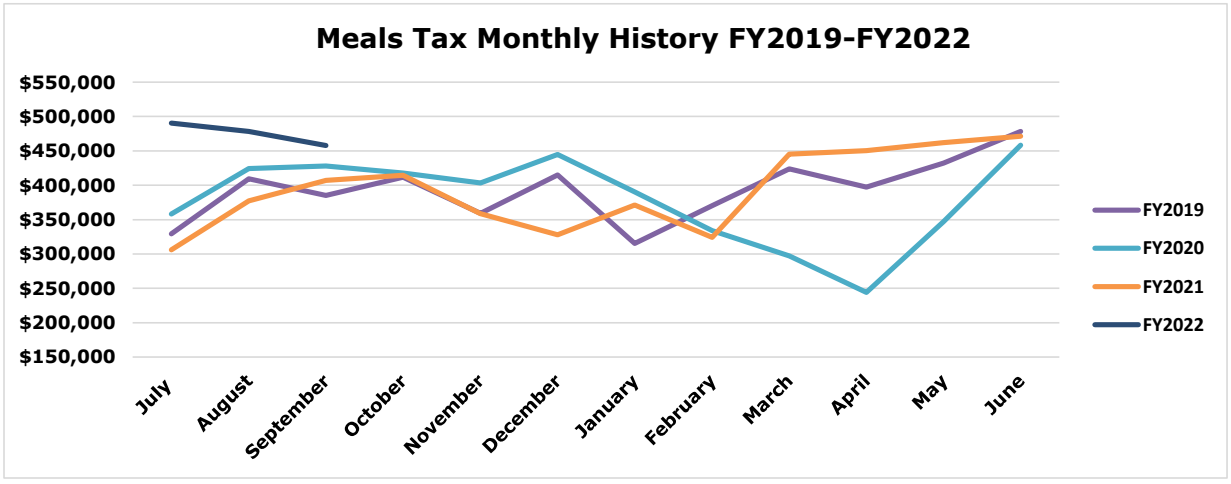


FY 2022 MEALS TAX - 7% Tax Rate

	6% TAX RATE	7% TAX RATE	7% TAX RATE	7% TAX RATE	7% TAX RATE		
	FY2018	FY2019	FY2020	FY2021	FY2022	% Change	$ Change
July	334,579	329,573	358,212	305,920	490,076	37.6%	184,156
August	341,094	409,425	424,090	377,519	478,421	26.7%	100,901
September	343,277	385,385	427,995	407,128	457,575	12.4%	50,447
October	342,810	411,876	417,690	414,546	-	0.0%	
November	312,114	359,316	403,285	358,586	-	0.0%	
December	336,804	415,030	444,990	327,793	-	0.0%	
January	293,064	315,163	390,333	371,174	-	0.0%	
February	301,836	370,265	334,123	324,288	-	0.0%	
March	363,207	423,831	297,411	445,061	-	0.0%	
April	343,386	397,110	244,201	450,532	-	0.0%	
May	374,830	432,043	347,244	462,115	-	0.0%	
June	431,265	478,306	458,278	471,063	-	0.0%	
Actuals	4,118,267	4,727,323	4,547,853	4,715,726	1,426,071		335,504
Budget	3,200,000	4,112,500	4,600,000	3,562,500	4,300,000		
Budget Variance	918,267	614,823	(52,147)	1,153,226	(2,873,929)		
% of BUDGET	128.7%	115.0%	98.9%	132.4%	33.2%		



FY2008	$ 2,456,629	
FY2009	$ 2,304,448	-6.2%
FY2010	$ 2,344,698	1.7%
FY2011	$ 2,406,577	2.6%
FY2012	$ 2,599,776	8.0%
FY2013	$ 2,732,598	5.1%
FY2014	$ 2,868,910	5.0%
FY2015	$ 3,099,130	8.0%
FY2016	$ 3,203,638	3.4%
FY2017	$ 3,391,337	5.9%
FY2018	$ 4,118,267	21.4%
FY2019	$ 4,727,323	14.8%
FY2020	$ 4,547,853	-3.8%
FY2021	$ 4,715,726	3.7%

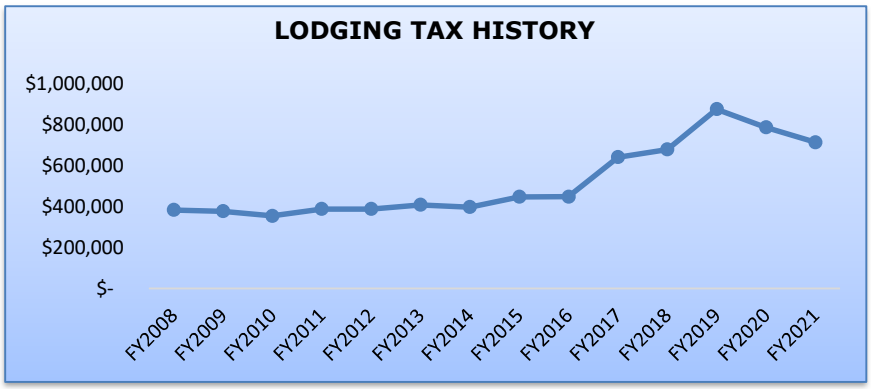


MEALS TAX HISTORY- RATE INCREASES

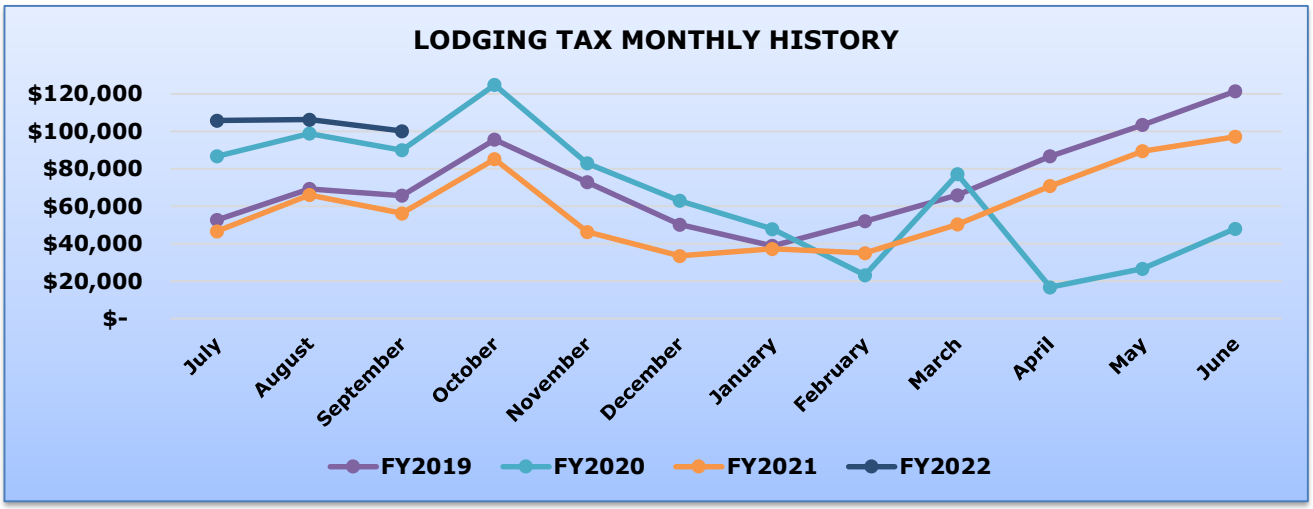
JULY 1, 1986	
JULY 1, 1994	
SEPTEMBER 1, 1998	NEW STREET PARKING GARAGE FUNDING
JULY 1, 2007	CIP/ SCHOOL PROJECTS
JULY 1, 2017	SCHOOL PROJECT - STAUNTON HIGH RENOVATION

FY 2022 LODGING TAX - 6.7% Tax Rate

TAX RATE	6.70%	6.70%	6.70%	6.70%	6.70%		
	FY2018	**FY2019**	**FY2020**	**FY2021**	**FY2022**	**% CHANGE**	**$ Change**
July	$ 63,907	$ 52,798	$ 86,792	$ 46,648	$ 105,750	55.9%	59,101
August	$ 63,738	$ 69,287	$ 98,765	$ 66,056	$ 106,184	60.7%	40,128
September	$ 62,756	$ 65,785	$ 89,978	$ 56,235	$ 100,094	78.0%	43,860
October	$ 79,262	$ 95,600	$ 124,738	$ 85,131		0.0%	
November	$ 50,187	$ 72,869	$ 82,915	$ 46,252		0.0%	
December	$ 32,225	$ 50,208	$ 63,057	$ 33,471		0.0%	
January	$ 29,239	$ 38,856	$ 47,730	$ 37,127		0.0%	
February	$ 32,490	$ 52,085	$ 23,204	$ 34,928		0.0%	
March	$ 50,304	$ 65,973	$ 77,152	$ 50,273		0.0%	
April	$ 64,326	$ 86,719	$ 16,730	$ 70,866		0.0%	
May	$ 72,905	$ 103,399	$ 26,667	$ 89,381		0.0%	
June	$ 76,577	$ 121,369	$ 47,878	$ 97,078		0.0%	
Actuals	$ 677,917	$ 874,948	$ 785,605	$ 713,445	$ 312,028		$ 143,088.76
Budget Totals	$ 575,000	$ 890,000	$ 890,000	$ 836,000	$ 760,000		
Budget Variance	$ 102,917	$ (15,052)	$ (104,395)	$ (122,555)	$ (447,972)		
% of BUDGET	118%	98%	88%	85%	41%		
% CHANGE-YEAR	55.8%	29.1%	-10.2%	-9.2%	-56.3%		



	TOTAL REVENUE	% CHANGE
FY2008	$ 383,716	
FY2009	$ 376,829	31.9%
FY2010	$ 354,239	10.2%
FY2011	$ 388,022	-1.8%
FY2012	$ 388,721	-6.0%
FY2013	$ 408,906	9.5%
FY2014	$ 397,786	0.2%
FY2015	$ 447,792	5.2%
FY2016	$ 448,175	-2.7%
FY2017	$ 640,843	9.4%
FY2018	$ 677,917	3.0%
FY2019	$ 874,948	43.0%
FY2020	$ 785,605	5.8%
FY2021	$ 713,444	-9.2%



Attachment # 3

City of Staunton - Gypsy Hill Golf
Unaudited Operating Statement @ 09/30/2021

			FY2022 Budget	Unaudited FY2022 YTD	FY2021 Actual
	Statistics				
	Golf Rounds		**11,000**	**4,081**	**3,963**
*	Members		**67**	**39**	**20**
Revenues					
41631	Membership Fees	$	20,000	$ 5,170	$ 1,200
41639	Cart Rentals		110,642	34,848	$ 36,281
41640	Green Fees		51,933	27,043	$ 30,812
Total Revenue		$	182,575	$ 67,061	$ 68,293
Expenses					
51006	Salaries	$	55,461	$ 11,891	$ 12,100
51510	Part - Time Help		13,879	3,320	$ 3,469
51530	Overtime		0	0	$ -
52001	Group Life Insurance - VRS		743	182	$ 182
52005	Health Insurance		0	0	$ -
52010	Social Security		5,330	1,166	$ 1,193
52020	Retirement VRS		8,475	2,072	$ 2,072
52030	Unemployment Insurance - VEC		68	16	$ 4
53001	Advertising		3,000	0	$ -
53010	Professional Services		12,250	0	$ -
53040	Tree Care		15,000	0	$ -
53085	Collection Fees		0	718	$ -
53101	Main/Repair - Office Equipment		600		$ -
55001	Telephone		300	126	$ 123
55002	Dues & Subscriptions		500	501	$ -
55015	Utilities - Elec tric		563	528	$ 443
55405	Office Supplies		500	166	$ 165
55415	Materials/ Supplies		200	0	$ -
55457	Fertilizers / Chemicals		0	0	$ 4,969
55481	Gas & Oil		6,000	1,613	$ 1,368
55497	Rental of Equipment		6,000	0	$ -
55498	Software License Fees		2,000	0	$ -
Operations Costs		**$**	**130,869**	**$ 22,299**	**$ 26,089**
Park Maintenance Allocation					
	Allocation - Pro Rated Budget	$	292,655	$ 73,164	$ 73,164
Park Maintenance Allocation Costs		**$**	**292,655**	**$ 73,164**	**$ 73,164**
Debt					
59600	Refunding Principal	$	25,000	$ -	$ -
59601	Refunding Interest		7,295	3,901	4,103
Debt Service Costs		**$**	**32,295**	**$ 3,901**	**$ 4,103**
Total Expense		**$**	**457,856**	**$ 99,363**	**$ 103,356**
Net Income / (Loss)		**$**	**(275,281)**	**$ (32,302)**	**$ (35,063)**

Golf Course Usage by Zip Code

Residence	# of Rounds
Augusta	667
Waynesboro	392
Staunton	2,507
Albemarle	28
Harrisonburg	42
Other	445
	4,081

Residence	# of Rounds
Staunton	2,507
Other	1,574
	4,081
Estimated # of Golfers	
Staunton	828
Other	646
	1474

* **Membership Count includes 11 members of the Riverheads Golf Team**

CITY COUNCIL

AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	**November 11, 2021**	**Staff Member:** **Phil Trayer**
Item #	**F**	
Department:	**Finance**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence** **Strategic Area: Responsible, Efficient Government**	
Subject:	**FY2021 End of Year General Fund Financial Overview and Fund Analysis**	

Background: The FY2021 year-end process is coming to completion with a formal presentation of the audit scheduled to be presented to City Council at the work session on December 9, 2021. Prior to next month's audit readout, staff will provide an overview of FY2021 General Fund revenues and expenditures, reserves and recommendations for the use of fund balance at the November 11, 2021 work session. Several recommendations will be brought forth during this overview, although no final decisions are sought at the present time:

- recommend increasing the Safety Net Reserve to 16.5% which will require an additional $617,540 investment;
- recommend $3,776,000 of Unassigned Fund Balance be transferred to the Capital Improvement Fund;
- recommend $2,500,000 be transferred into the School CIP fund to support capital improvement projects at Shelburne Middle School as listed in the FY2021-2025 approved CIP; and
- recommend $1,045,557 be transferred to the FY2022 General Fund to cover operating contingency, economic development agreements, final flood damage repairs, juvenile detention, security software, and public works sign shop upgrades.

Attachment: Fund Balance Summary

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable. For discussion only.

City Manager: Steven L. Rosenberg

AMOUNT	RECOMMENDATIONS
$ 2,500,000	MIDDLE SCHOOL CTE CLASSROOM / WAREHOUSE PROJECT
$ 1,670,000	TRANSFER TO CIP FUND - FY2022 - 2023 CIP
$ 1,600,000	EMERGENCY RADIO NETWORK PROJECT
$ 1,300,000	CASHFLOW PROJECT CONTINGENCY
$ 617,540	INCREASE SAFETY NET RESERVE BY 1%
$ 375,557	OPERATING CONTINGENCY
$ 331,000	POLICE CARS / ANIMAL CONTROL VEHICLE
$ 275,000	ECONOMIC DEVELOPMENT AGREEMENTS
$ 200,000	GYPSY HILL PARK DUCK POND WALL REPAIRS
$ 175,000	PUBLIC WORKS VEHICLE
$ 125,000	JUVENILE DETENTION PROVISION
$ 45,000	PUBLIC WORKS SIGN SHOP
$ 25,000	ENHANCED CYBER SECURITY SOFTWARE
$ 9,239,097	TOTAL