

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
December 9, 2021
4:30 p.m.**

- | | | |
|------------------|---------------------|--|
| 4:30 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 4:35 p.m. | 2, A & B | Discussion of 2022 Legislative Program |
| 5:05 p.m. | 3. | Roll Call |
| 5:15 p.m. | | Break (dinner during Closed Meeting) |
| 5:20 p.m. | 4. | Closed Meeting for: (i) Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Regarding the Order to Show Cause Concerning the Staunton Juvenile and Domestic Relations District Courts Facilities; (ii) Discussion and Consideration of Prospective Clerk of Council Candidates; and (iii) Discussion Pertaining to the Performance and Evaluation of the City Manager |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
December 9, 2021
7:30 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Dull

Mayor's Report

Proclamation—Staunton Kindness Challenge Week

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of November 11, 2021

REGULAR MEETING

- A. Consideration of Resolution Establishing the City of Staunton's 2022 Legislative Program**
- B. Discussion of the City's 2022 Legislative Program with Delegate John Avoli**
- C. Public Hearing and Consideration of a Request by Lane Arbor LLC to Rezone 914 Middlebrook Avenue from R-2, Low Density Residential District, and R-4, High Density Residential District, to R-4, High Density Residential District Conditional**
- D. Discussion, Introduction and Public Hearing of Ordinance to Amend the FY2022 Budget for the City of Staunton by Adding Budget Amendment Number Three**
- E. Discussion and Consideration of Resolution Authorizing Virginia Department of Transportation Inventory Adjustments**
- F. Presentation by City Auditors on the FY 2021 Annual Comprehensive Financial Report**

G. Discussion and Consideration of Memorandum of Understanding between County of Augusta and City of Staunton Concerning Staunton and Augusta County Courts and Related Resolution of City Council

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:	December 9, 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
December 9, 2021
4:30 p.m.**

- | | | |
|------------------|---------------------|--|
| 4:30 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 4:35 p.m. | 2, A & B | Discussion of 2022 Legislative Program |
| 5:05 p.m. | 3. | Roll Call |
| 5:15 p.m. | | Break (dinner during Closed Meeting) |
| 5:20 p.m. | 4. | Closed Meeting for: (i) Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Regarding the Order to Show Cause Concerning the Staunton Juvenile and Domestic Relations District Courts Facilities; (ii) Discussion and Consideration of Prospective Clerk of Council Candidates; and (iii) Discussion Pertaining to the Performance and Evaluation of the City Manager |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
December 9, 2021
7:30 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Dull

Mayor's Report

Proclamation—Staunton Kindness Challenge Week

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of November 11, 2021

REGULAR MEETING

- A. Consideration of Resolution Establishing the City of Staunton's 2022 Legislative Program**
- B. Discussion of the City's 2022 Legislative Program with Delegate John Avoli**
- C. Public Hearing and Consideration of a Request by Lane Arbor LLC to Rezone 914 Middlebrook Avenue from R-2, Low Density Residential District, and R-4, High Density Residential District, to R-4, High Density Residential District Conditional**
- D. Discussion, Introduction and Public Hearing of Ordinance to Amend the FY2022 Budget for the City of Staunton by Adding Budget Amendment Number Three**
- E. Discussion and Consideration of Resolution Authorizing Virginia Department of Transportation Inventory Adjustments**
- F. Presentation by City Auditors on the FY 2021 Annual Comprehensive Financial Report**

G. Discussion and Consideration of Memorandum of Understanding between County of Augusta and City of Staunton Concerning Staunton and Augusta County Courts and Related Resolution of City Council

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:	December 9, 2021	Steven L. Rosenberg City Manager Leslie Beauregard Assistant City Manager
Item #	2, A & B	
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 22, 2020. At the November 11, 2021 work session, a draft resolution setting forth the program was discussed. Councilmembers asked to continue discussion of the program at the December 9, 2021 work session.

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.) The following changes have been made to the resolution since the November 11 discussion:

- at the request of Councilmember Darby, under the Education heading, the sixth item at lines 63 through 66 on page 2 of the highlighted draft has been revised to clarify instances in which school principals should be required to report misdemeanor offenses, to include sexual battery, stalking, violation of protective order and violent threats; and
- at the request of Councilmember Dull, an item X concerning Cannabis Legislation Implementation has been added at lines 395 through 418 on pages 9 through 10 of the highlighted draft.

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.

During Council's regular meeting on December 9, 2021, subsequent to Council's consideration of the legislative program, there will be an opportunity for Council to discuss the adopted program with Delegate John Avoli. As of the date of this briefing, Senator Emmett Hanger has indicated that he will be unable to attend.

City Manager's Recommendation: Adopt the proposed resolution establishing the City of Staunton's 2022 Legislative Program.

Suggested Motion: I move that City Council adopt the resolution establishing the City of Staunton's 2022 Legislative Program.

City Manager: Steven L. Rosenberg

**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 battery, stalking, violation of protective order and violent threats.

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.
~~— 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.
- ~~4. The General Assembly should fund 800 additional Family and Individual Supports (FIS) Waivers and 250 Community Living (CL) Waivers.~~
- 6.5. 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%
*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.

- ~~1. In December 2019, the Middle River Regional Jail Authority submitted a Community Based Corrections Plan to the Virginia Department of Corrections proposing expansion of the Middle River Regional Jail. The Jail Authority presented that plan to the Commonwealth of Virginia Board of Local and Regional Jails in September 2020. The board approved the plan and requested funding from the Commonwealth of Virginia. The City supports state funding for the proposed jail expansion that will be considered during the 2021 legislative session and requests its approval by the General Assembly.~~

P. ~~Mental Health of~~ First Responders

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.
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 ~~(VBRSP).~~.
2. City Council supports maintenance of funding for GO Virginia that will encourage collaboration among Virginia's localities in order to spur economic growth, diversification and higher paying jobs.
3. The 2020 General Assembly-approved amendments to § 2.2-3115 of the State and Local Government Conflict of Interests Act may have created a major deterrent to continued participation by citizen volunteers on local industrial development authorities and economic development authorities.- The City of Staunton supports the need for transparency but also wishes to ensure further disclosure requirements are not placed on volunteers who wish to serve on ~~economic development or~~ industrial development or economic development authorities.-

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 ~~alimited~~ processing capacity ~~that has become very limited in recent years, plastic is now ending up in the landfill as trash. This~~ is very undesirable for the environment, our citizens and our economy. Therefore, City Council requests that the General Assembly provide funding or offer incentives so a plastic recycling facility can be located in the Shenandoah Valley.

S. Freedom of Information Act (FOIA)

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

T. Planning District Commissions

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

U. Sovereign Immunity

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

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.
3. In agreement with the Virginia Municipal Drinking Water Association, City Council supports the amendment of Virginia Code § 32.1-169 to require that the development of any drinking water maximum contaminant levels for PFAS set by the Virginia Department of Health comply with the scientific and technical requirements applicable to the development of such levels by the U.S. Environmental Protection Agency, in accordance with the Safe Drinking Water Act and be at least as protective.

X. Cannabis Legislation Implementation

1. City Council supports the implementation of legislation to allow sales of cannabis to adults age 21 and older through the existing medical

cannabis dispensaries in order to reduce illicit market transactions and provide safe, regulated access to Virginians.

2. City Council also supports the equitable implementation of legislation to expedite licensing by the Virginia Cannabis Control Authority of new businesses for the cultivation, manufacturing, and sale of cannabis to adults age 21 and older and 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 cannabis rules and regulations, including but not limited to, establishing enforcement guidance and training standards, guidance for cannabis equivalents, and eliminating ambiguity from local authority.
3. City Council 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 (tax, code enforcement, zoning, etc.) on the new law and regulations.

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

A. Eminent Domain by Private Utilities for Surveying

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

B. Stormwater Utility Exemptions

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

~~C. Water Quality Funding~~

~~The Commonwealth's Final Chesapeake Bay TMDL Phase III Watershed Implementation Plan (August 2019) (WIP-III) includes language imposing a new "floating" wasteload allocation on larger wastewater treatment plants. This new requirement would cut the total wasteload allocation to Augusta County Service Authority (with which the City of Staunton contracts for wastewater treatment) by more than 45% (based on 2018 flow data), possibly requiring expensive upgrades which would significantly impact ratepayers with minimal additional benefit. Budget language was included during the 2020 General Assembly~~

~~session that directs the Virginia Department of Environmental Quality to establish a task force to evaluate the most cost-effective methods to realize goals in WIP III and report to the General Assembly in December 2020. While the solutions from this group may result in a “glass half full” situation, the City supports the position of the Virginia Association of Municipal Wastewater Agencies that this requirement is completely unnecessary in order to meet nutrient targets and asks that the General Assembly reconsider the WIP III mandate. City Council further requests, to facilitate continued successful local water quality improvement projects, full capitalization by the Commonwealth of the Water Quality Improvement Fund and provision for the necessary appropriations for local government water quality improvement projects, to continue the substantial progress made in the restoration of the Chesapeake Bay.~~

D.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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5

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

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 battery, stalking, violation of protective order and violent threats.

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.

- 91 4. City Council supports increased federal and state funding for public
92 transit; policies that allow for the equitable distribution of such funding;
93 and dedicated sources for such funding. City Council is also interested
94 in seeing the results and outcomes of a transit equity modernization
95 study that was initiated during the 2021 General Assembly session, with
96 the interim report expected by late 2021 and the final report by mid-2022.
97

98 **F. Libraries**

99 Though the General Assembly restored \$1 million in library aid for FY 2022,
100 State Aid to Public Libraries still requires further attention and action by the
101 General Assembly. City Council supports efforts to maintain and increase
102 such aid as mandated by the Code of Virginia to strengthen funding for
103 public library materials and programs that target childhood literacy and
104 STEM instruction.
105

106 **G. Virginia State Parks**

107
108 While City Council supports the \$800,000 provided for state park acquisition
109 and the \$25 million in ARPA funds allocated to park maintenance and
110 construction, City Council encourages the Governor and General Assembly
111 to continue to support and increase funding for additional land acquisition
112 for state parks, outdoor recreation and natural areas.
113

114 **H. Broadband Expansion**

115
116 The General Assembly allocated significant funds to start to address the
117 issue of broadband expansion across all areas of the state, including new
118 grants to localities. City Council supports ongoing General Assembly
119 funding for the expansion of broadband infrastructure to all areas of the
120 Commonwealth to ensure all Virginia residents have equitable access to
121 this vital service.
122

123 **I. Solar Tax Incentives**

124
125 City Council supports state tax incentives for private homeowners,
126 businesses and the solar energy industry to incentivize an increase in the
127 use of clean solar energy systems, to reduce dependence on extractive
128 fossil fuels and emissions, and to increase energy independence.
129

130 **J. Opioids**

131
132 City Council appreciates the General Assembly's establishment of the
133 Opioid Abatement Authority in 2021. City Council supports any efforts to
134 curb opioid use and abuse, including additional state programs that partner
135 with local governments to deal with the effects of this continuing epidemic.
136

137 **K. Fair Elections**

138
139 Like many of our citizens, members of City Council regard with concern the
140 reports received from other states and regions of apparent attempts on the
141 part of government officials to suppress voter turnout. Reductions in voting
142 locations, malfunctioning voting machines, preemptory removal of citizens'
143 names from voting rolls, and other such strategies for unfairly influencing
144 the outcome of an election reflect an abandonment of the democratic
145 principles upon which our nation and Commonwealth were founded.

146
147 Council urges our representatives in the General Assembly to make every
148 effort to ensure that Virginia elections are fair, secure, accurate, accessible,
149 and transparent. Further, Council urges the General Assembly to explore
150 and implement additional strategies for encouraging increased voter
151 participation, including automatic registration and expanded voting hours.

152
153 **L. Public Notice, Public Hearing and Public Procurement**

154
155 The General Assembly should adopt legislation to reduce required,
156 expensive newspaper advertising for public notices, public hearings and
157 public procurement including legislation to give localities the option to use
158 electronic or other forms of notification as an alternative to newspaper
159 advertising.

160
161 **M. Behavioral Health and Development Disability**

- 162
- 163 1. The General Assembly should provide funding to address the workforce
164 crisis community services boards (CSBs) are experiencing. This should
165 be the top priority for the General Assembly regarding behavioral health
166 and developmental disability services.
 - 167
168 2. The General Assembly should increase its funding for the outpatient
169 services step of System Transformation Excellence and Performance
170 (STEP-VA) initiative of the Virginia Department of Behavioral Health &
171 Developmental Services to account for circumstances in which billing of
172 new members under Medicaid expansion does not make up for the
173 permanent reduction in general fund dollars incurred by CSBs as part of
174 Medicaid expansion. The General Assembly should also fully fund the
175 case management and care coordination steps of STEP-VA.
 - 176
177 3. The General Assembly should provide the funds to decrease the priority
178 one wait list by approximately 1,350 individuals. Roughly 13,800 people
179 with developmental disabilities (DD) are on the wait list for community-
180 based services. Receiving a slot enables an individual who needs DD
181 services and supports to live a life that is fully integrated in the
182 community.
- 183

- 184 4. The General Assembly should increase its funding for Permanent
185 Supportive Housing (PSH) to help keep more individuals stable in the
186 community, rather than cycling back into the hospital system. Increased
187 funding for PSH will reduce the hospital census pressures by facilitating
188 the discharge of individuals from the hospital as soon as they are
189 clinically ready. 87% of individuals served in PSH remained stably
190 housed for at least one year, according to Department of Behavioral
191 Health and Developmental Services data, which saved \$12.2 million in
192 state psychiatric bed day costs during the one-year period.
193
- 194 5. The Valley Community Services Board has proposed a community crisis
195 center that will offer both detoxification and crisis intervention services.
196 And while the needs of our citizens are great, the closest community
197 center is 29 miles away in Harrisonburg. For instance, the suicide rate
198 in our area is higher than both the Virginia and national averages and
199 local drug induced deaths are 16.6 per 100,000 as compared to 10.6
200 statewide. The General Assembly should provide the necessary funding
201 and support for this new center that will better serve our City and region.
202

203 **N. State Aid to Localities for Law Enforcement - HB599**
204

205 The City of Staunton requests the General Assembly fully fund HB599 for
206 law enforcement as mandated by the Code of Virginia.
207

208 **O. Middle River Regional Jail Staffing and Transfer of Inmates to the Virginia**
209 **Department of Corrections**
210

- 211 1. The City of Staunton requests the General Assembly fully fund required
212 staffing positions for the Middle River Regional Jail (MRRJ). In 2018,
213 the Virginia Department of Corrections published a staffing analysis for
214 MRRJ based on an average daily population (ADP) for 2017 of 775-
215 member jurisdiction inmates. This resulted in a recommendation for an
216 additional 76 jail officer positions and 17 support positions. As shown in
217 the table below, MRRJ has been routinely operating at two times its
218 rated capacity for several years. The City of Staunton appreciates the
219 additional emergency jail officer positions that were added in FY2021;
220 however, as noted in the referenced staffing analysis, additional fully
221 funded jail officer positions (guaranteed each year) are needed to
222 appropriately supervise inmates.

223

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%

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

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.

239

P. First Responders

240

241

242

243

244

245

246

247

248

249

250

251

252

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;

253

254

255

256

257

- 258 b. Expansion of the Workers' Compensation Cancer Presumption
259 (beyond five years);
- 260 c. Return the funding stream of Line of Duty Act back to the
261 Commonwealth of Virginia; and
- 262 d. Dedicated emergency manager for each locality provided there is a
263 dedicated funding stream from the Commonwealth of Virginia.

264 **Q. Economic Development**

- 265
- 266 1. Because site readiness, characterization and development are key to
267 Virginia's and the City of Staunton's economic development efforts, City
268 Council supports increased funding for the Virginia Business Ready
269 Sites Program.
- 270
- 271 2. City Council supports maintenance of funding for GO Virginia that will
272 encourage collaboration among Virginia's localities in order to spur
273 economic growth, diversification and higher paying jobs.
- 274
- 275 3. The 2020 General Assembly-approved amendments to § 2.2-3115 of
276 the State and Local Government Conflict of Interests Act may have
277 created a major deterrent to continued participation by citizen volunteers
278 on local industrial development authorities and economic development
279 authorities. The City of Staunton supports the need for transparency but
280 also wishes to ensure further disclosure requirements are not placed on
281 volunteers who wish to serve on industrial development or economic
282 development authorities.
- 283

284 **R. Plastics Recycling Facility**

285

286 The current stressed recycling market and limited processing capacity is
287 very undesirable for the environment, our citizens and our economy.
288 Therefore, City Council requests that the General Assembly provide funding
289 or offer incentives so a plastic recycling facility can be located in the
290 Shenandoah Valley.

291

292 **S. Freedom of Information Act (FOIA)**

293

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

298

299

300

301

302 **T. Planning District Commissions**

303
304 The City of Staunton supports increased state funding for the statewide
305 network of planning district commissions/regional councils (PDCs). PDCs
306 carry out efforts supported by state and local policymakers to advance and
307 sustain regional coordination, cooperation and technical assistance for the
308 benefit of regions across the Commonwealth.

309
310 **U. Sovereign Immunity**

311
312 Expanding liability and eroding immunities at the state level across the
313 nation have had a chilling effect on the actions of local government officials
314 contributing to local government insurance problems, creating immense
315 financial risks (particularly for legal costs), and posing a substantial obstacle
316 to the provision of needed public services. The General Assembly should
317 strengthen and must maintain the principles of sovereign immunity for local
318 governments and their officials.

319
320 **V. Sales Tax on Food for Home Consumption**

321
322 City Council asks the General Assembly to reduce or eliminate the sales
323 tax on food for home consumption (grocery items and prepared foods for
324 home consumption) to assist in dealing with food insecurity in our
325 community.

326
327 **W. Water Quality**

- 328
- 329 1. City Council, in agreement with the Virginia Association of Municipal
330 Wastewater Agencies, supports adequate funding of the state Water
331 Quality Improvement Fund grants to localities for wastewater nutrient
332 removal consistent with the Chesapeake Bay total maximum daily load
333 (TMDL) standard.
334
 - 335 2. To make certification of the existing pollution control equipment sales
336 tax exemption more efficient and effective for localities and for the
337 Department of Environmental Quality, City Council supports the
338 amendment of Virginia Code § 58.1-3660 to enable political subdivisions
339 to self-certify equipment for the political subdivision's own facilities.
340
 - 341 3. In agreement with the Virginia Municipal Drinking Water Association,
342 City Council supports the amendment of Virginia Code § 32.1-169 to
343 require that the development of any drinking water maximum
344 contaminant levels for PFAS set by the Virginia Department of Health
345 comply with the scientific and technical requirements applicable to the
346 development of such levels by the U.S. Environmental Protection

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

X. Cannabis Legislation Implementation

1. City Council supports the implementation of legislation to allow sales of cannabis to adults age 21 and older through the existing medical cannabis dispensaries in order to reduce illicit market transactions and provide safe, regulated access to Virginians.
2. City Council also supports the equitable implementation of legislation to expedite licensing by the Virginia Cannabis Control Authority of new businesses for the cultivation, manufacturing, and sale of cannabis to adults age 21 and older and 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 cannabis rules and regulations, including but not limited to, establishing enforcement guidance and training standards, guidance for cannabis equivalents, and eliminating ambiguity from local authority.
3. City Council 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 (tax, code enforcement, zoning, etc.) on the new law and regulations.

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

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

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

401
402 Adopted this ____ day of _____, 2021.

403
404
405
406
407 _____
408 Andrea W. Oakes, Mayor

408 ATTEST: _____
409 Morgan C. Smith,
410 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:	December 9, 2021	City Council
Item #	4	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government	
Subject:	Closed Meeting for: (i) Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Regarding the Order to Show Cause Concerning the Staunton Juvenile and Domestic Relations District Courts Facilities; (ii) Discussion and Consideration of Prospective Clerk of Council Candidates; and (iii) Discussion Pertaining to the Performance and Evaluation of the City Manager	

Suggested Motion: I move to 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 and Domestic Relations District Court Facility located in the District Courts Building at 6 East Johnson Street, Staunton, pursuant to Virginia Code §§ 2.2-3711(A)(7) and 2.2-3711(A)(8); (ii) discussion and consideration of prospective Clerk of Council candidates, pursuant to Virginia Code § 2.2-3711(A)(1); and (iii) discussion pertaining to the performance and evaluation of the City Manager, pursuant to Virginia Code § 2.2-3711(A)(1).

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

After the closed meeting: I move that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters

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

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

City Manager: Steven L. Rosenberg



CITY OF STAUNTON, VIRGINIA

Proclamation

Staunton Kindness Challenge Week December 6–10, 2021

- WHEREAS,** the Staunton Kindness Challenge was created in 2021 by Staunton City Schools, inspired by numerous other kindness campaigns in Virginia and the nation; and
- WHEREAS,** the Staunton Kindness Challenge is designed to spread goodwill, good deeds, and good vibes in Staunton schools and the community; and
- WHEREAS,** Staunton City Schools proudly demonstrates its commitment to improved school climate and increased student engagement by hosting the Staunton Kindness Challenge; and
- WHEREAS,** Staunton City Schools encourages the Staunton community to join its students, staff, and families in performing as many kind deeds as possible; and
- WHEREAS,** Staunton City Schools is honored to unite all students in the spirit of kindness and respect.

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that December 6–10, 2021, is hereby designated as

Staunton Kindness Challenge Week

where Kindness Matters in the City of Staunton and in Staunton City Schools.

Adopted this 9th day of December, 2021.

ANDREA W. OAKES, MAYOR

ATTEST: _____
**INTERIM CLERK OF
COUNCIL**

City Council
WORK SESSION
November 11, 2021
5:00 p.m.

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

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

Vice Mayor Robertson moved that Robin Wallace be appointed as Acting Clerk of Council for the recordation of the proceedings of Council at its work session and regular meeting of November 11, 2021, and that she be authorized and directed to sign and execute such documents as are necessary and proper regarding the presence of Council members, a quorum, consideration and voting.

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

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

Mayor Oakes stated, “On November 11, 2021, I received a request from Councilor Mead to participate remotely in the November 11, 2021 Staunton City Council meeting due to a medical condition that prevents her physical attendance at the meeting. I will now entertain a motion to allow Councilor Mead’s remote participation in this meeting pursuant to Staunton City Council Procedural Memorandum Number Three.”

Vice Mayor Robertson said, “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Mead to remotely participate in the November 11, 2021 Staunton City Council meeting due to a temporary medical condition.”

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

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

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

1. Consideration of Work Session and Regular Meeting Agendas

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

Vice Mayor Robertson stated “After consultation with the City Manager and City Attorney, we can consolidate Item 4 of the Work Session Agenda into Item G of the Regular Session Agenda. Therefore, I move to remove Item 4 of the Work Session Agenda and consolidate it into Item G of the Regular Meeting Agenda.”

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	aye	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	aye
Ms. Mead	aye		

2. Shenandoah Valley Regional Airport

Greg Campbell, Executive Director of the Shenandoah Valley Regional Airport Commission stated that the airport commission is a great example of a regional collaboration and that Staunton’s role is very important. The commission appreciates the City’s support and that the City’s participation has been instrumental since day one.

Mr. Campbell stated that air travel has been increasing in the recent months. In July 2021 the airport set an all-time record for the number of airline passengers that came through the facility. He shared that SHD worked on remaking their marketing efforts to coincide with the national trends. Nationally there was more leisure travel rather than business travel, which led SHD to work with United and Sky West to pitch the Shenandoah Valley, and especially Staunton, as a tourism destination.

Mr. Campbell provided a snapshot of the master plan, sharing that the airfield lighting fixtures will be converted to LED, the fuel depot will be replaced, the runway will be rehabilitated and that they are preparing for future expansion.

Mayor Oakes asked Council members if they had any questions.

Ms. Holmes asked how many flights went to Chicago and Dulles per day. Mr. Campbell replied that there are two flights to each location daily.

Vice Mayor Robertson asked if SHD planned to still continue free parking. Mr. Campbell said there were no plans to change to paid parking, as the free parking is another benefit to flying local.

Ms. Mead asked Mr. Campbell when he anticipated, or does he anticipate, that corporate travelers will come back the way they used to be or has the pandemic changed corporate travel permanently. He responded that it depends on who you ask, but that SHD did experience increased business bookings in the summer and into the fall on United, but when the Delta variant became prevalent, a lot of those plans changed. They were continuing to fill airplanes, but there were more leisure passengers rather than business. System wide there have been more leisure passengers, but he believes that when COVID-19 and variants begin to significantly decrease, companies will feel comfortable sending their staff back out. He is optimistic that the impact will not be that bad, but most in the industry thinks that 2023 will be the full return of corporate travel. Ms. Mead also asked if the airport's capital improvements expenditures were funded by the airport authority and dependent on revenues from the airport or is the funding going to be borne by the localities that support the authority. Mr. Campbell replied that for non-revenue producing projects, the airport commission has been very successful in obtaining federal and state grants that in most cases will cover 98% of the cost of improvements to runways, taxiways and lighting systems. The revenue producing projects, like hangars, the commission calls for a bond issue. He stated that the commission has not asked for an increase in contribution from the five member jurisdictions in 16 years.

Mr. Claffey asked how many acres the airport is interested in acquiring around the airfield and what percentage is that in comparison to what they already own. Mr. Campbell replied that the airfield currently has 450 acres and that the balance of the acquisitions is to maintain control over property to the north and south of the runway so as not to have possible future issued with a cell tower or something similar being built in the airspace. Vice Mayor Robertson then asked if SHD currently owned enough property if they needed to extend the runway so that larger planes could be landed. Mr. Campbell confirmed that they do and that SHD is one of the longer runways in the Commonwealth.

Council members did not have any further questions.

3. Shenandoah Community Capital Fund Annual Update

Debbie Irwin, Executive Director of Shenandoah Community Capital Fund (SCCF), stated that the organization recently changed their name from the Staunton Creative Community Fund as they were founded in 2008, to the Shenandoah Community Capital Fund to more accurately represent the businesses and entrepreneurs that they serve.

Ms. Irwin shared that 18 Staunton businesses were funded through the Staunton COVID Relief Loan Fund and the total amount dispersed was \$100,000. The SCCF's Flood Relief Fund—\$171,000 raised via donations—helped 27 Downtown Staunton businesses in their rebuilding efforts. She also stated that the \$20,000 that the City of Staunton invests into the SCCF directly impacts their new Startup Shenandoah Valley (S2V) program. This program is designed to help rural entrepreneurs accelerate their businesses to produce more revenue and high-wage jobs. There have been two S2V cohorts to date, having generated \$13M in revenue by participants and 46 jobs created.

The Business Bootcamp, the original program of the SCCF, helps entrepreneurs validate their ideas and develop the foundations business owners need to be successful. Scholarships for that program were raised through donations from a private Staunton donor, AT&T and the JustPax Fund.

Statistics show that women and minority owned businesses make up the majority of those helped by the SCCF.

Ms. Irwin stated that there are two programs that the SCCF are working toward in the future. The Build to Scale program has a goal of developing and implementing a database of ecosystem resources to help entrepreneurs get easier access to the support. The Community Navigator Program would fund five partner organizations at \$100,000 to further support women entrepreneurs and entrepreneurs of color.

Mayor Oakes asked Council members if they had any questions.

Ms. Mead asked if the entrepreneurs Staunton residents or were they coming to Staunton from other places Ms. Irwin replied that it is a mixture. The Business Boot Camp participants are generally from Staunton, but that has shifted with the virtual program. In terms of the new S2V program, participants are evenly split across the four hubs in the region. Ms. Mead also asked if the 46 jobs that were created were created in the past year. Ms. Irwin clarified that those job creations were since January 2021. Ms. Mead followed up by asking what kind of jobs they were. Ms. Irwin stated that the big percentage of those jobs are cybersecurity and social engineering opportunities. Others have been marketing, operations managers and designers. Ms. Mead also asked where Ms. Irwin saw the largest areas of growth. She stated that technology and technology enable companies are where she sees the largest growth.

Council members did not have any further questions.

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

This item was consolidated and moved to Item G on the Regular Meeting agenda.

5. 2022 Legislative Program

Assistant City Manager Leslie Beauregard stated that after the brief discussion regarding the Legislative Program at City Council's October 14, 2021 meeting, staff has put together a proposed legislative program for further discussion. The program is slated to be adopted at the next City Council meeting on December 9, 2021. She also mentioned that Senator Hanger and Delegate Avoli would be at that meeting to discuss Council's legislative agenda.

Ms. Beauregard reviewed the draft resolution with Council with proposed changes to last year's program. Topic changes and/or additions included:

- Striking the section on the legislative principles adopted by the Virginia Municipal League (VML) as such principles were not included in the 2022 VML Legislative Program.
- Adding that 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 battery.
- Adding appreciation for the \$1M restored to library aid for FY22, but that the funding still requires further attention.
- Adding continued support and advocacy of Virginia State Parks and increased funding.
- Adding support of ongoing financial support for broadband infrastructure.

- Advocating for additional state programs regarding opioid abatement.
- Adding coordinated language with the local CSB to reflect the legislative priorities of the state associations of CSBs.
- Jeff Newton, Superintendent of the Middle River Regional Jail provided current legislative issues for the jail includes fully funding staff positions and enacting legislation that requires the State to accept State responsible inmates in a timely manner.
- Adding support of the legislative initiatives as prioritized by the Virginia Fire Chiefs Association.
- Support to reduce or eliminate sales tax on food for home consumption
- Staff spoke with the Director of the Augusta County Service Authority Phil Martin and included items that are in agreement with the Virginia Association of Municipal Wastewater Agencies.

Mayor Oakes asked Council members if they had any questions.

Mr. Holmes asked if there was a reduced tax on food, how the City would make up the difference. Ms. Beauregard said staff had already spoken with Commissioner of Revenue Maggie Ragon and she estimates that it would be approximately a 20% reduction of the sales tax that the City receives, about \$1M annually. Discussion ensued regarding Governor-elect Youngkin's proposal to reduce food tax and whether or not Council should keep the topic on their legislative agenda.

Mayor Oakes asked that Mr. Rosenberg meet with Chief Finance Officer Phil Trayer to determine if there would be any avenues to make up the lost revenue and to continue the discussion at the December City Council meeting.

Ms. Mead stated that she could not support the addition of reinstating the requirement that school principals alert law officials about misdemeanor offenses that occur on school property. Discussion ensued whether or not City Council should include school related items on their Legislative agenda when the School Board had their own opportunity to do so.

Council members did not have any further questions

6. Roll Call

Mr. Claffey mentioned that Council had been getting a tremendous number of emails concerning the animal shelter and he wondered if Mr. Rosenberg could prepare a statement explaining how Waynesboro got in charge of the situation and also explaining the procedure that had to occur before any action could, or would, be taken on the matter. Mr. Rosenberg stated that he would be going in to detail during Matters from the City Manager regarding the situation. He also explained that Waynesboro is the fiscal agent for Shenandoah Valley Animal Services just like Staunton was the fiscal agent for Valley ASAP and Blue Ridge Court Services and Augusta County is the fiscal agent for the Middle River Regional Jail.

Ms. Darby asked if there was an update on whether the City was placing holiday decorations in the West End. Mr. Rosenberg stated that in the short term, the City was going to hang a holiday banner in the West End. He also stated that the West End Business Association was working with former Executive Director of the Staunton Downtown Development Association Julie Markowitz Clough on long-term branding.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any further questions.

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**

Vice Mayor Robertson moved that Council 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).

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

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

Council members entered into a closed meeting.

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

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

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

Council members entered into an open meeting.

The work session adjourned at 7:25 p.m.

Robin S. Wallace
Acting Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, November 11, 2021
7:30 p.m.
Rita S. Wilson Council Chambers

PRESENT: Mayor Andrea Oakes
Mark Robertson, Vice Mayor
Stephen W. Claffey
Amy G. Darby
Carolyn W. Dull
Brenda O. Mead
R. Terry Holmes

ALSO PRESENT: Steven Rosenberg, City Manager
Leslie Beauregard, Assistant City Manager
John Blair, City Attorney
Robin S. Wallace, Acting 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 Ms. Darby.

MAYOR'S REPORT

Mayor Oakes read the following proclamation establishing Small Business Saturday.

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.

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Robin S. Wallace

ACTING CLERK OF COUNCIL

Greg Beam, Executive Director of the Staunton Downtown Development Association was in attendance to receive the proclamation and thanked City Council for their continued support of Downtown Staunton.

Mayor Oakes read the following proclamation honoring Veterans Day.

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.

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Robin S. Wallace

ACTING CLERK OF COUNCIL

Retired U.S. Army Colonel Melissa Patrick was in attendance to receive the proclamation and thanked City Council for their support of Staunton veterans.

Mayor Oakes reminded citizens to attend the fourth annual Holiday Tree Lighting at Gypsy Hill Park at 5 p.m. on November 29 where Thelma Newman will be honored for her work with Celebration of Holiday Lights. Mayor Oakes also encouraged everyone to attend the SDDA Christmas Parade that would follow that evening at 7 p.m. Finally, she shared that the West End would be having a trash pick up on Saturday at 10 a.m. sponsored by the West End Alliance and the West End Business Association.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Dull shared that she attended a virtual breakfast for the Blue Ridge Community College Board and wanted to share that BRCC has strong programs for those who want to improve their skills and get certifications and that there is funding for scholarships for some of those certifications.

APPROVAL OF MINUTES

Ms. Darby abstained from voting on the approval of the minutes for the October 28, 2021 Work Session and Regular Meeting as she was not in attendance on that date.

Mr. Claffey moved to approve the Work Session and Regular Meeting Minutes of October 28, 2021 as presented.

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

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

REGULAR MEETING

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

Dr. Laura Kornegay, Director of the Virginia Department of Health Central Shenandoah Health District, stated that the health district has given over 177,000 COVID-19 vaccines with the support of localities and emergency management. She wanted to recognize the City of Staunton and in particular Colten Lotts, Master Fire Fighter and Deputy Emergency Management Coordinator. She presented Deputy Lotts with a certificate of appreciation from the Central Shenandoah Health District.

Deputy Lotts thanked fellow members of the City of Staunton Fire and Rescue Department as well as his contact at the CSHD. He shared that the City's Fire and Rescue Department is at 97% vaccinated, one of the highest in the nation.

Mayor Oakes asked if Council had any questions or comments.

Ms. Dull asked if the firefighters kept record of who gave the meanest vaccine. Deputy Lotts replied that in the hundreds of vaccines the team gave, they just divided and conquered and made it happen.

Council members did not have any further questions.

Mayor Oakes read the following proclamation honoring Dr. Laura Kornegay on her retirement.

WHEREAS, Laura Kornegay, M.D. has served as the Director of the Virginia Department of Health Central Shenandoah Health District since 2015; and

WHEREAS, Dr. Kornegay, is a graduate of the University of Virginia School of Medicine and is board certified in internal medicine and holds a Master of Public Health degree, spent 25 years in private practice and academics and is a veteran of the United States Navy in which she served as a physician; and

WHEREAS, Dr. Kornegay has strived throughout her tenure to develop strong relationships and partnerships with local governments, school systems, healthcare systems, and other community organizations and agencies; and

WHEREAS, Dr. Kornegay and the Central Shenandoah Health District staff have conducted planning, training, and exercises with regional partners such as vaccination point of dispensing training and pandemic influenza exercises; and

WHEREAS, Dr. Kornegay, throughout the COVID-19 pandemic, has made herself consistently available for consultation on issues related to exposure, isolation, quarantine, vaccinations, surge, and many other issues related to the pandemic; and

WHEREAS, Dr. Kornegay's leadership and direction throughout the COVID-19 pandemic has been exemplary and critical to addressing the many issues that the pandemic has presented.

NOW, THEREFORE, BE IT PROCLAIMED Staunton City Council does hereby recognize

Dr. Laura Kornegay

for her years of service to the City of Staunton and the Central Shenandoah Health District, commends her for the care, dedication and professionalism with which she has served the community and wishes her well on her upcoming retirement.

Adopted this 11th day of November, 2021.

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Robin S. Wallace

ACTING CLERK OF COUNCIL

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)

Senior Planner Rodney Rhodes stated that Aaron and Bithia Reed, owners of property located at 35 Arlington Street want to vacate the alley, 15-foot wide and 187 feet long, that does not connect with any other streets and is entirely surrounded by lots that they own. Staff is fully supportive of the alley vacation. The Planning Commission conducted a public hearing on October 21 where no one spoke in opposition of the requests and voted to recommend approved of the proposed alley vacation.

Mayor Oakes stated the following:

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

We ask that you please give your name, your address, and then keep your remarks at 5 minutes or less. When you reach the 5-minute time limit, I will let you know that your time limit has expired.

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

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

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

The public hearing was opened.

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

Mayor Oakes asked if Council had any questions or comments.

Ms. Mead asked the Reeds what were their future intentions for the property. Ms. Reed replied that they are working with architect Mike Brown to build a single-family home on the property that will disappear into the existing mature trees and with the alley vacation, they will be able to build and not remove the trees.

Council members did not have any further questions.

Ms. Darby moved that Council adopt the ordinance and approve the alley vacation as recommended by the Planning Commission.

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

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

C. 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

Mr. Rhodes stated the text amendment could permit a few existing rental dwellings to be converted to owner occupied as they would now be able to be on separate lots. This would be limited to situations where more than one single family dwelling exists on one lot where the new lot would be the minimum size and width of at least 50% of the lots that exist on the same block. It would prohibit the creation of lots less than 40 feet wide and 70 feet deep. The Planning Commission conducted a public hearing and no one spoke in supposition to the request. The Commission voted to recommend approval of the proposed code with the addition that the properties would be limited to those in the H1 Historic Preservation District where there is additional oversight.

Ms. Mead asked if the Planning Commission and staff felt that this amendment would enhance affordable housing and workforce housing in Staunton. Mr. Rhodes replied that was not something discussed by staff or the Planning Commission, but that it will certainly create more opportunities for owner occupied housing.

The public hearing was opened.

Daniel Hansen, Balzar & Associates, stated that he is working with Ms. Grant on the project and he believes the amendment is important to allow more homeownership in the City.

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

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Mr. Holmes moved that Council adopt the ordinance and approve the code amendment as recommended by the Planning Commission.

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

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

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

Mr. Rhodes stated that the Staunton/Augusta YMCA was requesting a special use permit to use property located at 575 New Hope Road for a summer day camp and outdoor recreation. The property is zoned R-1, Low Density Residential District and this type of use is permitted with a special use permit. Development of the facility will likely occur in two phases. The first phase will be the outdoor recreation facilities so that the YMCA can offer a summer camp in 2022. The second phase would include construction of the building. Although a recreational facility of this size will impact the area, due to the season and daytime only use of the facility, these impacts should be limited. The City Engineer has reviewed analysis done on the property and concurs with the results. Over half of the property is in the flood plain, which greatly hinders the development of the lands. However, use of the area for recreational purposes is highly compatible. The Planning Commission conducted a public hearing on October 21 and no one spoke in opposition. The Commission voted to recommend approval of the special use permits with conditions as outlined in the briefing.

Ms. Mead asked for confirmation that the property was in the Lewis Creek flood plain. Mr. Rhodes confirmed that it was. She asked if the line indicated on the map presented was a public access trail. Jason Lackey, Staunton/Augusta YMCA board member, stated that the line is a path for campers and YMCA member to use to exercise. There is no public access, as the property is designed for YMCA members only.

Vice Mayor Robertson asked if the property designers were taking precautions not to put buildings in the flood plain. Mr. Lackey assured him that the buildings would not be located in the flood plain. Josh Cole, Executive Director of the YMCA, stated that there are 13 acres that are not in the flood plain, and that's where construction of buildings will occur.

The public hearing was opened.

Maggie Ragon, 3 Preston Drive and member of the YMCA Board of Directors, stated that she appreciated the Council's support of this project and that Josh Cole and his staff do an incredible job for the City of Staunton.

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

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Ms. Dull moved that Council approve the special use permit with the conditions as follows: 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. If a sight distance analysis and the opinion of the city engineer requires a different location for the entrance, the landowner shall work with the city engineer to relocate the entrance from a location depicted on the concept plan. 3) The 54 parking spaces determined to accommodate the use of the site should be provided onsite and all arrival and departure activities for campers shall also be done on site. 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.

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

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

E. Presentation of Quarterly Financial Report

Chief Finance Officer Phil Trayer reported the first quarter unaudited postings, revenues and expenditures for FY 2022 year to date revenues posted through September 30 2021, totaling 11.5% of the annual appropriation in FY 2021. Through the first quarter, posted revenues were \$7,000,893 or 14% of the annual appropriation. The City is 25% through the fiscal year and 11.5% is close to normal.

FY 2021 started with reduced budgetary revenues due to the COVID-19 shutdowns, but the FY 2022 budgetary base was increased by over \$6M because of ARPA appropriations. Overall, the comparison revenues are remarkably close with a variance of just \$3,400. Sales tax is up \$90,000 over the same time last year, meals tax \$335,000. Lodging revenue is up \$143,000. The City is roughly \$700,000 to \$750,000 above forecasted budgeted revenues.

On the expense side the City has posted nine \$9,837,000 or 14.4% of the annual appropriation. From a percentage basis this has been skewed downwards by one- and one-half points with the appropriation of the ARPA funds. Expenditures at this point in FY 2021 were 17.3% of the appropriation and in FY 2020, 16.3%.

For year-on-year expense variances is up \$94,000; Government admin posted an additional \$42,000 spread out through multiple departments; Judicial admin was up \$113,000, driven by salaries and related benefits with the Sheriff and Commonwealth's Attorney offices. Public Safety posted an additional \$114,000 was driven by the Police Department and Middle River Regional Jail expenditures and were partially offset by savings in the Fire Department and the timing of the invoice for the Shenandoah Valley Juvenile Center. Public Works up \$185,000 primarily driven by the Berkeley Place wall repair. Parks and Recreation up \$150,000. In the area of Planning and Community Development, there is a decrease of \$473,000 compared to last year, same time, which

was entirely driven by CARES Act funding at \$500,000 for support of local businesses, which was recorded in the first quarter of FY 2021.

First quarter Golf revenues in FY 2022 is \$67,061 compared to FY 2021 at \$68,293. There were 4,081 rounds of golf posted in FY 2022 compared to 3,963 in FY 2021. There are 39 current members, with 11 of them being the Riverheads High School golf team In FY2021 there were 20 members, with eight being from Riverheads. As of November 1, there were 71 members, which included 16 members who had originally purchased memberships in FY 2021 and are prorated in FY 2022. The Golf Course finished with operating expense of \$22,299 compared to \$26,089 in FY 2021. There was a net loss in FY 2022 with \$32,302 versus \$35,063.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

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

Mr. Trayer stated the FY 2021 Audit Report will be presented to Council at the December 9, 2021 meeting and after that report has been delivered, staff will introduce FY 2022 Budget Amendment #3 which will incorporate fund balance recommendations along with any Council modifications.

FY2021 was an unusual year as the City Manager's recommended budget was fully prepared, budget books printed, and within a week of the presentation the Governor declared a state of emergency and shut down all nonessential business. The City's budget was immediately revised and major funding sources of sales, meals, and license tax were reduced by 25% in anticipation of an extended shutdown period. Lodging tax was reduced by 20% and delinquency factors were applied against the previous years budgeted real estate and personal property taxes. All in all, with no trend data available the City's reductions were closely aligned with projections provided by Jim Regimbal.

Ms. Mead asked that Mr. Trayer explain who Jim Regimbal is. Mr. Trayer replied that Mr. Regimbal is considered the source of local government forecasting with the Commonwealth of Virginia for at least the last 35 years.

On the expense side, furloughs were implemented, open positions were frozen, capital expenditures were eliminated, as were all unnecessary expenditures as staff could not anticipate at that time the amount of money that was about to be pumped into the nation's economy via the CARES Act funding.

Revenues

- The FY 2021 Budgeted Local Tax Revenue equaled \$38,325,250 versus the actual revenue of \$45,157,383 for an overall positive variance of \$6,832,133;
- Real Estate Taxes out performed revised budget projections by \$2.2M;
- Personal Property Taxes out performed by \$917,000;
- Local Sales Taxes out performed by \$1.6M;
- Business License Tax out performed by \$969,000;
- Meals Tax out performed by \$1.2M;
- Lodging Tax fell short by \$122,000; and

- The Communications Tax was down \$181,000.

Additional Revenues

- Other Local Revenues finished \$291,000 below budget.
- Overhead allocations from State/Federal down slightly by \$12,000.
- Law Enforcement HB599 up by \$32,000 from the State to partially address the compression issues with the Police Department salary scales.
- State reimbursements for Street Maintenance exceeded budget estimates by \$84,000.
- Social Services and Children Services Act are largely based upon reimbursement on actual expenses incurred and were down roughly \$294,000.
- Other State and Federal Revenues show a negative of \$88,161 primarily due to recordation tax and public facilities.

The total budgeted revenue was \$66,536,453, the actual revenue equaled \$66,880,149 for a positive variance of \$343,696 or 100.52% of the budgeted revenue being recorded in FY 2021.

The overall revised FY2021 budget expenses equal \$66,536,453 versus actual expenditures of \$62,158,608 and encumbrances of \$1,050,457 for a positive variance of \$3,185,398 or 95% of the revised budget being spent. Significant savings were posted throughout the General Fund as frozen positions and spending freezes were implemented for much of the year prior to being lifted as the economy began to open up.

Since 1989 the City has increased its safety net from 5% up to 15.5% after the 2019 Fiscal Year where it remains today. The safety net goal has been 18% of the subsequent year's budget and the reserves currently equal \$9,571,866 or 15.5% of FY 2022's General Fund Budget of \$61,753,954.

Fund Balance Recommendations

- \$2.5M for the School Warehouse / Middle School CTE project.
- \$1.67M to fund portions of the FY 2023 CIP. Items include:
 - \$500,000 MRRJ Construction reserves
 - \$135,000 Police Department HVAC
 - \$350,000 Technology Department relocation
 - \$125,000 Staunton Bike and Pedestrian Plan
 - \$100,000 Greenways Project
 - \$160,000 Call Handling Equipment
 - \$150,000 Ineligible Street Reserves (FY2022)
 - \$150,000 Adaptive Traffic Control Reserves (FY2022).
- \$1.6M for the Emergency Radio Project.
- \$1.3M for project cashflow contingency.
- An increase of \$617,000 for the Safety Net Reserve.
- \$375,000 for operating contingency.
- \$331,000 for Police Patrol car replacements and an additional animal control vehicle.
- \$275,000 to cover increase economic development agreement costs.
- \$200,000 for final repairs associated with 2020 floods.
- \$175,000 on Public Works vehicle replacements.
- \$125,000 to Shenandoah Valley Juvenile Center.

- \$45,000 for relocation costs of traffic sign shop.
- \$25,000 for cyber security software.

Mayor Oakes asked if Council had any questions or comments.

Mayor Oakes asked if there were any other localities in the area that are operating at an 18% reserve as it seemed like a lot. Mr. Trayer stated that he did not know, but that it was a recommendation by Davenport in terms of rates for bond issuances. Mr. Claffey stated that it used to be 15% but it was raised about five years ago.

Ms. Dull asked that if the \$2.5M for the potential school warehouse CTE project should be put in the CIP with a more general framework rather than being restrictive. Mr. Trayer stated that he could move that into a designated CIP line.

Mr. Claffey asked why there was a \$181,000 shortage in the Communication Tax. Ms. Ragon stated that it has been decreasing close to \$10,000 a month over the past couple of years. She believes it is because of the complete shift away from landlines and that there are different taxes for landlines than for cell service.

Ms. Mead asked what the annual impact would be on the City of Staunton by eliminating sales tax on grocery sales. Ms. Ragon stated that the best she could estimate would be that about 79% of the sales at grocery retailers are actual grocery tax versus all sales. Ms. Mead wanted further explanation as to why there is not a way to get more itemized information. Ms. Ragon went in to detail regarding how the grocery tax is reported to the State and how that information makes its way to the local level.

Council members did not have any further questions.

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

City Attorney John Blair stated this past year, the Attorney General of Virginia has been in litigation with a manufacturer and three distributors of opioid products. Based on that litigation, there were settlement talks that occurred and ultimately there's a memorandum of understanding that was agreed to by the Attorney General, and various private attorneys in Virginia that had bought suits against these four entities both again, one manufacturer and three district distributors of these products.

There was a global nationwide settlement with these four entities for \$26 billion. Virginia may receive up to \$530M of those dollars, depending on how many localities agree to this MOU. There are about 140 cities and counties in the State that have signed on to this already. What this will do is the State has created in this settlement, the opioid abatement fund. Fifteen percent of these dollars will go to localities themselves. There will ultimately be conditions that the funds have to be spent on purposes more than likely related to opioid abatement and mitigation. And locally 70% of those dollars are going to go to the opioid abatement authority, which is this statewide entity where Staunton or any other locality can apply for special funding programs for opioid abatement or mitigation and apply for grants. And this authority will use that money to fund grants for regional programs, and then the other 15% goes directly to the state.

Participation would mean that the City was releasing all claims it may have against all four of these entities.

Mayor Oakes asked if Council had any questions or comments.

Mr. Holmes asked if Council decided not to this, the City would have to pay for any type of litigation regarding opioids. Mr. Blair confirmed that the City would have to hire a private counsel to bring such suit.

Ms. Dull asked if the City did receive a percentage of the allocations, could the City use it for purchasing Narcan or to divert people from jail to inpatient drug rehabilitation facilities. Mr. Blair stated that as long as the situations were related to opioids, he believed that they could be used for those purposes. Ms. Dull also asked if the City or a regional entity like the Virginia Community Services Board apply for a grant to create an opioid treatment center. Mr. Blair confirmed that would be an entity he thought the Abatement Authority would contemplate funding.

Ms. Mead asked that by participating in this MOU, would the City be prevented from benefiting from any other suits against pharmacies or any other manufacturer or distributors. Mr. Blair stated that the MOU only applied to the specific manufacturer and the three named distributors.

Council members did not have any further questions.

Ms. Dull moved 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.

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

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

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg shared that the Commonwealth of Virginia has allocated some of its ARPA funds to a tourism recovery program which will provide funding to every city and county in the State to assist with tourism efforts in the aftermath of the pandemic. The City will receive \$60,000 and a plan must be submitted to the Virginia Tourism Corporation. He also shared that, thanks to Assistant City Manager Leslie Beauregard, the City will receive grant funds from the Virginia Risk Sharing Association (VRSA) to support a budget for the Equity and Diversity Commission once the body is appointed. At this time the amount is unknown.

Mr. Rosenberg provided an update to Council and the public regarding the Shenandoah Valley Animal Services Center. The board of the SVASC is exploring a possible different model for the operation of the center. That model would establish a partnership with an outside party as the provider of animal shelter services. As part of the exploration process, the City of Waynesboro, the center's fiscal agent, has issued what is called a request for proposals inviting interested parties

to share their vision for the center's operation. Subsequent to the deadline and evaluation committee comprising representatives of each of the three localities (Staunton, Augusta and Waynesboro) will review any proposals received and make a determination whether to begin contract negotiations with one of the interested parties deemed most qualified. Then negotiations about costs of operations and performance standards will occur. Ultimately the decision whether to proceed with such a contract will be made by the Executive Committee of the Center, which includes Augusta County Administrator Tim Fitzgerald, Waynesboro City Manager Mike Hamp and Mr. Rosenberg.

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.”

Danny Link of Mt. Sidney spoke about the work that the Shenandoah Valley Animal Services Center does and noted the difficulties of the Center retaining staff due to low compensation.

Christine Holly spoke in regards to the importance of funding public education and asked City Council to consider additional funding for teachers, instructional assistants, and general needs of the School Board.

Sherry Ramsey spoke about the importance of the Shenandoah Valley Animal Services Center and the strides that the Center has made, noting its low euthanasia rate.

Jean Frazier of Stuarts Draft is a volunteer with the Shenandoah Valley Animal Services Center and noted that the Center is an excellent example of how animal shelters should operate. Ms. Frazier spoke about the Center’s coordination with other organizations, local rescue and foster groups and how those relationships help to maintain low euthanasia rates. Ms. Frazier inquired as to why the FY22 budget was less than the FY21 budget.

Casey Eldridge is a volunteer and foster with the Shenandoah Valley Animal Services Center and noted her displeasure with the idea of outsourcing the management of the Center to a third party. Ms. Eldridge spoke about the need to hire a director and the need for better pay for the staff. Ms. Eldridge asked that euthanasia rates should be considered when making decisions about the RFP submittals.

Nitch Narduzzi of Staunton spoke about the City’s proposed 2022 Legislative Program and asked Council to consider cannabis policies as well as criminal justice issues, particularly those that would directly impact the “school to prison pipeline.”

Raven Loving of Mt. Solon works at the Shenandoah Valley Animal Services Center and noted that it is exhausting, draining work but she enjoys working there. Ms. Loving asked Council to take note of the Center’s 97% save rate for the animals it brings in.

Alex Irving of Waynesboro is a volunteer and fosters for the Shenandoah Valley Animal Services Center and noted that the Center has done an excellent job given its limited resources. Ms. Irving noted the staff’s concerns regarding the possibility of a third party taking over the Center.

Kayden Dunwreck noted the amazing work that the Shenandoah Valley Animal Services Center has done, even in the absence of a director. She asked Council to mandate a minimum 90% save rate for any third parties whose bids may be considered as part of the RFP.

Jason Clarke of 507 College Cir., Staunton spoke about the work that the Shenandoah Valley Animal Services Center has done and how the shelter has exceeded expectations and its positive impact has been felt locally, regionally, and statewide. Mr. Clarke does not believe that a third party will operate the shelter in the same manner.

Becky Harmon of Swoope spoke about the Shenandoah Valley Animal Services Center's budget being cut by the amount that was paid to the former director. Ms. Harmon noted that the shelter came into existence as a result of the localities separating themselves from the SPCA. Ms. Harmon reminded Council that it does not have to accept the "lowest bid" and noted the SPCA's lack of assistance to the shelter.

Amy Hammer of Highland County opposes the RFP. Ms. Hammer noted that the SPCA euthanizes a large number of the animals brought in and spoke about the high save rate that the Shenandoah Valley Animal Services Center has achieved. Ms. Hammer asked Council to consider Staunton becoming the fiscal agent for the Center.

Renee Clark noted the staff turnover at the Shenandoah Valley Animal Services Center and that while the Center typically has 12 staff members, there are currently four vacancies, with one being the director's position. Ms. Clark noted the low salary for the director (\$36,000) and the low wage for staff members (\$10.00/hour). Ms. Clark reiterated the Center's 97% save rate.

Justin (no last name given) of Staunton spoke about how the Shenandoah Valley Animal Services Center's staff cares about the work that they do despite the low pay rates. Justin asked Council to consider allowing the Center to continue to operate as it has been as he believes bringing in a third party to manage operations will have a negative impact on the work the Center does.

Ashley (no last name given) of Staunton spoke about the work that the Shenandoah Valley Animal Services Center does for the community and noted the contrasts between the Center's euthanasia/save rates compared to those of the SPCA. Ashley asked Council to consider mandating that bidders of the RFP commit to a minimum 90% save rate.

Rachael Westfall of Waynesboro spoke about the scope of services provided by the Shenandoah Valley Animal Services Center and its coordinated efforts with Angels of Assisi for spay/neuter clinics. Ms. Westfall noted that other shelters look to the Center as a model.

Maggie Ragon of Staunton noted that she adopted her cat from the Shenandoah Valley Animal Services Center.

Paula (no last name given) of Stuarts Draft stated that she originally went to the Shenandoah Valley Animal Services Center to adopt a pet and was so impressed with the staff and its facilities that she became a volunteer and ultimately took on a part-time job at the Center. Paula asked that Council consider keeping the Center in place.

Linda Farah of Fort Defiance is a volunteer with the Shenandoah Valley Animal Services Center. Ms. Farah noted that the non-profit, Friends of the Shenandoah Valley Animal Services Center was created to help fund medical care for animals of the Center and has raised approximately \$70,000. Ms. Farah noted the coordinated efforts with Angels of Assisi for spay/neuter clinics. Ms. Farah stated that the Center is an asset to the community.

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 10:42 p.m.

Robin S. Wallace
Acting Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	December 9, 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 Lane Arbor LLC to Rezone 914 Middlebrook Avenue from R-2, Low Density Residential District, and R-4, High Density Residential District, to R-4, High Density Residential District Conditional	

Background: Lane Arbor LLC has applied for a rezoning of 914 Middlebrook Avenue. The property is currently split zoned with the front portion zoned R-4, High Density Residential District, and the rear portion zoned R-2, Low Density Residential District. The applicant has submitted proffers and has proposed to rezone the entire property to R-4, High Density Residential District Conditional. The proffers would limit the density of the entire 24.344-acre parcel to no more than 200 dwelling units. The majority of the property was annexed into the City in 1948, with a small portion to the southwest added in 1986. Since that time, the property has continued its existing nonconforming use as pasture and crop production. It has never been part of an Agricultural-Forestal District. The existing barn located on the property would be demolished as part of this proposed development. The current owner, Lane Arbor LLC, acquired the property in 2015, and plans to construct 82 low to moderate income apartment units to be known as Middlebrook Trace.

At its meeting on March 11, 2021, City Council adopted an ordinance partially exempting the property from real estate taxes, adopted a resolution designating the property as a revitalization

area, and authorized the City Manager to execute and deliver to Virginia Housing Development Authority a letter in support of allocation of tax credits to Middlebrook Trace VA LLC. The application to the Virginia Housing Development Authority was approved in June of 2021. The applicant submitted a site plan which is currently under review for development of the front portion of the property. Due to topography issues, the owner desires to develop the second phase towards the rear of the property where the slopes are not as severe. Under the proposed rezoning, the rear portion of the property could be developed in the future with a maximum of 118 units (200 total units allowed and 82 built in phase 1).

Analysis: The applicant has proposed limiting density to no more than 200 units. Under the current zoning, the density could be much higher. The portion of the property zoned R-2, Low Density Residential District, could be developed with 32 single-family dwellings while the portion currently zoned R-4, High Density Residential District, could be developed with 1,021 apartment units. The applicant has proffered a reduction in density of approximately 81%. The applicant has also proffered the following to address vehicular, pedestrian and emergency access:

- All primary access to the development shall be through the entrance along Moore Street near the intersection with Middlebrook Avenue. A secondary emergency access entrance only may be permitted from Moore Street toward the southeastern portion of the property.
- Internal pedestrian connections shall be made to both the northern and southern boundary of the property to Moore Street.

Staff has conducted a review of the proposed conditional rezoning. While staff does not have any issues with the current proposed development, concerns were raised regarding any future development/phases:

1. Depending upon the extent and nature of what is proposed, City water and sewer infrastructure may need to be upgraded to provide adequate service, fire flow, etc., with all associated costs borne by the developer. This may include looping of the water main. This and similar issues would be addressed through the site plan review process as needed.
2. The upper section of Moore Street, including the area adjacent to the proposed rezoning, has limited width and capacity. The street may need to be improved before any further development is approved.

Zoning to the north is I-1, Light Industrial District, and R-2, Low Density Residential District, to the east and to the south are both R-2, Low Density Residential District, and to the west is R-3, Medium Density Residential District Conditional, which was just approved by Council earlier this year.

The *“Generalized Land Use and Development Guide, Future Land Use Map”* Staunton, Virginia, *Comprehensive Plan 2018 – 2040*, designates this area as Low Density Residential. This designation is characterized as detached single-family dwellings with a maximum density of 1 to 5 units per acre. Low density sections are found mainly in well established neighborhoods. The low density residential areas are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership. The proposed rezoning is not consistent with this designation; however, a portion of the property is already zoned R-4, High Density Residential District, and could be developed “by right” with a much higher density (1021 units). If approved, this conditional rezoning would decrease the allowable density for this property.

Although the proposed rezoning is not consistent with the Low Density Residential District designation, it is more consistent than the current zoning.

Planning Commission Recommendation: At its meeting of November 18, 2021, the Planning Commission conducted a public hearing and considered the request. One person spoke on the need to integrate bicycling and pedestrian infrastructure in projects such as the one proposed. Three people from the neighborhood noted their concerns about additional traffic on the narrow section of Moore Street. Commissioners noted that the only vehicular access to the development would be near the intersection of Moore Street and Middlebrook Avenue, thus minimizing the impact to the upper portion of Moore Street. On a 4-1 vote, the Commission voted to recommend approval of the conditional rezoning.

Attachments:

Attachment 1—Adopted Ordinance and Resolution, and Executed Letter in Support of Allocation of Tax Credits to Middlebrook Trace VA LLC—March 11, 2021 City Council Meeting

Attachment 2—Application for Rezoning

Attachment 3—Vicinity Map - 914 Middlebrook Ave

Attachment 4—Current Zoning - 914 Middlebrook Ave

Attachment 5—Future Land Use Map – 914 Middlebrook Ave

Attachment 6—Proposed Rezoning - 914 Middlebrook Ave

Attachment 7—Draft Ordinance of Conditional Rezoning

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

City Manager: Steven L. Rosenberg

**RESOLUTION OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA,
DESIGNATING 914 MIDDLEBROOK AVENUE (PID 2896)
AS A REVITALIZATION AREA**

RECITALS

A. Pursuant to § 36-55.30:2(A) of the Code of Virginia of 1950, as amended, the City Council of the City of Staunton, Virginia, desires to designate 914 Middlebrook Avenue (PID 2896) as shown on Exhibit A attached hereto as a revitalization area;

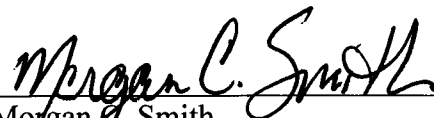
B. 914 Middlebrook Avenue (PID 2896) is located in an area where the industrial, commercial, or other economic development of such area will benefit the City of Staunton but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; and private enterprise and investment are not reasonably expected, without assistance, to produce the construction of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Staunton, Virginia, that pursuant to § 36-55.30:2(A) of the Code of Virginia of 1950, as amended, 914 Middlebrook Avenue (PID 2896) is hereby designated as a revitalization area.

Adopted this 11th of March, 2021.



Andrea W. Oakes, Mayor

Attest: 

Morgan C. Smith
Interim Clerk of Council

**AN ORDINANCE TO PARTIALLY EXEMPT FROM REAL ESTATE TAXATION
BY CLASSIFICATION OR DESIGNATION
PROPERTY LOCATED AT 914 MIDDLEBROOK AVENUE (PID 2896)
IN THE CITY OF STAUNTON, VIRGINIA
AND PROPOSED TO BE DEVELOPED BY MIDDLEBROOK TRACE VA LLC
AS MIDDLEBROOK TRACE**

Recitals

A. Middlebrook Trace VA LLC (Middlebrook Trace) has applied to the Council of the City of Staunton, Virginia, for an ordinance providing it with partial tax exempt status from the City of Staunton on real property taxes relating to the proposed development of 914 Middlebrook Avenue (PID 2896) (Property);

B. Council desires to support and encourage the development of the Property by enacting an ordinance to provide Middlebrook Trace with a partial tax exemption from real property taxes;

C. On March 11, 2021, Council held a public hearing in accordance with notice duly and lawfully published in *The News Leader*;

D. Virginia Code § 58.1-3219.4 authorizes Council to enact such exemptions within the limitations therein prescribed and as may be prescribed by this Council; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, pursuant to § 58.1-3219.4 of the Code of Virginia that:

1. The real property located of 914 Middlebrook Avenue (PID 2896) is to be partially exempted, as provided in this ordinance.

2. At a public hearing duly and lawfully held on March 11, 2021, pursuant to public notice, the Council examined and considered Middlebrook Trace's proposal for partial tax exemption.

3. Council hereby finds that:

A. The Property, along with improvements currently located thereon, is assessed at a total of Two Hundred Forty-Three Thousand Nine Hundred Thirty and No/100 Dollars (\$243,930.00) for tax year 2020, and the cost of the proposed improvements, as represented by Middlebrook Trace, is expected to be Eleven Million Four Hundred Eighty Thousand and No/100 Dollars (\$11,480,000.00).

B. The real property taxes that were paid by the Property's owner for tax year 2020, were Two Thousand Three Hundred Seventeen and 34/100 Dollars (\$2,317.34). The increase in value attributable to the proposed improvements could result in an increase of the amount of total tax on the Property in the amount of One Hundred Nine Thousand and No/100 Dollars (\$109,000.00).

C. Middlebrook Trace is an organization that proposes to develop housing structures for historically underprivileged residents of the City of Staunton, and nearby areas. The proposed development of the Property will serve the City of Staunton, and its residents, as an affordable housing option. Accordingly, Middlebrook Trace is eligible for a partial exemption from the assessment of real property taxes as a result of such development under Virginia Code § 58.1-3219.4.

4. Council hereby exempts Middlebrook Trace from real property taxes assessed against the Property in the amount Two Thousand and No/100 Dollars (\$2,000.00) annually for a period of three (3) tax years from the date of final completion of such development, but in no event shall the exemption continue for more than five (5) tax years from the effective date of this ordinance.

5. The cost of the proposed improvements shall be presumed as shown on the building permit application submitted by Middlebrook Trace.

6. The exemption granted by this ordinance is contingent upon the following:

A. Middlebrook Trace's acquisition of record title to the Property; and

B. Middlebrook Trace providing housing predominately for persons with low to moderate income as defined by Virginia Housing.

Introduced: March 11, 2021

Adopted: March 11, 2021

Effective Date: March 11, 2021



Andrea W. Oakes, Mayor

ATTEST:



Morgan C. Smith
Interim Clerk of Council

March 12, 2021

JD Bondurant
Director, LIHTC Programs
Virginia Housing Development Authority
601 South Belvidere Street
Richmond, Virginia 23220

VHDA Tracking Number: 2021-C-38
Development Name: Middlebrook Trace
Name of Owner/Applicant: Middlebrook Trace VA LLC

Dear Mr. Bondurant:

This letter is provided as expressly authorized and directed by action of Staunton City Council taken at its regular meeting on March 11, 2021. The construction or rehabilitation of the above-named development and the allocation of federal housing tax credits available under IRC Section 42 for such development will help to meet the housing needs and priorities of the City of Staunton. Accordingly, the City of Staunton supports the allocation of federal housing tax credits requested by Middlebrook Trace VA LLC for this development.

Sincerely,



Steven L. Rosenberg
City Manager

cc: The Honorable Mayor and Members of Staunton City Council
Jen Surber, Middlebrook Trace VA LLC
Rodney Rhodes, Senior Planner, City of Staunton



COMMUNITY DEVELOPMENT
Planning & Zoning Division

Attachment 2

Application for Rezoning

Applicant: LANE ARBOR LLC Date: 9.23.2021

Address: P.O. Box 124 STAUNTON VA 24402-0124

Telephone #s: Primary: 540-885-1501 Secondary: _____

Email address: jdameron@gceavers.com

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: RAY BURKHOLDER

Address: 104 INDUSTRY WAY, STE 102, STAUNTON VA 24401

Phone #: 540-248-3220

Email address: _____

Location of property:

914 MIDDLEBROOK AVE, STAUNTON, VA 24401, PID #2896

Legal description of property:

PARCEL 67 - (24.34 AC)

Purpose of request: REZONE EXISTING PROPERTY

Map Provided: YES ☒ NO _____

Present zoning classification of property: RESIDENTIAL (R-2) AND RESIDENTIAL (R-4)

Requested zoning classification: COMBINE R-2 AND R-4 INTO R-4

List permits pending approval of this rezoning: N/A

Fee Paid (\$250) YES ☒ NO _____ *check or cash only

Applicant must provide 19 copies of complete application

Signature of applicant: By Guy C Eaves
(Owner / Agent)

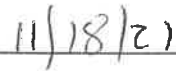
Proffer to Accompany Rezoning Request for Property #2896

1. The density permitted on the subject property shall not exceed 200 units.
2. All primary access to the develop shall be through the entrance along Moore Street near the intersection with Middlebrook Avenue. A secondary emergency access entrance only may be permitted from Moore Street toward the southeastern portion of the property.
3. Internal pedestrian connections shall be made to both the northern and southern boundary of the property to Moore Street.

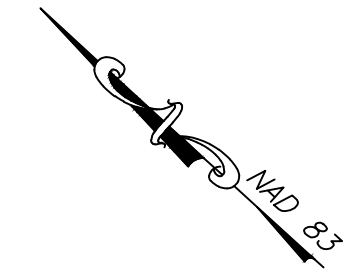
Owner signature

Date:

A handwritten signature in cursive script, appearing to read "Guy P. Eames", written over a horizontal line.

A handwritten date "11/18/21" written in cursive script over a horizontal line.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N32°41'08"W	58.41'
L2	N52°50'35"E	193.82'
L3	N23°34'46"E	28.88'
L4	N69°04'41"E	44.38'
L5	N78°48'54"E	48.28'
L6	N67°15'44"E	101.27'
L7	N63°53'36"E	114.36'
L8	N68°22'16"E	59.96'
L9	N53°19'41"E	128.00'
L10	S59°44'05"E	56.47'



MIDDLEBROOK AVENUE
(VAR. WIDTH RIGHT-OF-WAY)



NOTES:

- 1) NO IMPROVEMENTS SHOWN.
- 2) THIS EXHIBIT WAS COMPILED FROM PLATS OF RECORD.
- 3) THIS EXHIBIT WAS COMPILED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.
- 4) IT IS THE INTENTION OF THIS EXHIBIT TO SHOW THE PROPOSED REZONING OF 6.639 ACRES OF PID #2896 FROM R2 TO R4. THE REMAINING 17.705 ACRES IS TO REMAIN R4.
- 5) OWNER INFORMATION:
LANE ARBOR, LLC
PID #2896
INST #150002731
24.344 AC
CURRENT ZONING: R2 & R4

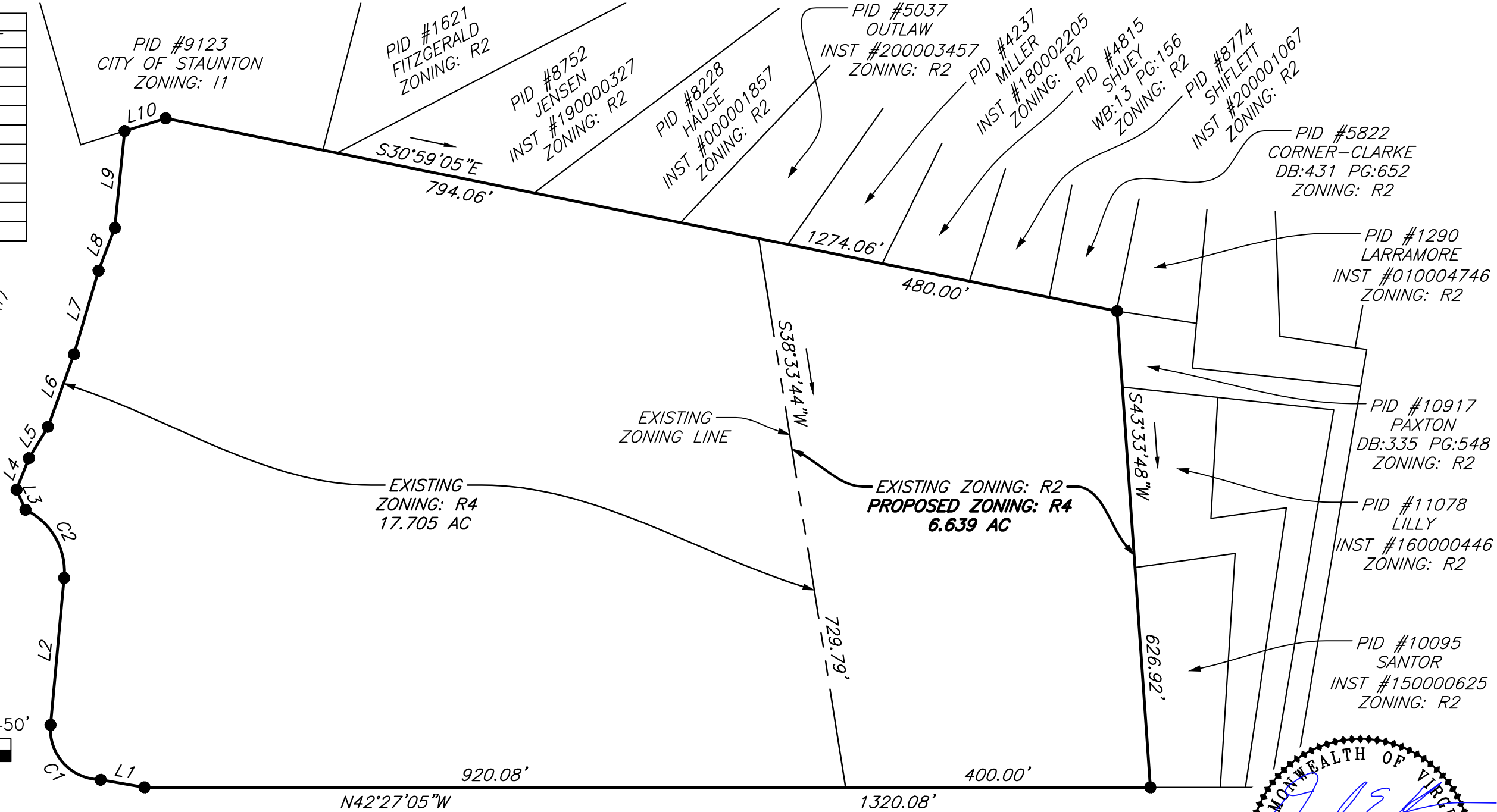
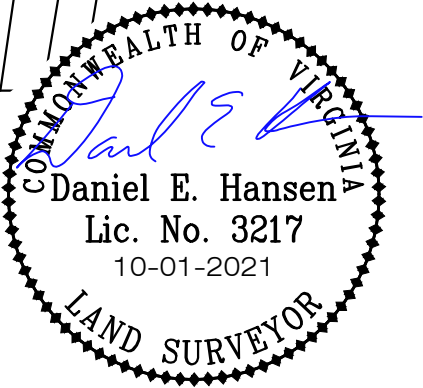
MOORE STREET
(VAR. WIDTH RIGHT-OF-WAY)

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	65.95'	109.80'	N05°09'00"E	97.55'
C2	90.11'	109.57'	N18°00'41"E	102.94'

EXHIBIT SHOWING
THE PROPOSED REZONING OF
A PORTION OF PID #2896

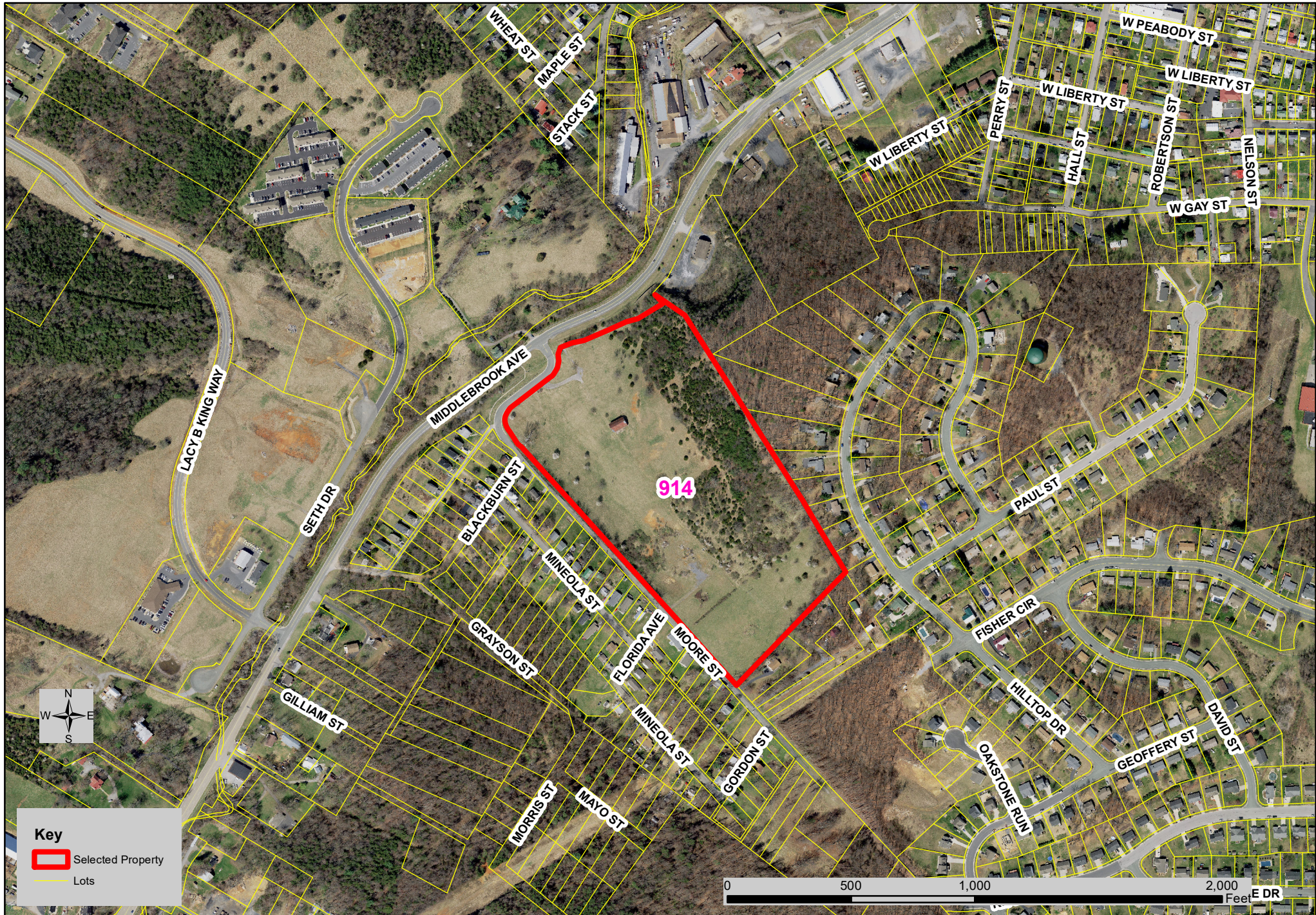
CITY OF STAUNTON, VIRGINIA
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY / SHENANDOAH VALLEY / LYNCHBURG
104 Industry Way, Suite 102 / Staunton, Virginia 24401 / Phone (540) 248-3220 / www.balzer.cc

DATE: 10-01-2021
SCALE: 1" = 150'
JOB: 34210037.00
DRAWN BY: DEN

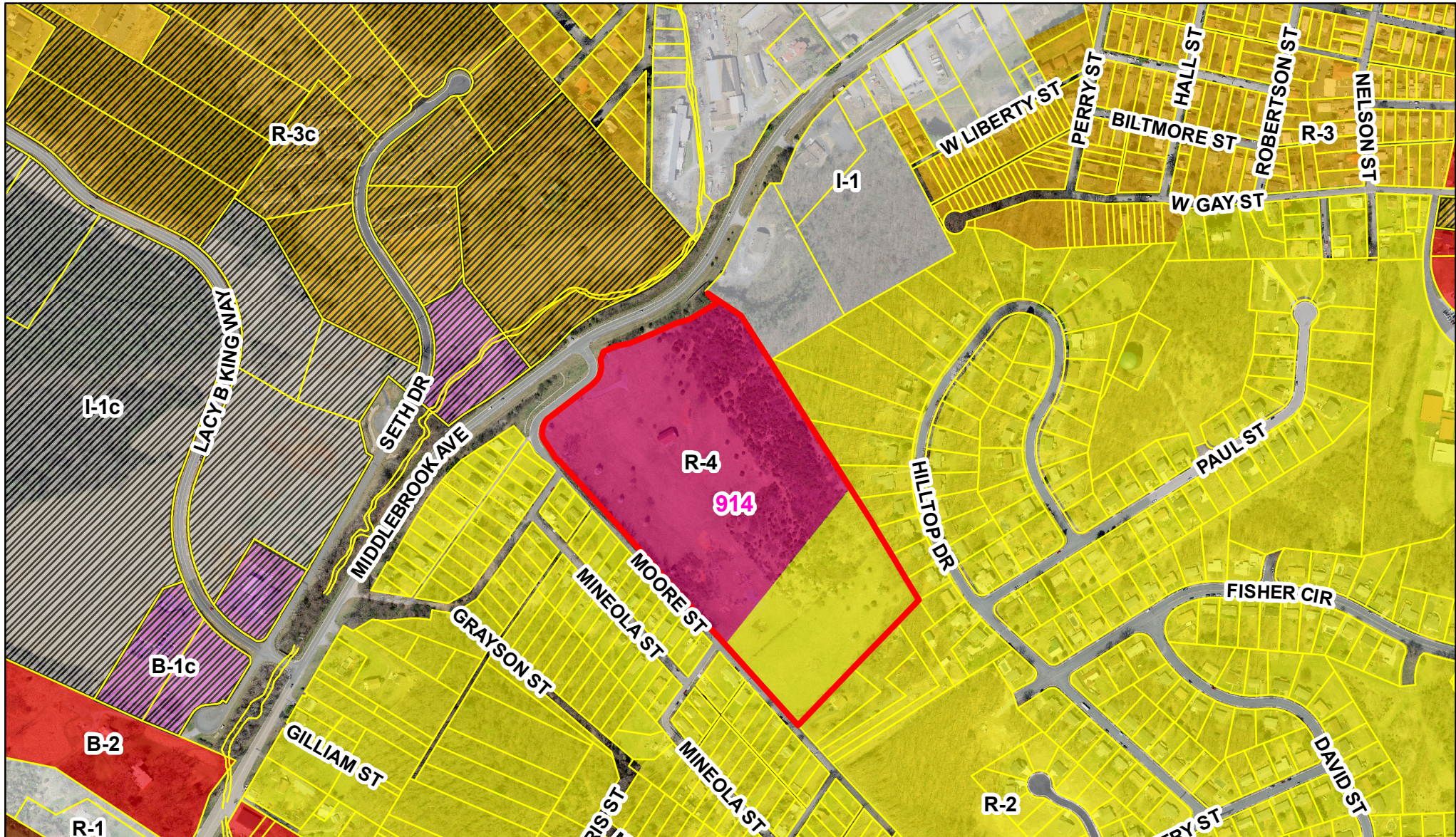


Vicinity Map – 914 Middlebrook Ave

Attachment 3



Current Zoning - 914 Middlebrook Ave Attachment 4



Zoning

B-1

B-1(conditional)

B-2

B-2(conditional)

B-3

B-5

HE-1

I-1

I-1(conditional)

I-2

I-2(conditional)

I-3(conditional)

P-1

P-1(conditional)

R-1

R-2

R-2(conditional)

R-3

R-3(conditional)

R-4

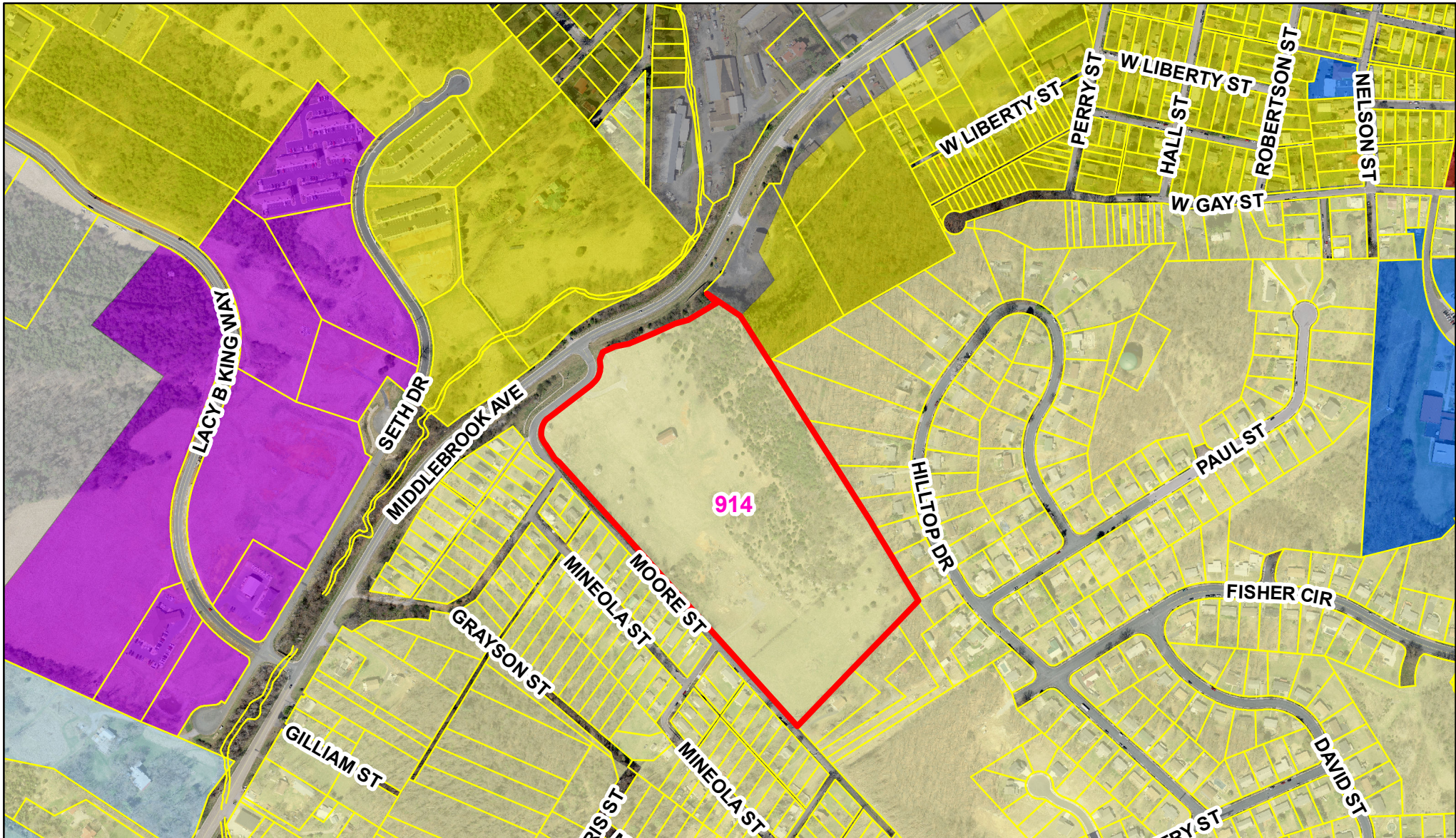
R-4(conditional)

Additional Layers

Selected Property

Lots

Future Land Use - 914 Middlebrook Ave Attachment 5



Future Land Use

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

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

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

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

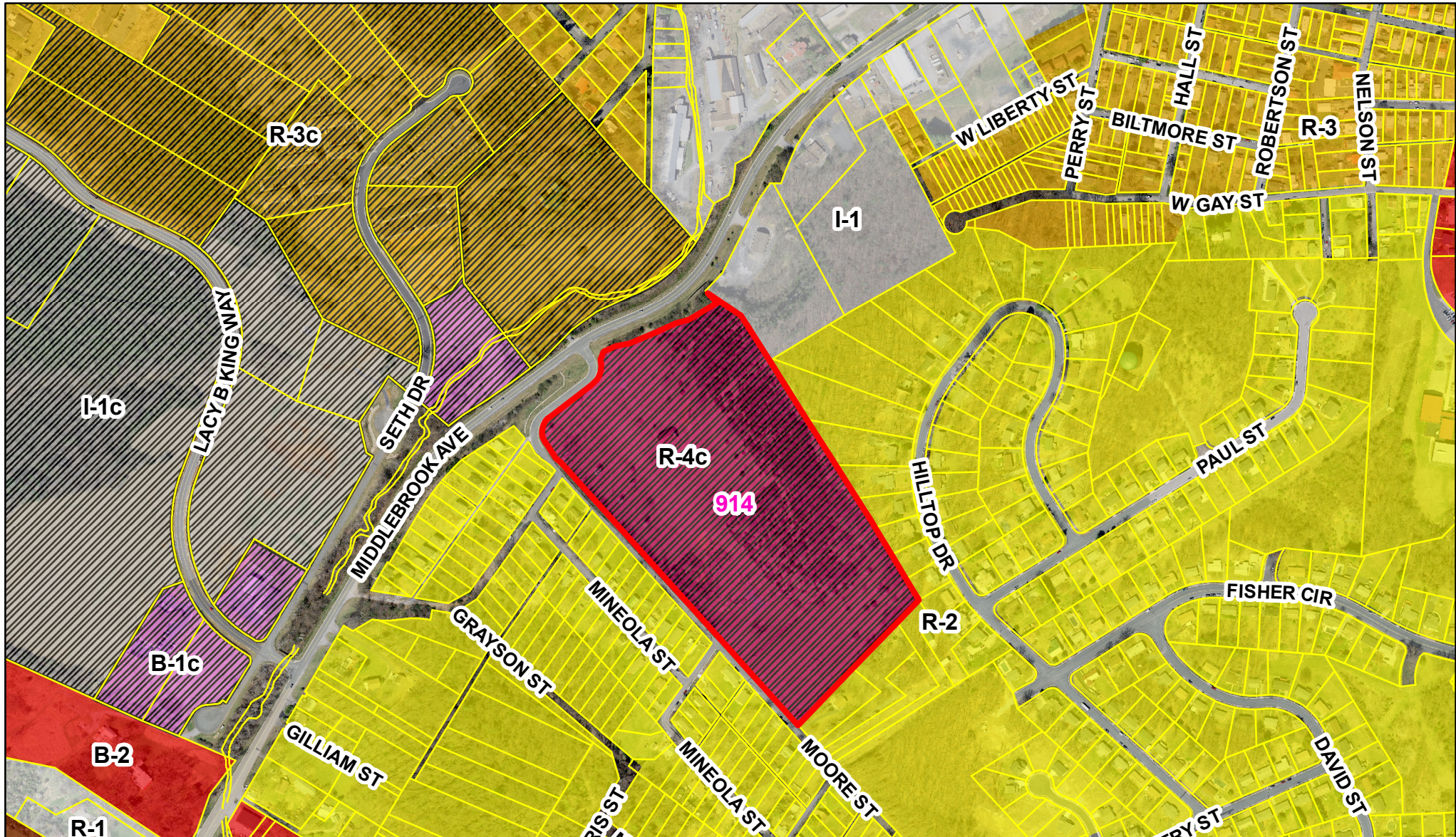
Additional Layers

- Selected Property
- Lots

0 250 500 1,000 ft



Proposed Rezoning - 914 Middlebrook Ave **Attachment 6**



Zoning

B-1	B-3
B-1(conditional)	B-5
B-2	HE-1
B-2(conditional)	I-1

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

Additional Layers

I-1(conditional)	R-1	R-3(conditional)
P-1(conditional)	R-2	R-4(conditional)
R-2(conditional)	R-3	

Additional Layers

Selected Property
Lots



0 250 500 1,000 ft

Ordinance No. 2021-____

**AN ORDINANCE REZONING
FROM R-2, LOW DENSITY RESIDENTIAL DISTRICT AND
R-4, HIGH DENSITY RESIDENTIAL DISTRICT,
TO R-4, HIGH DENSITY RESIDENTIAL DISTRICT CONDITIONAL,
THAT CERTAIN TRACT OR PARCEL OF LAND
LOCATED AT 914 MIDDLEBROOK AVENUE (Parcel Identification Number 2896),
STAUNTON, VIRGINIA**

Recitals

A. It appears by deed dated December 8, 2015, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument Number 150002731, that Lane Arbor, L.L.C., acquired the property known as 914 Middlebrook Avenue (PIN 2896), with further description provided in the deed, a copy of which is annexed and incorporated by reference (**Exhibit A**);

B. Lane Arbor, L.L.C., has submitted an application for a zoning classification change for the parcel from R-2, Low Density Residential District, and R-4, High Density Residential District, to R-4, High Density Residential District Conditional, a copy of which is annexed and incorporated by reference (**Exhibit B**);

C. As part of the request, the applicant has offered certain proffers intended to make development more compatible with the adjacent single-family residential neighborhood;

D. The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, "Generalized Land Use and Development Guide," designates this area as Low Density Residential with a maximum density of 1 to 5 units per acre and with the proffers offered by the applicant, the proposed zoning is consistent with that designation;

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the property known as 914 Middlebrook Avenue (PIN 2896), in the City of Staunton, Virginia, is **HEREBY REZONED** from R-2, Low Density Residential District, and R-4, High Density Residential District, to R-4, High Density Residential District Conditional, on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice with the following conditions.

As proffered by the applicant:

DRAFT 11.24.21

1. The density permitted on the subject property shall not exceed 200 units.
2. All primary access to the development shall be through the entrance along Moore Street near the intersection with Middlebrook Avenue. A secondary emergency access entrance only may be permitted, upon approval from the City Engineer and Zoning Administrator, from Moore Street toward the southeastern portion of the property.
3. Internal pedestrian connections shall be made to both the northern and southern boundary of the property to Moore Street.

In all other respects, the provisions of Chapter 18.135, R-4, High Density Residential District, of the Staunton City Code shall apply.

Introduced:

Adopted:

Effective Date:

Andrea W. Oakes, Mayor

ATTEST:

Morgan C Smith,
Interim Clerk of Council

VIRGINIA LAND RECORD COVER SHEET
FORM A - COVER SHEET CONTENT

Exhibit A

Instrument Date: 12/8/2015
Instrument Type: DBS
Number of Parcels: 1 Number of Pages: 2
☒ City ☐ County

STAUNTON

TAX EXEMPT? VIRGINIA/FEDERAL LAW

☒ Grantor: 58.1-811A(10)

☒ Grantee: 58.1-811A(10)

Consideration: \$0.00

Existing Debt: \$0.00

Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00

Fair Market Value Increase: \$0.00

Original Book Number: Original Page Number:

Prior Recording At: ☐ City ☐ County

150002731

(Area Above Reserved For Deed Stamp Only)

Original Instrument Number:

Percentage In This Jurisdiction: 100%

BUSINESS / NAME

1 ☒ Grantor: GUY C EAVERS EXCAVATING CORP

2 ☒ Grantor: GUY C EAVERS EXCAVATION CORP

1 ☒ Grantee: LANE ARBOR LLC

☐ Grantee:

GRANTEE ADDRESS

Name: LANE ARBOR LLC

Address: P.O. BOX 124

City: STAUNTON

State: VA Zip Code: 24402

Book Number: Page Number:

Instrument Number:

Parcel Identification Number (PIN): 2896

Tax Map Number: 2896

Short Property Description: 24.343 ACRES

SE MIDDLEBROOK

Current Property Address 24.343 ACRES MIDDLEBROOK ROAD

City: STAUNTON

State: VA Zip Code: 24401

Instrument Prepared By: POINDEXTERHILL, PC

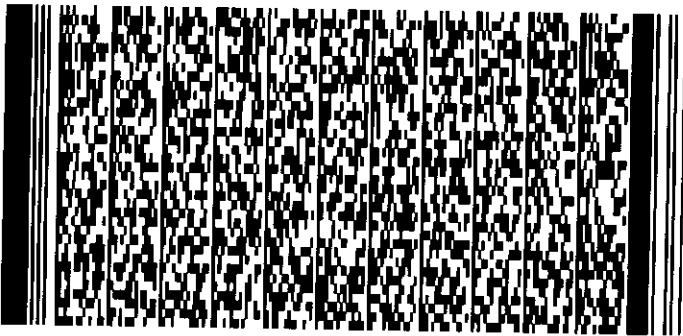
Recording Paid By: POINDEXTERHILL, PC

Recording Returned To: POINDEXTERHILL, PC

Address: 404 S WAYNE AVENUE

City: WAYNESBORO

State: VA Zip Code: 22980



PIN Number: 2896

Title insurance underwriter is unknown to preparer.
Upon Recordation Return To:

**THIS DEED IS EXEMPT FROM RECORDATION TAXES PURSUANT TO SECTION
58.1-811A(10) OF THE CODE OF VIRGINIA, 1950, AS AMENDED.**

THIS DEED, made this 8th day of December, 2015, by and between **Guy C. Eavers
Excavating Corp.**, also known as Guy C. Eavers Excavation Corp., a Virginia corporation, party
of the first part, hereinafter "GRANTOR", and **Lane Arbor, L.L.C.**, a Virginia limited liability
company, party of the second part, hereinafter "GRANTEE", whose address is 404 S. Wayne
Avenue, Waynesboro, VA 22980:

***** W I T N E S S E T H *****

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, paid by
the Grantee to the Grantor at and before the sealing and delivery of this deed, and other valuable
consideration not herein specified, the receipt of which is hereby acknowledged, the Grantor
does hereby grant, bargain, sell and convey, WITH GENERAL WARRANTY AND ENGLISH
COVENANTS OF TITLE, unto the said Grantee, the following described real estate, to-wit:

All that certain parcel of land lying and being in the City of Staunton, Virginia
located on the southeast side of Middlebrook Road containing 24.343 acres as
shown on a plat entitled "Plat of the Joseph E. Furr, et al Property" dated June 17,
1997 made by R.E. Funk, Land Surveyor, a copy of which is recorded in the
Office of the Clerk of the Circuit Court of the City of Staunton, Virginia as
Instrument Number 970003150.

BEING the same property conveyed to Guy C. Eavers Excavation Corp., but actually
Guy C. Eavers Excavating Corp., by deed from the Heritage Corporation, a Virginia corporation,

This Deed Prepared By:
K. Wayne Glass, Esquire – VSB #13862
PoindexterHill, P. C.
404 S. Wayne Avenue, Waynesboro, VA 22980

dated October 11, 2000, and recorded in the aforesaid Clerk's Office as Instrument Number 000003598.

Reference to all of which is here made for a more particular description as well as derivation of title.

The real estate herein conveyed is made subject to the easements, conditions, restrictions and reservations of record in the chain of title to the property hereby conveyed, which have not expired by limitation of the time contained therein or otherwise become ineffective.

WITNESS the following signature and seal:

Guy C. Eavers Excavating Corp.

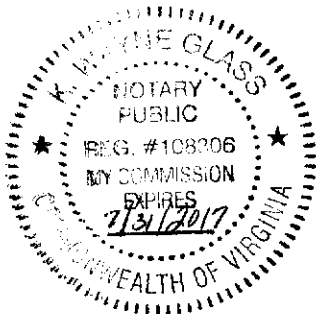
BY: Guy C. Eavers (SEAL)
Guy C. Eavers, President

COMMONWEALTH OF VIRGINIA,

CITY/COUNTY OF STAUNTON, to-wit:

The foregoing instrument was executed and acknowledged in my state and jurisdiction this 8th day of December, 2015, by Guy C. Eavers, President of Guy C. Eavers Excavating Corp., a Virginia corporation, on behalf of said corporation.

(SEAL)



K. Wayne Glass
Notary Public
My Commission Expires: July 31, 2017

INSTRUMENT #130002731
RECORDED IN THE CLERK'S OFFICE OF
STAUNTON ON
DECEMBER 21, 2015 AT 08:45AM

This Deed Prepared By:
K. Wayne Glass, Esquire – VSB #13862
Poindexter Hill, P. C.
404 S. Wayne Avenue, Waynesboro, VA 22980

THOMAS E. ROBERTS, CLERK
RECORDED BY: CGN

**Application for Rezoning**

COMMUNITY DEVELOPMENT
Planning & Zoning Division

Applicant: LANE ARBOR LLC Date: 9.23.2021

Address: P.O. Box 124 STAUNTON VA 24402-0124

Telephone #s: Primary: 540-885-1501 Secondary: _____

Email address: jdameron@gceavers.com

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: RAY BURKHOLDER

Address: 104 INDUSTRY WAY, STE 102, STAUNTON VA 24401

Phone #: 540-248-3220

Email address: _____

Location of property:

914 MIDDLEBROOK AVE, STAUNTON, VA 24401, PID #2896

Legal description of property:

PARCEL 67 - (24.34 AC)

Purpose of request: REZONE EXISTING PROPERTY

Map Provided: YES ☒ NO ☐

Present zoning classification of property: RESIDENTIAL (R-2) AND RESIDENTIAL (R-4)

Requested zoning classification: COMBINE R-2 AND R-4 INTO R-4

List permits pending approval of this rezoning: N/A

Fee Paid (\$250) YES ☒ NO ☐ *check or cash only

Applicant must provide 19 copies of complete application

Signature of applicant: By Guy C Eaves
(Owner / Agent)

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	December 9, 2021	Staff Member: Phil Trayer
Item #	D	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsible, Efficient Government	
Subject:	Ordinance to Amend the FY2022 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Three	

Background: The third budget amendment for fiscal year 2022 has been prepared for your review and consideration. The total budget amendment equals \$21,155,122. The introduction and public hearing of this ordinance is scheduled for this meeting, and consideration of the ordinance is scheduled for January 13, 2022.

City Budget Amendment—\$ 15,670,460

1. General Fund amendment of \$8,791,108 includes the following:
 - \$163,791 from carryover funds for public safety grant programs.
 - \$125,000 from carryover funds to support the Juvenile Detention Center for the loss of federal revenue.
 - \$508,472 from state carryover funds for Street Maintenance reimbursement.
 - \$179,748 for newly awarded grant, insurance recoveries and the recognition of donations.
 - \$6,276,000 from prior year unassigned fund balance to fund transfers to the City Capital Improvements Fund including \$2,500,000 in funding reserves for Shelburne Middle School CTE Classroom/Warehouse project; \$1,670,000 for FY2023 scheduled reserves per the FY2021-FY2025 Capital Improvement Plan (CIP); \$331,000 for police and animal control vehicle replacement; and \$175,000 for public works vehicle replacement.
 - \$617,540 from prior year unassigned fund balance to increase the City's Safety Net Reserve bringing it from 15.5% of the subsequent year general fund budget to 16.5% of the subsequent year general fund budget.

- \$920,557 from prior year unassigned fund balance to include \$375,557 for general fund operating contingency; \$275,000 for increased City obligations under economic development incentive agreements; \$200,000 to cover final flood damage repairs at the Duck Pond located in Gypsy Hill Park; \$45,000 to fund the relocation of the public works sign shop, and \$25,000 for enhanced cyber security software.
2. Grants Fund appropriates an additional \$10,092 of grants funds to include \$7,500 for the award of the Local Emergency Management Performance Grant, and \$2,592 from the Department of Criminal Justice for a law enforcement grant.
 3. City Capital Improvements Fund appropriates \$6,276,000 as a transfer from the General Fund for the FY2021-2025 Capital Improvement Plan (CIP) and the replacement of the emergency radio system, school capital improvement plan reserves, police vehicle replacements, and public works vehicle replacements.
 4. Community Development Fund appropriates an additional \$300,000 of grant funds from the U.S. Department of Housing and Urban Development for an Environmental Protection Agency (EPA) Brownfields Program grant for the revitalization of the West End.
 5. The Environmental Fund appropriates a total of \$293,260 that includes: Environmental Fund balance appropriation of \$220,000 for a refuse vehicle and \$75,000 for possible staffing adjustments, and an adjustment of (\$1,740) for a budgeted Litter Control grant.

School Budget Amendment—\$5,484,662

1. The Education Fund 900 amendment totaling \$5,667,192 appropriates \$1,882,868 for federal and state instructional programs for grant balances remaining at June 30, 2020, and additional grants awarded for FY2022; \$1,994,393 in Elementary and Secondary School Emergency Relief (ESSERIII) funds awarded at the end of FY2021; \$1,304,088 in Emergency Connectivity Funds to enhance school technology; and (\$307) adjustment of the Individual Student Alternative Education Plan. Local general revenue appropriations total \$486,150, and include Equity Funds carried over, carryover received in FY2020 from the Thacker Fund at Bessie Weller Elementary School, HP Billing reimbursements to reimburse the schools for technology warranty work, and insurance recovery for water damages at McSwain Elementary.
2. The School Capital Improvements Fund 966 amendment totals (\$250,000) to adjust Budget Amendment Number Two's ESSER3 construction appropriation, bringing it down to \$2,750,000 from the original request of \$3,000,000.
3. The State Operated Program Fund 920 appropriates \$67,470 and includes \$27,767 for remaining grant funds from Title VI-B for Special Education, and an adjustment of \$39,703 for Title I, Part D (The Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent or At Risk) within Regional Programs.

Attachments:

Attachment 1—Budget Amendment Number Three

Attachment 2—Notice of Public Hearing

City Manager's Recommendation: Recommend the ordinance be introduced as presented and that City Council conduct the public hearing.

Suggested Motion (to be made before the public hearing is conducted): I move to introduce an ordinance amending the fiscal year 2022 budget by adding Budget Amendment Number Three, totaling \$21,155,122, and that Council conduct a public hearing of the ordinance.

City Manager: Steven L. Rosenberg

Ordinance No. 2021-
AN ORDINANCE TO AMEND
THE FY2022 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER THREE

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2022 Budget is amended as follows:

GENERAL FUND

Anticipated Revenue

General Revenue	\$	8,136,124
Recovered Costs		523,470
Capital Grants and Contributions		131,514
Total Revenue	\$	8,791,108

Appropriations

General Government	\$	400,557
Judicial Administration		59,827
Public Safety		297,290
Public Works		561,832
Parks, Recreation, Cultural		243,062
Community Development		335,000
Transfers to Other Funds		6,276,000
Total Appropriations	\$	8,791,108

GRANTS FUND

Anticipated Revenue

Capital Grants and Contributions	\$	10,092
Total Revenue	\$	10,092

Appropriations

Public Safety	\$	10,092
Total Appropriations	\$	10,092

CITY CAPITAL IMPROVEMENTS FUND

Anticipated Revenue

Transfer from the General Fund	\$	6,276,000
Total Revenue	\$	6,276,000

Appropriations

Capital Projects	\$	6,276,000
Total Appropriations	\$	6,276,000

COMMUNITY DEVELOPMENT FUND

Anticipated Revenue

Capital Grants and Contributions	\$	300,000
Total Revenue	\$	300,000

Appropriations

Operations	\$	300,000
Total Appropriations	\$	300,000

ENVIRONMENTAL FUND

Anticipated Revenue

Environmental Fund Balance / Capital Grants and Contributions	\$	293,260
Total Revenue	\$	293,260

Appropriations

Operations	\$	293,260
Total Appropriations	\$	293,260

EDUCATION FUND

Anticipated Revenue

General Revenue	\$	486,150
Capital Grants and Contributions		5,181,042
Total Revenue	\$	5,667,192

Appropriations

Operations	\$	5,667,192
Total Appropriations	\$	5,667,192

EDUCATION SOP FUND - 920

Anticipated Revenue

Capital Grants and Contributions	\$	67,470
Total Revenue	\$	67,470

Appropriations

Operations	\$	67,470
Total Appropriations	\$	67,470

SCHOOL CIP FUND- 966

Anticipated Revenue

Transfer from the Education Fund	\$	(250,000)
Total Revenue	\$	(250,000)

Appropriations

Capital Projects	\$	(250,000)
Total Appropriations	\$	(250,000)

GRAND TOTAL BUDGET AMENDMENT NO 3	\$	21,155,122
--	-----------	-------------------

INTRODUCED: December 9, 2021

PUBLIC HEARING: December 9, 2021

Public Hearing Advertisement Date: December 1, 2021

Approved this _____ day of _____ 2022

Effective Date: _____

CERTIFIED: _____

ATTEST: _____

Morgan C. Smith

Interim Clerk of Council

Andrea Oakes

Mayor of Council

FY 2022 BUDGET AMENDMENT NO. 3

	LEDGER CODE	AMOUNT	
		REVENUE	EXPENDITURE
GENERAL FUND			
GENERAL GOVERNMENTAL ADMINISTRATION			
<u>GENERAL FUND</u>			
Appropriation of prior year reserves	11001-41930	\$ 375,557	
Contingency	11011310-58389		\$ 375,557
contingency			
<u>INFORMATION TECHNOLOGY</u>			
Appropriation of prior year reserves	11001-41930	\$ 25,000	
Rental of Software	11011510-55498		\$ 25,000
software			
JUDICIAL ADMINISTRATION			
<u>COMMONWEALTH ATTORNEY</u>			
Appropriation of Prior Year Fund Balance	11001-41930	\$ 12,174	
State forfeited assets	11022210-55472		\$ 12,174
To carry forward the balance of the state forfeited assets			
confiscated as a result of criminal drug operations, as mandated			
by state requirements			
<u>CLERK OF THE CIRCUIT COURT</u>			
Circuit Court Technology trust funds	11023-45318-40310	\$ (2,772)	
Technology Trust Funds for records management/indexing	11022160-55429-40310		\$ (2,772)
To adjust appropriate additional Comm of VA funds from the			
Supreme Court of Virginia			
<u>SHERIFF DEPARTMENT</u>			
Judicial Reimbursement - State	11023-45311	\$ 19,377	
Constitutional Salaries	11022170-51007		\$ 18,000
FICA	11022170-52010		\$ 1,377
To appropriate additional Commensation Board Reimbursement			
<u>SHERIFF DEPARTMENT</u>			
Insurance Recovery	11021-41928	\$ 1,500	
Main / Repair of Vehicles	11022170-55305		\$ 1,500
To appropriate insurance recovery			
<u>VICTIM WITNESS PROGRAM</u>			
Victim/Witness Grant - Federal	11023-46204	\$ 20,784	
Victim/Witness Grant - State	11023-45567	\$ 8,765	
Non-Capital equipment	11022190-55486		\$ 29,549
To appropriate additional grant funds for Victim Witness			
PUBLIC SAFETY			
<u>POLICE DEPARTMENT</u>			
Appropriation of Prior Year Fund Balance	11001-41930	\$ 68,615	
State forfeited asset expenditures	11033110-55472		\$ 54,979
Federal forfeited asset expenditures	11033110-55473		\$ 13,636
To carry forward the balance of the state and federal forfeited			
asset funds. Carry forward is mandated by state and federal			
regulations.			

FY 2022 BUDGET AMENDMENT NO. 3

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
<u>POLICE DEPARTMENT</u>			
Insurance recovery	11031-41928	\$ 7,286	
Police Maintenance and Repairs-vehicles	11033110-55305		\$ 7,286
To appropriate insurance proceeds for damages to Police cruiser			
<u>POLICE DEPARTMENT</u>			
Insurance recovery	11031-41928	\$ 1,212	
Police Maintenance and Repairs-vehicles	11033110-55305		\$ 1,212
To appropriate insurance proceeds for damages to Police K9 Windshield			
GENERAL FUND			
PUBLIC SAFETY			
<u>POLICE DEPARTMENT</u>			
US Marshall Forfeiture Asset	11033-46207-53300	\$ 22,000	
Police Overtime	11033110-51006-53300		\$ 22,000
To appropriate DCJS Joint Task Force Grant			
<u>FIRE DEPARTMENT</u>			
Appropriation of Prior Year Fund Balance	11001-41930	\$ 73,176	
Four for Life funds expenditures	11033290-55602		\$ 118
Fire Programs funds expenditures	11033290-55639		\$ 73,058
To carry forward the balance of state funds received, as mandated by state requirements.			
<u>JUVENILE DETENTION HOME</u>			
Appropriation of Prior Year Fund Balance	11001-41930	\$ 125,000	
Contribution for local agency	11033310-55649		125,000
To appropriate additional Juvenile Detention Home to compensate for anticipated loss of federal revenue			
PUBLIC WORKS			
<u>ADMINISTRATION</u>			
Street & Highway Maintenance	11043-45530	\$ 508,472	
Maintenance Street Paving maintenance.	11044130-53225-18300		\$ 508,472
Insurance recovery	11041-41928	\$ 3,360	
Streets Maintenance and Repairs-vehicles	11044130-53105		\$ 3,360
To appropriate insurance proceeds for damages to Streets Truck			
Other Grants	11043-41737	\$ 5,000	
Non capital Equipment	11044210-55486		\$ 5,000
To appropriate receipt of VRSA Insurance Safety Grant			
Appropriation of prior year reserves	11001-41930	\$ 45,000	
Maintenance of Facilities	11044210-53165		\$ 45,000
Shop			

FY 2022 BUDGET AMENDMENT NO. 3

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
PARKS AND RECREATION			
<u>PARKS AND RECREATION</u>			
Appropriation of prior year reserves	11001-41930	\$ 1,056	
Materials and Supplies	11077110-55415-31200		\$ 1,056
To carry forward the balance of donated funds to build a nature park.			
Appropriation of prior year reserves	11001-41930	\$ 36,000	
Site Improvement	11077110-58399-38900		\$ 36,000
To appropriate Duck Pond Renovation Donation from Lions Club			
Appropriation of prior year reserves	11001-41930	\$ 200,000	
Site Improvement	11077110-58399-389000		\$ 200,000
To appropriate prior year fund balance for flood repairs at the Duck Pond			
Appropriation of prior year reserves	11001-41930	\$ 2,876	
Building improvements/ capital outlay.	11077110-58385-34400		\$ 2,876
To carry forward the balance of donated funds for the Booker T. Washington facility kitchen.			
<u>HORTICULTURE</u>			
Donations - Parks & Recreation	11073-41730-33200	\$ 3,130	
Materials and Supplies	11077120-55415-33200		\$ 3,130
To appropriate Susan Blackley grant funds			
COMMUNITY DEVELOPMENT			
<u>TOURISM</u>			
Misc Federal Revenue	11083-46250-ARPAT	\$ 60,000	
Advertising	11088210-53001-ARPAT		\$ 30,000
Professional Services	11088210-53010-ARPAT		\$ 30,000
Appropriation of Prior Year Fund Balance	11001-41930	\$ 275,000	
<u>Development Agreement</u>	11088150-55660-46010		\$ 275,000
To appropriate additional economic development costs to cover increasing development obligations			
RESERVES			
<u>Safety Net Reserve</u>			
Unreserved Fund Balance	110-35110	\$ 617,540	
Safety Net Reserve	110-31250		\$ 617,540
To increase the Safety Net Reserve by 1% of budgeted revenue			

FY 2022 BUDGET AMENDMENT NO. 3

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
TRANSFERS TO OTHER FUNDS			
<u>CAPITAL IMPROVEMENTS</u>			
Appropriation of Prior Year Unassigned Fund Balance	11001-41930	\$ 3,776,000	
Transfer to the City Capital Improvements Fund	11099600-59339		\$ 3,776,000
<u>To record CIP project funding from prior year carryover</u>			
Appropriation of Prior Year Unassigned Fund Balance	11001-41930	\$ 2,500,000	
Transfer to the City Capital Improvements Fund	11099600-59339		\$ 2,500,000
To reserve funds for Staunton City Schoos Warehouse / Shelburne CTE & Learning Space Expansion			
TOTAL GENERAL FUND		\$ 8,791,108	\$ 8,791,108

FY 2022 BUDGET AMENDMENT NO. 3

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE

BUDGET AMENDMENT NO. 4 GENERAL FUND SUMMARY

GENERAL FUND REVENUE SUMMARY

General Revenues

<u>Appropriation of Prior Year Fund Balance</u>		\$ 8,136,124	
Operational Contingency	\$ 375,557		
Cyber Security	25,000		
Forfeited Assets for Police - State	54,979		
Forfeited Assets for Comm Attorney	12,174		
Forfeited Assets for Police - Federal	13,636		
EMS Four for Life Funds for Fire Department	118		
Fire Programs Fund	73,058		
Horticulture - Susan Blackley Grant	3,130		
Recreation- Nature Park Donations	1,056		
Recreation-Donations- Booker T. Community Center	2,876		
Recreation-Donations- Duck Pond Renovation	36,000		
Juvenile Detention	125,000		
Flood Contingency	200,000		
Public Works - Sign Shop	45,000		
Planning & Development	275,000		
Transfer to the Capital Improvements Fund	3,776,000		
Safety Net Reserve	617,540		
Transfer to City CIP Funds for School Construction Reserves	2,500,000		
<u>Recovered Costs</u>		523,470	
Judicial	1,500		
Public Works	5,000		
Public Works - Streets	508,472		
Public Safety	8,498		
<u>Non-Capital Grants and Contributions</u>		131,514	
Sheriff Department	19,377		
Clerk of the Court	(2,772)		
Victim Witness	29,549		
Police Department	22,000		
Public Works	3,360		
Tourism	60,000		
Total General Fund Revenues		\$ 8,791,108	

GENERAL FUND EXPENDITURE SUMMARY

General Government	\$ 400,557		
Judicial Administration	59,827		
Public Safety	297,290		
Public Works	561,832		
Parks, Recreation, Cultural	243,062		
Community Development	335,000		
Safety Net Reserve	617,540		
Transfer to Other Funds	\$ 6,276,000		
Total General Fund Expenditures		\$ 8,791,108	

FY 2022 BUDGET AMENDMENT NO. 3

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE

FY 2022 BUDGET AMENDMENT NO. 3

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
CITY CAPITAL IMPROVEMENTS FUND			
Transfer from the General Fund	39001-49211	\$ 3,776,000	
CIP Contingency Account	39099800-58400		\$ 3,776,000
To appropriate funds transferred from the General Fund			
Transfer from the General Fund	39001-49211	\$ 2,500,000	
CIP Funds Undesignated	39099800-38400		\$ 2,500,000
To reserve funds for education CIP projects			
TOTAL CAPITAL IMPROVEMENTS FUND		\$ 6,276,000	\$ 6,276,000
COMMUNITY DEVELOPMENT FUND			
HUD Grant	22083-46242-HUD21	\$ 300,000	
Public Service Grants	22088535-55207-HUD21		\$ 300,000
To appropriate FY21 HUD Grant # 96388901			
TOTAL COMMUNITY DEVELOPMENT FUND		\$ 300,000	\$ 300,000
GRANTS FUND			
<u>FIRE DEPARTMENT</u>			
LEMPG grant funds	21534-46250-40104	\$ 7,500	
Special equipment	21533210-58341-40104		\$ 7,500
To appropriate federal grant funds awarded from the Virginia Department of Emergency Management for the 2021 Local Emergency Management Performance Grant (LEMPG) to purchase drones			
<u>POLICE DEPARTMENT</u>			
DCJS Grant	21533-46252-40249	\$ 2,592	
Non capital Equipment	21533110-55486-40249		\$ 2,592
Appropriate LOLE Law Enforcement Grant # 2018-DJ-BX-0728			
TOTAL GRANTS FUND		\$ 10,092	\$ 10,092
ENVIRONMENTAL FUND			
Litter Prevention and Recycling Program			
Comm of VA grant funds	58003-45540	\$ (1,740)	\$ -
Litter Control Grant materials & supplies	58004822-55415		\$ (1,740)
To adjust Comm of VA grant funds from the Department of Environmental Quality			
Prior Year Reserves	58001-41932	\$ 75,000	
Wages	58004820-51006		\$ 54,025
FICA	58004820-52010		\$ 4,133
VRS	58004820-52020		\$ 8,200
Health Insurance	58004820-52005		\$ 7,892
Group Life	58004820-52001		\$ 750
Appropriate Funds for possible staffing adjustments			
Prior Year Reserves	58001-41932	\$ 220,000	
Heavy Duty Equipment	58004820-58326		\$ 220,000
To appropriate refuse vehicle			
TOTAL ENVIRONMENTAL FUND		\$ 293,260	\$ 293,260

FY 2022 BUDGET AMENDMENT NO. 3

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
CITY GOVERNMENT FUNDS			
GENERAL FUND		\$ 8,791,108	
CAPITAL IMPROVEMENTS FUND		\$ 6,276,000	
COMMUNITY DEVELOPMENT FUND		\$ 300,000	
GRANTS FUND		\$ 10,092	
ENVIRONMENTAL FUND		\$ 293,260	
TOTAL CITY GOVERNMENT FUNDS		\$ 15,670,460	
EDUCATION FUND		\$ 5,667,192	
SCHOOL CIP FUND 966		\$ (250,000)	
SOP FUND		\$ 67,470	
TOTAL EDUCATION FUNDS		\$ 5,484,662	
TOTAL FY2022 BUDGET AMENDMENT NO. 4		\$ 21,155,122	

**STAUNTON CITY SCHOOLS
FY 2022 BUDGET
AMENDMENT NO. 3**

EDUCATION FUND		REVENUES	EXPENDITURES
STATE AND FEDERAL GRANT REVENUE/PROGRAMS			
<u>TITLE III Part A- Limited English Proficient</u>			
To appropriate additional federal grants for the Limited English Proficient Program - Carryover Funding	900100-43375	\$ 2,460	
Educational supplies	91103195-56013-T3-00		\$ 1,230
Educational supplies	91102195-56013-T3-00		\$ 1,230
<u>TITLE I Part D Neglected and Delinquent</u>			
To appropriate additional federal grant funds for neglected and delinquent students			
TITLE I Part D Neglected and Delinquent	900300-43015-T1D00	\$ 162,820	
Contingency	91101100-59100-T1D00		\$ 162,820
<u>Special Education Preschool Program</u>			
To appropriate the balance of grant funds from the 2019, 2020, and 2021 federal award for the preschool program			
Special Education Preschool 619 Funds	900300-43173-PRE00	\$ 36,737	
PRESCHOOL Contingency-Grant Balance	91101100-59100-PRE00		\$ 36,737
Special Education Preschool Program			
To appropriate the American Rescue Funds federal award for the preschool program			
Special Education Preschool 619 Funds	900300-43173-PKARP	\$ 12,400	
PRESCHOOL Contingency-Grant Balance	91101100-59100-PKARP		\$ 12,400
To appropriate School Improvement Grant			
School Improvement Grant	900300-43040-SIG00	\$ 75,000	
Supplemental Salaries	91312195-51620-SIG00		\$ 24,500
FICA	91312195-52010-SIG00		\$ 1,900
Workers Compensation	91312195-52025-SIG00		\$ 50
Unemployment	91312195-52030-SIG00		\$ 10
Education Supplies	91312195-56013-SIG00		\$ 16,000
Other Purchase Services	91312195-53569-SIG00		\$ 32,540
<u>TITLE VIB Federal Grant</u>			
To appropriate remaining grant funds from prior year grant funds awarded for T6B00			
Federal Revenue	900300-43027-T6B00	\$ 847,944	
T6B00 Contingency	91101100-59100-T6B00		\$ 847,944
TITLE VIB Federal ARPA Grant			
To appropriate ARPA grant funds for funds awarded for T6B00			
Federal Revenue	900300-43027-T6ARP	\$ 169,587	
T6B00 Contingency	91101100-59100-T6ARP		\$ 169,587

STAUNTON CITY SCHOOLS
FY 2021 BUDGET AMENDMENT
AMENDMENT NO. 3

EDUCATION FUND		REVENUES	EXPENDITURES
STATE AND FEDERAL GRANT PROGRAMS			
<u>TITLE 1 Federal Funds</u>			
To appropriate remaining grant funds from prior years for TITLE 1	900300-43010-T1-00	\$ 381,643	
TITLE 1 Contingency -Grant Balances	91101100-59100-T1-00		\$ 381,643
<u>TITLE II Federal Funds</u>			
To appropriate remaining grant funds from prior year for TITLE II	900300-43345-RT-00	\$ 40,819	
Teacher Salaries	91102187-51120-RT-00		\$ 40,819
<u>TITLE IV Federal Funds- Student Support and Enrichment</u>			
To adjust 2020 for prior year and new grant funds for TITLE IV			
Title VI Part A Revenue	900300-43378-T4-00	\$ (956)	
TITLE IV Contingency	91102195-59100-T4-00		\$ (956)
<u>PERKINS V - TITLE 1</u>			
To appropriate additional federal grants for Perkins	900400-43243-PRK00	\$ 2,922	
Replace - Computers / Technology	91103395-58107-PRK00		\$ 2,922
To appropriate remaining balance of VISION GEER Technology Grant			
Federal Revenue	900300-43999-VISON	\$ 151,493	
Testing Services	97109095-58207-VISON		\$ 151,493
Federal ESSR II Funds	900300-43999-ESSR2	\$ 1,994,393	
School Psychology	92239095-51132-ESSR2		\$ 136,500
School Psychology FICA	92239095-52010-ESSR2		\$ 10,442
School Psychology VRS	92239095-52020-ESSR2		\$ 20,803
School Psychology GRP Life	92239095-52001-ESSR2		\$ 1,829
Instructional Tech Resource Teacher	97109095-51120-ESSR2		\$ 119,892
Instructional Tech Resource Teacher FICA	97109095-52010-ESSR2		\$ 9,172
Instructional Tech Resource Teacher VRS	97109095-52020-ESSR2		\$ 18,319
Instructional Tech Resource Teacher Health	97109095-52005-ESSR2		\$ 17,424
Instructional Tech Resource Teacher GRP Life	97109095-52001-ESSR2		\$ 1,607
SHS Summer Bridge - Supplemental Salaries	91103188-51620-ESSR2		\$ 8,040
SHS Summer Bridge - Supplemental FICA	91103188-52010-ESSR2		\$ 611
SHS Summer Bridge - Supplemental VRS	91103188-52025-ESSR2		\$ 14
SHS Summer Bridge - Supplemental VEC	91103188-52030-ESSR2		\$ 1
Supplemental Salaries - Summer School	91109682-51620-ESSR2		\$ 5,621
Supplemental Salaries - Summer School	91109683-51620-ESSR2		\$ 22,457
Supplemental Salaries - Summer School	91109687-51620-ESSR2		\$ 35,913
Supplemental Salaries - Summer School	91109688-51620-ESSR2		\$ 32,561

STAUNTON CITY SCHOOLS
FY 2021 BUDGET AMENDMENT
AMENDMENT NO. 3

EDUCATION FUND		REVENUES	EXPENDITURES
STATE AND FEDERAL GRANT PROGRAMS			
Supplemental FICA - Summer School	91109682-52010-ESSR2	\$	3,418
Supplemental FICA - Summer School	91109683-52010-ESSR2	\$	3,847
Supplemental FICA - Summer School	91109687-52010-ESSR2	\$	5,798
Supplemental FICA - Summer School	91109688-52010-ESSR2	\$	7,181
Staff Development	91103188-53561-ESSR2	\$	5,000
Materials & Supplies	91109682-56013-ESSR2	\$	39
Materials & Supplies	91109683-56013-ESSR2	\$	300
Materials & Supplies	91109688-56013-ESSR2	\$	404
Repair & Maintenance Supplies - HVAC Controls	94209099-56007-ESSR2	\$	35,100
Replacement Machinery& Equipment - Floor Scrubbers	94209099-56005-ESSR2	\$	20,100
Furniture - Outdoor Learning Pavilions	94209099-58202-ESSR2	\$	60,000
Contract Sub Floaters	91101181-53578-ESSR2	\$	7,907
Contract Sub Floaters	91101182-53578-ESSR2	\$	70,664
Contract Sub Floaters	91101183-53578-ESSR2	\$	34,790
Contract Sub Floaters	91102187-53578-ESSR2	\$	129,201
Contract Sub Floaters	91103188-53578-ESSR2	\$	198,639
Contract Sub Floaters	91109884-53578-ESSR2	\$	36,370
Curriculum Development - ES	91311195-53568-ESSR2	\$	3,235
Curriculum Development - HS	91312195-53568-ESSR2	\$	2,083
Curriculum Development - MS	91313195-53568-ESSR2	\$	1,682
Other Purchased Services - YMCA Collaborative - Weller	91109681-53569-ESSR2	\$	16,166
Other Purchased Services - YMCA Collaborative - McSwain	91109682-53569-ESSR2	\$	16,166
Other Purchased Services - YMCA Collaborative - Ware	91109683-53569-ESSR2	\$	16,167
Document Cameras	97109095-58207-ESSR2	\$	88,000
Summer Bridge Materials and Supplies	91103188-56101-ESSR2	\$	1,314
HVAC Replacement - Weller	94209099-58104-ESSR2	\$	30,000
Additional Equipment - SHS Lift	94209099-58201-ESSR2	\$	9,900
Clear Jelli Masks for Speech Therapy, SPED (47)	91311295-56013-ESSR2	\$	1,950
Restorative Justice Cohort	91313195-53561-ESSR2	\$	45,000
Reefer purchase for Nutrition	94209099-58201-ESSR2	\$	30,000
Reefer rental & fuel for Nutrition	94209099-55497-ESSR3	\$	10,000
LINQ On-line Registration (thru Sept 2023)	97309095-56040-ESSR2	\$	20,375
ZOOM license (Nov 2021 - Oct 2023)	97309095-56040-ESSR2	\$	31,000
Bi-lingual IA (Shelburne) FY22 & FY23 - salary	91102187-51151-ESSR2	\$	35,442
Bi-lingual IA (Shelburne) FY22 & FY23 - FICA	91102187-52010-ESSR2	\$	2,712
Bi-lingual IA (Shelburne) FY22 & FY23 - VRS	91102187-52020-ESSR2	\$	5,887
Bi-lingual IA (Shelburne) FY22 & FY23 - WC	91102187-52025-ESSR2	\$	425
Bi-lingual IA (Shelburne) FY22 & FY23 - VEC	91102187-52030-ESSR2	\$	30
Bi-lingual IA (Shelburne) FY22 & FY23 - Group Life	91102187-52001-ESSR2	\$	440
Bi-lingual IA (Shelburne) FY22 & FY23 - Health	91102187-52005-ESSR2	\$	12,110

STAUNTON CITY SCHOOLS
FY 2021 BUDGET AMENDMENT
AMENDMENT NO. 3

EDUCATION FUND		REVENUES	EXPENDITURES
STATE AND FEDERAL GRANT PROGRAMS			
Bi-lingual IA (SHS) FY22 & FY23 - salary	91103188-51151-ESSR2		\$ 32,296
Bi-lingual IA (SHS) FY22 & FY23 - FICA	91102188-52010-ESSR2		\$ 2,471
Bi-lingual IA (SHS) FY22 & FY23 - VRS	91102188-52020-ESSR2		\$ 5,365
Bi-lingual IA (SHS) FY22 & FY23 - WC	91102188-52025-ESSR2		\$ 425
Bi-lingual IA (SHS) FY22 & FY23 - VEC	91102188-52030-ESSR2		\$ 30
Bi-lingual IA (SHS) FY22 & FY23 - Group Life	91102188-52001-ESSR2		\$ 430
Bi-lingual IA (SHS) FY22 & FY23 - Health	91102188-52005-ESSR2		\$ 20,706
VCTC Spring Transportation (FY22) - salary	91103388-51171-ESSR2		\$ 2,250
VCTC Spring Transportation (FY22) - FICA	91103388-52010-ESSR2		\$ 172
VCTC Spring Transportation (FY22) - WC	91103388-52025-ESSR2		\$ 6
VCTC Spring Transportation (FY22) - VEC	91103388-52030-ESSR2		\$ 2
Temporary Asst. Principal - salary	91413188-51127-ESSR2		\$ 40,000
Temporary Asst. Principal - FICA	91413188-52010-ESSR2		\$ 3,060
Temporary Asst. Principal - WC	91413188-52025-ESSR2		\$ 107
Temporary Asst. Principal - VEC	91413188-52030-ESSR2		\$ 33
Delivery Vehicle	93209096-58205-ESSR2		\$ 14,654
Dixon/Shelburne Boiler & HVAC repair	94209099-58101-ESSR2		\$ 84,290
Contract Subs	91101100-53578-ESSR2		\$ 348,047
To appropriate Emergency Connectivity Funds			
Federal ECF00 Funds	900300-43999-ECF00	\$ 1,304,088	
Replace Computer Technology	97109095-58107-ECF00		\$ 872,000
Data Lines / Networking	97609095-55003-ECF00		\$ 272,088
Replace Computer Technology	97109095-58107-ECF00		\$ 160,000
Adjust appropriation for ISAEP			
ISAEP Funding	900300-42203-ISAEP	\$ (307)	
Education Supplies	91103395-56212-ISAEP		\$ (307)
TOTAL STATE AND FEDERAL GRANT PROGRAMS		\$ 5,181,042	\$ 5,181,042

STAUNTON CITY SCHOOLS

FY 2021 BUDGET

AMENDMENT NO. 3

EDUCATION FUND		REVENUES	EXPENDITURES
LOCAL GENERAL REVENUE/PROGRAMS			
Equity Initiatives			
To appropriate prior year balance of Equity Funds			
Donations for Equity Initiatives Within Staunton City Schools	900300-40580-EQUIT	\$ 119,269	
Contingency	91101100-59100-EQUIT		\$ 119,269
To appropriate HP Billing reimbursement			
Recovered Costs	900100-40409	\$ 7,552	
Labor Salary and Wages	97309095-51180		\$ 7,015
FICA	97309095-52010		\$ 537
To appropriate Burnett Donation to Equity Fund			
Donations Private Gifts	900300-40580-EQUIT	\$ 200	
Contingency	91101100-59100-EQUIT		\$ 200
To appropriate insurance recovery of basement flood			
Insurance Adjustments - McSwain Elementary Flood	900100-40510-MEFLO	\$ 84,919	
Repair / Main McSwain	94209099-56682-MEFLO		\$ 64,608
Repair / Main McSwain	94209099-53682-MEFLO		\$ 7,868
Replace Machinery & Equipment	94209099-58101-MEFLO		\$ 12,443
Bessie Weller Elementary Thacker Fund			
To appropriate the balance of donated funds received from the Thacker Fund for Bessie Weller Elementary School			
Prior Year Donated Funds	900381-40580-THACK	\$ 24,211	
Bessie Weller Elementary Thacker Fund	91101181-56109-THACK		\$ 24,211
To record ESSR3 Education Fund Appropriation			
Contingency - ESSR3	91101100-59100-ESSR3		\$ 250,000
Other Federal Funds	900300-43999-ESSR3	\$ 250,000	
TOTAL LOCAL GENERAL REVENUE/PROGRAMS		\$ 486,150	\$ 486,150
TOTAL EDUCATION FUND		\$ 5,667,192	\$ 5,667,192

STAUNTON CITY SCHOOLS
FY 2022 BUDGET AMENDMENT
AMENDMENT NO. 3

STATE OPERATED PROGRAMS FUND		REVENUES	EXPENDITURES
TITLE VIB Federal Grant - CCCA			
To appropriate remaining grant funds from prior year grant plus current funds awarded for T6B00 Regional SOP			
FederaRevenues	920393-43027-T6BCC	\$ 27,767	
TITLE VIB Federal Grant - CCCA	S1109993-56210-T6BCC		\$ 27,767
Educational Supplies	S1109993-56013		\$ -
 TITLE I Part D Neglected and Delinquent - SOP			
To appropriate additional federal grant funds for neglected and delinquent students			
	920391-43015-T1D00	\$ 39,703	
Other Salaries	S1109991-51120-T1D00		\$ 3,184
Education Supplies	S1109993-56013-T1D00		\$ 11,550
Other Professional Services	S1109991-58207-T1D00		\$ 24,969
TOTAL STATE OPERATED PROGRAMS FUND 920		\$ 67,470	\$ 67,470
 SCHOOL CIP FUND 966			
 Capital Improvement Projects			
To adjust ESSR3 Construction Funding Provision			
Other Federal Funds - ESSR3	966100-43999-ESSR3	\$ (250,000)	
Construction	K6609087-58360-ESSR3		\$ (250,000)
TOTAL SCHOOL CIP FUND 966		\$ (250,000)	\$ (250,000)
 GRAND TOTAL BUDGET AMENDMENT NO. 3		\$ 5,484,662	\$ 5,484,662

NOTICE OF PUBLIC HEARING

TO THE CITIZENS OF THE CITY OF STAUNTON, VIRGINIA

TAKE NOTICE that on Thursday, December 9, 2021, at the regular meeting of City Council at 7:30 p.m., to be held in the Rita S. Wilson Council Chambers, First Floor, City Hall, 116 West Beverley Street, Staunton, Virginia, the City Council intends to amend the Fiscal Year 2022 budget and will consider the adoption of the following:

An Ordinance to amend the FY 2022 Budget Ordinance for the City of Staunton, by adding Budget Amendment Number 3

A brief synopsis of the proposed budget amendment is stated below:

General Fund	\$8,791,108
Capital Improvements Fund	\$6,276,000
Education Fund	\$5,667,192
Community Development Fund	\$300,000
Environmental Fund	\$293,260
School SOP Fund	\$67,470
Grants Fund	\$10,092
School CIP Fund	(\$250,000)
Total FY2022 Budget Amendment No. 3	\$21,155,122

The public hearing shall be open to the public. For instructions on how to participate in the Public Hearing visit www.staunton.va.us/council. Hearing impaired persons desiring to attend the public hearing should contact the Interim Clerk of Council at smithmc@ci.staunton.va.us to request an interpreter.

Morgan C. Smith
Interim Clerk of Council

Please run this advertisement on Wednesday, December 1, 2021

NOTICE OF PUBLIC HEARING

TO THE CITIZENS OF THE CITY OF STAUNTON, VIRGINIA

TAKE NOTICE that on Thursday, December 9, 2021, at the regular meeting of City Council at 7:30 p.m., to be held in the Rita S. Wilson Council Chambers, First Floor, City Hall, 116 West Beverley Street, Staunton, Virginia, the City Council intends to amend the Fiscal Year 2022 budget and will consider the adoption of the following:

An Ordinance to amend the FY 2022 Budget Ordinance for the City of Staunton, by adding Budget Amendment Number 3

A brief synopsis of the proposed budget amendment is stated below:

General Fund	\$8,791,108
Capital Improvements Fund	\$6,276,000
Education Fund	\$5,667,192
Community Development Fund	\$300,000
Environmental Fund	\$293,260
School SOP Fund	\$67,470
Grants Fund	\$10,092
School CIP Fund	(\$250,000)
Total FY2022 Budget Amendment No. 3	\$21,155,122

The public hearing shall be open to the public. For instructions on how to participate in the Public Hearing visit www.staunton.va.us/council. Hearing impaired persons desiring to attend the public hearing should contact the Interim Clerk of Council at smithmc@ci.staunton.va.us to request an interpreter.

Morgan C. Smith
Interim Clerk of Council

Please run this advertisement on Wednesday, December 1, 2021

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	December 9, 2021	Staff Member: Lyle Hartt
Item #	E	
Department:	Public Works— Engineering	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Areas: Infrastructure Built Environment	
Subject:	Resolution Authorizing Virginia Department of Transportation Inventory Adjustments	

Background: The Virginia Department of Transportation (VDOT) contributed funds for the construction of Frontier Center Trail and George M. Cochran Parkway, effectively replacing a section of VDOT Route 333, in conjunction with Project RS15-132-R01. Upon completion of the project, the City is pursuing the addition of these streets into its Urban System, as is customary.

To accomplish this, VDOT needs City Council to adopt the attached resolution. A sketch of the area, provided by VDOT, is referenced in the resolution, and is also attached. Please note the following regarding the sketch:

- Route 333 is shown in the project sketch attached as the blue line; this section was abandoned as part of the Frontier Center project and new street construction.
- The sketch shows the addition of the various segments of Frontier Center Trail, George M. Cochran Parkway, and intersection with Augusta Woods Drive to the Urban System; these are depicted by the magenta lines.

Attachment: Proposed Resolution

City Manager's Recommendation: Recommend adoption of the proposed resolution, as presented.

Suggested Motion: I move that City Council adopt the proposed resolution authorizing the Virginia Department of Transportation (VDOT) to add those portions of Frontier Center Trail, George M. Cochran Parkway, and Augusta Woods Drive, as shown on Exhibit A to the resolution, to the City's local system of roads.

City Manager: Steven L. Rosenberg

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

**A RESOLUTION
OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
AUTHORIZING THE REQUEST FOR THE STREET ADDITIONS OF
FRONTIER CENTER TRAIL AND PORTIONS OF GEORGE M. COCHRAN
PARKWAY AND AUGUSTA WOODS DRIVE TO THE CITY'S LOCAL SYSTEM OF
ROADS**

Recitals

A. The Virginia Department of Transportation (VDOT) contributed funds for the construction of Frontier Center Trail and George M. Cochran Parkway, in conjunction with VDOT Project RS15-132-R01, UPC 105704;

B. Those segments identified on the project sketch, annexed and incorporated by reference as **Exhibit A**, serve local traffic and traffic previously served by the abandoned portion of Route 333;

C. It is the desire of The Virginia Department of Transportation (VDOT) and the City of Staunton to add said segments to the local system of roads operated by the City of Staunton;

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

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

NOW, THEREFORE, BE IT RESOLVED that, the Council of the City of Staunton, Virginia, hereby requests the Commonwealth Transportation Board add those segments identified on the attached project sketch to the Urban System of roads maintained by the City of Staunton, pursuant to Virginia Code § 33.2-315 and Staunton City Code §12.05.030;

BE IT FURTHER RESOLVED that, for those segments identified on the attached project sketch, the Virginia Department of Transportation renumber the segments to be included as part of the Urban System; and

The Clerk of Council is hereby **DIRECTED** to forward a certified copy of this resolution to the Residency Administrator of the Virginia Department of Transportation.

Introduced:

Adopted:

Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith, Interim Clerk of Council



LEGEND

Staunton District - Harrisonburg Residency

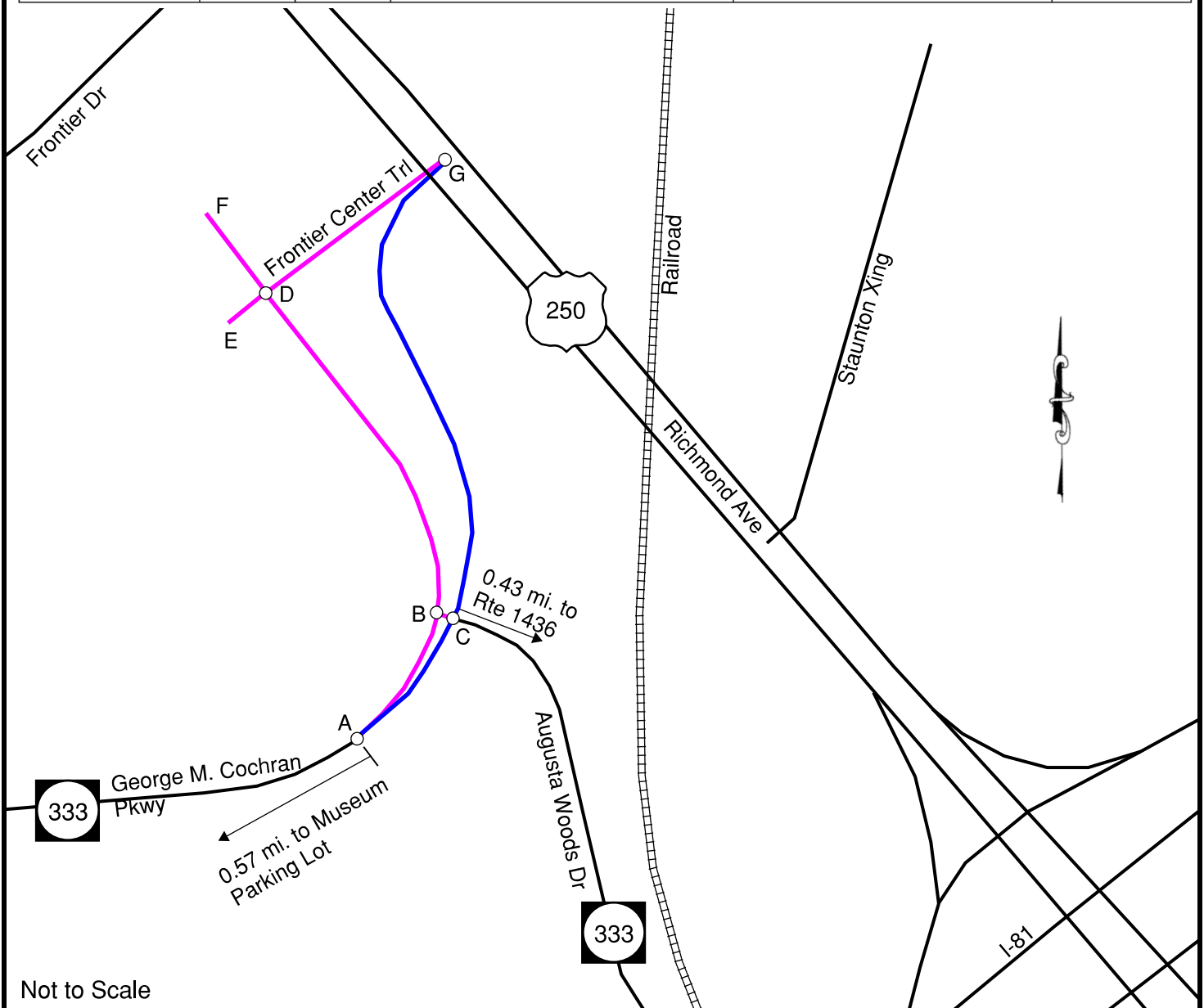
STAUNTON CITY

Changes in the Primary and Urban System due to relocation and construction on - Route 333

Project: RS15-132-R01, UPC 105704

- Segment(s) of Primary Road location to be abandoned (Va Code 33.2-906)
- Segment(s) of new location to be added to the Urban System

Action	Segment	Route	From	To	Length (mi.)
Abandonment	A-G	333	0.26 mi S of CL Rte 250	CL Rte 250	0.26
Add Urban	A-B	TBD	0.05 mi S of August Woods Dr	CL Augusta Woods Dr	0.05
Add Urban	B-D	TBD	CL Augusta Woods Dr	CL Frontier Center Trl	0.16
Add Urban	D-G	TBD	CL George M Cochran Pkwy	CL Rte 250	0.09
Add Urban	B-C	TBD	CL George M Cochran Pkwy	0.01 mi E George M Cochran Pkwy	0.01
Add Urban	E-D	TBD	0.02 mi S George M Cochran Pkwy	CL George M Cochran Pkwy	0.02
Add Urban	F-D	TBD	0.06 mi N of Frontier Center Trl	CL Frontier Center Trl	0.06



CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	December 9, 2021	Staff Members: Phil Trayer Cindy Fitzgerald Jessie Moyers
Item #	F	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsible, Efficient Government	
Subject:	Presentation by City Auditors on the FY 2021 Annual Comprehensive Financial Report	

Background: Megan Argenbright of Brown Edwards & Company, L.L.P., the City's auditor, will present the FY2021 Annual Comprehensive Financial Report (ACFR) and findings to City Council.

Attached are the FY2021 final audit documents:

1. the FY2021 Annual Comprehensive Financial Report, which is also available online at www.staunton.va.us at the Finance Department's departmental webpage;
2. the Auditor's Comments on Internal Controls and Other Suggestions Report;
3. the Auditor's communication/management representation letter; and
4. notarized statement to the Commonwealth of Virginia Auditor of Public Accounts.

The Auditor's Comments on Internal Controls and Other Suggestions Report also includes a summary of the upcoming financial statement requirements from the Governmental Accounting

Standards Board (GASB), that will require more reporting in the ACFR to satisfy those requirements. Some of these additional requirements may increase the costs to the City due to additional audit costs. These GASB accounting statements are effective for fiscal years 2022-2023, and include:

1. GASB Statement No. 87—Leases (financial reporting for leases (FY2022);
2. GASB Statement No. 91—Conduit Debt Obligation reporting requirements (FY2023);
3. GASB Statement No. 92—Omnibus (enhances accounting and finance reporting comparability) (FY2022);
4. GASB Statement No. 93—Replacement on Interbank Offered Rates (addresses the impact of using Interbank Offered Rate, or IBOR, instead of LIBOR as the appropriate benchmark interest rate) (FY2022);
5. GASB Statement No. 94—Public-Private and Public-Public Partnerships and Availability Payment Arrangements (statement addresses issues related to public-private and public-public partnership arrangements – PPP) (FY2023);
6. GASB Statement No. 96—Subscription-Based Information Technology Arrangements (provides guidance on the accounting and financial reporting for subscription-based information technology arrangements, SBITA, for government end users (FY2023);
7. GASB Statement No. 97—Certain Component Unit Criteria and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans (provides more consistent reporting of defined contribution pension plans, deferred contribution OPEB plans, and other employee benefit plans) (FY2022).

The ACFR is prepared by the Finance Department and opined by the auditor. The auditor expressed an unmodified opinion on the financial statements for FY2021. An unmodified opinion means that the City's ACFR is materially correct in accordance with generally accepted accounting principles and may be relied upon by the users of the financial statements.

The ACFR is divided into four sections: (1) Introductory Section, (2) Financial Section, (3) Statistical Section, and (4) Compliance Section.

The Financial Section contains the Management's Discussion and Analysis of the City's financial performance during FY2021 with some comparisons to FY2020. This analysis summarizes financial statements of the City's general operating funds and the enterprise funds for the year.

Statement of Activities

The Statement of Activities is presented on pages 6 and 7 of the ACFR. The statement displays all of the operating revenues and expenditures for the entire City government. For Governmental Activities, education expenditures required the highest local tax revenue support at \$14,282,950, public safety expenditures were second at \$12,734,171, and community development expenditures were third at \$4,624,440.

The Compliance Section contains the report on internal controls, compliance matters, and schedules of findings and questioned costs starting on page 160.

The auditor noted the following in their report on compliance and internal control matters in the ACFR:

- a) The auditor's report expresses an unmodified opinion on the financial statements;
- b) No significant deficiencies relating to the audit are reported in the Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other

Matters based on an audit of the financial statements performed in accordance with Government Auditing Standards;

- c) No instances of noncompliance material to the financial statements were disclosed;
- d) No significant deficiencies relating to the audit of the major federal award programs were reported in the Independent Auditor's Report on Compliance for Each Major Program and on Internal Control over Compliance required by the Uniform Guidance;
- e) The auditor's report on compliance for the major federal award programs expresses an unmodified opinion; and
- f) No audit findings relating to major programs.

Schedule of Findings and Questioned Costs, page 166:

- a) Financial Statement Audit—none.
- b) Major Federal Award Programs Audit—none.
- c) Commonwealth of Virginia—none.

City Manager's Recommendation: Accept the FY2021 ACFR, as presented.

Suggested Motion: I move that City Council accept the Fiscal Year 2021 Annual Comprehensive Financial Report, as presented.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	December 9, 2021	City Council
Item #	G	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Built Environment	
Subject:	Discussion and Consideration of Memorandum of Understanding between County of Augusta and City of Staunton Concerning Staunton and Augusta County Courts and Related Resolution of City Council	

Background: In September, under a procedure established by state law to ensure the security and good repair of court facilities, the Circuit Courts for the City of Staunton and Augusta County began a judicial process concerning the improvement of the condition of Augusta County's court facilities and Staunton's juvenile and domestic relations district court facilities, all located in the City of Staunton. Orders entered by the courts as a part of the judicial process address the condition of two buildings owned by the County, including its circuit court building at 1 East Johnson Street and its district courts building at 6 East Johnson Street.

Subsequent to the entry of the orders, representatives of the City and the County engaged in discussions in an effort to address the orders. As detailed in the attached media release issued by the City late last month, those discussions have now resulted in a proposed arrangement between the City and the County, as follows:

- At no cost, the City would acquire five properties owned by the County, located at the intersection of Augusta and Johnson streets, and used presently for the County's circuit court, general district court and juvenile and domestic relations district court, as well as the County's former jail and a residential property on South Augusta Street.

- In exchange, the City would support the General Assembly's enactment of legislation sought by the County to authorize the relocation of the County's courts to the Augusta County Government center in Verona.

Under the proposed arrangement, upon enactment of the legislation and its approval by the Governor of Virginia, the County would be authorized to relocate its courts to the government center in Verona, consistent with the Augusta County Comprehensive Plan, without the need for a referendum. The City would own and control the county-owned properties and their future uses, including possible preservation, adaptive reuse and redevelopment. The City's acquisition would also eliminate the risk that the buildings, located at the core of the City's central business district, might sit vacant and unused for an extended period of time, a possibility if the County secures approval of a relocation to Verona by referendum in 2026 (when a referendum is next permitted under current state law).

A proposed memorandum of understanding between the City and the County, setting forth the proposed arrangement, and a proposed resolution expressing support for enactment of legislation by the General Assembly, are attached.

The Augusta County Board of Supervisors is scheduled to conduct a public hearing concerning the transfer of the County's properties to the City, as required by state law, and to consider the proposed memorandum of understanding at its meeting on December 8, 2021.

Attachments:

Attachment 1—Media release dated November 30, 2021

Attachment 2—Proposed memorandum of understanding

Attachment 3—Proposed resolution

City Manager's Recommendation: Recommend the memorandum of understanding be approved and the resolution be adopted, as presented.

Suggested Motion: I move that City Council (i) approve the memorandum of understanding between the County of Augusta and the City of Staunton, concerning the future location of Augusta County court facilities and the City's acquisition of properties from the County, and authorize the Mayor to execute the memorandum of understanding with such modifications and in final form as approved by the City Attorney, and (ii) adopt the proposed resolution of the Council of the City of Staunton, Virginia supporting special legislation to enable Augusta County to relocate its court facilities.

City Manager: Steven L. Rosenberg

City of Staunton Seeks Final Resolution of Future Location of Augusta County Court Facilities

In an effort to ensure the viability of one of the city's most prominent and historically significant buildings and other properties at a major downtown intersection, the City of Staunton is cooperating with Augusta County in moving its court facilities to Verona.

Post Date: 11/30/2021 4:15 PM

NOVEMBER 30, 2021 — In an effort to ensure the viability of one of the city's most prominent and historically significant buildings and other properties at a major downtown intersection, the City of Staunton is cooperating with Augusta County on a legislative effort that would permit the county to move its court facilities to Verona.

Earlier this month, [county officials informed the city, unequivocally](#), that the county has no interest in maintaining its court facilities in Staunton even if the city were to make a financial contribution to a county project in the city. The communication from the county compelled city officials to shift their objective to the control of five county-owned properties at the intersection of Augusta and Johnson streets, and the preservation and adaptive reuse of the historic 1901 courthouse.

Under a proposed arrangement between the city and the county, at no cost, the city would acquire properties owned by the county and used presently for the county's circuit court, general district court and juvenile and domestic relations district court, as well as the county's former jail and a residential property on South Augusta Street. In exchange, the city would support the General Assembly's enactment of legislation sought by the county to authorize the relocation of the county's courts to the government center in Verona, consistent with the county's comprehensive plan.

Without legislation, under current state law the county is precluded from moving its courts from Staunton without a referendum, which can next be conducted in 2026. The county has included legislation permitting an earlier move in its legislative priorities for the 2022 General Assembly session and has requested that Senator Emmett Hanger and Delegate John Avoli support the initiative.

With the property acquisition, the city would own and control the five properties and their future uses, including possible preservation, adaptive reuse and redevelopment. The city's acquisition would also eliminate the risk that the buildings, located at the core of the city's central business district, might sit vacant and unused for an extended period of time, a possibility if the county secures approval of a relocation to Verona by referendum in 2026.

Progress on widely recognized, needed improvements to the county's court facilities in Staunton has proved elusive, despite engagement between the city and the county for more than a decade. With the county's decision to pivot to Verona, the city—by its participation in the proposed arrangement—would achieve the best possible outcome for the city, its businesses and its residents.

The city is hopeful that this action would also resolve the [pending court proceeding](#) initiated in September by the Circuit Court for the Twenty-Fifth Judicial Circuit regarding the condition of the city's Juvenile and Domestic Relations District Court.

Staunton City Council will formally consider the proposed arrangement with the county at its meeting on Thursday, December 9, at 7:30 p.m., in the Rita S. Wilson Council Chambers in City Hall.

COUNTY OF AUGUSTA, VA.

BOARD OF SUPERVISORS

JEFF SLAVEN
North River

GERALD W. GARBER
Middle River

PAM L. CARTER
Pastures

BUTCH WELLS
Beverley Manor

SCOTT SEATON
Wayne

MICHAEL L. SHULL
Riverheads

STEVE MORELLI
South River



TIMOTHY K. FITZGERALD – COUNTY ADMINISTRATOR

AUGUSTA COUNTY GOVERNMENT CENTER

P.O. BOX 590, VERONA, VA 24482-0590

(540) 245-5610 FAX (540) 245-5621

coadmin@co.augusta.va.us

November 12, 2021

Honorable Andrea W. Oakes, Mayor
Staunton City Council
116 W. Beverley Street
Staunton, VA 24401

Mayor Oakes,

Our Administrator, Mr. Fitzgerald, received notification from Mr. Rosenberg this morning that the City Council did not agree to move forward with an agreement to support legislation allowing Augusta County to relocate their courts facilities to Verona. It was further discussed that City Council was interested in exploring making a financial contribution for the purchase of the Union Bank building.

The Augusta County Board of Supervisors would like to be clear on our position regarding building court facilities in the city limits. At this time, the Board has no intention of constructing court facilities in the City of Staunton. The Board has explored multiple options over the last five years to attempt, at a great expense, to create a project in the city. All of these options have been met with multiple issues and little support from the City Council. The Augusta County Board believes that Verona is the most efficient and economic location for our courts facility.

We would ask City Council to reconsider their support of legislation that would allow the court to be relocated to Verona, understanding the Board has no desire of moving forward with a project in the City of Staunton.

Sincerely,

Gerald Garber, Chairman
Augusta County Board of Supervisors

cc: Staunton City Council
Augusta County Board of Supervisors



MEDIA RELEASE – FOR IMMEDIATE RELEASE

Contact: Michelle Bixler, Communications Manager
540.394.8020 (not for publication)
bixlerms@ci.staunton.va.us

City of Staunton Statement Concerning Court Facilities

Sept. 14, 2021 – Yesterday, under a procedure established by state law to ensure the security and good repair of court facilities, the Circuit Courts for the City of Staunton and Augusta County began a judicial process concerning the improvement of the condition of Augusta County's court facilities in the City of Staunton. Orders entered by the courts as a part of the judicial process address the condition of two buildings owned by the county, including its circuit court building at 1 East Johnson Street and its district courts building at 6 East Johnson Street.

Although the two buildings are owned by the county, the city leases a portion of the district courts building for the operation of its juvenile and domestic relations district court. The maintenance of the building is the responsibility of the county under an agreement between the county and the city.

The judicial process follows the county's unsuccessful efforts to acquire property owned by Atlantic Union Bank and located across South Augusta Street from the county's historic courthouse, on which it hoped to construct a new court facility to serve its needs for years to come.

The city cooperated fully with the county in its efforts to acquire and redevelop the bank property and is disappointed that those efforts have not met with success.

City officials will evaluate the orders entered by the courts to determine an appropriate response on the part of the city.

The city maintains its strong commitment to the preservation of the historic architecture of its downtown while simultaneously working with the county to meet its needs.

###

DRAFT 12.8.21

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF AUGUSTA
AND
THE CITY OF STAUNTON**

The County of Augusta, Virginia (County), and the City of Staunton, Virginia (City), enter into this MEMORANDUM OF UNDERSTANDING (MOU), dated December ____, 2021 for identification, to reflect the essence of their commitments regarding the City's acquisition of property owned by the County and located in the City of Staunton and the City's support of a special act in the Virginia General Assembly's 2022 Session permitting the County to conduct a referendum to move its court facilities to Verona, Virginia.

1. Recitals.

- 1.1. The County and the City have been engaged informally in discussions related to the County's plans to improve its court facilities. As part of the County's and the City's respective deliberations and their discussions through their representatives, they each and together realize the mutual benefit of finding a long-term solution.
- 1.2. The City acknowledges that the County made good faith efforts to acquire property located within the City of Staunton to construct a new courts facility to house the County's Circuit, General District, and Juvenile and Domestic Relations District Courts. The City further acknowledges that the County's good faith efforts to acquire property within the City of Staunton to construct the new courts facility have been unsuccessful.
- 1.3. The County acknowledges that the City has meaningfully engaged with the County in good faith concerning its efforts to construct a new courts facility in the City.
- 1.4. The City respects the County's special history that includes the existing 1901 Augusta County Courthouse (Courthouse) located in the City of Staunton, with Staunton serving as the County seat since 1745. The City also respects that the County needs to provide a modernized court facility for the County's citizens.
- 1.5. The County respects the City's own special history and the City's abiding commitment to historic preservation that has made the City of Staunton a unique locale that attracts businesses, tourists and others to the region.
- 1.6. The City and the County both acknowledge that, pursuant to state law currently in effect, the County understands (a) it cannot lawfully re-locate its courts outside of the City of Staunton without the approval by referendum of the registered voters of Augusta County, and (b) no such referendum can be conducted until 2026, without special legislation..

DRAFT 12.8.21

- 46 1.7. In public statements and a letter dated November 12, 2021, from County Board
47 Chair Gerald Garber to City Mayor Andrea Oakes, the County has shared that the
48 County has no intention of constructing court facilities in the City of Staunton, after
49 having explored and exhausted multiple options.
50
- 51 1.8. The County intends to request its representatives in the Virginia General Assembly
52 to introduce a special act pursuant to Article VII, Section 2 of the Constitution of
53 Virginia (special legislation) to allow the County to hold a referendum on
54 November 8, 2022, on the question of whether to construct a new courts facility in
55 Verona, Virginia for its Circuit, General District, and Juvenile and Domestic
56 Relations District Courts.
57
- 58 1.9. Through ongoing recent discussions, the County and the City have reached an
59 understanding about how their mutual respect and separate and mutual interests
60 may be served through this MOU to evidence what they believe is a long-term
61 solution.
62
- 63 1.10. This MOU has been reviewed informally by the individual members of the Board
64 of Supervisors of Augusta County and by the individual members of the Staunton
65 City Council.
66
- 67 1.11. This MOU is contingent upon the review and final approval by the governing
68 bodies of each locality, with each party's obligations further conditioned upon the
69 other's satisfaction of its obligations.
70
- 71 1.12. These recitals are an integral part of this MOU, but they do not purport to recite all
72 of the circumstances and considerations which have occasioned this MOU at this
73 time.
74
- 75 2. City's Obligations.
76
- 77 2.1. On December 9, 2021, the Staunton City Council will:
78
- 79 2.1.1. adopt a Resolution which states that the City supports the special
80 legislation; and
81
- 82 2.1.2. adopt a Resolution approving this MOU and authorizing the Mayor of the
83 City of Staunton to execute this MOU and deliver it to the County.
84
- 85 2.2 The Staunton City Council may rescind its Resolution supporting the special
86 legislation if the Augusta County Board of Supervisors does not fulfill its
87 obligations pursuant to Sections 3.2.1 and 3.2.2 of this MOU.
88
- 89 3. County's Obligations.
90

DRAFT 12.8.21

- 3.1. On December 8, 2021, the Augusta County Board of Supervisors will:
- 3.1.1. conduct a public hearing pursuant to Virginia Code Section 15.2-1800 to dispose of the County's properties located at 1 E. Johnson Street (Parcel ID# 9006); 6 E. Johnson Street (Parcel ID# 9005); 14 E. Johnson Street (Parcel ID# 9010); 111 S. Augusta Street (Parcel ID# 666); and 115 S. Augusta Street (Parcel ID# 9009) (collectively, the Properties) in the City of Staunton, Virginia; and
- 3.1.2. adopt a Resolution approving this MOU and authorizing the Augusta County Board of Supervisors' Chair to execute this MOU and deliver it to the City, subject to and provided that City Council adopts a resolution pursuant to Paragraph 2 above.
- 3.2. On or before January 12, 2022, the Augusta County Board of Supervisors will:
- 3.2.1. approve the conveyance of the Properties to the City contingent upon (a) the special legislation being enacted into law by the Virginia General Assembly and approved by the Governor of Virginia, and if challenged in any legal proceeding, such legislation is ultimately upheld, and (b) the referendum to move the court facilities to the County of Augusta being approved by the voters of the County on November 8, 2022, and if challenged in any legal proceeding, such referendum is ultimately upheld.
- 3.2.2. authorize the execution of a special warranty deed, in a form reasonably acceptable to the City (the Deed), conveying the Properties to the City on July 1, 2022, contingent upon the enactment and approval of the special legislation and approval of the referendum, and further subject to the following conditions:
- 3.2.2.1. The Deed will be held in escrow by an independent escrow agent jointly appointed by the County and City until such time as a referendum is held. If the referendum to move the court facilities is not approved, the Deed shall be delivered by the escrow agent to the County, and there shall be no such conveyance of the Properties to the City. If the referendum to move the court facilities is approved, and the Deed shall be released from escrow to the City upon the earlier to occur of (i) July 1, 2026, and (ii) the date on which a certificate of occupancy is issued for the County's new court facility in Verona, Virginia, pursuant to an escrow agreement to be negotiated in good faith by the County and the City (the Escrow Agreement).
- 3.2.2.2. Execution and delivery of the Deed is subject to Section 6 of this MOU.

DRAFT 12.8.21

4. Personal Property and Fixtures. Upon the enactment and approval of the special legislation and approval of the referendum, the Augusta County Administrator and the Staunton City Manager will examine the personal property and fixtures in the Properties and determine which items of personal property and which fixtures will remain with the Properties, with title vested in the City, and which items of personal property and fixtures may be removed from the Properties by the County. Their joint determination will be documented as they deem necessary and appropriate.
5. Assignments. No Third-Party Beneficiary or Joint Undertaking. This MOU is solely between the County and the City, and no part of the understanding may be assigned. This MOU shall not create or be construed to create any third-party beneficiary or any kind of joint undertaking relationship between the County and the City, such as an agency, partnership or joint venture relationship.
6. Delivery of Possession; Force Majeure. The County will vacate and deliver possession of the Properties to the City on the date the Deed is released from escrow, pursuant to the Escrow Agreement. The County shall not be compelled to vacate the Properties if construction of its court facility in Verona, Virginia is not completed by July 1, 2026, nor suffer any enforcement or penalty relating to noncompliance or default where such non-compliance or alleged defaults occurred or were caused by lightning strike, earthquake, flood, tidal wave, unusually severe rain, ice or snow storm, hurricane, tornado, or other catastrophic act of nature; riot, war, labor disputes, environmental restrictions, failure of utility service or the failure of equipment or facilities not belonging to the County, administrative or judicial order or regulation or other event that is reasonably beyond the County's ability to anticipate or control. If the County will not be able to vacate the Properties by July 1, 2026, due to one of the aforementioned causes, it must provide at least ninety (90) days' notice to the City or this force majeure clause of the MOU shall have no effect.
7. Immunity. Nothing in this MOU shall be construed or interpreted to be a waiver of any sovereign or other immunity of the County or the City, or their respective governing body members, officials, employees, agents or responsible parties.
8. Prior Understandings. This MOU shall supersede and abrogate any prior agreements or understandings between the County and the City regarding the Properties.
9. Applicable Laws. The terms of this MOU shall be subject to applicable state and federal law, including but not limited to future amendments, court order(s), executive order(s), or other legally binding action enacted or ordered by an entity that is not a party to this MOU.

This MOU is executed by the representatives of the County and the City as of the date first written above.

CITY OF STAUNTON, VIRGINIA

DRAFT 12.8.21

By: _____
Andrea W. Oakes,
Mayor

COUNTY OF AUGUSTA, VIRGINIA

By: _____
Gerald W. Garber,
Chairman of the Board of Supervisors

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

**RESOLUTION
OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
SUPPORTING SPECIAL LEGISLATION TO ENABLE AUGUSTA
COUNTY TO RELOCATE ITS COURT FACILITIES**

WHEREAS, the Augusta County Board of Supervisors requested its legislative delegation in the Virginia General Assembly to approve a Special Act to permit Augusta County to conduct a referendum to relocate its court facilities to Verona, Virginia.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA that:

1. It supports the Virginia General Assembly enacting a Special Act during its 2022 Regular Session permitting Augusta County to conduct a referendum on November 8, 2022 on the question of whether to construct a new court facility in Verona, Virginia, for its Circuit, General District, and Juvenile and Domestic Relations District Courts.

2. It approves the Memorandum of Understanding attached to this Resolution as Exhibit A between the County of Augusta and the City of Staunton, concerning the future location of Augusta County court facilities and the City's acquisition of properties from the County. The Mayor shall execute the Memorandum of Understanding on behalf of the City with such modifications and in final form as approved by the City Attorney.

Introduced:

Adopted:

Effective:

Andrea W. Oakes, Mayor

ATTEST: _____
Morgan Smith,
Interim Clerk of Council