

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
March 10, 2022
6:15 p.m.**

- | | | |
|------------------|-----------|---|
| 6:15 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 6:25 p.m. | 2. | Annual Report of Blue Ridge Court Services |
| 6:40 p.m. | 3. | Annual Report of Shenandoah Valley Social Services |
| 6:55 p.m. | 4. | Discussion about Matters From the Public Introductory Remarks and Public Hearing Opening Remarks |
| 7:05 p.m. | 5. | Roll Call |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
March 10, 2022
7:30 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Claffey

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of February 10, 2022

Work Session and Regular Meeting of February 24, 2022

REGULAR MEETING

- A. Consideration of Virginia Commission for the Arts 2022-2023 Creative Communities Partnership Grant Application**
- B. McDonough Toyota: Consideration of an Appeal of Decision of Planning Commission Under Staunton City Code § 18.83.070(1) of Chapter 18.83, Entrance Corridor Overlay District, Specifically Regarding the Internal Illumination of a Stand-Alone Entrance Portal as a Sign**

Matters from the Interim 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:	March 10, 2022	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 _____].

Interim City Manager: Leslie Beauregard

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Matters from the Public*

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CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	March 10, 2022	Staff Member: Megan Roane
Item #	2	
Department:	Blue Ridge Court Services	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Responsive, Efficient Government Value: Engagement	
Subject:	Annual Report of Blue Ridge Court Services	

Background: Megan Roane, Director of Blue Ridge Court Services, will discuss the highlights of the Blue Ridge Court Services FY 2021 Annual Report. The annual report is attached for Council's review.

Interim City Manager's Recommendation: Not applicable.

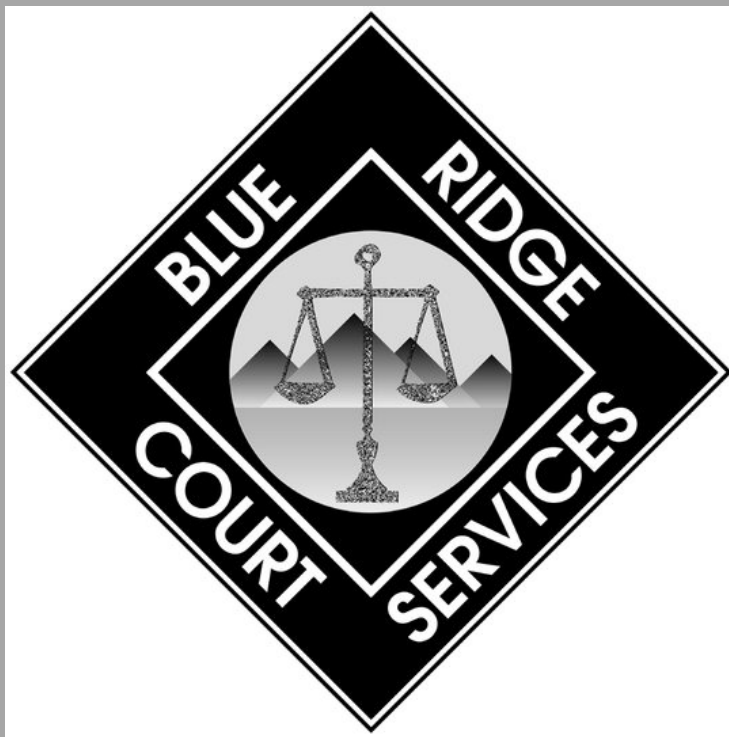
Suggested Motion: Not applicable.

Interim City Manager: Leslie Beauregard

FY 2021

Annual Report

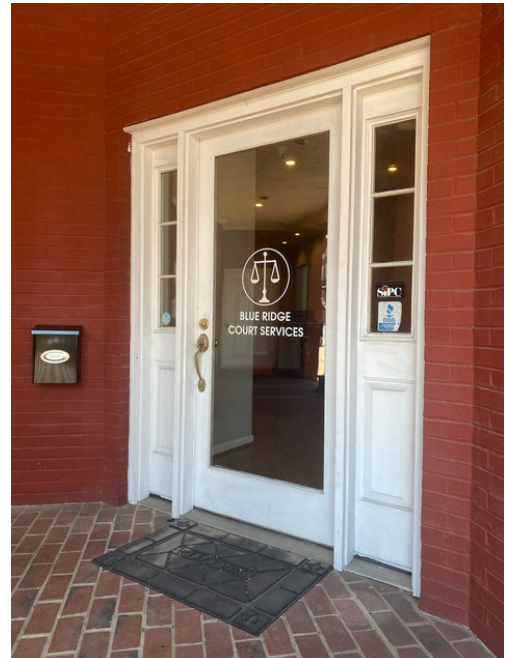
BLUE RIDGE COURT SERVICES



The mission of Blue Ridge Court Services is to provide research proven sentencing alternatives for the local criminal justice system in an effort to reduce jail overcrowding, enhance public safety and offer rehabilitative opportunities to local offenders and pretrial populations in the Cities of Staunton, Waynesboro, Lexington and Buena Vista and the Counties of Augusta, Rockbridge and Highland.

From the Director

2021 has been another fruitful year for Blue Ridge Court Services. We were provided the opportunity to expand pretrial services to Lexington, Rockbridge and Buena Vista through an Expansion Grant with the Department of Criminal Justice Services. Due to the Expansion Grant, we officially opened our new Lexington location on April 19, 2021 offering a full array of both pretrial and probation services to that area. Thank you to everyone for their patience and support with the opening of the new office in Lexington which is located at 26 N. Main Street.



Blue Ridge Court Services
26 N. Main Street
Lexington, Virginia 24450
Phone: (540)461-8927
Fax: (540)461-8945



Blue Ridge Court Services
125 South New Street
Staunton, Virginia 24401
Phone: (540)886-1008
Fax: (540)886-8029

I would like to thank each of the localities that we serve for their continued support. It is such a pleasure to work with individuals who have the same goals of continuing to improve the criminal justice system and our communities. I would also like to thank the Blue Ridge Criminal Justice Board for their guidance and hard work. Also, a huge thank you to the City of Staunton for serving as our fiscal agent. The City of Staunton provides Blue Ridge Court Services with outstanding leadership, technical support, and so much more. I am extremely excited to see all of the wonderful progress that we make in 2022.

Megan Roane

Probation Services

Local Probation Supervision-Individuals are referred by area courts to BRCS where they are assessed and directed to appropriate interventions in lieu of serving a jail sentence. Individuals with addiction issues are provided substance abuse screening, drug testing, evaluation and treatment. Therapeutic groups are offered for substance abuse, mental health and anger management.

876

PROBATION PLACEMENTS

703 (80%) misdemeanor cases

173 (20%) felony cases

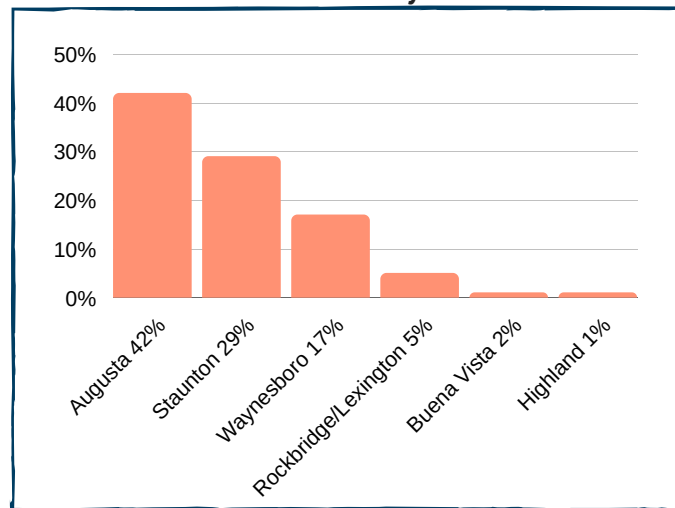
74%

SUCCESS RATE

(Completing all of the court ordered requirements)



Probation Placements by Jurisdiction



2021 Demographic Statistics for Probation Placements

- 63% were male, 37% female
- 80% Caucasian, 17% African American and 3% Hispanic/Other
- 52% were employed, 45% unemployed, 3% Unknown
- Minimum age was 18, Average age was 35, Maximum age was 81
- Probationers by Risk: 84% low risk, 25% medium risk, 0% high risk

In FY 2021 the average daily cost of probation services was \$376,742/252,243 supervision days=\$1.49, compared to the average daily cost of a jail bed in Virginia of \$91.97.

Re-entry Services

Blue Ridge Court Services has provided re-entry services to local offenders since 2012 with the support of a grant from the Community Action Partnership for Staunton, Augusta and Waynesboro (CAPSAW). This has allowed our agency to assist in successfully transitioning individuals who have recently been released from incarceration back into the community.



216

CLIENTS WERE REFERRED TO RE-ENTRY

Clients were assisted in obtaining employment, transportation, emergency clothing and emergency shelter. Self-care kits and COVID kits were also distributed.



Domestic Violence Services

In FY2021, BRCS received 204 placements into the domestic violence program. This program targets those individuals from the Juvenile and Domestic Relations Courts involved in family assaults. Each client referred to BRCS for domestic violence is assessed and placed into the appropriate treatment setting.

204

DOMESTIC VIOLENCE PLACEMENTS

- 94 Placements from Augusta
- 66 Placements from Staunton
- 31 Placements from Waynesboro
- 13 Placements from Rockbridge/Lexington

85%

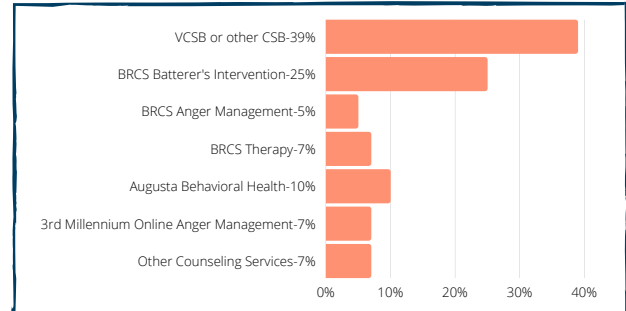
SUCCESS RATE

This is the % of domestic violence cases closed successfully in FY 2021.

Demographic Statistics-Domestic Violence

- 161 (79%) Males
- 43 (21%) Females
- 165 (81%) Caucasians
- 37 (18%) African Americans
- 2 (1%) Hispanic/Other

Treatment Providers for Domestic Violence



Therapeutic Docket

The Therapeutic Docket was founded in July 2014 and is a diversionary program for individuals diagnosed with a major mental illness whose crimes were influenced by their diagnosis. This specialized docket combines prompt entry into mental health treatment, proactive medication review, case management, supervision by a specialized pretrial officer, and bi-biweekly Judicial reviews. The Honorable Rupen R. Shah presides over our Therapeutic Docket.

10

THERAPEUTIC DOCKET INDUCTEES

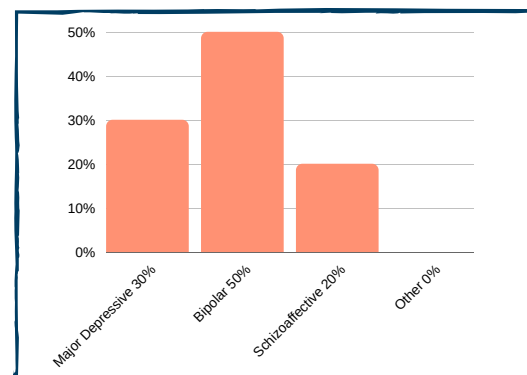
- 3 PLACEMENTS FROM STAUNTON
- 4 PLACEMENTS FROM AUGUSTA
- 3 PLACEMENTS FROM WAYNESBORO

6

GRADUATES-36 GRADUATES SINCE THE BEGINNING OF THERAPEUTIC DOCKET IN 2014



Participant Primary Diagnosis - 2021



Demographic Statistics-Therapeutic Docket Inductees

- 5 Males and 5 Females
- 8 Caucasians, 2 African Americans and 0 Hispanic/Other
- 0 participants were in the 18 to 25 age group
- 1 participant was in the 26 to 35 age group
- 9 participants were in the 36 and over age range

Pretrial Services

- Pretrial Investigations-BRCS staff report to the Middle River Regional Jail each morning to interview the defendants who have been arrested and detained in the previous 24 hours. Based on those interviews, a pretrial investigation report and the Virginia Pretrial Assessment Instrument is generated to assist the Courts in making bond decisions. During FY 2021, BRCS conducted 539 pretrial investigations.
- Pretrial Supervision-BRCS staff also provide supervision for pretrial defendants released by the magistrates and judges pending trial. Staff ensure that these defendants adhere to the conditions of bond and that they appear for their court appearance. For FY 2021, there were 892 defendants placed on pretrial supervision.

892

PRETRIAL PLACEMENTS

90%

SUCCESS RATE

97% Appearance Rate

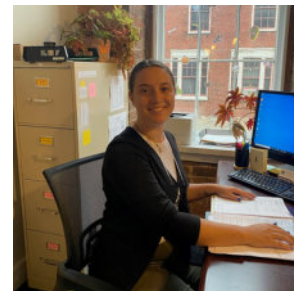
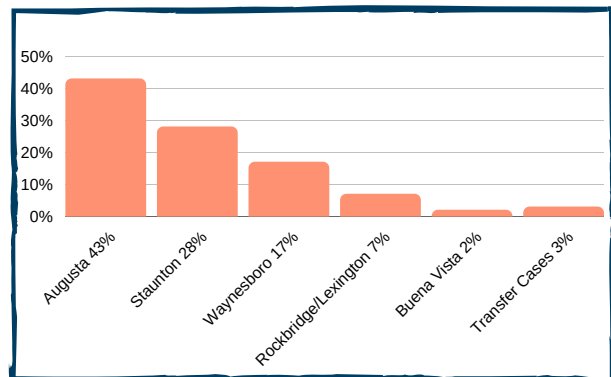
93% Arrest Free Rate

Demographic Statistics-Pretrial Placements

- 71% were male, 29% female
- 82% Caucasian, 16% African American and 2% Hispanic/Other
- 43% were employed, 50% unemployed, 7% Unknown
- Minimum age was 18, Average age was 36, Maximum age was 78

In FY 2021 the average daily cost of pretrial services was \$257,396/150,587supervision days=\$1.71, compared to the average daily cost of a jail bed in Virginia of \$91.97.

Pretrial Placements by Jurisdiction



Pretrial Initiative on Mental Illness

The Pretrial Initiative on Mental Illness (PIMI) is a collaborative effort between Blue Ridge Court Services, Middle River Regional Jail (MRRJ) and Valley Community Services Board. This program is designed to target recently arrested defendants at the jail with significant mental health issues. Each defendant who is arrested and detained at MRRJ is screened by pretrial and jail staff using the Brief Jail Mental Health Screen (BJMHS). After identifying those defendants who may benefit from intervention, there are three major objectives for those targeted for the PIMI program:

- To swiftly move appropriate pretrial defendants from the criminal justice system into community-based therapeutic services
- To assist those defendants who remain incarcerated to obtain jail based mental health services pending their release
- For those defendants released into the community, to provide intensive supervision by a Mental Health Pretrial Officer, assessments, and weekly therapeutic groups for more intensive outpatient treatment.

473

INDIVIDUALS WERE ADMINISTERED THE BJMS

100

INDIVIDUALS WERE REFERRED TO PIMI

Drug Court

The Staunton, Augusta and Waynesboro Drug Court targets individuals who have been involved in criminal activity arising from their addictions to alcohol or illegal substances. The Drug Court model uses the approach that moving quickly to bring individuals into treatment and using a team effort to monitor their progress produces a higher probability that the individual will be successful in breaking the cycle of repeated drug use and drug-related crime. For FY 2021, there were nine graduations and eight terminations. Since the inception of the Drug Court Program in July 2002, there have been 108 graduates. The Honorable Paul A. Dryer presides over our Drug Court.

9

DRUG COURT INDUCTEES

- 3 Placements from Staunton
- 4 Placements from Augusta County
- 4 Placements from Waynesboro

two Participants had cases in more than one jurisdiction.

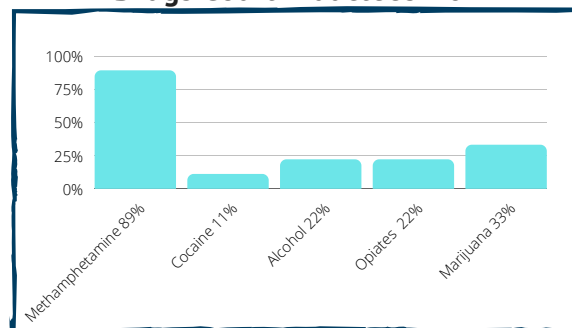
4

GRADUATES

108 Graduates since the beginning of Drug Court in 2002



Drug of Choice Drugs Court Inductees-2021



Demographic Statistics-Drug Court Inductees

- 5 Males and 4 Females
- 7 Caucasians and 2 African Americans
- 3 in the 18 to 25 age group
- 4 in the 26 to 35 age group
- 2 in the 36 and over age range

FY 2021 Finances

Financial Support for Blue Ridge Court Services is provided from the following sources:

- Virginia Department of Criminal Justice Services (DCJS) for local probation and pretrial services
- Virginia Supreme Court for Drug Court
- Augusta Health for therapy groups and individual counseling services
- CAPSAW for the Re-entry program
- Virginia Department of Behavioral Health and Developmental Services for the Pretrial Initiative on Mental Illness and Therapeutic Docket
- Participant Fees which include supervision fees for probation clients and home electronic monitoring fees.

INCOME	1,146,669
DCJS Grant	698,738
Drug Court Grant	81,712
Augusta Health	15,000
CAPSAW	20,500
Participant Fees	226,558
Rockbridge Jail	8,500
DBHDS	76,545
Reserve	19,116
EXPENSES	1,146,669
Personnel	974,281
Training/Travel	1,493
Equipment	56,278
Supplies/Other (Rent)	114,617
Fund Balance	-0-

Home Electronic Monitoring

Both pretrial defendants and post-conviction offenders are eligible for Home Electronic Monitoring. The HEM program targets appropriate individuals to serve their time at home instead of jail which can benefit both the offender and the community. This program allows the participants to work and support themselves and their families, while at the same time paying for the costs of their monitoring. The HEM program also saves beds at Middle River Regional Jail for higher risk defendants. In FY 2021, BRCS supervised the largest number of HEM cases in our history in one year.

108

HEM PLACEMENTS

- 85 Males
- 23 Females
- 86 Caucasians
- 20 African Americans
- 2 Hispanic/Other

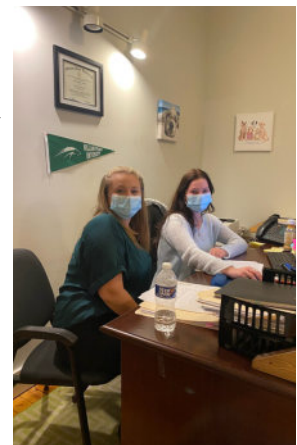


LOCALITY PARTICIPATION AND JAIL BED SAVINGS AT 91.97/DAY

- 22 HEM Placements from Staunton for a total of 3,657 days on HEM=\$336,334
- 60 HEM Placements from Augusta County for a total of 8,721 days on HEM=\$802,070
- 17 HEM Placements from Waynesboro for a total of 2,626 days on HEM=\$241,513
- 7 HEM Placements from Rockbridge/Lexington for a total of 593 days on HEM=\$54,538
- 2 HEM Placement from Buena Vista for a total of 232 days on HEM=\$21,337

Total = \$1,455,792.00

Jail Bed Savings by Utilizing HEM in FY2021



Blue Ridge Criminal Justice Board

The Blue Ridge Criminal Justice Board was established on July 1, 1995, in response to the Comprehensive Community Corrections Act and Pretrial Services Act. This advisory board is comprised of the region's principal criminal justice stakeholders, and they represent each of the seven localities served by Blue Ridge Court Services. The Board meets quarterly to receive updates, discuss local issues, and set policy relating to local criminal justice. The mission of the Blue Ridge Criminal Justice Board is to provide and support a broad range of community-oriented justice options in an effort to reduce jail overcrowding, enhance public safety, and offer remedial and rehabilitative opportunities to pretrial defendants and post conviction offenders.

STAUNTON	WAYNESBORO	AUGUSTA	HIGHLAND	ROCKBRIDGE	LEXINGTON	BUENA VISTA
Peter Boatner	Robyn Wilhelm	Donald Smith	Roberta Lambert	Spencer Suter	Jim Halasz	Waylon Miller
Matt Robertson	Mike Wilhelm	Linda Jones	David Neal	Jared Moon	Angela Greene	Joshua Elrod
Jeff Gaines	Bud Levin	Caleb Kramer		Derek Almarode		
Susan Richardson	David Ledbetter	Jeffrey Newton				
Leslie Beauregard	Bob Tucker	Miles Bobbitt				
Robin Mayer		Rupen Shah				
		Faye McCauley				

Blue Ridge Court Services Staff



Megan Roane (Director) - Ms. Roane began her career with BRCS in 1999 and is a graduate of Bridgewater College.



David Pastors (Criminal Justice Planner) - Mr. Pastors returned to BRCS in May 2019 as our Criminal Justice Planner. Mr Pastors retired from BRCS in March 2019 after serving 23 years as the Director.



Tasha Harner (Assistant Director) - Ms. Harner began her career with BRCS in 2005 and is a graduate of Bridgewater College.



Rachel Colello (Probation Officer) - Ms. Colello began her career with BRCS in June 2021. She is currently providing probation services to the Staunton and Augusta Juvenile and Domestic Relations Courts. She is a graduate of James Madison University.



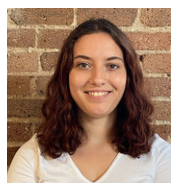
Samantha Honig (Pretrial Manager) - Ms. Honig began her career with BRCS in 2009 and is a graduate of the University of Richmond. She also received a Masters Degree from the Johnson and Wales University.



Alayna Sensabaugh (Probation Officer) - Ms. Sensabaugh began her career with BRCS in 2016. She is a graduate of Bridgewater College. She provides probation services to the City of Staunton.



Martin Schmid (Senior Pretrial Officer & HEM Coordinator) - Mr. Schmid began his career with BRCS in 2009. He is a graduate of Virginia Commonwealth University.



Ailee Roberts (Pretrial Officer) - Ms. Roberts joined BRCS in May 2020. She is a graduate of James Madison University. Ms. Roberts provides pretrial services to Augusta County.



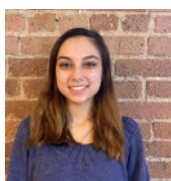
Wendy Dodge (Drug Court Coordinator) - Ms. Dodge began her career with BRCS in 2017. She is a graduate of West Virginia University and has a Masters Degree from Angelo State Univeristy.



Zaria Moore (Pretrial Officer) - Ms. Moore joined BRCS in February 2021. She is a graduate of Mary Baldwin University. Ms. Moore provides probation services to Rockbridge, Lexington and Buena Vista.



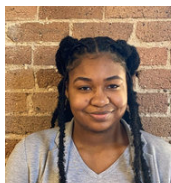
Andrew Lightner (Probation Manager) - Mr. Lightner began his career with BRCS in 2013. He is a graduate of Liberty University, and he provides probation services to the City of Waynesboro.



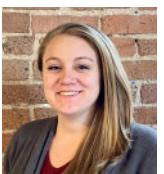
Victoria Tarrega (Probation Officer) - Ms. Tarrega joined BRCS in June 2021. She is a graduate of James Madison University. Ms. Tarrega provides probation services to Augusta County.



Rachel Harding (Therapeutic Docket Coordinator) - Ms. Harding began her career with BRCS in August 2020. She is a graduate of James Madison University.



Khaihiqa Davidson (Pretrial Officer) - Ms. Davidson joined BRCS in November 2021. She is a graduate of Mary Baldwin University. Ms. Davidson provides pretrial services to Rockbridge, Lexington and Buena Vista.



Hannah Legarsky (Pretrial Investigator) - Ms. Legarsky began her career with BRCS in 2019. She is a graduate of William Peace University.



Hannah Lee (Post Baccalaureate Fellow) - Ms. Lee joined BRCS in July 2021. She is a graduate of James Madison University. Ms. Lee serves as our Re-entry Coordinator.



BLUE RIDGE COURT SERVICES



FY 2021 Annual Report



BRCS MISSION STATEMENT

The mission of Blue Ridge Court Services is to provide research proven sentencing alternatives for the local criminal justice system in an effort to reduce jail overcrowding, enhance public safety and offer rehabilitative opportunities to local offender and pretrial populations in the Cities of Staunton, Waynesboro, Lexington and Buena Vista and the Counties of Augusta, Rockbridge and Highland.

HIGHLIGHTS OF 2021

BRCS served over 2,300 new clients this year . . .

➤ Local Probation Services - - - - -	876
➤ Pretrial Services - - - - -	892
➤ Domestic Violence - - - - -	204
➤ Re-entry Program - - - - -	216
➤ Pretrial Initiative on Mental Illness - - - -	100
➤ Home Electronic Monitoring - - - - -	108
➤ Therapeutic Docket - - - - -	10
➤ Drug Court - - - - -	9



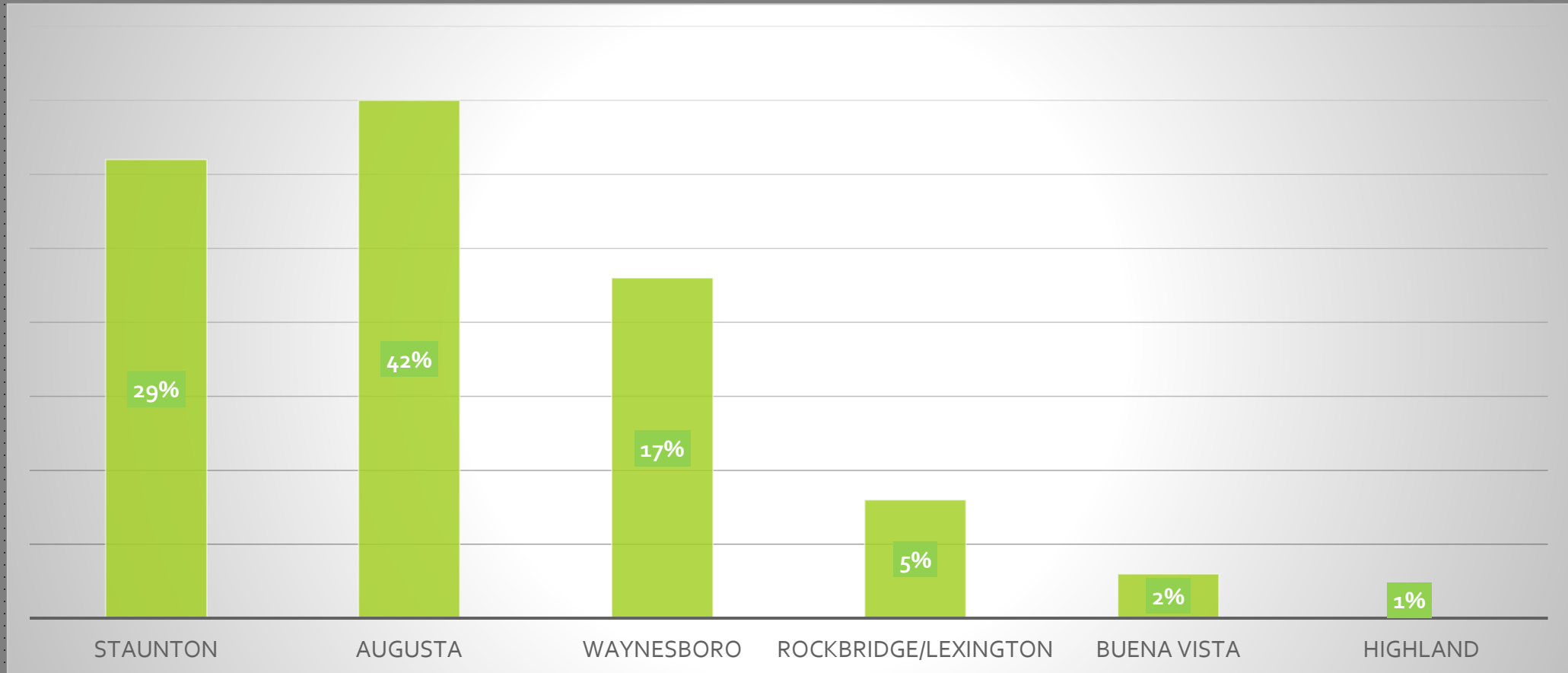
PROBATION SERVICES

In FY 2021 Blue Ridge Court Services received 876 probation placements.

- 703 (80%) misdemeanor cases and 173 (20%) felony cases
- 63% male and 37% female
- 80% Caucasian, 17% African American and 3% Hispanic/Other
- 74% Program Success Rate (completing all of the court ordered requirements)
- 52% employed, 45% unemployed and 3% unknown
- Probationers by Risk: 84% low risk, 25% medium risk and 0% high risk
- Average Daily Cost of Probation Supervision in 2021 is \$1.49 compared to Average Daily Jail Cost of \$91.97



PROBATION PLACEMENTS BY JURISDICTION



RE-ENTRY SERVICES

- Supported by \$20,500 grant from CAPSAW which has allowed our agency to assist in successfully transitioning individuals who have recently been released from incarceration back into the community.
- 216 clients were referred to Re-entry
- Clients were provided assistance in obtaining employment, transportation, emergency clothing and emergency shelter. Self-care kits and COVID kits were also distributed.

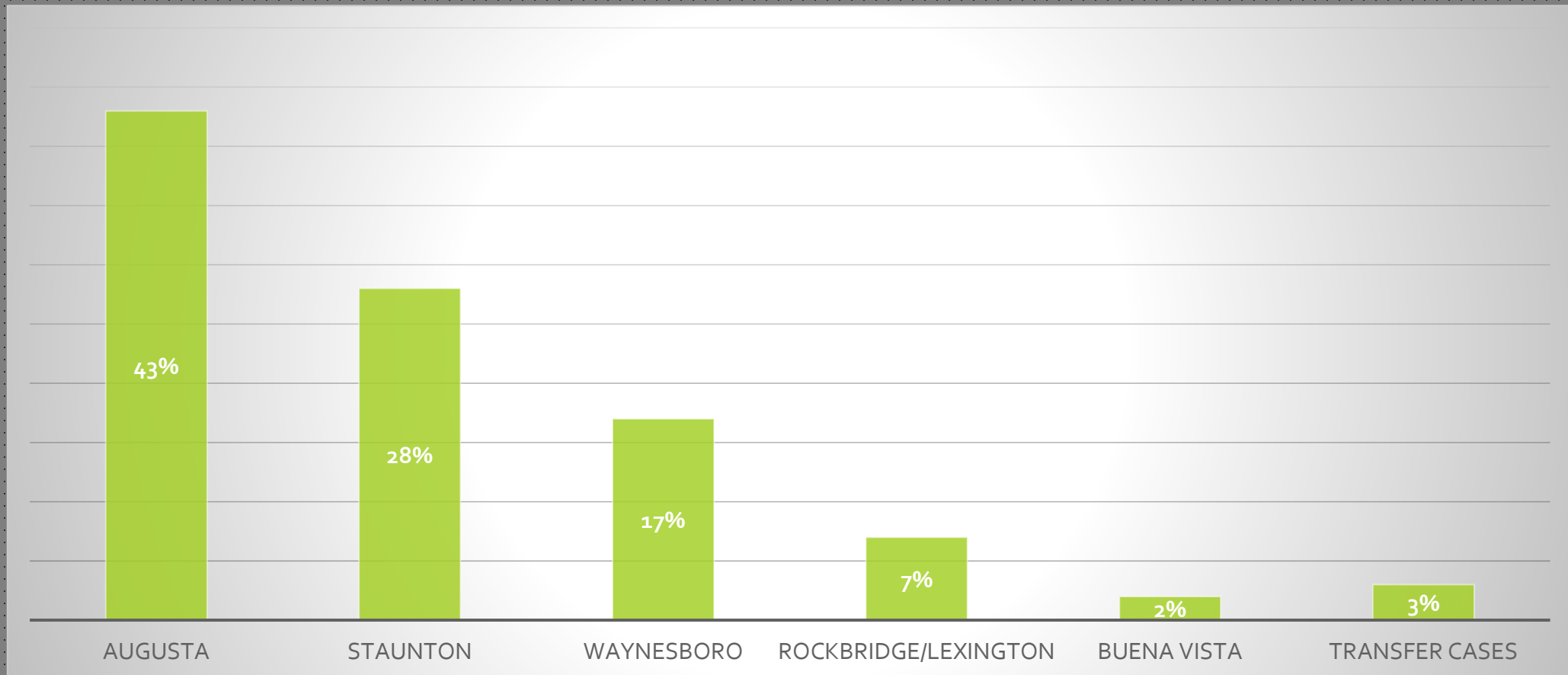


PRETRIAL SERVICES

- Performed a total of 539 pretrial investigations
- Received 892 pretrial placements
- 90% Program success rate, 97% appearance rate, 93% public safety (arrest free) rate
- 71% Male and 29% Female
- 82% Caucasian, 16% African American and 2% Hispanic/Other
- Minimum Age = 18, Average Age = 36, Maximum Age = 78
- Average Daily Cost of Pretrial Supervision is \$1.71 compared to the Average Daily Jail Cost of \$91.97



PRETRIAL SERVICES BY JURISDICTION



PRETRIAL INITIATIVE ON MENTAL ILLNESS

- Three Major Objectives . . .
 - Swiftly move appropriate pretrial defendants from the criminal justice system into the community and into community based therapeutic treatment
 - Assist those defendants who remain incarcerated to obtain jail based mental health services pending their release
 - For those defendants released into the community, provide intensive supervision by a Mental Health Pretrial Officer, assessments, and weekly therapeutic groups for more intensive outpatient treatment
- In 2021, 100 individuals were referred to PIMI



DOMESTIC VIOLENCE

- 204 Domestic Violence Referrals in 2021
- 79% Male and 21% Female
- 81% Caucasian, 18% African American and 1% Hispanic/Other
- 94 placements were from Augusta
- 66 placements were from Staunton
- 31 placements were from Waynesboro
- 13 placements were from Rockbridge/Lexington
- 85% successfully completed their court ordered obligations



THERAPEUTIC DOCKET PROGRAM

- 10 Inductions into Therapeutic Docket
- 6 graduates in 2021
- 5 Males and 5 Females
- 8 Caucasians, 2 African Americans and 0 Hispanic/Other
- 3 placements were from Staunton Courts
- 4 placements were from Augusta County Courts
- 3 placements were from Waynesboro Courts
- 0 individuals in the 18 to 25 age group
- 1 individual in the 26-35 age group
- 9 in the 36 and over age range



DRUG COURT

- This program targets individuals who have been involved in criminal activity arising from their addiction to alcohol or illegal substances.
- 108 graduates since inception in 2002
- 9 new drug court inductees in 2021
- 4 Graduates in 2021
- 5 males and 4 females
- 3 individuals in the 18 to 25 age group
- 4 individuals in the 26 to 35 age group
- 2 individuals in the 36 and over age group



HOME ELECTRONIC MONITORING

BRCS received a total of 108 HEM placements for FY 2021

- 85 were male and 23 were female
- 86 were Caucasian, 20 African American and 2 Hispanic/Other
- Benefits both the offender and the localities . . . offenders can keep their jobs and support families . . . saving jail beds for higher risk individuals
- Daily cost of HEM is \$15.00 compared to the average daily jail bed cost of \$91.97

Home Electronic Monitoring Savings to Localities -2021

Locality➤	Participants	Bed Days Saved	Jail Costs Savings
Staunton	22	3,657	\$336,334
Augusta	60	8,721	\$802,070
Waynesboro	17	2,626	\$241,513
Rockbridge/Lex	7	593	\$54,538
Buena Vista	2	232	\$21,337
Total	108	15,829	\$1,455,792
***Based on the State Compensation Board's Virginia Statewide Average Daily Jail Cost of \$91.97.			



FY 2021 FINANCES

Financial Support for Blue Ridge Court Services is provided from the following sources:

- Virginia Department of Criminal Justice Services (DCJS) for local probation and pretrial services.
- Virginia Supreme Court for the Drug Court
- Augusta Health for therapy groups and individual counseling services
- Community Action Partnership Staunton, Augusta and Waynesboro (CAPSAW) for the Re-entry Program
- Virginia Department of Behavioral Health and Development Services (DBHDS) for the Pretrial Initiative on Mental Illness and Therapeutic Docket
- Participant Fees which include supervision fees for probation clients and home electronic monitoring fees

Total Funding of \$1, 146,669 . . .

- 61% from DCJS
- 7% from Supreme Court
- 1% from Augusta Health
- 2% from CAPSAW
- 7% DBHDS
- 20% from Participant Fees
- 1% from Rockbridge (Emergency Funding)
- 1% from Reserve

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	March 10, 2022	Staff Members: Anita Harris Lisa Shiflett
Item #	3	
Department:	Shenandoah Valley Social Services	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Responsive, Efficient Government Value: Engagement	
Subject:	Annual Report of Shenandoah Valley Social Services	

Background: Anita Harris, Director of Shenandoah Valley Social Services, and Lisa Shiflett, Assistant Director, will discuss the highlights of the department's Annual Report for FY 2020-2021. Materials are attached for Council's review.

Interim City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

Interim City Manager: Leslie Beauregard

Shenandoah Valley Social Services
Program Highlights and Accomplishments
Fiscal Year 2020/2021

Benefit Programs – Financial and medical assistance is provided to eligible residents for benefits under Temporary Assistance to Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Medicaid, Virginia Initiative for Education and Work (VIEW) and Energy Assistance.

TANF – Provides financial services to children and their families in need.

- TANF applications received **834**
- Monthly average of TANF cases **373**
- Diversionary/Emergency Assistance cases **38**
- TANF benefits issued FY20/21 **\$1,812,289**

SNAP Program – Provides food assistance for low-income families.

- SNAP applications received **4,486**
- Monthly average of SNAP cases **5,532**
- SNAP benefits issued **\$25,560,258**



Medicaid – Pays for health and medical care for low income people.

- Medicaid applications received **5,322**
- Monthly average of Families & Children Medicaid, Plan First, & Medicaid Expansion cases **12,299**
- Monthly average of Long Term Care/Aged, Blind, & Disabled, and Auxiliary Grant Medicaid cases **4,837**
- Medicaid benefits issued **\$216,333,055**

General Relief – Provides assistance for families with unrelated minors.

- Monthly average of children receiving assistance **11**
- GR benefits issued **\$31,512**

Burial Assistance – Provides local burial assistance for indigent families.

- Number of burial applications approved **54**
- Burial benefits issued **\$24,000**

LIHEAP – Low Income Energy Assistance Program - Provides heating/cooling assistance to low income families, the disabled and elderly.

- Fuel applications processed **2,096**
- Fuel benefits issued **\$833,546**
- Cooling applications processed **1,506**
- Cooling benefits issued **\$393,847**
- Crisis applications processed **620**
- Crisis benefits issued **\$112,115**



Child Care Services – Provides quality child care services.

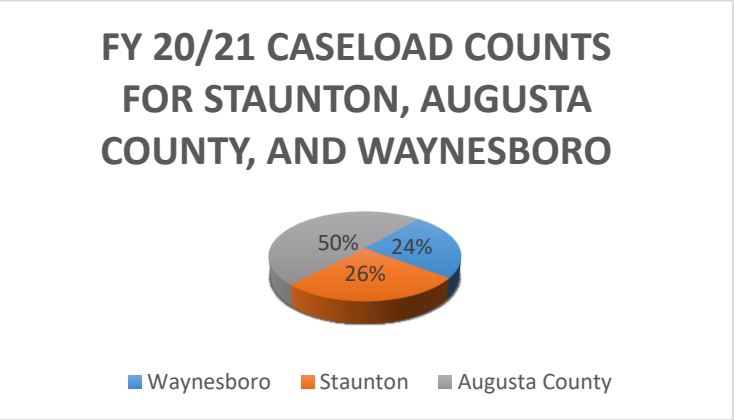
- Monthly average of Child Care cases **153**
- Child Care benefits issued **\$997,839**

VIEW – Assists, trains, and prepares TANF recipients for employment. (Voluntary participation during Public Health Emergency)

- Monthly average of VIEW cases **129**
- Monthly average of employed VIEW participants **31**
- VIEW participants average hourly wage **\$12.30**

Fraud Collections

- SNAP collections **\$303,094**
- TANF collections **7,304**
- Daycare collections **1,903**
- Medicaid collections **180**
- VIEW collections **605**
- Total collections **\$313,085**



Service Programs – Families and Children and Adult Services include the program areas of Child Protective Services (CPS), Adult Services (AS), Adult Protective Services (APS), Foster Care (FC), Adoption, Prevention Services, and Children’s Services Act (CSA)

Adult Services and Protective Services – Investigations of adult abuse, neglect and exploitation of elderly and incapacitated adults. Provides services to protect and reduce the risk to adults.

- Adult Protective Services Intake referrals **3,194**
- APS investigations **1,773**
- APS found in need of services **949**
- Monthly average of APS ongoing cases **209**
- Adult Services Intake Referrals/Contacts **1,635**
- Monthly average of Adult Services ongoing cases **232**
- Monthly average of Guardianships **221**
- Monthly average of Volunteer Payee Program Participants **37**



Child Protective Services and Prevention Services - Investigations of child abuse/neglect. Services opened to families determined at further risk of abuse/neglect.

- CPS referrals **1,979**
- CPS investigations/assessed **719**
- Monthly average of CPS families opened to services **38**
- Monthly average of Prevention cases **31**

Foster Care and Adoption Services – Provides a safe home for children coming into care with an emphasis on seeking permanent placement.

- Number of children entering care **45**
- Monthly average of Foster Care cases **131**
- Adoptions completed **17**
- Post adoption subsidized cases completed **259**
- Number of approved foster homes **41**

CSA – Children’s Services Act

- Number of youth served **502**
- CSA benefits issued **\$10,336,450**

MISSION: The promotion of self-reliance and protection of citizens through community-based services.

Management Team

Benefit Programs:

Family and Children	Cristi Abshire, Supervisor (540) 245-5860
	Krystina Guerrero, Supervisor (540) 942-6595
Medicaid Expansion	Adrienne Jackson (540) 942-6709
Adult Medicaid/Long Term Care	Holly Pritt, Supervisor (540) 245-5864
	Jonathan Kelton, Supervisor (540) 942-6402
VIEW and Child Care	Christina Jones, Supervisor (540) 245-5884

Service Programs:

Adult Services/Adult Protective Services	Lindsay Combs, Supervisor (540) 942-6565
Child Protective Services	Amber Martino, Supervisor (540) 245-5848
Foster Care	Cherish Humphries, Supervisor (540) 245-5842
Adoption	Stephanie Huffman, Supervisor (540) 245-5833
Prevention	Shelly Catterton, Supervisor (540) 213-3692
Children’s Services Act (CSA)	Beatrice Leland, Supervisor (540) 213-3685



Anita Harris, Director
Phone: (540) 245-5810
Email: anita.harris@dss.virginia.gov

Lisa Shiflett, Assistant Director of Services
Phone: (540) 245-5838
Email: lisa.shiflett@dss.virginia.gov

Amber Bokelman, Assistant Director of Benefits
Phone: (540) 942-6664
Email: amber.bokelman@dss.virginia.gov

Susan Hughes, Administrative Services Manager
Phone: (540) 245-5813
Email: s.hughes@dss.virginia.gov

Office Locations

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68 Dick Huff Lane, P.O. Box 7
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Telephone (540) 245-5800
Fax (540) 245-5880

1200 Shenandoah Avenue
Waynesboro, Virginia 22980-0748
Telephone (540) 942-6646
Fax (540) 942-6658

Agency Email:
svss.connect@dss.virginia.gov
Facebook:
[www.facebook.com/Shenandoah Valley Social Services](https://www.facebook.com/Shenandoah-Valley-Social-Services)
Website:
<https://www.co.augusta.va.us/government/social-services>



Shenandoah Valley Social Services
Annual Report FY 2020/21



CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	March 10, 2022	City Council John C. Blair, II City Attorney
Item #	4	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government Inclusion	
Subject:	Matters From the Public Introductory Remarks and Public Hearing Opening Remarks	

Background: On April 8, 2021, the Staunton City Council discussed the Introductory Remarks made by Mayor Oakes before the Matters From the Public portion of Council meetings.

The Introductory Remarks had never been formally adopted by the Staunton City Council. The City Attorney advised the Council that if it intended to enforce the provisions in the remarks, it would be advisable to have the Council formally adopt the Introductory Remarks. The Council adopted the Introductory Remarks at the April 8, 2021 meeting.

Additionally, Mayor Oakes reads a much briefer statement before opening public hearings on matters listed on the agenda. When reading the statement, Mayor Oakes indicates that remarks made during the public hearing must pertain to the subject matter of the public hearing in accordance with Staunton City Council Procedure Memorandum 4.

On February 24, 2022, Councilmembers Claffey and Mead inquired about the Introductory Remarks and suggested that the Mayor does not read the entire set of Introductory Remarks.

Existing federal First Amendment jurisprudence does not require a verbatim reading of every rule pertaining to a public body's opening of a designated or limited public forum. A reference to existing rules can be made. However, it is a best practice for a presiding officer to emphasize time limits before opening the forum. Additionally, if the subject matter of the limited or designated public forum is constrained to one topic, the presiding officer should indicate that to speakers before the forum is opened. Federal First Amendment cases such as *Steinberg v.*

Chesterfield County Planning Commission and *I.A. Rana Enterprises v. City of Aurora* emphasize the importance of limiting the subject matter of public hearings as well as the proposition that a public body's rules regarding public comments do not have to be read verbatim before each opportunity for public comment.

After receiving the comments from Councilmembers Claffey and Mead, City staff have now made a link on the City's webpage which provides the rules for Matters from the Public for remote participants in City Council meetings.

It is the City Attorney's recommendation that Mayor Oakes' remarks before Public Hearings (which are provided in Attachment 1) remain unchanged.

If the City Council wishes to have the Matters From the Public Introductory Remarks (which are provided in Attachment 2 as Exhibit A) shortened, a resolution is attached to this Briefing for Council's consideration.

Attachments:

Attachment 1—Public Hearing Opening Remarks

Attachment 2—Proposed Resolution with Exhibit A—Matters From the Public Introductory Remarks

Interim City Manager's Recommendation: Not Applicable

Suggested Motion for City Council's Consideration: I move to adopt the proposed resolution to modify the Matters From the Public Introductory Remarks.

Interim City Manager: Leslie Beauregard

Public Hearing

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 and 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.

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO MODIFY MATTERS FROM THE PUBLIC
INTRODUCTORY REMARKS**

Recitals

WHEREAS, on April 8, 2021, the Staunton City Council adopted Introductory Remarks for Matters From the Public for the Mayor to read before each Matters From the Public; and

WHEREAS, current First Amendment jurisprudence does not require a presiding officer to read every rule before opening a designated or limited public forum; and

WHEREAS, the Staunton City Council desires to make its meetings more efficient for the convenience of Council, City staff, and the public; and

WHEREAS, these Recitals are integral to this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that the Introductory Remarks to Matters From the Public attached as Exhibit A shall be read by the Mayor before each Matters From the Public portion of Staunton City Council meeting.

BE IT FURTHER RESOLVED, that all rules adopted by the Staunton City Council at its April 8, 2021 meeting for Matters From the Public shall remain in full force and effect.

Adopted this ____ day of _____, 2022.

Andrea W. Oakes, Mayor

Attest: _____
Kiley Kesecker, Clerk of Council

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.

A copy of the Staunton City Council's "Matters from the Public" rules is available in paper form at the Clerk's desk and online on the City of Staunton's web page. You are asked to familiarize yourself with those rules before commenting.

Please come to the podium or begin your call, identify yourself, and complete your remarks within 5 minutes.

City Council
WORK SESSION
February 10, 2022
5:30 p.m.

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

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

Mayor Oakes stated, “On February 9, 2022, I received a request from Councilor Claffey to participate remotely in the February 10, 2022 Staunton City Council meeting due to a personal matter that prevents his physical attendance at the meeting. Pursuant to the Freedom of Information Act, I will now ask Councilor Claffey to state the personal matter which makes it unable for him to attend tonight’s Council meeting.”

Mr. Claffey stated that he was out of town on vacation.

Vice Mayor Robertson said, “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Claffey to remotely participate in the February 10, 2022 Staunton City Council meeting due to a personal matter.”

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

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

Mayor Oakes asked Mr. Claffey to state the location from which he was participating. Mr. Claffey responded that he was at 1403 Surf Drive, Palm Coast, Florida. Mayor Oakes asked Council and the audience if they could hear Mr. Claffey. The response was affirmative.

Mayor Oakes stated, “On February 9, 2022, I received a request from Councilor Dull to participate remotely in the February 10, 2022 Staunton City Council meeting due to a family member’s medical condition that prevents her physical attendance at the meeting. I will now entertain a motion to allow Councilor Dull’s remote participation in this meeting pursuant to Staunton City Council Procedural Memorandum Number Three.”

Mr. Holmes said, “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Dull to remotely participate in the February 10, 2022 Staunton City Council meeting due to a temporary medical condition.”

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

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

49 Mayor Oakes aye Ms. Mead aye

50
51 Mayor Oakes asked Ms. Dull to state the location from which she was participating. Ms. Dull
52 responded that she was at 1003 East Beverley Street, Staunton. Mayor Oakes asked Council and
53 the audience if they could hear Ms. Dull. The response was affirmative.

54
55 **1. Consideration of Work Session and Regular Meeting Agendas**

56
57 Consistent with Procedural Memorandum No. 3, the agendas were presented for Council
58 consideration.

59
60 Ms. Mead moved that the discussion and consideration of the composition of the Nominations
61 Committee be added as Item E on the Regular Meeting.

62
63 The motion was seconded by Ms. Dull and carried as follows:

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

68
69
70
71 Ms. Mead moved to approve the Work Session agenda and the Regular Meeting agenda as
72 amended.

73
74 The motion was seconded by Mr. Holmes and carried as follows:

75	Ms. Darby	aye	Ms. Mead	aye
76	Ms. Dull	aye	Vice Mayor Robertson	aye
77	Mr. Claffey	aye	Mayor Oakes	aye
78	Mr. Holmes	aye		

79
80
81
82 **2. Presentation of Quarterly Financial Report**

83
84 Chief Finance Officer Phil Trayer reported on the second quarter, unaudited postings in revenue
85 and expenditures for FY2022.

86
87 Year to date revenues posted through December 31, 2021 total \$21.8M or 31.7% of the annual
88 appropriation. In FY2021 through the second quarter, posted revenues were \$29M or 43.8% of the
89 annual appropriation. The year-on-year variance through December equals a negative -\$7.3M and
90 is made up of \$4.3M in one time CARES funding which was recorded in the first half of FY2021,
91 and a \$1M variance in state highway funding. The second quarter funding for FY2022 has been
92 received from the state and recorded in January 2022, and there is a \$2M variance in year-on-year
93 real estate tax postings. This is a timing issue where FY2021 year end prepayments of real estate
94 taxes, which were posted on June 30, 2021 as differed revenue on the balance sheet, needs to be
95 recoded in FY2022. The money has been received; staff just need to record the journal entry. The

City is 50% through the Fiscal Year and 31.7% is a little light, but given the timing issues of major revenue sources mentioned above, revenues and expenditures are tracking close to normal.

Local Taxes of Interest:

- Sales Taxes through November are up \$203K over same time last year and projected to be \$540K above budget projections.
- Meals Taxes through December are up \$614K over same last year and projected to finish \$850K ahead of budget projections.
- Lodging Revenues through November are up \$227K over same time last year and projected to finish \$377K above budget projections.

Revenues are trending to end up roughly \$1.7M above budget projections.

The City has posted \$30.8M of expenditures and encumbrances, or 44.9% of the annual appropriation. From a percentage basis this is a little higher than normal but not significantly out of line with previous years. FY2021 second quarter expenditures equaled 44.0% of the appropriation, FY2020 saw a percentage of 41.1% of the appropriation and FY2019 finished at 42% of the appropriation at the same point of the fiscal year.

The year-on-year expense variance is up \$2.7M which is entirely driven by the debt service transfer posting of \$4.8M in December. This entry was posted in the second half of FY2021. Without this entry expenses would be down to FY2021 by \$2.2M and the expenditure percentage would drop to 37.8%.

The City posted a savings of \$93,410 in Government Administration expenses compared to same time last year. This expense variance was driven by multiple departments but primarily in the IT department, which had posted CARES act related expenditures in excess of \$200K in FY2021.

Judicial Administration expenditures is up \$155,114 as compared to same time last year. This was primarily driven by salaries and related benefits within the Sheriff and Commonwealth Attorney's offices.

Public Safety posted a year-on-year savings of \$848,397. This variance is driven by the timing of the third quarter Middle River Regional invoice of \$687K which posted in December of FY2021. The City also had and one-time, FY2021, CARES Act related expenditures from within the Fire Department which produced a positive year on year variance of \$278K. Mr. Trayer clarified that in the first half of FY2021 the City had one time CARES Act expenditures which did not occur in FY2022.

Public Works expenditures are up \$241,690 versus same time last year and is primarily driven by expenditures within the Streets Department for the Berkley Place wall repair.

Parks and Recreation, Library and Cultural is up \$428,397 over same time last year. This is primarily due to salaries and related expenditures in Parks and Recreation as well as the Library as these two departments have opened up for more normal operations and were operating on a limited basis in FY2021.

In the area of Planning and Community Development the City posted a decrease of \$686K in expenditures, which was entirely driven by the FY2021 CARES act funding of \$500K for support of local businesses as well as \$300K for community housing support which was also recorded in the second quarter of FY2021.

The second quarter golf revenues in FY2022 finished at \$119K compared to FY2021 of \$109K. The golf course had 6,143 rounds posted in FY2022 compared to 5,996 at this point in 2021. Membership count equals 97, with 11 of those members associated with the Riverheads High School golf team. In 2021, there were 20 memberships, which included eight members of the Riverheads High School golf team. On the expense side, the golf course finished with \$54,366 in operating expenditures compared to \$52,752 in 2021.

Mr. Trayer asked Superintendent of Recreation James Corbett to discuss current golf operations, membership and new software implementation. Mr. Corbett stated that with the new carts in place and the new point of sale system implemented in October, staff were able to focus on a membership drive. He also stated that they had added 10 members since Mr. Trayer had been provided his information, so the membership count for the golf course is now 107. Membership sales have already exceeded the past three-year total in the past three months. The new point of sale system is able to capture phone numbers, email addresses, residency and additional demographic information. Filling out a complete profile is a requirement for membership, but not of guest golfers, although 99% of the people who have come to golf have provided their names and phone numbers. Out of the 107 members, 57 are Staunton residents. Out of the 376 total users that have completed a profile, 204 are Staunton residents. Mr. Corbett noted that the POS system has the capability to text everyone that is on the golf course in case of inclement weather, or staff can text everyone who is on the tee sheet for the day in case there is a frost delay or some other event that prevents tee times being on schedule. Staff will also have the ability to email and text everyone who is a member at any time to promote tournaments or other events. Mr. Corbett stated that he was pleased with the system as it was capturing data and staff will be able to utilize that information in a meaningful way.

Mr. Corbett said that staff had decided to keep 10 of the best old golf carts and purchased 40 new ones to make a complete fleet of 50. With the full fleet, a typical turnaround for a busy day on the golf course would be 100 rounds. That is something the golf course was not able to do in the past.

Ms. Dull asked how the new system was accurately assessing whether a golfer was a Staunton resident. Mr. Corbett replied that the POS system has a custom field to track that information and that it is a required field to complete a full profile. Ms. Dull also asked if 18 or nine holes was considered a round of golf. Mr. Corbett stated that the system only allows for nine holes or 18 holes, but 96% of the tracked rounds are a full 18 holes.

Vice Mayor Robertson asked if there is a way that someone could be charged per hole if they did not have enough time to play nine or 18 holes. Mr. Corbett said that part of the golf course's business plan is to relaunch a pricing structure that allows for timing variables.

Ms. Mead asked what Mr. Corbett to explain what he believed is leading the increase in membership. He responded that the new golf carts have had a significant impact as well as maintenance of the course. The new POS system has made it easier on golfers and staff.

Mayor Oakes asked if there was a difference in pricing for a Staunton resident versus a visitor. Mr. Corbett explained that there was no difference.

Vice Mayor Roberston asked Mr. Trayer to expand upon his statement that the City was on track as far as receivables. Mr. Trayer stated that the City has big revenue collections at the end of the fiscal year with real estate and that the City is in good shape. He believes that the City is on its way to meet or exceed staff budget projections for revenues and that those trends will be factored into the FY2023 budget.

Council members did not have any further questions.

3. Discussion of City Manager Search Process

Chief Human Resources Officer Jon Venn reminded Council of the options Council could choose from include submitting a Request for Proposal or Request for Quotes or finding an existing search firm that has cooperative language that will allow Council to choose that firm without having to do an RFP or RFQ. Currently there are two well-respected search firms that Council would be able to engage their services based on an existing contract. The first firm is Baker Tilly. They have just completed a contract with the City of Harrisonburg for a full-time City Manager and cost was \$24,500. The second firm is the Berkley Group, who has just finished working with Allegheny County to find a county administrator, with a cost of \$30,000. Mr. Venn reiterated that Council does have the ability to utilize the City's Human Resources Department if that was the direction that Council would want to go in terms of cost savings.

Mayor Oakes asked Council members if they had any questions.

Mr. Holmes asked Mr. Venn if he and his staff have time to devote to such a large project. Mr. Venn stated that a full-blown city manager search is time consuming and, as he has mentioned before, the City's HR department does not have the reach that a search firm would have to find existing candidates.

Ms. Darby asked if the City engaged a search firm, would applicants be able to directly apply with the City's HR department or would they be directed to the search firm. Mr. Venn replied that if the City engaged a search firm, all applications would be funneled through the firm.

Ms. Mead shared that both Baker Tilly and the Berkley Group had worked with local governments in Virginia of varying sizes as well as some localities outside of Virginia. Ms. Mead also referenced additional search firms that Mr. Venn could contact. Mr. Venn pointed out Baker Tilly and the Berkley Group have existing contracts that the City could cooperate with. He also stated that Harrisonburg did an RFQ that targeted specific search firms, which is also an option that Council could choose. He opined that the timeliest choice would be to use one of the existing contracts with Baker Tilly or the Berkley Group.

Discussion ensued regarding which firm to choose. City Attorney John Blair suggested that Council, if it was their decision to do so, could have a closed session to interview both firms via Zoom. It was decided that Mr. Venn would reach out to set up interviews with Baker Tilly and Berkley Group during a closed session at the next City Council meeting on February 24, 2022.

Council members did not have any further questions.

4. Roll Call

Ms. Darby asked that Ms. Beauregard explain the process of property assessments. Ms. Beauregard stated the process for property assessments is available on the City's website. She detailed the procedure:

- City residents receive a notice of assessment. This is done every other year, so the next assessment will be in 2023.
- If a property owner is not happy with their assessment, the Assessor's Office will accept informal appeals for 30 calendar days from the date of the mailing. During that period, staff will answer questions about the assessments and work with property owners to ensure the City data is accurate. (Virginia Code Section 58.1-3330)
- Another 30-day period follows during which the Assessor's Office accepts formal written appeals on behalf of the Board of Equalization. This allows the property owner to appeal the assessment to a board composed of three local property owners, including a licensed appraiser, a realtor and an attorney. (Virginia Code Section 58.1-3378) Virginia law provides that the basis for an appeal must include either, or both, of the following reasons:
 - The property is not assessed at its fair market value and the property market value
 - The property is not assessed equitably with other similar properties
- As soon as possible after the second 30-day period has expires, the board meets and considers the appeals brought before it.
- If the property owner is still not satisfied with that decision, they may appeal further to the local Circuit Court. (Virginia Code Section 58.1-3984)

Council members did not have any further questions

5. 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 Regarding Specific Personnel Matters Involving the Appointment of an Interim City Manager

Mr. Holmes moved 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 & Domestic Relations District Court Facility located in the District Courts Building at 6 East Johnson St., Staunton, pursuant to Virginia Code §§ 2.2-3711(A)(7) and 2.2-3711(A)(8); (ii) discussion regarding specific personnel matters involving the appointment of an Interim City Manager, pursuant to Virginia Code § 2.2-3711(A)(1).

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

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

287 Mayor Oakes aye

288

289

290 Ms. Mead moved that Council reconvene in an open meeting and certify to the best of each
291 member's knowledge that only lawfully exempted public business matters were discussed and that
292 only public business matters as identified in the closed meeting motion were heard, discussed and
293 considered in the meeting.

294

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

296

297	Ms. Dull	aye	Ms. Mead	aye
298	Ms. Darby	aye	Mr. Holmes	aye
299	Mayor Oakes	aye	Mr. Claffey	aye
300	Vice Mayor Robertson	aye		

301

302 The work session adjourned at 7:22 p.m.

303

304

305

306

Morgan C. Smith
Interim Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, February 10, 2022
7:35 p.m.
Rita S. Wilson Council Chambers

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

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

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

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Ron Gilbert, in honor of his son Caleb's 10th birthday. Caleb is the godson of Mayor Oakes.

MAYOR'S REPORT

Mayor Oakes read the following proclamation in honor and recognition of the Staunton Wild Cats:

WHEREAS, The **STAUNTON WILD CATS**, a most outstanding and notable African American baseball team, formed in the late '40s in Staunton, Virginia; and

WHEREAS, this formidable team became district champions in 1949 and 1950; and

WHEREAS, despite segregated parks and public facilities in Staunton and Augusta County, the **STAUNTON WILD CATS** played their home games at Gypsy Hill Park, euphemistically known as the "fair grounds," to a racially mixed audience of fans; and

WHEREAS, it is fitting to honor the deceased members of the **STAUNTON WILD CATS**, while simultaneously honoring the three living members at the place of their historic beginning; and

WHEREAS, to do so, pitcher, James Becks, Sr., who is 94 years of age, will throw out the first pitch at the Staunton Braves first home game, on Saturday June 4, 2022; and

WHEREAS, former third baseman, Frank White Sr., who is 91 years of age, and former bat boy Samuel Tate, who is 87 years of age, are expected to represent the

46 **STAUNTON WILD CATS**, as the team is recognized and their significant
47 history celebrated with a plaque placed at Moxie Stadium in Gypsy Hill
48 Park, which is now known as the home of the Staunton Braves.

49 **NOW, THEREFORE, BE IT PROCLAIMED**, by Staunton City Council that the City
50 of Staunton, Virginia honors and celebrates the team as well as many other individuals for their
51 contribution to the City, its residents, and the rich African American history that sustains
52 Stauntonians to this day.

Managers, George Stuart
and Robert Cauls, Sr.;
Pitchers, Charles Calfee
Johnny McCutcheon
Charles Gray
Godfrey Tate
Sidney Vaughn, and
Pitcher and short stop,
James Becks, and
Pitcher and outfielder
Philip Pannell;
Catchers, Dennis Becks
George Harden
Mason Miller, and
Catcher and second
baseman,
Allen Jackson;

First basemen,

Creed Pannell and
Mr. Washington;
Second basemen, Lyle
Caul
Robert Smith (Frye)
Raymond Huggard
"Snooky" Pendleton
Herbert Robinson and
Short stop, Second and
third base Ronnie Todd;
Third basemen, Ralph
Davis and
Frank White;
Short stop, Ruben Dawson;
Left fielders, Charlie
Venable and Daniel
Wormsley, and
Left and right fielder
Lewis Venable

Center fielders,
Lloyd Harris and
Ira Wells;
Right fielders, Oliver Tate
and
Robert Vaughn
Additionally, Robert
Cauls, Jr. and William
Dunnings
Bat Boy, Samuel Tate
Ball Boys, Lee Epps and
Archie Anderson
Umpire, Ralph Southall
Equipment Manager,
Raymond "Babe"
Robinson
Treasurer, George
Robinson and
Bus Driver, Roy Kincaid

53
54 dated this 10th day of February, 2022.

55
56 /s/Andrea W. Oakes
57 **ANDREA W. OAKES, MAYOR**

58
59 ATTEST: /s/Morgan C. Smith
60 **INTERIM CLERK OF COUNCIL**

61
62
63
64 Daughter of catcher and 2nd baseman Allen Jackson, Moonyene Jackson-Amis participated via
65 Zoom and was there to accept the proclamation. Also in attendance was pitcher and shortstop
66 James Becks and numerous family members of the Wild Cats team.
67

Ms. Jackson-Amis thanked the Mayor and City Council for accepting her request to honor the Staunton Wild Cats. She gave a special thank you to Ms. Dull for helping her facilitate the project. Ms. Jackson-Amis also called out Communications Manager Michelle Bixler, Interim Clerk Morgan Smith and Director of Parks and Recreation Chris Tuttle for their help with the resolution and getting recognition for the Wild Cats at the fairgrounds. She also recognized those in attendance and those who had helped her with the planning of the June 2022 event.

Sheila Ahmadi, representative of the Staunton Augusta County African American Research Society, thanked everyone who had worked on the project and thanked Council for honoring the people in the Staunton community who have contributed to Staunton's vibrant history.

Mr. Becks thanked the City of Staunton for the proclamation honoring the team and Ms. Jackson-Amis for spearheading the celebration.

Bertie Pannell, daughter of Wild Cats first baseman Creed Pannell, thanked Ms. Jackson-Amis and was very appreciative of the honor given to the team.

Mayor Oakes recognized the tragedy that occurred at Bridgewater College and, on behalf of Staunton City Council, extended sympathy to all those affected.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

There were no additional items from members of Council.

APPROVAL OF MINUTES

Ms. Mead moved to approve the Special Meeting minutes of January 19, 2022 as presented.

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

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

Ms. Mead moved to approve the Work Session and Regular Meeting minutes of January 27, 2022 as presented.

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

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

REGULAR MEETING**A. Capital Improvement Plan FY2022 – FY2026**

Chief Finance Officer Phil Trayer recapped the FY2022 – FY2026 CIP for Council.

The five-year plan (both scheduled and unscheduled projects) equals \$279,214,991 and was introduced at the January 13, 2022 meeting, followed by a February 2, 2022 Special Called Meeting for further review. The School Board is scheduled to approved their CIP at the February 14, 2022 meeting, and the Planning Commission conducted a Public Hearing on January 20, 2022, which was properly advertised, and recommended approval of the CIP at that meeting.

Scheduled CIP equals \$110,821,981 and includes:

- General Fund – \$61,661,481
- School Fund – \$9,625,000
- Water Fund – \$24,463,000
- Sewer Fund – \$8,794,500
- Stormwater Fund – \$4,590,000
- Parking Fund – \$1,688,000

Unscheduled CIP equals \$168,393,010 and includes:

- General Fund – \$106,557,810
- School Fund – \$25,000,000
- Water Fund – \$27,835,000
- Sewer Fund – \$5,019,000
- Stormwater Fund – \$3,981,200
- Parking Fund – \$0

The CIP is actually a plan in that only the items which appear in FY2022 and FY2023 will actually be funded within those fiscal year. Other scheduled projects in the outer years, FY2024 to FY2026, are placeholders and are planned projects with planned sources of funds. The City does not have \$40.5 million in cash sitting in the CIP funds waiting to be drawn down.

All items appearing in FY2022 have already been appropriated by Council. Most of the reserves were appropriated via the FY2022 Budget. The entry to fund these reserves will occur in June as part of the year end process and after all operating expenses have been sufficiently funded via actual revenue postings.

The Bessie Weller Safe Route to School project is partially funded via CIP reserves which has already been appropriated. This total \$43,626.

The final funding for the Emergency Radio project is scheduled to be funded by ARPA and will require a subsequent budget amendment to be approved by Council. Council appropriated \$1.6M of this project via Budget Amendment Number Three and this project was originally slated to be funded in last year's CIP with debt service.

The \$50,000 HUD project has been appropriated via a FY2021 Budget Amendment.

FY2023's funding status

As a practice Staunton has budgeted general fund monies to fund reserves to address high-cost items including reserves for fire equipment, sidewalks, public work items, and education funding. These items are expensed via a general fund transfer and will be included in FY2023's budget and will be appropriated at the time the budget is approved.

The Staunton Crossing Road extension is a state project and no additional appropriation from Council will be necessary.

The current CIP reserve balances are scheduled to be increased during the course of FY2022 as part of the approved budget. The FY2022 transfer entry from the general fund to the CIP Fund will occur in June and balances will increase at that time in accordance to the summary schedule

The Acting City Manager recommends approval as presented.

Mayor Oakes asked if Council had any questions or comments.

Ms. Mead asked if the pedestrian crossings at Coalter and West Beverley Streets could be fast-tracked to provide greater safety for the Virginia School for the Deaf and Blind students. Mr. Trayer stated that the funding was available and if that was Council's pleasure, staff could make that change to have the project move forward. All Council members agreed that the project should move forward.

Ms. Mead asked if the old ladder truck that was replaced recently had been sold as per previous discussions. Mr. Trayer replied that Chief Garber was holding off on selling the old ladder truck until the kinks of the new fire truck had been worked out, but that Finance Business Manager Chad Horvat was working with the Fire Department to prepare for the sale.

Mayor Oakes asked that Mr. Trayer explain the reasoning behind the funds listed in the CIP for the Middle River Regional Jail. Mr. Trayer stated that for the past couple of years, in anticipation of a large construction project at the jail, the City has been building reserves. Currently MRRJ has scaled back on an expansion or renovation because they do not believe they have enough support from the localities that they serve.

Council members did not have any further questions.

Vice Mayor Robertson moved that City Council adopt the FY2022 – FY2026 Capital Improvement Plan, totaling \$279,214,991.

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

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

B. Establishment of Equity and Diversity Commission

Acting City Manager Leslie Beauregard introduced Dr. Robin Stacia, the Virginia Risk Sharing Association Inclusion Resident, who will be working with the City on the Equity and Diversity Commission as part of a grant from the VRSA.

Ms. Beauregard gave a recap of the timeline of the Equity and Diversity commission survey. In September 2021, Council directed staff to do a survey to help inform the final resolution and direction of how to set up the commission.

The survey was conducted between October 6, 2021, and December 31, 2021.

- 195 responses, 174 online, 21 paper
- 92% support for the commission
- 95% of respondents reported they lived within City limits
- Overwhelmingly, the response was for members of the commission to have experience with and knowledge of diversity and equity work.
 - Additionally, direct experience with marginalized communities, being a member of a marginalized community, having a varied and diverse experience or perspective, living in Staunton, knowing the City, service or volunteer experience, a community advocate, a college graduate or having a strong education.
- Top behavioral traits included being open-minded and having a willingness to learn, being an active listener, being collaborative and team oriented, being an effective communicator, having a commitment to Staunton, understanding systemic racism, and unafraid of difficult conversation.
- Top Focus Areas
 - Diverse City workforce/Equity in job growth and hiring
 - Equity in education
 - Affordable housing
 - Inclusive community
 - Engagement
 - Opportunities for all to improve
 - Accessibility services for disabled individuals
 - Create City Equity Committee
 - No Middle River Regional Jail Expansion
 - More diversity of policy makers/boards and commissions
 - Civilian Police Advisory Board
 - Equity for low-income neighborhoods
 - Diversity training for City leaders and employees
 - Affordable childcare and pre-k
 - Mental health and community health
 - Biases of City service delivery
 - Equitable policing practices and training
 - West End Revitalization
 - Community wide diversity and equity education
 - Equitable multimodal transportation options
 - Normalize race and equity conversations
 - Outreach, listen, engage
 - Focus on minority-owned and underrepresented business

Ms. Beauregard stated that she cataloged 74 different areas that respondents wanted to the Commission to focus on, but she only shared the top 22.

Dr. Stacia stated that she has been working since last year with all members of the Virginia Risk Sharing Association to help public entities in Virginia look at how they consider diversity, equity and inclusion for the purpose of mitigating risk. One of the riskiest aspects of City governance is making sure that all of your community feels included, knows that the City is working for their best interest and that there are fair, equal and transparent opportunities.

The \$25,000 VRSA grant that Ms. Beauregard applied for and received, provides funding for the VRSA Inclusion Resident Consultant to work directly with the City to collaboratively develop the project plan, logic and process to establish the Equity and Diversity Commission. Dr. Stacia will:

- Work directly with City leadership
- Provide consulting expertise on diversity, equity and inclusion (e.g. tools, templates, research)
- Help develop the project plan for developing the Commission
- Create documents that will support the Commission's formation
- Provide training and coaching that will support the Commission's formation and establish a framework for success.

Dr. Stacia said that she and Ms. Beauregard organized the work into three categories in which Dr. Stacia would contribute to the process.

- City Council Alignment
 - DEI overview
 - Collaborate purpose, criteria and process
- Equity and Diversity Commission Selections
 - Partner with Nominating Committee on the application process to ensure diversity and inclusion
 - Develop supplemental question
- Commission Launch
 - Provide process to establish the Commission
 - Create the Commission Charter
 - Survey of Commission Members
 - Understanding of DEI
 - Interest
 - Priorities for Staunton
 - Create materials for orientation of Commission
 - Facilitate the orientation and training
 - DEI training
 - Survey data
 - Trends of interests and priorities
 - Establish Commission structure (e.g. meeting frequency, etc.)
 - Begin initial goals session

Ms. Beauregard stated that staff needed input from Council to complete the resolution to create the commission.

- Number of members on the commission
- Recommendation to appoint members no later than May 26, 2022
- Recommendation that the commission will be supported by the City Manager, Assistant City Manager or designee

- Recommendation that the commission shall conduct at least one public hearing and additional community conversations throughout the City of Staunton
- Recommendation that the proposed Equity and Diversity Strategic Plan is what the commission should pursue in the next 18 months
- Recommendation that the commission is expected to provide an update on their work to City Council by December 2022 and submit a final report by December 2023

Ms. Beauregard stated that in regards to the budget for the commission, she was able to secure the VRSA grant, but in FY 2023 there will be a request to be a part of the budget process.

Mayor Oakes asked if Council had any questions or comments.

Ms. Dull stated that staff needs to make sure that in terms of the public hearing and the community conversations that they are accessible for all, even those who are not able to attend in person. She also asked would Council be able to see demonstrated results or will the commission be providing recommendations on how to get results. Dr. Stacia replied that the commission will be entirely volunteer so has no authoritative power. They will provide recommendations that Council can vet and create equitable changes.

Vice Mayor Robertson stated that he is in support of the commission but that he does not want hiring quotas to be a part of the strategy toward equity and inclusion. Dr. Stacia responded that no one is in favor of quotas and that perception or bias and training from those who are doing the hiring are often a way to create better opportunities for all.

Mr. Claffey stated that he felt the commission should provide their first report in September or October, not wait until December. Dr. Stacia replied that waiting until the commission members were appointed would be when a discussion of the timeline could be revisited.

Ms. Mead stated there had been a discussion about a new equity and diversity position on City staff and asked Ms. Beauregard why that was not in the budget. Ms. Beauregard responded that her main focus has been on the commission at this time and it would be a good discussion for the commission and get their input and recommendations.

Vice Mayor Robertson made a suggestion that the City Manager or Acting City Manager make the appointments to the commission instead of the Nominations Committee. Mr. Claffey concurred. Ms. Mead commented that she was going to propose that she become a member of the Nominations Committee to help set up the commission. Ms. Dull stated that perhaps the entire Council would like to interview the applicants and then select them as a group. Ms. Darby concurred.

Mr. Blair stated that in addition to amending the resolution to include a change in the selection process, but that there would need to be a separate action to suspend Council Procedure Memorandum Number 2, because it requires that all boards and commission appointees go through the Nominations Committee. Mr. Blair clarified that there would be a resolution stating that for this particular commission Council would convene as a whole as the Nominations Committee and that the interviews would be a closed meeting.

Ms. Dull asked Dr. Stacia for her recommendation regarding the number of commission members. Dr. Stacia responded that the best number of members would be 16. The commission needs age

and generational diversity, race and ethnicity diversity, professional background diversity, perspective of experience diversity. Perhaps a person may fit two or three aspects of the diversity wanted, but the minimum she would suggest is 11 to 12. With the work that this group needs to do nine people would be exhausted. Dr. Stacia suggested that the membership be a flexible range of 11 to 15. All Council members agreed.

Council members did not have any further questions.

Ms. Mead moved to remove Item E from the Agenda as it was no longer necessary.

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

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

C. Update on the Centralized Recycling Center Pilot Program

Director of Public Works Jeff Johnston stated that the hours of operation are currently 9 a.m. to 3 p.m. on Monday, Tuesday, Thursday and Friday and 8 a.m. to noon on Saturday. The Center is closed on Wednesday and Sunday. Participation has stayed fairly steady since opening the Center in July. Glass continues to be the most significant item that is recycled in the City followed by cardboard and paper. The City has had to stop taking #4 and #5 plastics, but collection of #1 and #2 continues.

Labor costs include:

- Additional labor required almost daily from other public works divisions
- Additional part-time position created
- Improved refuse staffing

Non-Labor costs:

- Revenue continues to cover the cost of contract materials handling
- Expanding dumpster use to further reduce labor burden and improve customer service

Mr. Johnston stated that #1 and #2 plastics are now going to Sonoco in Fishersville which cuts down on staff time. The footprint of the center has been expanded a third time to make more room for customers. The use of dumpsters instead of refuse vehicles takes up less space. The dumpsters are also lockable and are easier for customers to use. Staff are currently reviewing options to add additional open hours for collection.

Mayor Oakes asked if Council had any questions or comments.

Mr. Holmes asked if Mr. Johnston had seen contamination that would ruin a whole load. He responded that has not happened and that if there are contaminations they tend to happen overnight.

Council members did not have any further questions.

D. Discussion of Shenandoah Valley Animal Services Center

Ms. Beauregard stated that she would provide an update on the Animal Services Center including a summary of the Owners meeting from last week and in particular addressing the question of who might be best to serve as fiscal agent.

Last week, the Shelter Executive Committee, also known as the owners, held a meeting to discuss several items.

First and foremost, there will not be an award to contract for the operation of the shelter; the owners will be retaining direct responsibility for shelter operations. As a result, the owners will be scheduling another meeting in the next few weeks to review and consider the following items:

1. Staffing – the owners recognize the need to improve the staffing model for the shelter which involves review of current positions and pay and possibility new/additional positions.
2. Memorandum of Understanding, or MOU for operations – the original document needs review and updating.
3. The currently vacant veterinarian position – Augusta County Administrator Tim Fitzgerald is taking the lead on this and is following up on options.
4. Advisory Committee – it has been suggested that the creation of an advisory committee would be a beneficial action. The owners will discuss the recommendation.
5. Fiscal Agency – while no final decision was made at that meeting, it seems likely that the fiscal agency will move from Waynesboro.

Now regarding the fiscal agency discussion, per the MOU, and this is unlikely to change when the owners update the MOU, here is exactly what the fiscal agent does – “the fiscal agent will maintain a program account for the receipt of funds paid by the member agencies and fees paid by the general public, and for payment expenses for the operation, maintenance, repairs and capital improvements to the animal shelter.” The current MOU also states that shelter employees are employees of the fiscal agent and follow all the policies and procedures of such.

Augusta County has offered and is willing to take over this function. Here are some reasons why they would be in a position of strength to do so:

- They have a dedicated staff member in place who can manage this and dedicate time to this. According to Waynesboro City Manager Mike Hamp, he was doing much of the heavy lifting himself, and did not have any dedicated staff, which he found more and more difficult as time went on and demands increased and changed.
- The shelter is located in Augusta County and it would be convenient for county staff to serve the shelter in times of need regarding maintenance and emergencies for instance.
- Over 60% of the animals that come into the shelter do so from Augusta County. Staunton and Waynesboro hover at around 20% each.
- These arrangements would maintain equity in terms of how many agencies each locality is responsible for. Transferring this responsibility from Waynesboro to Augusta County would mean that each jurisdiction is fiscal agent to two regional agencies each, once MRRJ is its own fiscal agent which should be occurring soon.

Ms. Beauregard met with City staff to talk about the issues around Staunton taking over as fiscal agent. There were several concerns relayed to her:

1. Lack of a dedicated resource/staff to help with the logistics of being the fiscal agent. Mr. Hamp has expressed several times that it's been him, and him only, which has proven more and more difficult over time. Her concern is that Staunton would have the same situation given that the City Manager's Office is in a current state of transition and is down two people, including the Clerk of Council.
2. The same goes for how Staunton's public works staff would respond to calls for maintenance and emergencies, and to then drive to Lyndhurst in a timely manner to address issues. This would all require some special coordination and given current staffing issues this would further stress an already stressed department.
3. Being the fiscal agent adds an additional responsibility that would take away from Ms. Beauregard's ability to focus on the overall operations and short and long-term success of the shelter. As far as the Executive Committee's role the current MOU clearly states that the Executive Committee is the body that has the responsibility for the overall operation of the shelter and Ms. Beauregard is excited be part of that group wants to put 100% focus on her role as a member of the Executive Committee.

As a part of Augusta County government, the shelter budget will sit in its own fund, not the general fund, the expenses and revenues appropriated for the shelter are for the shelter only. Donations will be held for their intended purpose or appropriated later, again, for the shelter. There will be only shelter activity in the fund. Those interested can also make donations to the Friends of Shenandoah Valley Animal Services Center, which is a 501c3 already in place.

Ms. Beauregard's intention is to take Augusta County up on their offer to be the new fiscal agent for the shelter. And once the MOU is reviewed and updated, which will include the language about the new fiscal agent, that will come in front of each jurisdiction for their approval.

Mayor Oakes asked if Council had any questions or comments.

Vice Mayor Robertson asked if the shelter was able to receive animals again. Ms. Beauregard stated that they were.

Ms. Dull asked who was the dedicated person that worked for Augusta County. Ms. Beauregard stated that she is an assistant to the County Administrator and works with animal control operations. Ms. Dull also asked if there had been a discussion about maintaining the low kill rate of the shelter. Ms. Beauregard replied that the Executive Committee would be having that discussion.

Ms. Mead stated that the owners needed to take a hard look at the facility itself and that equipment needs to be updated, cabinets need to be replaced and that the ventilation of the building is extremely poor. Ms. Dull stated that there needs to be a consensus that all staff of the shelter need to be paid appropriately. Ms. Beauregard concurred with both Ms. Mead and Ms. Dull.

Ms. Darby asked when the next meeting would be. Ms. Beauregard stated that it would be during the week of February 21 and will be open to the public.

Council members did not have any further questions.

MATTERS FROM THE ACTING CITY MANAGER

Ms. Beauregard stated that she had three items to present to Council.

1. At the last Council meeting, staff provided an update on masking in City Hall. The Virginia Health and Safety Codes Board, which was supposed to meet on February 7, but they rescheduled their meeting for 10 a.m. on February 16. It will be held at either the Fairfield Library in Richmond or in the Patrick Henry Building in Richmond.
2. From February 16 – 18, the Virginia Local Government Management Association, also known as VLGMA, winter conference will take place at Hotel 24 South. VLGMA is the local government manager's state association. Ms. Beauregard been asked to make some welcoming remarks to the local government managers coming from around the state.
3. The sidewalk repairs at Gypsy Hill Park Duck Pond are set to begin next week. These are the areas that were damaged by the 2020 floods. Work will continue into the spring and summer, and visitors to the park need to be on the lookout for construction zones in those areas and impacts to parking. When the work is complete it will have significantly improved the resilience of the repaired areas in future flooding events, while still maintaining the historic appearance.

MATTERS FROM THE PUBLIC

Mayor Oakes read the following statement:

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

1. Please come to the podium or begin your call, identify yourself, and complete your remarks within 5 minutes. I will let you know when you’ve reached your 5 minutes. We ask that you please give your name, your address, and then keep your remarks at 5 minutes or less. When you reach the 5-minute time limit, I will let you know that your time limit has expired. If you continue to speak, I will ask you to step away from the podium or to end your call. If you continue to speak after I inform you that you have exceeded your time limit, I will, again, ask you to please stop speaking and step away from the podium or end your call. If you still continue to speak, I will ask the Clerk of Council to end your call, and if you continue to speak from the podium, you may be charged with disorderly conduct under Virginia Code § 18.2-415(A)(2).

2. This is a time for us as a Council simply to listen to your remarks. In an effort to encourage and maintain orderly conduct, we will not engage in give and take debate. If you are seeking information, you may mention it during your remarks and the City Manager or his staff may get in touch with you in the days ahead.

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

4. We expect every speaker to be civil and courteous. Using profanity, making personal attacks on an individual unrelated to the performance of their official duties on behalf of the City of Staunton, and doing anything that is disruptive to the orderly conduct of this meeting will not be tolerated.

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

If you wish, you may obtain a copy of the ground rules from our Interim Clerk of Council, Ms. Smith. And now, we welcome all speakers. The podium is now available for matters from the public as well as remote participants using the Zoom platform.”

Albino Fossa, 401 Bowling Street, encouraged Council to work together.

Amy Hammer, Augusta Dog Adoptions, thanked Council for their commitment to the Shenandoah Valley Animal Service Center (SVASC) and detailed how she was able to get a vet from Westwood Animal Hospital to check on the animals. She was able to obtain funding from Richmond Animals Care’s Tommy Fund. She stated that she would like to see a different person from Augusta County be the shelter liaison or that Staunton become the fiscal agent.

Nitch Narduzzi, South Jefferson Street, was excited that the City was moving forward with the Equity and Diversity Commission and was pleased that staff was working with Dr. Stacia.

Renee Clark, Cat’s Cradle, thanked Council for the localities agreeing to keep the shelter and asked that Staunton again consider being the shelter’s fiscal agent. She also spoke in favor of an advisory council to the shelter.

Ms. Crawford, Staunton resident, spoke against the Middle River Regional Jail expansion and believes the Matters from the Public portion of City Council meetings should be question and answer.

Vickie Floyd, Critter Haven, spoke in favor of Staunton serving as the fiscal agent of the shelter and a creation of the advisory board. She stated if the localities were able to fund getting the facility in shape, the volunteer organizations would fundraise for other costs.

Jean Frazier, SVASC volunteer, thanked the localities for working together and keeping the shelter. She shared that there is tension between the Augusta County animal control and the shelter staff so that is something that needs to be addressed. She also spoke in favor of the advisory committee.

596 There was no one else wishing to speak.

597

598 **ADJOURNMENT**

599

600 There being no further business to come before Council, the meeting adjourned at 10:08 p.m.

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602

603

604

605

Morgan C. Smith
Interim Clerk of Council

DRAFT

City Council
WORK SESSION
February 24, 2022
5:30 p.m.

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

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

Mayor Oakes stated, “On February 23, 2022, I received a request from Councilor Dull to participate remotely in the February 24, 2022 Staunton City Council meeting due to a family member’s medical condition that prevents her physical attendance at the meeting. I will now entertain a motion to allow Councilor Dull’s remote participation in this meeting pursuant to Staunton City Council Procedural Memorandum Number Three.”

Ms. Darby said, “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Dull to remotely participate in the February 24, 2022 Staunton City Council meeting due to a temporary medical condition.”

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

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

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

Vice Mayor Robertson arrived at 5:32 p.m.

1. Consideration of Work Session and Regular Meeting Agendas

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

Mr. Holmes moved to approve the Work Session agenda and the Regular Meeting agenda as presented.

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

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

50 **2. Roll Call**

51
52 Mr. Claffey asked City Attorney John Blair for clarification about how much time speakers can
53 have during Matters from the Public, as the topic recently appeared in a *News Leader* article. Mr.
54 Claffey asked specifically for legal ramifications to be explained if council did not follow
55 procedure.

56
57 Mr. Blair stated that the relevant rule regarded the time limit, however all the roles focus on
58 decorum. Mr. Blair stated that different governing bodies allow for different types of public
59 comment. Staunton City Council's public hearings are considered a limited public forum. The
60 mayor opens that public hearing, all the comments for that particular item have to be directed
61 toward the specific topic and no other topics can be discussed. It is the responsibility of the
62 presiding officer to remind the speaker to only discuss the topic to be addressed if the speaker
63 begins talking on another matter. If that person continues to speak after being asked to stop, the
64 presiding officer can ask that the speaker be removed from the podium because they are violating
65 the limited public forum that has been extended by the City Council for that topic.

66
67 Mr. Blair explained that Matters from the Public is considered an open public forum, which means
68 that so long as people discuss something related to the City of Staunton, they have five minutes.
69 The presiding officer must keep each speaker to the established five minutes or would be opening
70 the Council up to a First Amendment violation for viewpoint discrimination.

71
72 Discussion ensued regarding an individual within the community that had been attending, and
73 speaking at, multiple City Council meetings. Mr. Blair reiterated numerous times that the mayor
74 had no discretion to allow any individual to speak more than the established five minutes or
75 Council would be susceptible to a First Amendment violation for viewpoint discrimination.

76
77 Mayor Oakes asked that the topic of Matters from the Public be included on an upcoming agenda
78 for continued discussion.

79
80 Ms. Dull asked if there was an update on the animal shelter, specifically if the washing machine,
81 dryer and dish washer had been repaired and if the cabinets had been properly reinstalled. Acting
82 City Manager Leslie Beauregard replied that she had taken a tour of the facility yesterday and that
83 she believed the appliances were a work in progress. She stated that there was going to be a meeting
84 of the shelter owners tomorrow, so she would be able to provide more detail at a later time.

85
86 Mayor Oakes asked Council members if they had any further comments or questions.

87
88 Council members did not have any further questions.

89
90 **3. Closed Meeting for: (i) Discussion Regarding Specific Personnel Matters Involving**
91 **the Appointment of an Interim City Manager; and (ii) Discussion of the Award of a**
92 **Public Contract Involving the Expenditure of Public Funds, Which Includes**
93 **Interviews of Bidders**

94
95 Mr. Holmes moved to enter a closed meeting for: (i) discussion regarding specific personnel
96 matters involving the appointment of an Interim City Manager, pursuant to Virginia Code § 2.2-
97 3711(A)(1); and (ii) discussion of the award of a public contract to provide services for the City
98 Manager search involving the expenditure of public funds, which includes interviews of bidders

or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position of the City, pursuant to Virginia Code § 2.2-3711(A)(29).

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

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

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 and considered in the meeting.

The motion was seconded by Ms. Darby 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		

Mr. Claffey moved to contract with Baker Tilly to assist City Council in the search for the next City Manager.

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

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

Ms. Darby moved to amend the regular meeting agenda to add Item J Appointment of Interim City Manager.

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

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

The work session adjourned at 7:20 p.m.

Morgan C. Smith
Interim Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, February 24, 2022****7:30 p.m.****Rita S. Wilson Council Chambers**

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

ALSO PRESENT: Leslie Beauregard, Acting City Manager
John Blair, City Attorney
Morgan C. Smith, Interim Clerk of Council

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

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Vice Mayor Robertson.

MAYOR'S REPORT

Mayor Oakes shared that she attended a meeting of the Shenandoah Valley Workforce Development Board where they discussed working with businesses in order to help create a well-rounded employee. She took a tour of the Graphic Packing International facility at the Green Hills Industrial Park and encouraged that if there is an opportunity to take a tour, do so. Mayor Oakes also provided an update on Baldwin Jennings. Mr. Jennings is a long-standing member of the City Council audience but has been unable to attend for the past few months due to an illness. He is on the mend and will be returning soon.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Mr. Claffey shared that the Economic Development Authority had voted Joe Leigh to be chair of the authority and that Alison Denbigh would be vice chair. He also stated that the tentative date for the Economic Development's public forum on Staunton Crossing would be held on March 31, 2022.

There were no additional items from members of Council.

APPROVAL OF MINUTES

Mr. Holmes moved to approve the Special Meeting minutes of February 2, 2022 as presented.

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

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

REGULAR MEETING

A. Public Hearing and Consideration of Franchise Ordinance for Easement for Electrical Facilities at Gardner Spring Pump Station

Director of Public Works Jeff Johnston stated that the city is on the verge of building a new pump station at Gardner Spring and in order to build the facility, power will need to be provided and will have to cross city property to the new location. The city has solicited bids to find a company interested in using an easement across city property to provide power to the facility. One bid was received.

Mayor Oakes opened the bid envelope and read aloud the summary that was submitted by Virginia Electrical and Power Company of Virginia Public Service Corporation, doing business as Dominion Energy. She asked if anyone in the audience would like to present a bid.

There was no one wishing to submit a bid. Mayor Oakes declared the bidding closed.

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 will 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. We 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.

Vice Mayor Robertson moved that City Council adopt the franchise ordinance, as presented, granting to Dominion Energy Virginia a franchise for an easement to place electrical equipment and other facilities across City-owned property located at 230 Hundley Distillery Road, located in the County of Augusta, as set forth in the ordinance and annexed right of way agreement.

The motion was seconded by Mr. Claffey.

Ms. Dull stated Council should support this bid. Mr. Johnston stated that part of the project will be to install an emergency generator at the location so that the city will not be solely dependent on electricity from Dominion in case of an emergency.

The motion carried as follows:

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

Ordinance No. 2022-06

AN ORDINANCE

To grant to Dominion Energy, a public service corporation doing business in the Commonwealth of Virginia (SCC#0063172), its successors and assigns, under the Code of Virginia, the right, for the term and upon the conditions stated in this ordinance and incorporated agreement, an easement authorizing the placement and maintenance of its electrical equipment and facilities across 230 Hundley Distiller Road, and for that purpose to use, erect, install, construct, repair, alter, add to, inspect, replace, reconstruct, maintain, or retain within the easement such wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith, or other related property, equipment, or fixtures as may be necessary, useful, or appurtenant to the electrical equipment and facilities, and to provide such services over the electrical equipment and facilities as may be lawfully allowed.

Recitals

A. By deed dated May 14, 1935, ("Deed") and recorded in Deed Book 270 Page 96, in the Clerk's Office of the Circuit Court of the County of Augusta, S.H. Gardner and Katie Gardner and Nettie B. Cook and F.B. Cook conveyed unto the City of Staunton, a municipal corporation of the Commonwealth of Virginia, all of that certain tract or parcel of land, together with all improvements thereon, and all rights, privileges and appurtenances thereunto belonging, situate in Pastures District, Augusta County, Virginia, lying on Middle River, and more particularly described in the Deed, a copy of which is annexed and incorporated by reference (**Exhibit A**).

B. The property houses the Gardner Spring Pump Station which provides water to the City of Staunton;

C. As part of the Gardner Spring Pump Station upgrade project, Virginia Electric and Power Company (DBA Dominion Energy Virginia) has requested a utility easement across a portion of City-owned property located at 230 Hundley Distiller Road, in the form of a Right of Way Agreement (Agreement), annexed and incorporated by reference (**Exhibit B**);

D. Consistent with Chapter II, Section 11, of the City Charter, Staunton City Code § 2.10.190 and the provisions of Virginia Code Sections §§ 15.2-2100, 15.2-2101, the City may grant easements for a period of not longer than forty years;

E. Pursuant to § 15.2-2101(A) of the Code of Virginia, before granting any franchise, privilege, lease or right of any kind to use any public property described in § 15.2-2100 or easement of any description, for a term in excess of five years, except in the case of and for a trunk railway, the city or town proposing to make the grant shall advertise a descriptive notice of the ordinance proposing to make the grant once a week for two successive weeks in a newspaper having general circulation in the city or town;

F. This matter was properly advertised once a week for two successive weeks in the *Staunton News Leader* on February 10, 2022 and February 17, 2022;

G. The Staunton City Council, at its February 24, 2022 meeting, conducted an opening of any bid(s);

H. The Staunton City Council conducted a public hearing on February 24, 2022, on the proposed ordinance and Agreement and any bid(s);

I. The provisions of Virginia Code § 15.2-2100 and Staunton City Code § 2.10.180 require a recorded affirmative vote of three-fourths of all the members elected to Council to grant, lease, sell or otherwise dispose of public property;

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that it authorizes the grant and conveyance of the utility easement as contemplated in the proposed Agreement, for a term not to exceed forty years; and

BE IT FURTHER ORDAINED that the City Manager of the City of Staunton, Virginia, is authorized to make minor modifications to the Agreement and to execute such proposed instrument on behalf of the City of Staunton, Virginia, as advised by the City Attorney of the City of Staunton, Virginia, and take all other reasonable actions in exchange for full execution by the other parties and receipt by the City of Staunton, Virginia, in a form satisfactory as determined in the sole discretion of the City Attorney.

Introduced: February 24, 2022

Adopted: February 24, 2022

Effective Date: February 24, 2022

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

197
198 ATTEST: /s/Morgan C. Smith

199 **INTERIM CLERK OF COUNCIL**
200
201

202 **B. Public Hearing and Consideration of an Ordinance to Partially Exempt from Real**
203 **Estate Taxation by Classification or Designation Property Located at 914**
204 **Middlebrook Avenue in the City of Staunton, Virginia and Proposed to be Developed**
205 **by Middlebrook Trace II VA LLC as Middlebrook Trace II**
206

207 Senior Planner Rodney Rhodes stated that Middlebrook Trace II proposes to develop an 82-unit
208 apartment complex at 914 Middlebrook Avenue that will serve low and moderate income families.
209 Middlebrook Trace I was approved in March 2021 for a similar 82 units and that part of the
210 development is currently in the review process. At that time Council adopted an ordinance partially
211 exempting the property as a revitalization area and authorized the city manager to send a letter of
212 support for the allocation of tax credits. Middlebrook Trace II is asking for the same. Three months
213 ago, Council approved the application to rezone this portion of the property R4-High Density
214 Residential Conditional.
215

216 The requested tax abatement is for \$2,000 a year for a period of three years. The City Assessor
217 stated that based on the proposed value of \$15.8M and the current city tax rate, the project would
218 be expected to generate additional tax revenue in the amount of \$145K annually.
219

220 The need for low and moderate income housing has been well established in various city plans and
221 quality affordable housing benefits the city. Therefore, staff recommends adoption of the proposed
222 tax abatement and the proposed support letter.
223

224 Mayor Oakes asked if Council had any questions or comments.
225

226 Vice Mayor Robertson asked for clarification about the requested tax abatement. Mr. Rhodes
227 stated that the abatement is for \$2,000 off of the total amount due each year, for a period of three
228 years.
229

230 Ms. Mead asked if all the units are considered low income at or below the Area Median Income
231 (AMI), or if just a portion of the project is designated that way in order to get the housing credits.
232 Mr. Rhodes stated that it was his understanding that all of the units would fit that description, but
233 he asked that Jen Surber, representative for the develop that was participating remotely, would
234 address that question in more depth. Ms. Mead also asked how long the units would be designated
235 low to moderate income. Ms. Surber replied that all of the units at Middlebrook Trace are
236 designated for incomes below 80% of the AMI. The initial compliance period is 15 years, but it is
237 their intent to keep them in service to that community for the life of the property.
238

239 Vice Mayor Robertson asked if there was a plan to have sidewalks put in from that property to
240 make it easily walkable to downtown. Mr. Rhodes responded that there is a requirement that
241 internally there be pedestrian access from the units to Middlebrook Avenue, but at this time there
242 is nothing proposed that would extend along the city's public right of way and into downtown. He
243 stated that it is in the Bicycle and Pedestrian Plan for bike routes into town from that location.
244
245

Mr. Holmes asked if it would be possible to extend BRITE bus service to that area as the current stop is four or five blocks away. Mr. Rhodes stated that he had brought that matter up to the Central Shenandoah Planning District Commission and that will be a topic for discussion since there will be more housing coming to the Middlebrook area.

Council members did not have any further questions.

Mayor Oakes opened the public hearing.

Albino Fossa, 401 Bowling Street, asked that Council make sure they understood what they were voting on before they did so.

Allison Profeta, Farrier Court, stated that she was happy to hear the City of Staunton was making a move toward increasing the affordable housing in the rea.

Sara Hollberg, asked that attention be made to connect other parts of the parcel to Moore Street and other parts of the city so that it was not a closed off development.

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

Ms. Dull moved that City Council, pursuant to Virginia Code § 58.1-3219.4, adopt the proposed ordinance, partially exempting from real estate taxation property located at 914 Middlebrook Avenue in the City of Staunton, Virginia and proposed to be developed by Middlebrook Trace II VA LLC as Middlebrook Trace II, as presented.

The motion was seconded by Mr. Holmes.

Ms. Mead stated that she hopes the city can do more infill housing to meet the need for low income citizens so that not all of the low income people were in the same location.

Ms. Dull and Mayor Oakes agreed with Ms. Hollberg, and ask that city staff make sure there is a way that the development is made accessible via sidewalks to the rest of the city.

The motion carried as follows:

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

Ordinance No. 2022-07

**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 II VA LLC
AS MIDDLEBROOK TRACE**

Recitals

A. Middlebrook Trace VA LLC 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), and at its regularly scheduled meeting March 11, 2021, City Council adopted Ordinance 2021-08 authorizing the partial tax exempt status. Additionally, Council adopted a resolution designating the Property as a Revitalization Area;

B. Middlebrook Trace II VA LLC (Middlebrook Trace II) 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 a proposed second phase of development of the Property;

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

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;

E. On February 24, 2022, Council held a public hearing in accordance with notice duly and lawfully published in *The News Leader*;

F. 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 February 24, 2022, pursuant to public notice, the Council examined and considered Middlebrook Trace II'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 2021, and the cost of the second phase of proposed improvements for development, as represented by Middlebrook Trace II, is expected to be Fifteen Million Eight Hundred Thousand and No/100 Dollars (\$15,800,000.00).

B. The real property taxes that were paid by the Property's owner for tax year 2021, were Two Thousand Three Hundred Seventeen and 34/100 Dollars (\$2,317.34). The increase in value attributable to the second phase of proposed improvements for development

could result in an increase of the amount of total tax on the Property in the amount of One Hundred Forty-Six Thousand Nine Hundred Forty and No/100 Dollars (\$146,940.00).

C. Middlebrook Trace II 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 II 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 II from real property taxes assessed against the Property in the total amount of Two Thousand and No/100 Dollars (\$2,000) annually for a period of three (3) tax years from the date of final completion of the second phase 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. This exemption is supplementary to and does not replace the exemption granted by Council on March 11, 2021.

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

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

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

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

Introduced: February 24, 2022

Adopted: February 24, 2022

Effective Date: February 24, 2022

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Morgan C. Smith

INTERIM CLERK OF COUNCIL

C. Consideration of Authorization of Acting City Manager to Execute and Deliver to Virginia Housing Development Authority a Letter in Support of Allocation of Tax Credits to Middlebrook Trace II VA LLC

Ms. Darby moved that the Acting City Manager be authorized and directed to prepare and send to Virginia Housing a letter, substantially in the form attached as Attachment 4, supporting the allocation of federal housing tax credits requested by the developer for the proposed development, as presented.

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

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397

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

398 Mr. Rhodes clarified that when the property was rezoned in December, there was a requirement
399 that there would be an internal pedestrian path to Moore Street as well as Middlebrook Avenue,
400 but that only emergency vehicles would be able to access the property from Moore Street.
401

402

403 **D. Consideration of an Ordinance Correcting Previously Adopted Ordinance 2021-31**
404 **with Erroneous Measurements Closing, Vacating, Discontinuing and Abandoning a**
405 **Portion of Unopened Montgomery Street Located Between 301 Fayette Street (PID**
406 **6733) and 522 Stuart Street (PID 933) on the North and 309 Fayette Street (PID 2557)**
407 **on the South**
408

409 Mr. Rhodes stated that on October 14, 2021 City Council conducted a public hearing and
410 considered a request by Barbara Whipple and Paul Kazarov to vacate and abandon an undeveloped
411 section of Montgomery Street. Council unanimously adopted an ordinance of vacation. However,
412 since this ordinance was adopted, there was an erroneous measurement that the street was 123.72
413 feet when it is actually 139 feet. The City Attorney has redrafted the ordinance for approval.
414

415

416 Mayor Oakes asked if Council had any questions or comments.
417

418

419 Council members did not have any questions.
420

421

422 Ms. Dull moved that City Council adopt the revised ordinance of vacation, as recommended by
423 staff.
424

425

426 The motion was seconded by Vice Mayor Robertson and carried as follows:
427

428

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

429

430

Ordinance No. 2022-08

431

432

AN ORDINANCE
CORRECTING PREVIOUSLY ADOPTED ORDINANCE 2021-31 WITH ERRONEOUS
MEASUREMENTS

433

434

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

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Recitals

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

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

C. Paul W. Kazarov, Barbara Whipple and Clara A. Kazarov are the owners of 309 Fayette Street, identified as City of Staunton PID 2557, and sought to close the portion of the unopened Montgomery Street located to the north of their property and to the south of 301 Fayette Street, identified as City of Staunton PID 6733, and 522 Stuart Street, identified as City of Staunton PID 933, consisting of an area of approximately forty feet (40') in width and one hundred thirty nine and eleven hundredths feet (139.11') in length;

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

E. This matter was previously properly advertised, heard, and considered, and City Council adopted Ordinance 2021-31 on October 14, 2021, which erroneously noted the portion of the street to be vacated as being only 123.72 feet in length, omitting a 15.39 feet portion of the street. This ordinance seeks to correct that error, recognizing that the intent was to vacate the entire 139.11 feet lengthwise portion of the street;

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

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

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

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

The portion of a 40 feet wide street running a distance of 139.11 feet adjoining City Tax Map Parcels 2557, 6733 and 933,

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

Introduced: February 24, 2022

Adopted: February 24, 2022

Effective Date: February 24, 2022

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Morgan C. Smith

INTERIM CLERK OF COUNCIL

E. Communications and Engagement Update

Communications Manager Michelle Bixler stated that she was excited to share what she had learned in her first 11 months as Communications Manager and along with strategies that the organization could consider moving forward. Twenty-five years ago, outward communications were limited to print, television and radio. Since that time one major piece has been added to the landscape, the internet. People now have constant access to the internet and it has dramatically shifted the landscape, not only because of the instant access but now those lines of communication go both ways.

Ms. Bixler provided the definition of social media and noted that currently 72% of the adult public uses some type of social media. She shared that in the past communications departments would send out a media release and perhaps a press kit with additional content like bios or an organization profile. Now a release is sent to the media, but it is also shared on the website as a news item, and perhaps there is a slide for the homepage of the site, and then there would be a post on social media including Facebook, Twitter, LinkedIn and perhaps even YouTube. Once that communication is sent out responding to those social media questions and comments make the topic live on forever. She stated that the amount of communication channels she mentioned is just the basic levels of engagement to provide. It is no longer acceptable to have an old school approach to communications. The megaphone method needs to be combined with engagement. Council has identified in the Staunton Plan that the city will work to involve in the process those who will be impacted by the decision.

During the first three to four months of employment, Ms. Bixler spent time reviewing the former communication manager's communications plan and the tools she had developed — a style guide, citizen survey, website, Citizen University — and some of the tools available — eNotifications, Staunton Alert Messaging and social media channels. She also looked at the current social media policy and media relations policy. She took time to interview members of the city's management team and other leaders as well as held listening sessions with a smattering of members of the community.

Current Communications Efforts

- Website still in good shape although it is six years old.
- The eNotifications are done through the city website; they are incredibly limited and she has stopped using them.
- Staunton Alert Messaging (SAM) are the texts that get sent to those who have signed up for the platform. This is really designed for emergency purposes, not for general outreach and it lives with police and fire. Public works used to use the service, but she does not believe it is used for non-emergency issues any longer.
- Media releases are a proactive way of encouraging the media to cover stories. The release reads like a news story in an effort to encourage media folks to just pick it up and print or read it.

- The governmental access and educational access channels live in the IT department. From she understands, staff only know of one viewer and because of that, staff are not spending a lot of time and energy making programming changes. The channels currently broadcast public meetings live and also play the Valley Voice — a service that reads portions of local newspapers.

Current City Engagement

- Facebook and Twitter
- LinkedIn
- YouTube
- Citizen University
- Citizen Survey

Ms. Bixler mentioned that the communications manager is a shared position with Staunton City Schools, which is not a common practice in local government. She opined that she is looking forward to getting Citizen University started again and she intends to evaluate the efficacy of the program and see if there is a way to make it available to more members of the community.

Future Communications Efforts

- Upgrading the eNotifications system to an eNewsletter style of communication, covering multiple topics in the emails, not just a single item. This would allow the city to be more proactive with messaging.
 - Making sure the new system has an SMS component.
- Creating a Social Media Users Group (SMUG). This has already been implemented. Ms. Bixler learned very quickly after joining the team that communications needed more capacity and the quickest and best way to achieve that was going to be through collaboration with colleagues. SMUG meets on a monthly basis and so far, has been working on the social media and media relations policies.
- The “A Team” is a group of volunteers from all over the organization that will be participating in skills training and leadership development in an effort to help the City of Staunton get to the next level of community engagement, communications and innovation.
- Creation of a speaker’s circuit. Creating a list of civic organizations that city staff can visit when there is a particular topic of interest about which to speak and/or gather public feedback. This is listed as an engagement opportunity because generally there are opportunities for questions and answers, and one on one conversations, making them meaningful experiences.
- Longer term projects and programs, meaning fiscal year 2024 and beyond, might address some of the other challenges the city is facing.
 - For example, in light of the minimal number of media outlets available, staff is also considering ways to tell more purposeful stories through long form media.
 - Two ways that seem achievable through partnership might be a podcast that could be made available to anyone with a smart phone,
 - Or with additional effort, some type of print newsletter or zine that staff could make available anywhere people gather.
 - Either of those projects could be a collaboration between multiple public agencies or perhaps a different arrangement with private partners.
 - Another way for staff to meet people where they are is to develop a mobile engagement station. The idea is that the station catches the eye and it contains tools for engaging the public — mobile hotspot, easels, wipe boards, sandwich boards,

projector, speaker, iPads, etc. The station could be present at events or maybe even just the laundry mat, depending on who staff is trying to reach, and connect with the community.

Mayor Oakes asked if Council had any questions or comments.

Ms. Mead asked for a starting point to measure the success of the communications department. How many people are signed up for eNotifications and is there a way to determine how many citizens the city is currently engaging. Ms. Bixler replied that there are roughly 981 people signed up for eNotifications and she is certain that number could be doubled with a different platform and more engaging and interesting content. She stated that she is not pushing the feature, but that citizens can still sign up for the notifications, so staff is still collecting the data. She does not expect a tremendous amount of growth on social media but that the city has a lot of room for improvement. There is not a lot of capacity on staff for developing engagement because communications is not a matter of just hitting a button. There is research, there is writing, there is pre-development and development, there is actual production, and then there is distribution. Even something as simple as a Facebook post takes multiple steps. Ms. Bixler stated that part of what is A-Team is doing, is helping other departments build those skills so that they can play a part. Ms. Mead stated that she wants make sure the people's voices are heard and that they have input. Ms. Bixler agreed that was a fair criticism and that the city could do much better.

Mr. Claffey asked how many people are contacted in the school system as that seems to be an effective correspondence method to reach the community. Ms. Bixler stated that she did not know how many people are in that system. She shared that the schools have a newsletter that goes out to parents and everyone that is affiliated with the school district, that the city could tap into reach one of the largest portion of the city's constituents.

Ms. Dull stated that the city is doing a disservice to citizens because of the difficulty to find information on the website. Ms. Bixler concurred.

Council members did not have any further questions.

F. Consideration of Resolution for Establishment of Equity and Diversity Commission

Acting City Manager Leslie Beauregard stated that on February 10, 2022 council discussed the establishment of a commission and specific items related to the membership of the commission and reporting deadlines. It was agreed upon that the commission would have between 11 to 15 members and that December 2022 and December 2023 are the dates for the commission to update council on its activities and for the commission to present its final report to council. The resolution provides that Dr. Robin Stacia and the acting/interim city manager will develop an application for individuals interested in serving on the commission and that council will convene as a committee to review applications and make recommendations for appointment.

Ginny Newman, director of the Office on Youth, and Library Director Sarah Skrobis have been recruited to help with tasks on the commission and Ms. Bixler will play a key role in community outreach. The Equity and Diversity Commission webpage will incorporate the application process and the form that will be used. Dr. Stacia will be coming up with language and questions for the application and Ms. Beauregard will share that with council once she has reviewed it. The application process will be open for a month, early March to April and that timeline tracks with

the last committee that was created. Applicant interviews would occur in late April and early May so that the commission can be named by May 26.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Ms. Dull moved that City Council adopt the proposed resolution to establish an Equity and Diversity Commission with the dates and membership determined by City Council at the February 10, 2022 meeting.

The motion was seconded by Ms. Mead 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		

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA,
TO ESTABLISH AN EQUITY AND DIVERSITY COMMISSION**

Recitals

A. The provisions of Virginia Code Section 15.2-1411 and Staunton City Charter, Chapter II, Section 11, Paragraph Twenty-First, authorize the Staunton City Council ("Council") to establish advisory boards and commissions.

B. The Council received a report from the Staunton Branch of the National Association for the Advancement of Colored People at its August 12, 2021 meeting requesting the establishment of an equity and diversity commission.

C. The Council unanimously adopted a motion at its August 12, 2021 meeting to establish the City of Staunton Equity and Diversity Commission ("Commission").

D. This resolution memorializes the establishment of the Commission, as a public body, and outlines the parameters for its membership, function, and expected work product that will benefit Council and the City of Staunton as the City seeks to understand and implement policies, programs, and procedures to address social and racial equity within the City.

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, as follows:

1. The Commission is established and will be composed of 11–15 members, one of whom will be named by the constituent members as the Chair and another of whom as the Vice Chair to help lead the Commission. The Commission will be a public body subject to the

applicable requirements of the Virginia Freedom of Information Act and members of the Commission should be aware of those requirements.

2. The Acting/Interim City Manager, in consultation with Dr. Robin Stacia will develop an application for individuals interested in serving on the Commission. The entire Council will convene as the Nominations Committee as a "Committee of the Whole" and recommend candidates to Council to serve on the Commission. Council, upon recommendation of its Nominations Committee of the Whole and in consultation with the Interim City Manager, Assistant City Manager, or designee, will appoint the initial members of the Commission by not later than May 26, 2022. Members of the Commission will be selected such that the members will bring a diversity of backgrounds and perspectives to the Commission. Members of the Commission shall serve terms of two years commencing upon the date of their appointment by Council. Council Member Mead shall serve initially as the Council's Liaison to the Commission.

3. The Commission is initially charged with objectively evaluating existing data, studies, and reports from available sources concerning social and racial equity in the City of Staunton that evaluate social determinants and inequitable outcomes within the City of Staunton. The Commission's initial charge shall also include data collection and research that evaluate the same outcomes. The Council will appropriate funds to establish a budget for the Commission to conduct its data collection and research.

4. The Commission will be supported by the City Manager, Assistant City Manager, or designee, as well as other City staff to the extent that information is needed, with access to City financial and other records and reports.

5. The Commission shall conduct at least one public hearing and other community conversations to receive input from City residents concerning racial and social equity.

6. The Commission shall compile a report for the Council consisting of its analysis of existing data, studies, and reports concerning racial and social equity as well as its own research and data collection efforts on the topic. The report shall also contain a summary of all public comments received by the Commission at its public hearing(s) as well as any other communications it receives from Staunton residents concerning racial and social equity. The report shall include recommendations to the Council (a) about specific inequitable social and racial outcomes within the City of Staunton, and (b) for a proposed framework (Strategic Plan) for the Commission to pursue in the next 12 to 18 months to address specific factors that may contribute to inequitable racial and social outcomes.

7. The Commission will be expected to provide an update on their work to City Council not later than December 2022 and complete its initial work and submit its report to Council not later than December 2023. Council then will schedule and hold a public hearing on the report.

8. Subsequent to receiving the Commission's report and its public hearing on the report, the Council will assign further duties to the Commission.

/s/Andrea W. Oakes

ANDREA W. OAKES, MAYOR

ATTEST: /s/Morgan C. Smith

INTERIM CLERK OF COUNCIL

G. Consideration of Virginia Department of Transportation Blanket Resolution for Signature Authority and Funding Commitments

Mr. Johnston stated that this was a relatively straightforward issue. The city has a number of projects that are completed with VDOT and there is a lot of paperwork that goes along with those projects. This resolution will authorize the City Manager to complete the paperwork on behalf of council. This was last done in 2016 and VDOT likes to see this renewed every four years or so.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Vice Mayor Robertson moved that City Council adopt the proposed resolution authorizing the City Manager or Acting/Interim City Manager to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

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

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

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
FOR BLANKET PROJECT FUNDING COMMITMENT AND
FOR BLANKET SIGNATURE AUTHORITY FOR TRANSPORTATION PROJECTS
UNDER AGREEMENT WITH THE VIRGINIA DEPARTMENT OF
TRANSPORTATION**

Recitals

A. The City of Staunton administers transportation projects under agreement with the Virginia Department of Transportation;

B. The City of Staunton desires to provide clear commitment for funding these transportation projects and clear signature authority for signing the Project Administration agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that:

1. the City of Staunton hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under

780 agreement with the Virginia Department of Transportation in accordance with the
781 project financial document(s).

- 782 2. the City Manager or Acting/Interim City Manager is authorized to execute all
783 agreements and/or addendums for any approved projects with the Virginia
784 Department of Transportation.

785
786 Adopted this 24th day of February, 2022.

787
788 /s/Andrea W. Oakes

789 **ANDREA W. OAKES, MAYOR**

790
791 ATTEST: /s/Morgan C. Smith

792 **INTERIM CLERK OF COUNCIL**

793
794
795 **H. Consideration of Lease Agreement between the Shenandoah Valley Juvenile Center**
796 **and the City of Staunton**

797
798 Ms. Beauregard stated the juvenile center is a regional facility providing for the temporary care
799 and supervision of juvenile offenders detained or sentenced by order of the court. SVJC secures
800 custody of detained and sentenced children and provides medical care, education, recreation, arts
801 and crafts and counseling services. SVJC member lease agreements were last executed in 1999 as
802 part of the process to secure funding for the current facility. The term of those leases has expired.
803 The SVJC Commission, in consultation with both member and commission counsel have reviewed
804 and updated the lease for consideration of approval by respective governing bodies. The lease is
805 expressly for the leasing of beds and housing eligible juveniles and is for a 10-year term with the
806 option of two, five-year renewal terms. The proportionate share of each jurisdiction's costs is
807 determined by the same formula utilized in the lease agreement. As required by Virginia law, the
808 lease is subject to council's annual appropriation of funds to SVJC and in FY2022 Staunton's share
809 was about \$131,000. Rockingham County and the City of Harrisonburg have already approved the
810 resolution

811
812 Mayor Oakes asked if Council had any questions or comments.

813
814 Ms. Mead asked why the city's share of funding was going to double from FY 2022 to FY2023
815 and why there was a disproportionate share of funding from the federal government and if there is
816 a decrease in federal funding, what kind of impact that will have on the localities. Ms. Beauregard
817 replied that she was going to have to be in communication with Chief Finance Officer Phil Trayer
818 and would get answers to the questions.

819
820 A discussion ensued regarding the city's share of funding SVJC and whether or not to support the
821 resolution. It was determined that council could go ahead and vote on the lease agreement as
822 funding was a separate issue.

823
824 Council members did not have any further questions.

825
826 Vice Mayor Robertson moved that the proposed lease agreement be approved and the Interim City
827 Manager be authorized to execute the agreement with such modifications and in final form as
828 approved by the Interim City Manager and City Attorney.

The motion was seconded by Mr. Holmes.

Ms. Darby stated that pursuant to Staunton City Code section 2.10.130 she would be abstaining from voting on this matter due to an appearance of a conflict of interest, as she is affiliated with the Virginia Department of Juvenile Justice.

The motion carried as follows:

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

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
REGARDING
LEASE OF SPACE FROM
SHENANDOAH VALLEY JUVENILE CENTER COMMISSION**

Recitals

A. The Shenandoah Valley Juvenile Center Commission (the Commission) is a public body corporate duly formed under the provisions of Article 13, Chapter 11, of Title 16.1 of the Code of Virginia 1950, as amended;

B. The members of the Commission consist of the Cities of Harrisonburg, Staunton, Lexington, and Waynesboro, and the Counties of Augusta, Rockingham, and Rockbridge;

C. The Commission operates a center (the Center) to house juvenile detainees, which Center is located in Augusta County, Virginia;

D. The City of Staunton, Virginia leases bed space within the Center for the purpose of housing eligible juveniles;

E. The existing lease agreements between the Commission and its members were last executed in 1999 and are in need of renewal; and

F. The Commission proposes to enter into new leases with each of its members for an initial term of ten years, followed by two five-year renewal terms, and with other terms substantially similar to the prior leases and which reflect the Commission's current operations and dealings with its members.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that:

1. The lease agreement with the Shenandoah Valley Juvenile Center Commission is hereby approved in the form attached hereto as Exhibit A, with such changes as may be approved by the City Manager.

- 878
879 2. The City Manager or their designee is authorized to sign and deliver the lease agreement
880 and to take any such other actions as may be reasonable and necessary to affect the purpose
881 of this Resolution.
882

883 Adopted this 24th day of February, 2022.
884

885 /s/Andrea W. Oakes

886 **ANDREA W. OAKES, MAYOR**
887

888 ATTEST: /s/Morgan C. Smith

889 **INTERIM CLERK OF COUNCIL**
890
891

892 **I. Appointment and Employment of City Clerk**
893

894 Ms. Beauregard stated that this was the official action that City Council must take to appoint a city
895 clerk under the provisions of its charter in Chapter 2.3 of the City Code. Council appoints a city
896 clerk who serves as clerk of council, clerk of the Planning Commission, clerk of the Board of
897 Zoning Appeals and other boards and commissions that council may designate.
898

899 Mayor Oakes asked if Council had any questions or comments.
900

901 Council members did not have any further questions.
902

903 Vice Mayor Robertson moved that Council appoint and employ Kiley Kesecker as city clerk
904 effective February 24, 2022.
905

906 The motion was seconded by Mr. Claffey and carried as follows:
907

908 Ms. Mead	aye	Ms. Darby	aye
909 Mr. Holmes	aye	Mayor Oakes	aye
910 Mr. Claffey	aye	Vice Mayor Robertson	aye
911 Ms. Dull	aye		

912

913 **J. Appointment of Interim City Manager**
914

915 Mr. Blair stated that before them was a resolution that would appoint Ms. Beauregard as interim
916 city manager. The resolution authorizes the mayor and Ms. Beauregard to enter into a contract
917 for her services as the interim city manager for the City of Staunton.
918

919 Mayor Oakes asked if Council had any questions or comments.
920

921 Ms. Dull pointed out that Ms. Beauregard is the first woman city manager in the City of
922 Staunton.
923

924 Council members did not have any further questions.
925

Ms. Darby moved that Council appoint Ms. Leslie Beauregard as the Interim City Manager for the City of Staunton.

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

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

MATTERS FROM THE INTERIM CITY MANAGER

Ms. Beauregard shared that two City of Staunton custodial workers, Debbie McCray and Lisa Lambert were the ones that noticed that the Rask Florist building was on fire and called 9-1-1. Ms. Lambert made the call as Ms. McCray ran into the adjacent apartment building and knocked on doors to notify the occupants. Ms. Beauregard stated “Both Debbie and Lisa take great pride in taking care of Staunton, care that clearly extends beyond assigned duties.”

Ms. Beauregard stated that city economic development staff submitted a grant application to the Virginia Department of Housing and Community Development under its Industrial Revitalization Fund program on behalf of The Arcadia Project. Funds will be used to update Arcadia’s market study, develop construction documents, and create financial and capital development plans. The program requires no match. The effort is being led by Pamela and Thomas Wagner. When awarded, a full presentation will be provided to City Council.

The tourism department is working with a new digital marketing agency to update and redesign the tourism website, www.VisitStaunton.com, and it will launch in summer 2022 with new features and design elements to showcase Staunton and inspire travel.

The Office on Youth, a regional agency whose mission is to promote collaborative efforts among youth and family service agencies to encourage positive youth development for youth in our community, received the Department of Criminal Justice Juvenile Justice and Delinquency Prevent Act Title II – Promising Youth Opportunities grant. The grant, in the amount of \$127,130, will provide additional diversionary, pre-trial and detention alternatives for truant youth. Running January 2022 through June 2023, the grant will add a full and part-time staff person and expand the Office on Youth’s current truancy prevention program and create a multi-disciplinary truancy board.

Ms. Beauregard also shared that on February 23, 2022 Governor Youngkin recognized recipients of the 2021 Governor’s Fire Service Awards. City of Staunton Fire and Rescue Chief Scott Garber received Fire Chief of the Year. Chief Garber is not able to be in attendance, so he will be formally recognized at the March 10 meeting. She read the statement made about Chief Garber: “Under his leadership, Chief Garber has demonstrated for many years how greatly he cares for the community that he serves. He has continued his support of the Firefighters for Literacy program that was developed by the department in 2019. Chief Garber enables the department to interact and form pivotal relationships with the community. Leadership and inspiring confidence are common themes with Chief Garber. He has not only dedicated his time to the department, but also to educating others around the Commonwealth, as he instructs more than 20 classes each year around the state. He goes above and beyond to advocate for members of the department and works

975 tirelessly to ensure that staffing needs are met. Colleagues say they know Chief Garber has the
976 entire department's best interest at heart and that is something they all benefit from."

977
978
979 **MATTERS FROM THE PUBLIC**
980

981 Mayor Oakes read the following statement:
982

983 "This part of City Council's agenda is entitled "Matters from the Public." It is a time that Council
984 sets aside to hear from citizens and others about a wide variety of subjects. Before we begin, I'd
985 like to share five basic ground rules that we ask you to respect as you make your remarks:
986

987 1. Please come to the podium or begin your call, identify yourself, and complete your remarks
988 within 5 minutes. I will let you know when you've reached your 5 minutes. We ask that you
989 please give your name, your address, and then keep your remarks at 5 minutes or less. When you
990 reach the 5-minute time limit, I will let you know that your time limit has expired. If you continue
991 to speak, I will ask you to step away from the podium or to end your call. If you continue to speak
992 after I inform you that you have exceeded your time limit, I will, again, ask you to please stop
993 speaking and step away from the podium or end your call. If you still continue to speak, I will ask
994 the Clerk of Council to end your call, and if you continue to speak from the podium, you may be
995 charged with disorderly conduct under Virginia Code § 18.2-415(A)(2).
996

997 2. This is a time for us as a Council simply to listen to your remarks. In an effort to encourage and
998 maintain orderly conduct, we will not engage in give and take debate. If you are seeking
999 information, you may mention it during your remarks and the City Manager or her staff may get
1000 in touch with you in the days ahead.
1001

1002 3. We ask that you direct your comments to Council as a whole and not to identify members of
1003 Council or to an individual employee of the City. If you want to take up an issue with an individual
1004 member of Council or an employee, please speak with us before or after the meeting. We are also
1005 accessible by phone, mail or email. Again, we ask that you direct your comments to the Council
1006 as a whole.
1007

1008 4. We expect every speaker to be civil and courteous. Using profanity, making personal attacks
1009 on an individual unrelated to the performance of their official duties on behalf of the City of
1010 Staunton, and doing anything that is disruptive to the orderly conduct of this meeting will not be
1011 tolerated.
1012

1013 5. Finally, as the presiding officer, it is my duty to remind you that if you choose not to abide by
1014 these ground rules, I may find that you are out of order and will ask you to withdraw from the
1015 podium or to end your call. We certainly do not want to reach that point and even beyond, so we
1016 respectfully ask for your full cooperation in observing these guidelines.
1017

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.”

Michelle Chirieleison, 241 Thornrose Ave, appreciated the generous amount of time that Council allotted to the consideration of how they deal with the enforcement of time limits during Matters from the Public.

Allison Profetta, Farrier Court, stated that Ms. Bixler has been doing a great job and everything she mentioned in her presentation will be beneficial to the city. Ms. Profetta believes citizens are treated differently during Matters from the Public and that everyone should be treated the same.

Albino Fossa, 401 Bowling Street, stated that he had issues with Council and that he wants to know what their jobs are as council members. He also shared his displeasure with last year’s real estate assessments.

Frank Strassler, Historic Staunton Foundation, encouraged Council not to overturn lighting decisions that come from the Planning Commission and that Staunton has a lighting problem.

Vickie McGee Lawson Brooks, no address given, has enjoyed participating in the activities at the Booker T. Washington Community Center and provided council with a list of ideas on how the space could be used for additional educational purposes.

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:19 p.m.

Morgan C. Smith
Interim Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	March 10, 2022	Staff Member: Rodney S. Rhodes
Item #	A	
Department:	Community Development	
Alignment with Staunton Plan (Value/Strategic Area):	Values: Inclusion & Equity Excellence Engagement	
Subject:	Virginia Commission for the Arts 2022-2023 Creative Communities Partnership Grant Application	

Background: The Virginia Commission for the Arts (VCA) has operated the Creative Communities Partnership Grant (previously known as Local Government Challenge Grant) program for a number of years. In the past, the City has applied for and obtained grant funds to assist three local arts organizations: ShenanArts, the Stonewall Brigade Band and the Staunton Augusta Art Center. A partnership grant requires an equal match payable to each arts organization by the local government. Local match funds will be included in the proposed City budget for City Council's consideration. The Creative Communities Partnership Grants will be available for 2022-2023, with a total maximum grant of \$4,500. Grant applications are due on April 1, 2022, and staff intends to submit an application that provides for funding for the three organizations: ShenanArts, Stonewall Brigade Band and Staunton Augusta Art Center. Based on the maximum possible grant amount, staff recommends the following breakdown:

	City Share	VCA Share	Total
ShenanArts	\$1,500.00	\$1,500.00	\$3,000.00
Stonewall Brigade Band	\$1,500.00	\$1,500.00	\$3,000.00
Staunton Augusta Art Center	\$1,500.00	\$1,500.00	\$3,000.00
Total	\$4,500.00	\$4,500.00	\$9,000.00

Should deliberations concerning the proposed FY 2022-2023 budget result in the removal of any matching funds, it is possible to rescind the request at a later date. By authorizing the Interim City Manager to submit the grant application, the City is not irrevocably committed. It should also be noted that the City will be committed to match only those funds which are actually

received from the state. If a grant of any amount less than the \$4,500 is received, then that amount will be matched by the City, if local funds are available, and divided among the three organizations in the same proportions as those outlined above.

Fiscal Impact: \$4,500 in City funding.

Interim City Manager's Recommendation: Recommend that Council authorize staff to apply for the Virginia Commission for the Arts for a 2022-2023 Creative Communities Partnership Grant.

Suggested Motion: I move City Council authorize staff to apply for the 2022-2023 Creative Communities Partnership Grant, with the understanding that acceptance will be determined by the availability of local funds to match the grant.

Interim City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	March 10, 2022	Staff Members: Rodney Rhodes Tim Hartless
Item #	B	
Department:	Community Development—Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Built Environment	
Subject:	McDonough Toyota: Consideration of an Appeal of Decision of Planning Commission Under Staunton City Code § 18.83.070(1) of Chapter 18.83, Entrance Corridor Overlay District, Specifically Regarding the Internal Illumination of a Stand-Alone Entrance Portal as a Sign	

BACKGROUND: The matter before City Council is an appeal of the Planning Commission decision by McDonough Toyota pursuant to Staunton City Code ("SCC") 18.83.070(1), part of SCC Chapter 18.83. Entrance Corridor Overlay District (the appeal letter from Steve McDonough is included as Attachment 1 and the minutes from the January 20, 2022 Planning Commission meeting are found in Attachment 2). The appeal concerns a request to internally illuminate an entrance portal as a sign (Letter and details of lighted portal from Steve McDonough - Attachment 3). SCC 18.83.070(1) states that:

Any person aggrieved by any decision of the Planning Commission may appeal such decision to the Staunton City Council.

The matter before City Council is substantially the same request that was considered, and denied, by the Planning Commission in October 2014 (Minutes of the October 16, 2014 Planning Commission meeting are found in Attachment 4) and City Council, upon appeal, in

November 2014 (Minutes of the November 13, 2014 City Council meeting are found in Attachment 5). The previous 2014 request for color trim caps and returns of channel letter signs is not part of the current request. For additional historical information on this matter the agenda briefing and attachments from City Council's November 13, 2014 meeting are included as Attachment 6.

After a very extensive process Council adopted amendments to SCC on April 10, 2008, recognizing that a corridor overlay zoning district would implement the city's comprehensive plan goal of protecting the city's natural, scenic, historic, architectural and cultural resources, especially the corridors that lead into the city's National Register historic districts that have proven so beneficial to the city in a variety of ways. Within the framework of the Entrance Corridor Overlay regulations, approval of alterations within a designated corridor, including among other things, signage, light fixtures and landscaping, are required as part of an interactive process described in Chapter 18.83 of SCC.

ANALYSIS: The specific request pertains to a stand-alone, internally-lighted, cabinet signage portal at the dealership located adjacent to and immediately on Richmond Avenue, one of the city's designated entrance corridors recognized and established in SCC 18.83.030. The applicant has not provided an explanation on how the request is in conformity with the design standards and the design guidelines. The only rationale noted in the appeal letter is that "it could have been really easy to determine it's not a sign but an entrance portal and passed the motion." It is staff's opinion that based on definitions in the Staunton City Code, the illuminated portal constitutes a sign. Per Section 15.2-2286(4) of the Code of Virginia, the zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. Furthermore, Section 15.2-2309(1) of the Code of Virginia, and SCC 18.200.020 notes that only the Board of Zoning Appeals shall have the power to hear and decide appeals from any order, requirement, decision, or **determination** made by and administrative officer in the administration or enforcement of the Zoning Code.

Entrance Corridor Overlay District Design Standards

Staff contends that the request is incompatible with the design standards in the Entrance Corridor Overlay District zoning regulations for the following reasons:

- the internal illumination of the structure fails to comply with SCC 18.83.090(4)(b) that trademark buildings and related features shall be modified to meet the design standards included within this chapter;
- the illuminated sign structure is not sanctioned under SCC 18.83.090(7)(e)(iii), since it does not meet the requirements that cabinet signs and the signage background be opaque and appear black at night;
- the illuminated sign structure does not qualify as an "additional type" of sign that would be considered, given the specificity of the requirements for cabinet signs, under SCC 18.83.090(7)(e)(iii);
- even if it were considered further under SCC 18.83.090(7)(e)(iv), such an illuminated sign structure would constitute a second free-standing sign prohibited by SCC 18.83.090(7)(a); and
- such a sign is contrary to the land use planning concept of the entrance corridor overlay district, stated in SCC 18.83.010 as "intended to implement the City's comprehensive

plan's goal by protecting and promoting the unique characteristics of the city's natural and built environment leading into the historic districts through assuring site and building design reflecting the natural, scenic, historic, architectural, and cultural resources within view of each corridor." As well, under SCC 18.83.010, that intention contemplates "regulation and guidance of corridor development" including, but not limited to, "regulating the size, intensity, and placement of signs and lighting...."

- The lighting does not comply with SCC 18.83.090(8)(c) which notes that lighting shall be limited to that which is necessary for safety; lighting shall not be used as signage such as up-lighting or down-lighting building elevations.

Entrance Corridor Overlay District Design Guidelines

The Design Guidelines for Richmond Avenue recommend against "lighting of any type outlining any structure or window." Staff contends that the request is incompatible with the Design Guidelines for Richmond Avenue for the following reason:

The purpose and effect of the proposed illumination of the portal is to light the entire wall so as to be distinguishable from the rest of the building, in turn allowing lit/unlit letters to be vividly seen. Thus, the entire face is a sign in "the nature of an announcement, direction, or advertisement," as defined under SCC 18.10.200. If the wall was not so illuminated, and only the letters were illuminated, that could make only the letters distinguishable from the rest of building and only the letters would be regarded as such an announcement, direction, or advertisement. McDonough Toyota is now requesting that City Council, in effect, disregard the plain language and intent of the Entrance Corridor Overlay District and the design standards, including the guidelines.

STAUNTON CITY CODE REFERENCES

The following Staunton City Code provisions are applicable:

SCC Chapter 18.10 Definitions

18.10.010 "F" definitions.

"Freestanding sign" means any sign permanently affixed into the ground, erected on its own foundation or placed on a pole which is independent of but on the same lot or parcel as the building or structure in which the person, place, event, product, business or other matter noted on the sign is located.

18.10.020 "S" definitions.

"Sign, billboard, or other advertising device" means any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. Any letters, parts of letters, words, figures, numerals, emblems, devices, designs, trademarks, posters, handbills or any other objects (i) which make known or designate, or attract attention to, any person or anything (such as a place, event, product or business), (ii) which are visible to persons located outdoors, and (iii) which are capable of attracting the attention of such persons. Any supporting standard for a sign shall not itself be considered a sign if no letters, parts of letters, words, figures, numerals, emblems, devices, designs, trademarks, posters, handbills or other objects are affixed thereon.

The word “sign” includes the word “billboard” or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

SCC Chapter 18.83 Entrance Corridor Overlay District

18.83.090 Design standards.

- (7) Requirements for Signs, Billboards, and Other Advertising Structures. The requirements of Chapter 18.140 SCC, Signs, Billboards and Other Advertising Structures, shall apply with the following exceptions:
- (a) Each parcel of property occupied by a building shall be permitted one freestanding sign, which shall not exceed 30 square feet on each face. Automobile service stations shall be permitted an additional twenty square feet on each face to advertise the price of fuel.
 - (e) The following sign types shall be permitted in the entrance corridor overlay district:
 - (i) Externally illuminated signs provided the light source is directed downward;
 - (ii) Internally illuminated channel letters; and
 - (iii) Internally illuminated cabinet signs if the background of the cabinet sign is opaque and appears black at night;
 - (iv) Additional types of signs shall be considered.

Additional Issue Beyond the Scope of the Appeal

As has been stated earlier in this briefing, and in the briefings dating back to 2014, if the portal is illuminated, the entire structure would be considered a “sign.” The portal measures 44 feet in width by 22.5 feet in height for a total size of 990 square feet. The aggregate sign area allowed for a parcel of land in a B-2, General Business District, is determined by a calculation (2 square feet of sign area for each linear foot of frontage on a public street), as set forth in SCC 18.140.040(4)(c), which provides:

- (4) For other permitted principal uses, business signs shall be permitted as incidental uses, not to exceed the number of signs nor to exceed the net area for all such signs permitted as follows:
- (c) B-2 General Business District. Business signs not to exceed two square feet of surface for each one linear foot of lot fronting on a public street....

The McDonough Toyota property includes roughly 400 linear feet of frontage on Richmond Avenue. This frontage number would allow the dealership to have a total of 800 (2 x 400 linear feet) square feet of sign area. This maximum aggregate sign area could be distributed between or among freestanding signs, wall signs, and any other signs located on the property. The size of the portal alone (990 square feet) exceeds the calculated 800 square feet of sign area allowed. As a result, due to this additional consideration, it would not be permissible to externally illuminate the entire portal.

Even if the appeal of the Corridor Entrance Design Standards and Guidelines is approved by City Council, illumination of the portal would need to be focused and limited to the specific area that is permitted to be used as a sign in accordance with the signage limitations of the B-2

General Business District. To determine this aspect, staff would need to do an analysis of all existing signage on the McDonough Toyota property and then calculate all of the proposed sign area to determine the aggregate area of signs for the property. Then, the difference between the 800 square feet of allowed sign area and the sum of the area of existing signs would be the maximum amount of area of the portal that could be illuminated. In addition, McDonough Toyota would have to determine a way to externally illuminate only that specific area—without illuminating the remainder of the portal. City Council always has the authority to initiate a zoning text amendment to permit more than 2 square feet of sign area per each linear foot of frontage on a public street for all property zoned B-2 General Business District.

Recommendation: Staff recommends that City Council uphold the decision of the Planning Commission and deny the appeal, based on the provisions and intent of SCC 18.83. The factors in this matter have not changed since the request was considered in 2014—there have been no changes to the Entrance Corridor Overlay District Chapter, Design Standards or Design Guidelines in the past seven years. The Design Guidelines are currently under review and edit. It is anticipated that this process will be done in conjunction with a review and potential amendments to SCC Chapter 18.83, Entrance Corridor Overlay District, including the Design Standards. These processes will afford the public an opportunity to weigh in on the City's Entrance Corridor Overlay Districts.

Attachments:

Attachment 1—Appeal Letter from Steve McDonough

Attachment 2—Minutes of the January 20, 2022 Planning Commission meeting

Attachment 3—Letter and details of lighted portal from Steve McDonough

Attachment 4—Minutes of the October 16, 2014 Planning Commission meeting

Attachment 5—Minutes of the November 13, 2014 City Council meeting

Attachment 6—Agenda briefing and attachments from City Council's November 13, 2014 meeting

Suggested Motion: I move to uphold the decision of the Planning Commission and deny the appeal for the reasons given by staff.

Alternative Motion (If City Council desires to overturn the decision of the Planning Commission): I move to overturn the decision of the Planning Commission and uphold McDonough Toyota's appeal and permit the internal illumination of the cabinet portal sign, to the greatest extent possible within the limitations of SCC 18.140.040(4)(c).

Alternative Motion (If City Council desires to table action on the appeal until the City has completed the review and update to the Entrance Corridor Overlay District Guidelines which will likely include recommended changes to the Design Standards in SCC 18.83.090): I move to table action on the appeal until the update to the Entrance Corridor Overlay District Guidelines has been completed.

Interim City Manager: Leslie Beauregard

Winner of
Toyota's most
prestigious
national award



McDonough Toyota



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1.21.22

Mr. Rhodes,

I would like to appeal the planning commission's decision to turn down my request to light our entrance portal.

I certainly hope the city becomes more pro-business moving forward. It should be very obvious with all the development going on in Waynesboro that Staunton needs to be more proactive. My guess is we pay more taxes than two or three blocks of downtown Beverly Street. It could have been really easy to determine it's not a sign but an entrance portal and passed the motion. What other fool is going to spend \$180K to put one up? The city is worried about lights while we are being surrounded by unsightly retaining walls.

Feel free to share with your committee.

Sincerely

A handwritten signature in black ink, appearing to read "Steve McDonough".

Steve McDonough
McDonough Toyota

"Virginia's EZst Place To Buy"

MINUTES
STAUNTON PLANNING COMMISSION
January 20, 2022
5:30 p.m.
City Council Chambers

PRESENT: Judith Wiegand, Chair (remote participant)
Jessica Robinson, Vice Chair
Brad Arrowood
Adam Campbell
Joseph Mills

ABSENT: Amy Darby, Council Liaison

ALSO PRESENT: Rodney Rhodes, Senior Planner
Tim Hartless, City Planner
Morgan C. Smith, Interim Clerk

Jessica Robinson called the meeting to order: "I'd like to call this January 20, 2022 meeting of the Staunton Planning Commission to order."

Ms. Robinson stated that Commission Chair Judith Wiegand had requested to join the meeting remotely via Zoom. She asked that Ms. Wiegand state her location and reason for attending remotely. Ms. Wiegand replied that she was at her residence, 19 S. St. Clair Street, Staunton, and that she had been positively exposed to COVID-19.

Mr. Campbell moved that the Commission approve Ms. Wiegand's remote participation and that she is joining the meeting from her residence at 19 S. St. Claire Street in the City of Staunton and that her request is for a medical reason related to the COVID-19 Pandemic.

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

Ms. Robinson	aye	Mr. Campbell	aye
Mr. Mills	aye	Mr. Arrowood	aye

APPROVAL OF MINUTES

Mr. Mills moved to approve the minutes of the December 16, 2021 Planning Commission meeting.

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

Ms. Wiegand	aye	Mr. Mills	aye
Mr. Arrowood	aye	Ms. Robinson	aye
Mr. Campbell	aye		

NEW BUSINESS

3-A) Public Hearing and Consideration of the City of Staunton, Virginia, Capital Improvement Plan, 2022-2026

Phil Trayer, Chief Financial Officer, stated that he was before the Planning Commission to consider the FY22-26 Proposed CIP Plan.

The CIP totals \$108,321,981 and is broken out as follows:

- General Fund – \$61,661,481
- School Fund – \$9,625,000
- Water Fund – \$22,263,000
- Sewer Fund – \$8,794,500
- Stormwater Fund – \$4,590,000
- Parking Fund – \$1,388,000

Based upon comments from the Planning Commission staff have made several modifications to the CIP that was first presented to the Commission on December 16, 2021.

Staff have added funding source totals at the bottom of the summary schedule by year, and by plan total. Staff have also broken out funding sources in greater detail to provide the Commission with a clearer picture such as the Safe Route to School project which is represented with three different funding sources (VDOT, Reserve Funds, and a Budget Amendment). Total funding source breakout includes:

- Annual Budget Appropriation - \$5,265,250
- Budget Amendments – FY2022 BA = \$5,770,000; all remaining years \$4,065,000
- CIP Reserve Funding – \$43,626
- General Obligation Bonds – \$16,480,000
- VDOT Funding – \$27,987,605
- HUD Funding – \$50,000
- ARPA Funds – \$2,000,000

CIP reserve balances are scheduled to be increased during the course of FY22 as part of the approved budget. The FY2022 transfer entry from the general fund to the CIP Fund will occur in June and balances will increase at that time in accordance to the summary schedule on page 29 of the CIP.

Some minor modifications, as requested by the Planning Commission, include:

- The Betsy Weller Safe Route to School project – Estimated costs have been updated to \$527,272
- The Richmond Road / Statler Boulevard - Projected cost updated to \$934,970
- Staunton Crossing Road Extension – Projected cost updated to \$8,781,224

FY2022 to FY2026 School CIP of \$9.6M

Reserve Funding includes:

- Transportation Reserves of \$200,000 between FY2023 to FY2026

- Furniture reserves of \$225,000 between FY22 to FY26
- Maintenance Vehicles / Grounds Equipment - \$250,000
- Mechanical / Roofs/ Generators - \$500,000
- Technology Reserves - \$200,000
- Paving of Parking Lots - \$500,000
- CTE Improvement reserves of - \$1,000,000

In addition, School CIP includes one time funding of:

- \$3,050,000 School warehouse
- A \$2.5M provision for the Shelburne CTE renovations
- And a \$1.2 million provision for additional student space at Shelburne Middle

Stormwater CIP of \$4.6M

As mentioned in December, the Stormwater Fund has seen multiple changes to it as staff has reprioritized projects in order to provide the City with maximum impact on stormwater mitigation as well as reducing run off contamination. Project additions include:

- The installation of rain gauges to monitor water levels within the City- \$40,000
- We added a bio detention pond and stream restoration project between Garland Dr. and Hickory St. – for \$900,000
- We Added Men's Green Thumb Park pollution reduction - \$50,000
- Villages Asylum Creek Stream restoration - \$1,400,00
- And we have added the Staunton High School Stream restoration - \$1,000,000

Reductions include:

- Miscellaneous storm drain improvements - \$50,000
- The Tams – Caroline –Augusta storm drain projects in the amount of \$600,000
- Removal of Greenhill Industrial Park basin retrofits - \$1,300,000 (This item actually needs to be added to the **unfunded mandated** project list and will appear in that section in the final version of the CIP.)

Unfunded / Unscheduled has been reduced and, for the most part, only the mandated projects remain on this list. However, two flood study related projects which appear on page 48 of the CIP and consists of an estimated \$300K for flood shields and \$650K for tunnel design maintenance and repair modifications. These two projects are potential candidates for ARPA funding and are not officially classified as mandated projects from a regulatory sense.

Water Fund CIP of \$22.3M

While projects such as the Shutter Lee Mill Tank repair, Clear Well Tank repair, and Fluoride Tank repairs have been pushed back a year due to staffing turn over and shortages, other projects such as the Gardner Springs project have remained on course. The design for Gardner Springs pump replacements and pump station relocation is currently at the 90% level. Staff anticipates applying for permits in short order.

Staff have added a waterline upgrade for the Eastern Sector of the City for \$3M and is contingent on grant funding from the State. The project is referenced as Richmond Road extension but in reality, it extends to the industrial section of the city. The description will be updated in the final version of the CIP. Funding estimates for this project will most likely be nudged up as well.

And finally, still scheduled, is Phase I of the North River Pipeline replacement of \$6.5M + \$500K in design fees.

Sewer Fund CIP of \$8.8M

The Sewer Fund also saw some reshuffling of projects as the Stuarts Street Sewer Line and the Lyle – Blandford line replacements were moved from FY21 to FY22. Again, staffing turnover and shortages have delayed these projects as well.

Sewer Projects added include:

- A sewer line upgrade design of \$165K
- A sewer line upgrade in the eastern sector of the City for \$5M and contingent upon state grant funding of 75%
- We moved the \$2,000,000 Lewis Creek Sewer upgrade from the Unfunded / Unscheduled list to FY2026

Changes to the Unfunded / Unscheduled Include:

- Adding Uniontown sewer installation. Again, this was proposed by staff for possible funding consideration after the Uniontown study was completed. This too is a potential, ARPA candidate.
- Moving Lewis Creek Sewer upgrade to FY2026

Parking Fund CIP of \$1.7M

No new projects were added to this list but rather rescheduling of projects took place as staff turnover and staffing shortages impacted the implementation of the prior year plan. What has changed for this year is that there is a credit card merchant processor under contract, that is compatible with the major parking control equipment vendors. Staff is very close to issuing an RFP for access control equipment at the New Street Garage. Once able to install equipment, staff believe that the city will be able to capture additional revenue which will help to cash flow projects.

Ms. Robinson asked Planning Commission members if they had any questions.

Mr. Mills noted that at the CIP from 2020, on page 37, there was a line item there called West Beverley Street Streetscape, \$17M. It is no longer in the CIP proposed December 16, 2021 and he asked why it was removed. Mr. Trayer responded that staff when through the unfunded and unscheduled projects and tried to remove any projects that had been there for years and years and had no realistic chance of being funded in the near future.

Mr. Campbell asked with the initial phase of the North River water line replacement, how many phases does Public Work thinks the water line replacement is going to require. Mr. Trayer said that he believed it would be four or five stages with the first phase that goes under the mountain the most important. Mr. Arrowood asked if the mountain pipeline would be a new tunnel. Mr.

Trayer stated that the tunnel was dug 100 years ago and that the project would be replacing the pipeline within the existing tunnel.

Planning Commission members did not have any further questions.

The Public Hearing was opened.

Sara Hollberg, 24 Church Street, stated that as chair of the Bicycle and Pedestrian Advisory Committee that they were pleased to see all the projects that are included and that the Committee supports approval of the CIP. She also thanked Mr. Campbell for his work with matching projects to get VDOT funding.

There being no one wishing to speak, the Public Hearing was closed.

Mr. Mills commended Mr. Trayer for the detail and the explanations that he had provided for the preparation of the CIP. Mr. Mills stated that it was a high quality document.

Mr. Arrowood moved that the Planning Commission recommend adoption of the City of Staunton, Virginia, Capital Improvements Plan 2022-2026 as amended.

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

Ms. Robinson	aye	Mr. Campbell	aye
Mr. Mills	aye	Ms. Wiegand	aye
Mr. Arrowood	aye		

Mr. Rhodes stated that the CIP would go before the City Council at their meeting in February for their consideration. Mr. Trayer stated that City Council was having a budget work session on February 2, 2022 in regards to the CIP.

3-B) McDonough Toyota: Consideration of a Development Plan under Staunton City Code 18/83.060(3) of Chapter 18.83, Entrance Corridor Overlay District, Specifically Regarding the Internal Illumination of an Architectural Element (Stand-alone Entrance Portal) as a Sign

Senior Planner Rodney Rhodes stated applicant Steve McDonough was participating via phone and that the matter before the Planning Commission is a request by McDonough Toyota to internally illuminate the entrance portal as a sign. Pursuant to Staunton City Code 18.83.060(3), part of SCC Chapter 18.83, Entrance Corridor Overlay District, the matter is under consideration by the Planning Commission.

Section 18.83.060(3) states: (3) A development plan meeting the requirements of this chapter may be reviewed by the Planning Commission under the following circumstances: (a) If the zoning administrator or designee finds that due to the scope, nature or location of the proposed development, Planning Commission review is necessary or desirable; or (b) If the applicant and the zoning administrator or designee cannot reach a mutually agreeable understanding regarding any aspect of the development plan. The matter before the Planning Commission is substantially

the same request that was considered, and denied, by the Planning Commission in and City Council, upon appeal, in November 2014.

After a very extensive process Council adopted amendments to SCC on April 10, 2008, recognizing that a corridor overlay zoning district would implement the city's comprehensive plan goal of protecting the city's natural, scenic, historic, architectural and cultural resources, especially the corridors that lead into the city's National Register historic districts that have proven so beneficial to the city in a variety of ways. Within the framework of the Entrance Corridor Overlay, approval of alterations within a designated corridor, including among other things, signage, light fixtures and landscaping, are required as part of an interactive process described in Chapter 18.83 of SCC.

The specific request pertains to a stand-alone, internally-lighted, cabinet signage portal at the dealership located adjacent to and immediately on Richmond Avenue, one of the city's designated entrance corridors recognized and established in SCC 18.83.030. The applicant has not provided an explanation on how the request is in conformity with the design standards and the design guidelines.

Staff contends that the request is incompatible with the development standards in the Entrance Corridor Overlay District for the following reasons:

- the illuminated sign structure is not sanctioned under SCC 18.83.090(7)(e)(iii), since it does not meet the requirements that cabinet signs and the signage background be opaque and appear black at night;
- the illuminated sign structure does not qualify as an "additional type" of sign that would be considered, given the specificity of the requirements for cabinet signs, under SCC 18.83.090(7)(e)(iii);
- even if it were considered further under SCC 18.83.090(7)(e)(iv), such an illuminated sign structure would constitute a second free-standing sign prohibited by SCC 18.83.090(7)(a); and
- such a sign is contrary to the land use planning concept of the entrance corridor overlay district, stated in SCC 18.83.010 as "intended to implement the City's comprehensive plan's goal by protecting and promoting the unique characteristics of the city's natural and built environment leading into the historic districts through assuring site and building design reflecting the natural, scenic, historic, architectural, and cultural resources within view of each corridor." As well, under SCC 18.83.010, that intention contemplates "regulation and guidance of corridor development" including, but not limited to, "regulating the size, intensity, and placement of signs and lighting...."

The obvious purpose and effect of the proposed illumination of the portal is to light the entire wall so as to be distinguishable from the rest of the building, in turn allowing lit/unlit letters to be vividly seen. Thus, the entire face is a sign in "the nature of an announcement, direction, or advertisement," as defined under SCC 18.10.200. If the wall was not so illuminated, and only the letters were illuminated, that could make only the letters distinguishable from rest of building and only the letters would be regarded as such an announcement, direction, or advertisement. Now, McDonough Toyota requests the Planning Commission, in effect, to disregard the plain language and intent of the Entrance Corridor Overlay District and the design standards, including the guidelines.

The McDonough Toyota property includes roughly 400 linear feet of frontage on Richmond Avenue. This frontage number would allow the dealership to have a total of 800 (2 x 400 linear feet) square feet of sign area. This maximum aggregate sign area could be distributed between or among freestanding signs, wall signs, and any other signs located on the property. The size of the portal alone (990 square feet) exceeds the calculated 800 square feet of sign area allowed. As a result, due to this additional consideration, it would not be permissible to externally illuminate the entire portal.

In any event, illumination of the portal would need to be focused and limited to the specific area that is permitted to be used as a sign. To determine this aspect, staff would need to do an analysis of all existing signage on the McDonough Toyota property and then calculate all of the proposed sign area to determine the aggregate area of signs for the property. Then, the difference between the 800 square feet of allowed sign area and the sum of the area of existing signs would be the maximum amount of area of the portal that could be illuminated. In addition, McDonough Toyota would have to determine a way to externally illuminate only that specific area—without illuminating the remainder of the portal.

Staff recommends Planning Commission deny, once again, the request to internally illuminate the entrance portal cabinet sign for McDonough Toyota based on the provisions and intent of SCC 18.83. The factors in this matter have not changed since the request was considered in 2014—there have been no changes to the Entrance Corridor Overlay District Chapter, Design Standards or Design Guidelines in the past seven years. The Design Guidelines are currently under review and edit. It is anticipated that this process will be done in conjunction with a review and potential amendments to SCC Chapter 18.83, Entrance Corridor Overlay District, including the Design Standards. These processes will afford the public an opportunity to weigh in on the City's Entrance Corridor Overlay Districts.

Ms. Robinson asked Planning Commission members if they had any questions.

Mr. Mills stated that the McDonough Toyota family has been a longtime member of the Staunton Community. He also believed that there were obvious technical reason why the sign was not approved seven years ago and even with no changes actually taking place, he would support the sign illumination. He said that there was an attempt during that period of time to negotiate some sort of compromise that could be implemented by eliminating the number of hours that the sign would be turn on, however she said that as far as setting a precedent, he had a hard time thinking that would happen simply because there was some much cost that went into this particular sign and that it was part of a corporate program. He said that if there was a way to come up with a Compromise with Mr. McDonough so that he could have the opportunity to utilize the sign in the future, would be worthwhile. Mr. Mills wants to do what is right by McDonough Toyota in order to help them achieve what they want to achieve as far as their dealership is concerned.

Ms. Wiegand stated that she remembered that when this matter came before the Planning Commission in the past, they had received a letter from the Toyota of North American saying that such a sign was requested but that it was not required. Ms. Wiegand asked Mr. McDonough if the sign was now a requirement.

Mr. McDonough stated that the entrance portal was just a small part of Toyota's requirements of a nationwide facility upgrade. The portals could be found in over 1,300 Toyota dealerships across

America. He still argues that this this is not a sign, but a portal—the doorway to his dealership. He personally believes it is a very class look for visitors as they come to the City of Staunton. He stated that it does not throw any light at all, it just glows. A person can stand in front of it and the portal will not even cast a shadow. He asked again that the Planning Commission give a Corridor Overlay exemption and let them illuminate their portal.

Ms. Wiegand again asked Mr. McDonough if the lighting of the portal was considered a requirement. He responded that it was a requirement to put lights inside of it, but not a requirement to have it illuminated.

Mr. Campbell stated that regardless of everyone's personal feelings, the point of the Planning Commission is to uphold the standards adopted by the City Council. Staff has done a great job of laying out the requirements that this proposal does not meet. He said that in the entrance corridor overlay district design standards, under lighting requirements, it explicitly says that lighting shall not be used as signage on the building elevations. He recommended to Mr. McDonough to bring the issue back once the new corridor overlay standards were completed.

Mr. Arrowood said that it was not withing the capacity of the Planning Commission to change zoning. And this design did not meet existing zoning requirements when it went in originally and it very clearly violates them in several ways. So it is within the purview of the Planning Commission to uphold existing zoning.

Ms. Robinson said that she concurred with Mr. Campbell and Mr. Arrowood and that it was relevant to bring up the legal counsel that the Planning Commission and City Council were given the last time this matter came before them. The Planning Commission and City Council are obligated to analyze matters within the framework and provisions of the chapter of the City Code. Any exception can be considered arbitrary or capricious or be considered a precedent that defines the future, an argument to be made by others who seek an exception untethered to the language and intent of the code section. Ms. Robinson stated that the Planning Commission is there to enforce the laws as they are.

Ms. Wiegand stated that she concurred with Mr. Campbell, Mr. Arrowood and Ms. Robinson.

Mr. McDonough asked if there was an option of considering it as not a sign, but a portal entrance. Ms. Wiegand stated that it was considered a sign based on the definition of a sign as indicated in the ordinance and code. Mr. Rhodes stated that it is clearly a sign based on the city's definitions and that the determination could be appealed to the Board of Zoning Appeals and that any decision that the Planning Commission made can also be appealed to the City Council regarding the Corridor Entrance Overlay Districts.

Mr. McDonough asked if the structure should not have been approved from the beginning. Mr. Rhodes stated that staff approved this structure as a building mounted sign, and that it is considered an architectural element to the building. Therefore, the lettering on the building, the Toyota and the McDonough, was permitted if it was lit externally with downlighting. Otherwise, the structure far exceeds what is allowed as far as a freestanding sign. The issue is that when it became entirely illuminated, the whole structure is classified as a sign.

Ms. Wiegand moved that the Planning Commission deny the request to allow internal illumination of the entrance portal cabinet sign for McDonough Toyota for the reasons given by staff.

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

Mr. Mills	nay	Ms. Wiegand	aye
Mr. Arrowood	aye	Ms. Robinson	aye
Mr. Campbell	aye		

Mr. Rhodes informed Mr. McDonough that he had 30 days to appeal the decision to City Council. In order to appeal the decision, Mr. Rhodes needs a letter from Mr. McDonough to the Planning Office stating that he was appealing the decision and the rationale for that appeal. Once that letter is in hand, staff would schedule that for a City Council meeting.

OLD BUSINESS

There was no old business to discuss.

OTHER BUSINESS

A. Annual Report

Mr. Hartless presented the following report:

The Annual Report to City Council from the Staunton Planning Commission for the calendar year 2021, as required by 15.2-2221 of the Code of Virginia, is herewith submitted:

MEMBERS OF THE COMMISSION	ATTENDANCE (12 REGULAR MEETINGS AND 2 SPECIAL MEETINGS)	TERM EXPIRES
Judith Wiegand, Chair	13-1	5-31-24
Jessica Robinson, Vice-Chair	11-3	2-28-23
Brad Arrowood	14-0	12-31-23
Joe Mills	14-0	2-28-25
Adam Campbell	12-2	1-31-22

CITY COUNCIL LIASION

ATTENDANCE

Amy Darby

7-7

STAFF

ATTENDANCE

Rodney Rhodes Senior Planner and Zoning Administrator	12-2
Tim Hartless City Planner	13-1
Faith Simmons Clerk of Council	1-0
Rachael Zinni Clerk of Council	3-0
Morgan C. Smith Interim Clerk of Council	1-0
Kim Comier Interim Clerk of Planning Commission	4-0
Faith Simmons Acting Clerk of Planning Commission	3-0

Meetings

Planning Commission meetings are held on the third Thursday of each month. All meetings are held in Rita S. Wilson Council Chambers on first floor of City Hall. There were twelve regular meetings and two special meetings held during the year. The first special meeting was a joint meeting between the Planning Commission and the Bicycle Pedestrian Advisory Committee, held on September 14, 2021, to discuss ways the two bodies could work together on bicycle and pedestrian improvements. The second special meeting was a joint meeting, held on December 14, 2021, between Planning Commission and City Council to discuss water and sewer improvements in the Uniontown area and the rewrite of the City's Entrance Corridor Overlay District Guidelines. Fieldtrips are held on the Tuesday preceding each monthly meeting. Due to the COVID 19 Pandemic, the first six fieldtrips of the year were canceled. There was one special called fieldtrip, held on March 30, 2021, to conduct a walkthrough of the Uniontown neighborhood. All public hearings were duly advertised and held in accordance with the provisions of the Zoning Ordinance and the Code of Virginia. Minutes of the meetings along with related materials are available for public inspection.

Over the course of the year the Commission considered 34 requests. These requests were as follows:

ADDRESS		REQUEST	ACTION
REZONING			
2040 W Beverley St	From B-2 General Business District, to I-1, Light Industrial District	Recommended Denial	
814 N Augusta St	From B-1, Local Business District, to R-2, Low Density Residential District	Recommended Approval	
108 W Hampton St	From I-1, Light Industrial District, to B-5, Mixed Use Business District	Recommended Approval	

110 W Hampton St	From I-1, Light Industrial District, to B-5, Mixed Use Business District	Recommended Approval
119 W Hampton St	From I-1, Light Industrial District, to B-5, Mixed Use Business District	Recommended Approval
710 Robertson St	From I-1, Light Industrial District, so B-5, Mixed Use Business District	Recommended Approval
709 Hall Street	From I-1, Light Industrial District, tr B-5, Mixed Use Business District	Recommended Approval
103 W Hampton St	From B-1, Local Business District, to B-5, Mixed Use Business District	Recommended Approval
514 Gooch St	From R-3, Medium Density Residential District, to B-5, Mixed Use Business District	Recommended Approval
1906 W Beverley St	From R-2, Low Density Residential District, to B-2, General Business District	Recommended Approval
914 Middlebrook Ave	From R-2, Low Density Residential District, and R-4, High Density Residential District, to R-4, High Density Residential District Conditional	Recommended Approval
SPECIAL USE PERMIT		
11 Green Hills Dr	New Daycare Facility in a Portion of the Building - Bison Beginnings	Recommended Approval
1310 Barterbrook Rd	Automobile Body Repair Shop - Caliber Collision	Recommended Approval
221 N Market St	MBU - Convert Existing Structure to Student Housing	Recommended Approval
320 N Central Ave	Relocate Bears and Blankets Daycare Facility	Recommended Approval
321 N Lewis St	Playground for Bears and Blankets Daycare Facility	Recommended Approval
250 N Jefferson St	Expand Existing Telecommunications Tower Site on Reservoir Hill	Recommended Approval
575 New Hope Rd	Use as Recreation Area for Staunton-Augusta YMCA	Recommended Approval
STREET/ALLEY VACATION		
Thornrose and Lancaster	Vacate an alley lying between 239 Thornrose Ave and 258 Lancaster Ave	Recommended Approval
Arlington Street	Vacate an alley lying between Lots 7 and 8 of the J.H. Earman and S.N. Bagby Lots (35 Arlington St)	

Undeveloped Montgomery Street	Vacate a portion of Undeveloped Street lying between 301 Fayette St, 522 Stuart St, and 309 Fayette St	Recommended Approval
ZONING CODE AMENDMENT		
	Amend 18.60.070, Uses Permitted on Review of B-2, General Business District, To Allow Automobile Body Repair as a Use Permitted on Review	Recommended Approval
	Amend 18.215.020 Applications, to Allow the Governing Body to Initiate Applications for Rezoning and to align the Zoning Code with Requirements of the Code of Virginia	Recommended Approval
	Amend 18.120.010(4)(f) to allow for Development of Existing Lots which Were Platted Without the Required Street Frontage	Recommended Approval
	Amend 18.120 to Allow for the Creation of Small Lots in Certain Instances	Recommended Approval
	Amend 18.120.010(4)(f) to allow for Development of Existing Lots which Were Platted Without the Required Street Frontage (second review after Council Requested Changes)	Recommended Approval
OTHER REVIEWS AND AMENDMENTS		
	Amend Planning Commission Bylaws to Allow for Remote Participation	Approved
35 Arlington St	Variance to the Title 17, Subdivision, to Allow a Pipestem Lot to be Created	Recommended Approval
	City of Staunton Capital Improvements Plan 2021 - 2025	Recommended Approval
	Revised Master Plan for Villages of Staunton	Recommended Approval
	Add Chapter 18.71, B-5, Mixed Use Business District, to the Zoning Code	Recommended Approval

It was noted that Mr. Campbell had been reappointed, so that his term of service needed to be updated to end January 31, 2026.

Ms. Robinson thanked Mr. Hartless for his work and that she enjoyed looking back over the year.

UPDATE ON ACTIONS OF CITY COUNCIL

Mr. Rhodes stated there were no land use matters had had been forwarded to City Council.

MATTERS FROM THE PUBLIC

There was no one wishing to speak.

ADJOURNMENT

Ms. Robinson stated the next Planning Commission meeting would be held on February 17, 2022.

Upon a motion properly made, seconded, and unanimous, the meeting adjourned at 6:20 p.m.

Morgan C. Smith
Interim Clerk

Winner of
Toyota's most
prestigious
national award



McDonough Toyota



www.McDToyota.com

918 Richmond Road • Staunton, VA 24401 • (540) 886-6201 • 1-800-727-3329 • Fax: (540) 886-0424 • e-mail: info@mcdtoyota.com

Attachment 3

Planning Commission:

I am sending this package of information in hopes of consideration for letting me light our Entrance Portal at McDonough Toyota. Approximately 10 years ago Toyota Motor Sales started requiring dealerships to upgrade to a new Generation Retail Facility. Part of the upgrade was a very expensive Led Entrance Portal that uses one tenth the energy of our previous signs. I've included schematics that show the portal does not throw any light. Currently I've been forced to light the portal externally which adds to light pollution and does not look nearly as sophisticated for our entrance corridor.

I truly believe the corridor should showcase businesses and encourage customers to come into our grand town. I'm sure you have been courting many big box stores for the Staunton Crossings development. Sitting at the intersection of interstate 81 and 64 offers wonderful opportunities for companies to come to Staunton but they seem to be favoring Waynesboro. I'm curious if you have visibility of their restrictions for new development.

Please consider the variance for McDonough Toyota and all businesses on our corridor entrances.

Enclosed:

Elevations

Schematics

Lighting Specs

Portal Pictures

I would love for the Planning Commission as well as City Council to come by one evening and see the Portal turned on. With your permission I could turn it on for a week and make it easier for any and all to drive by at their leisure.

Thank you for your consideration.

Sincerely

Steve McDonough

"Virginia's EZst Place To Buy"











KAREN.MATCHULAT@NOVUMSTRUCTURES.COM

NOVUM

Novum Structures LLC
www.novumstructures.com

PROJECT:

McDonough Toyota

PROJECT NO:

DRAWING NO:

DRAWN BY:

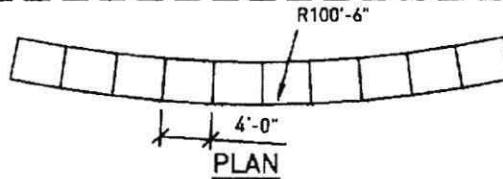
SLS

DATE:

20 July 12

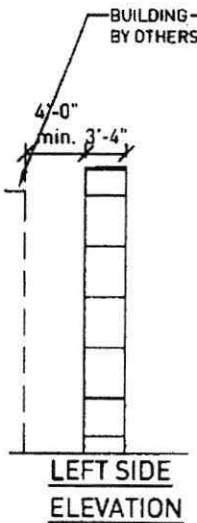


1 REVISED FROM PROPPED TO FREE
STANDING & FLAT TO CURVED
SLS 22 Jul 13



BACK

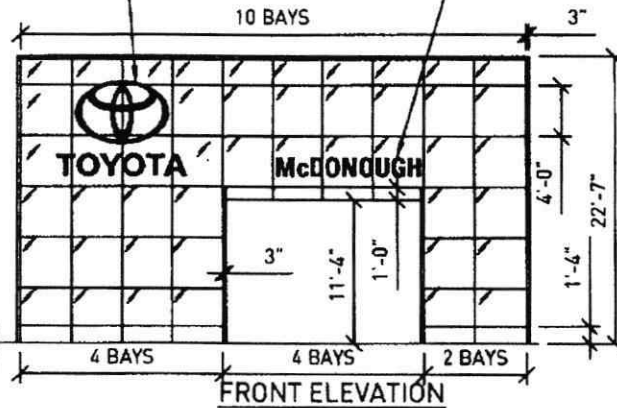
FRONT



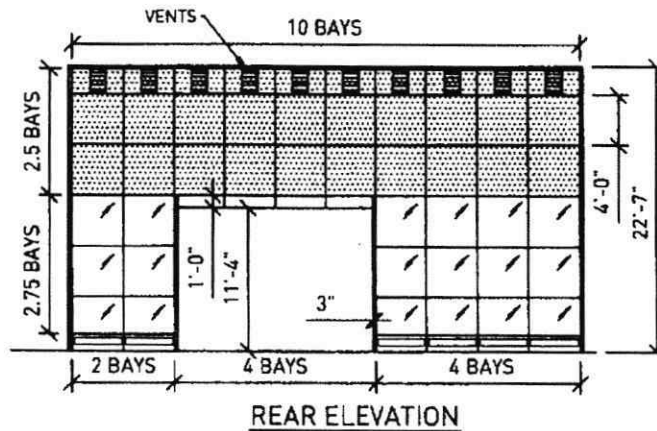
BUILDING
BY OTHERS

SL60 SIGN
BY OTHERS

18" LETTERS
SUPPLIED BY PATTISON
INSTALLED BY NOVUM



EL. 0'-0"
"BFF" BLDG.
FINISH FLOOR



NOTE:

BOUNDARY CONDITION

- ☐ PROPPED
- ☒ FREE STANDING
- ☐ OTHER

CONCRETE FOOTING BY OTHERS.
NOVUM TO PROVIDE STRUCTURAL
LOADS NECESSARY TO SIZE FOOTING
UPON RECEIPT OF DEPOSIT.

Approved for Pricing only

APPROVED BY

DATE

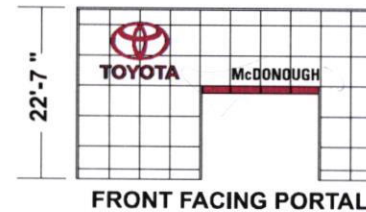
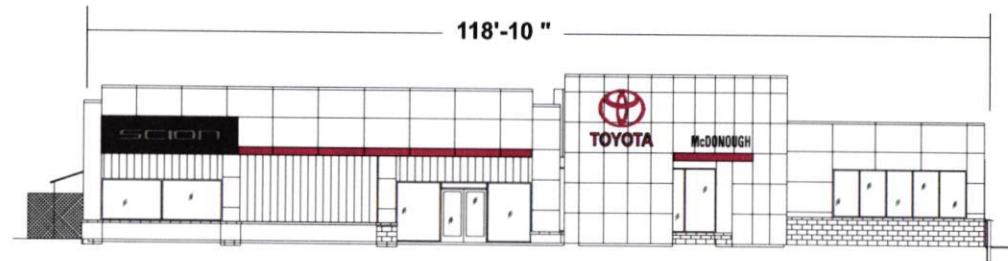
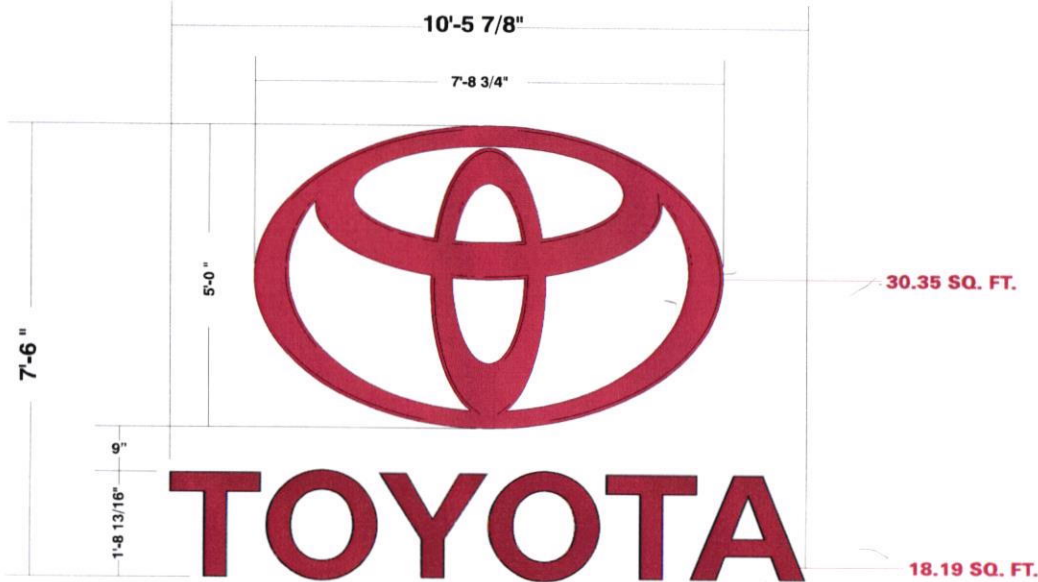
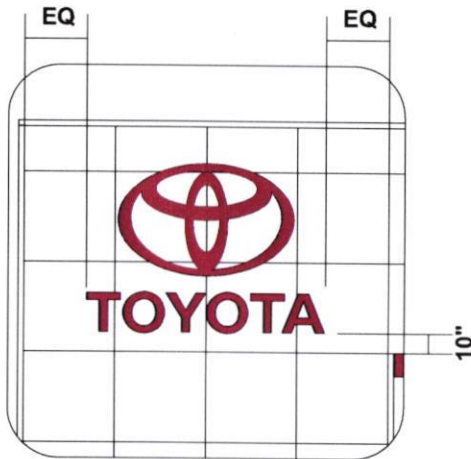
9/07/13

LD-22164C

ELEVATION

Installation: ☐ Interior: ☒ Exterior:

1 SL60



Date: / /
Customer Approval:



ISO 9001:2008 Certified Enterprise

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ENSEIGNES
PATTISON
SIGN GROUP

Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561-9798

Client:	TOYOTA S/S 45030
Site:	STAUNTON, VA
Consultant:	LUC DUGUAY
Draftsman:	ANDRE CHARETTE
Date:	07.09.2013
Page:	1/4
Scale:	1/16" = 1'-0"

EXHIBIT C
MATERIALS AND INSTALLATION PROPOSAL
NOVUM STRUCTURES LLC / PORTAL GROUP
W126 N8585 WESTBROOK CROSSING
MENOMONEE FALLS, WI 53051
T 262.255.5561 F 262.253.5086

To: McDonough Toyota
Attention: Steve McDonough
Phone Number: 540.886.6201
Email: steve@McDtoyota.com
Project Name/ Location: McDonough Toyota/Staunton, VA
Reference No.: T130871

Date: 05 September 2013

Novum Structures LLC proposes to Engineer, Fabricate, Supply, and Install one Portal Structure as described herein and per Portal Program Specifications. Proposal is good for 30 days and is based on the terms and conditions indicated in the attached Contract Agreement. Per Novum design parameters dated April 2008.

General Scope Description: Supply and installation of one curved Portal Structure with approximate dimensions of 5.25 panels high x 10 panels wide, and a passage opening size of 2.75 panels high x 4 panels wide. The portal is NOT propped back to a structure provided by others. Elevation per the attached sketch.

General Inclusions:

1. Coated steel support system. Propped back to a structure provided by others when applicable.
2. Painted aluminum panel system. Exposed surface to be Toyota White (Duragloss 3000, PC: 497-550).
3. Metal panel at head of opening to be coated in Toyota Red (Duragloss 3000, PC: 497-548A).
4. Access panels at outside vertical edges of portal.
5. Associated trim, perforated panels and parapet cap painted in a color and finish to match aluminum panel system. No flashing has been included back to the building.
6. Translucent tempered glass system. Includes holes for electrical feed to signage logo and lettering.
7. Lighting, including lamps, chords, ballast and mounting devices.
8. Labor and Equipment for complete installation, including associated sealants.
9. Complete engineering, **one** State- Specific Engineering Stamp, shop drawings and **one set** of structural reactions to boundary supports.
10. Template (including freight) for placement of anchor bolts (by others) in concrete footing.
11. Install only electrical harness. Supply and install threaded pipes to receive illuminated signage.
12. Installation of non-illuminated dealer name letters, supplied by Pattison Sign Group, at time of portal installation.
13. Sales and Use Tax if applicable.
14. Freight.

General Exclusions:

1. Electrical feed for lighting. Requires 3-5 individual circuits with a maximum output of 1500W at 120 VAC (the bulbs are 55W each which allows for up to 27 lights per circuit). No hardwiring of conduit should code require.
2. Anchor bolts and concrete.
3. **Dealer signage** (logos and illuminated lettering) including all power requirements and hardware.
4. Canopy, welding, associated structural support and flashing back to the building.
5. Architectural stamp and permits

Pricing:

Price per the above scope of work.....\$ 134,800.00

A deposit of 15% of the total lump sum amount is required with order.

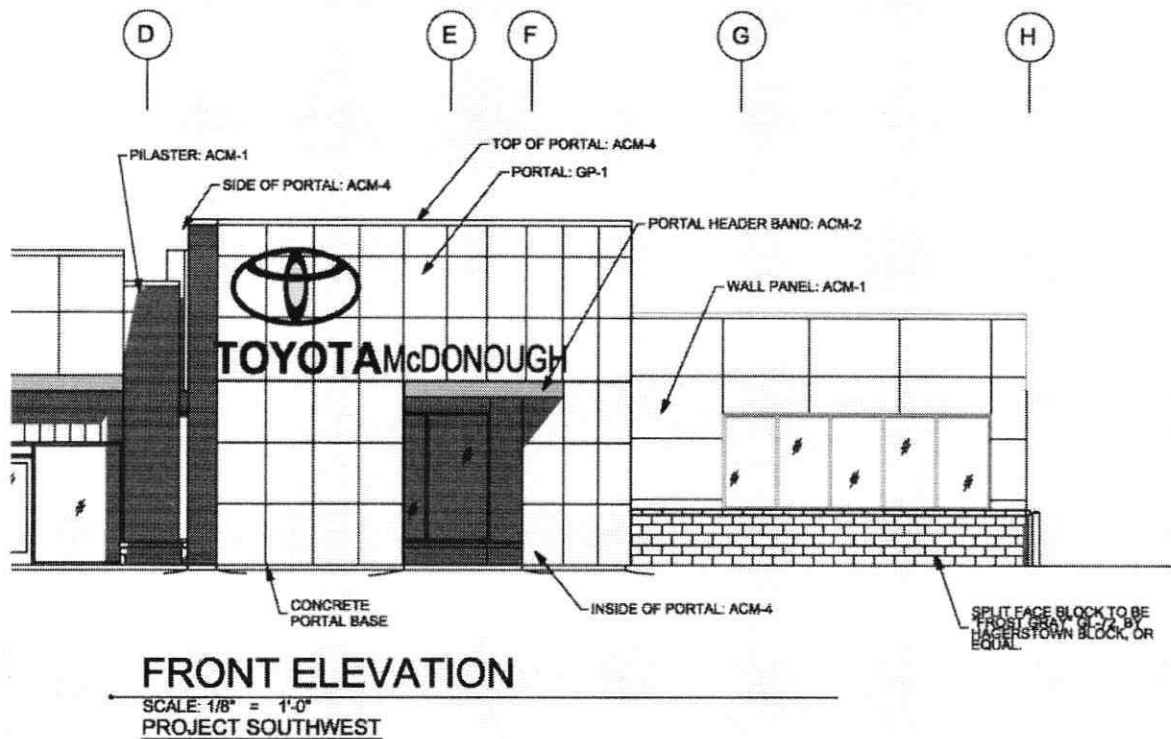
Proposed by:

Accepted by:

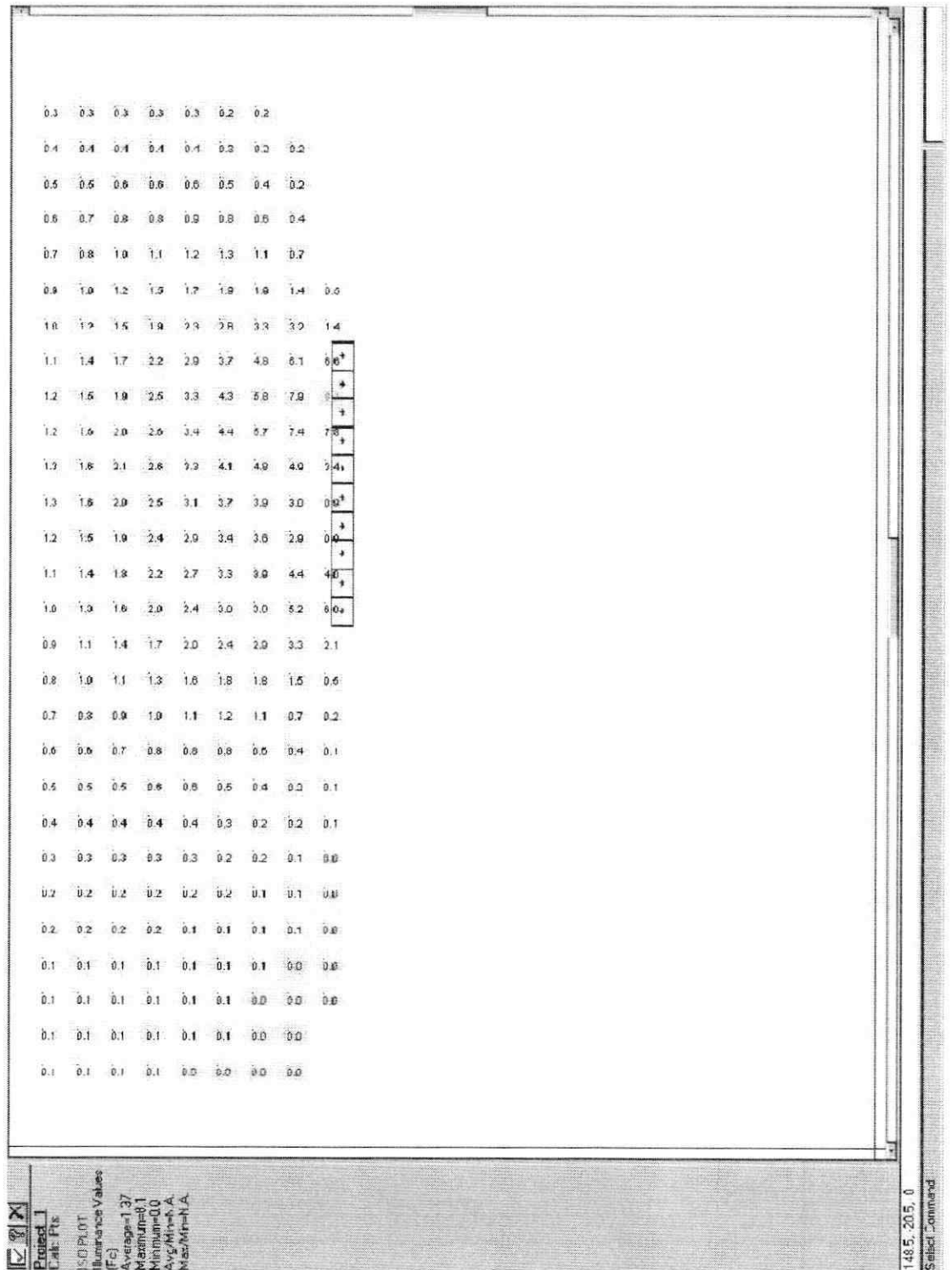

Karen L. Matchulat
Portal Sales

Entrance Portal Lighting – Technical Information
(Novum Structures LLC)

McDonough Toyota
(Staunton, VA)



6.5 X 10 BAYS – GROUND PLANE



6.5 X 10 BAYS – VERTICAL PLANE 1'-0" FROM PORTAL FACE

☒ ☒ ☒
 Project 1
 Calc Pts

Object Size: 4
 Insurance Values
 Average=5.40
 Maximum=20.7
 Minimum=0.2
 Avg/Mid=7.00
 Max/Mid=103.50

15.4	19.6	20.0	20.0	20.3	20.6	20.2	19.9	20.1	20.3	20.5	20.1	20.1	20.1	20.7	20.2	20.0	19.6	15.9
10.6	13.4	13.8	13.7	13.9	14.0	13.8	13.7	13.7	13.7	13.9	13.7	13.9	13.7	14.2	14.0	13.8	13.4	10.9
11.2	14.1	14.5	14.4	14.5	14.8	14.3	14.2	14.3	14.3	14.5	14.3	14.5	14.4	14.9	14.7	14.5	14.2	11.7
9.1	11.5	11.7	10.8	9.1	8.2	7.9	7.8	7.8	7.8	8.2	9.2	11.0	11.7	12.1	12.0	11.9	11.5	9.5
10.9	13.8	13.9	11.5	8.2	3.0	2.2	2.0	2.0	2.1	2.8	5.8	11.2	13.7	14.6	14.5	14.2	14.1	11.4
8.9	11.2	11.3	9.2	4.7	1.7	0.9	0.7	0.7	0.9	1.6	4.2	8.9	11.1	11.8	11.7	11.5	11.2	9.3
10.8	13.2	13.4	10.7	5.1	1.5	0.6	0.4	0.4	0.6	1.3	4.4	10.4	13.2	13.9	13.8	13.7	13.6	11.1
9.7	10.8	11.0	8.8	4.4	1.4	0.5	0.3	0.3	0.5	1.2	3.9	8.6	10.9	11.5	11.4	11.3	11.0	9.1
10.5	13.0	13.3	10.5	4.9	1.4	0.5	0.3	0.3	0.5	1.2	4.3	10.3	13.1	13.9	13.7	13.6	13.2	10.9
8.6	10.7	10.9	8.7	4.3	1.3	0.5	0.3	0.3	0.4	1.7	3.8	8.4	10.6	11.2	11.1	11.0	10.7	8.8
10.4	13.1	13.2	10.4	4.8	1.4	0.5	0.3	0.3	0.4	1.2	4.2	10.1	13.0	13.8	13.8	13.4	13.2	10.8
8.7	10.8	11.1	8.8	4.3	1.3	0.4	0.2	0.2	0.4	1.1	3.9	8.6	11.0	11.6	11.6	11.4	11.1	9.2
10.4	12.9	13.1	10.3	4.7	1.2	0.4	0.2	0.2	0.3	1.0	4.2	10.1	12.9	13.6	13.5	13.4	13.1	10.9
8.6	8.2	8.3	6.5	3.0	0.8	0.3	0.2	0.2	0.3	0.7	2.8	6.4	8.2	8.6	8.5	8.4	8.2	6.7

132 52 30

Select Command

Project 1

Calc. Pts

Object: Side 4

Insurance Values

(F)

Average=3.40

Maximum=20.7

Minimum=0.2

Avg/Mtr=47.00

Max/Mtr=103.50

132 52 30

Select Command

6.5 X 10 BAYS – VERTICAL PLANE 10'-0" FROM PORTAL FACE

5.1	6.1	7.1	7.7	7.9	8.1	8.3	8.4	8.5	8.6	8.8	8.1	8.4	8.6	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0
5.5	6.5	7.5	8.0	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5	10.6
5.7	6.7	7.6	8.1	8.1	8.1	8.1	8.2	8.3	8.5	8.8	9.0	9.2	9.4	9.6	9.8	10.0	10.2	10.4	10.6	10.8	11.0	11.2	11.4	11.6	11.8	12.0	12.2	12.4
5.8	6.7	7.5	7.8	7.6	7.5	7.4	7.5	7.5	7.7	8.0	8.4	8.7	9.0	9.3	9.6	9.9	10.2	10.5	10.8	11.1	11.4	11.7	12.0	12.3	12.6	12.9	13.2	13.5
5.7	6.5	7.1	7.3	6.9	6.6	6.5	6.5	6.5	6.7	7.1	7.7	8.2	8.6	9.0	9.5	9.9	10.3	10.7	11.1	11.5	11.9	12.3	12.7	13.1	13.5	13.9	14.3	14.7
5.7	6.5	7.0	7.0	6.4	6.0	5.8	5.7	5.8	6.0	6.5	7.2	7.8	8.3	8.8	9.2	9.6	10.0	10.4	10.8	11.2	11.6	12.0	12.4	12.8	13.2	13.6	14.0	14.4
5.5	6.2	6.6	6.5	5.8	5.3	5.0	5.0	5.0	5.3	5.8	6.7	7.9	8.6	9.4	9.9	10.3	10.7	11.1	11.5	11.9	12.3	12.7	13.1	13.5	13.9	14.3	14.7	15.1
5.5	6.1	6.4	6.2	5.4	4.9	4.5	4.4	4.5	4.8	5.4	6.2	7.6	8.4	9.3	9.8	10.2	10.6	11.0	11.4	11.8	12.2	12.6	13.0	13.4	13.8	14.2	14.6	15.0
5.3	5.9	6.1	5.9	5.1	4.4	4.0	3.9	4.0	4.3	4.8	5.8	7.1	7.9	8.9	9.2	9.5	9.8	10.1	10.4	10.7	11.0	11.3	11.6	11.9	12.2	12.5	12.8	13.1
5.2	5.7	5.9	5.7	4.7	4.1	3.6	3.5	3.5	3.8	4.4	5.4	6.7	7.6	8.6	9.0	9.3	9.6	9.9	10.2	10.5	10.8	11.1	11.4	11.7	12.0	12.3	12.6	12.9
4.8	5.3	5.4	5.2	4.3	3.6	3.3	3.1	3.1	3.4	4.0	4.9	6.3	7.1	8.1	8.4	8.7	9.0	9.3	9.6	9.9	10.2	10.5	10.8	11.1	11.4	11.7	12.0	12.3
4.3	4.7	4.9	4.6	3.8	3.2	2.9	2.7	2.8	3.0	3.6	4.4	5.8	6.3	7.2	7.6	7.9	8.2	8.5	8.8	9.1	9.4	9.7	10.0	10.3	10.6	10.9	11.2	11.5
3.7	4.1	4.2	4.0	3.3	2.8	2.5	2.3	2.4	2.6	3.1	3.8	4.8	5.5	6.2	6.5	6.8	7.1	7.4	7.7	8.0	8.3	8.6	8.9	9.2	9.5	9.8	10.1	10.4
3.1	3.4	3.5	3.3	2.7	2.3	2.1	2.0	2.0	2.2	2.6	3.1	4.0	4.6	5.2	5.4	5.7	6.0	6.3	6.6	6.9	7.2	7.5	7.8	8.1	8.4	8.7	9.0	9.3

6.5 X 10 BAYS – VERTICAL PLANE 20'-0" FROM PORTAL FACE

3.3	3.7	4.1	4.4	4.6	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.4	5.4	5.4	5.4	5.2	4.9	4.6	4.2	3.7
3.4	3.8	4.2	4.5	4.8	5.0	5.1	5.1	5.2	5.3	5.4	5.5	5.6	5.6	5.6	5.6	5.4	5.1	4.8	4.4	3.8
3.6	4.0	4.3	4.6	4.9	5.1	5.2	5.2	5.3	5.4	5.6	5.7	5.8	5.9	5.9	5.9	5.7	5.4	5.1	4.6	4.1
3.6	4.0	4.4	4.7	4.9	5.1	5.2	5.2	5.3	5.4	5.6	5.6	5.6	5.6	5.6	5.6	5.9	5.7	5.3	4.9	4.3
3.6	4.0	4.4	4.6	4.8	5.1	5.1	5.1	5.2	5.4	5.6	5.6	5.6	5.6	5.6	5.6	6.0	5.8	5.5	5.0	4.4
3.7	4.0	4.3	4.6	4.8	5.0	5.0	4.9	5.0	5.2	5.5	5.6	5.6	5.9	6.0	6.1	6.0	5.8	5.5	5.0	4.4
3.6	4.0	4.3	4.5	4.7	4.8	4.8	4.8	4.9	5.1	5.3	5.5	5.6	5.8	6.0	6.1	6.0	5.8	5.5	5.0	4.5
3.5	3.8	4.1	4.3	4.4	4.6	4.5	4.5	4.6	4.8	5.1	5.3	5.5	5.6	5.8	6.0	5.9	5.7	5.4	5.0	4.4
3.3	3.6	3.9	4.0	4.2	4.3	4.2	4.2	4.3	4.5	4.8	5.0	5.3	5.6	5.7	5.7	5.6	5.4	5.2	4.8	4.2
3.1	3.4	3.6	3.8	3.9	4.0	3.9	3.9	4.0	4.2	4.4	4.7	5.0	5.2	5.4	5.4	5.3	5.2	5.0	4.5	4.1
2.9	3.1	3.3	3.5	3.6	3.7	3.6	3.6	3.7	3.8	4.1	4.3	4.6	4.8	5.0	5.0	5.0	4.8	4.7	4.3	3.8
2.6	2.9	3.1	3.2	3.3	3.4	3.3	3.3	3.3	3.5	3.7	4.0	4.2	4.4	4.6	4.6	4.6	4.5	4.3	3.9	3.5
2.4	2.6	2.8	2.9	3.0	3.0	3.0	2.9	3.0	3.2	3.4	3.6	3.8	4.0	4.2	4.2	4.2	4.1	3.9	3.6	3.2
2.2	2.4	2.5	2.6	2.7	2.7	2.7	2.6	2.7	2.8	3.0	3.2	3.5	3.6	3.8	3.8	3.8	3.7	3.5	3.3	2.9

☒ Print
☒ Plot
☒ Calc
☒ Fit
 Output: 2, 5, 10, 4
 Illuminance Values
 Average=450
 Maximum=62
 Minimum=22
 Avg/Mn=2.85
 Max/Mn=2.82



Prepared for: Novum Structures LLC
Project Location: McDonough Toyota
918 Richmond Road
Staunton, VA

**SPECIFICATIONS, WARRANTY,
INSTALLATION INSTRUCTIONS, UL LISTING,
COMMISSIONING STATEMENT
FOR TOYOTA ENTRANCE PORTALS**

(Revision #1 – August 2006)

TOYOTA PORTAL LIGHTING SPECIFICATION

A. Scope

The lighting instruments shall be supplied by METALUMEN Manufacturing Inc., Guelph, Ontario. The instruments shall be provided in three configurations; a single light source (T1) and a double light source version (T2). The third configuration (T3) is to be a modified version of either the T1 or T2 to accommodate the two (2) foot and three (3) foot panel sizes.

METALUMEN is responsible for the coordination of all matters pertaining to the lighting instruments described herein. Coordination shall include:

1. Liaison with the Toyota Portal Project Team
2. Receive, check and edit all orders received from Novum Structures LLC
3. Provide technical support/assistance pertaining to the lighting instruments
4. Provide the necessary resources to ensure the timely expedition of all orders for the lighting instruments
5. Provide assembly and wiring diagrams pertaining to the lighting instruments
6. Provide recommended positions for electrical feed points
7. Ensure an ongoing program is in place to ensure the quality and timely delivery of the lighting components

METALUMEN shall not be responsible for the design or specification of electrical equipment not directly involved with the lighting instruments. This includes but not limited to:

1. Power source resources
2. Detailing of conduit feeds and controls such as circuit breakers and timers which shall be the responsibility of the project electrical engineer
3. Electrical feeds and controls for the signage

Novum Structures LLC ("Novum") shall be responsible for providing suitable mounting arms in accordance with instructions from METALUMEN.

Novum shall be responsible for providing the necessary drawings and details for each lighting portal. Novum is responsible for detailing any special requirements which are beyond the typical approved portal designs. METALUMEN will inform Novum of any additional costs associated with changes to the standard lighting instruments.

The sign manufacturer shall be responsible for detailing their electrical requirements to the project electrical engineer. Electrical feeds to the sign equipment shall be independent of the feeds for the lighting instruments.

B. Light source

The light source for either the single or double configuration shall use induction lighting technology. The light source shall have a rated lamp life of 25 years. Lamp life shall be based on 4000 burning hrs/year with a failure rate of less than 10% over the life of the lamp. The source shall have a luminous efficacy of 67-lms/watt and a colour temperature of 4000k (x-.392, y-.385). The colour rendering index shall be 80+. The light source shall be capable of operating in any mounting position (universal) without degradation in performance. The light source shall have an ignition time of <0.5 sec. In the event of a power failure there shall be no cool down time required for restart. High frequency operation will ensure no lamp flicker, no stroboscopic effect and no generated noise.

C. Optical system

The optical system shall be designed to disperse the light over the interior surface of the glazing panels. The transmitted component shall back light the front exterior surfaces of the glazed panels with a uniformity ratio of 1.3:1.0 or better.

D. Electrical/physical characteristics

The single lighting instruments shall have an operating voltage of 120 VAC rated at 55 watts. Double lighting instruments shall have an operating voltage of 120 VAC rated at 110 watts.

The system shall operate within a voltage range of 108 volts to 132 volts to allow for line voltage fluctuations without changing the light output from the sources. The induction lighting components shall have a nominal power factor of 0.96 and a total harmonic distortion of <10%. The maximum vessel (bulb) wall temperature shall not exceed 135°C (275°F). The HF-generator maximum temperature shall not exceed 65°C (149°F) and the maximum power coupler temperature (antenna) shall not exceed 100°C (212°F).

Each ballast box is to be fitted with a self-resetting thermal protection device set at 70°C.

The total heat load for a single instrument shall be no greater than 190 BTUs and 380 BTUs for a double instrument.

The lighting instruments shall be supplied pre-assembled. And shall be fastened to the structure using u-bolts secured with NYLOK nuts as shown on METALUMEN'S drawing #9772 and provided by METALUMEN. The structural components shall be provided by the portal structure manufacturer.

The HF-generators shall be installed in 'ballast' boxes provided by METALUMEN and rated at IP54.

Single lighting instruments will be equipped with a single ballast box with a female receptacle and a 14' (+/-) SJ cord pigtail equipped with a male plug to allow for quick daisy-chain connections.

The double instruments shall be equipped with two ballast boxes wired together with SJ cord. The upper box shall have a female receptacle and the lower shall be equipped with a 14' (+/-) SJ cord pigtail with a male plug to allow for quick daisy-chain connections. The SJ cord shall be 14/3 AWG, 105°C terminated in a molded grounding type plug, secured to the HF generator enclosure (NZTM2) R/C. CN. Strain relief, suitable for type and size of the used cord.

The lighting instruments are an integral part of the portal system and shall be installed by either the structure manufacturer or glazing installer as directed by Novum.

The daisy-chain cables shall be fastened to the structural members by the structure manufacturer or on site by the glazing installer using cable straps supplied by METALUMEN. The daisy-chaining shall be in accordance with drawings provided by METALUMEN.

The structure manufacturer and the installer shall be responsible for ensuring that the daisy-chaining is carried out in accordance with the wiring drawings.

The system load shall not exceed 4.4 kilowatts at 120 volts for a typical portal measuring 32' x 60' (55 watts per light source). The system load is defined as the total load for the lighting instruments and does not include any additional power required for signage or ancillary equipment.

Individual ballasts shall be equipped with an automatic resetting thermal protection device with a set point temperature of 75°C, 120V, 5.5A

E. UL Listing

The luminaires shall comply with the Standard of Underwriters Laboratories Inc. for high intensity luminaires (UL 1598) and the description contain in UL file number E104850.

F. Controls/Photo-cells

The lighting instruments shall be controlled through the use of an electrical timing device and photocell to be specified by the electrical engineer. The timing device shall include a battery back-up to ensure that in the event of a power failure the timing device will not require resetting.

The entire system shall be controlled by an overriding photocell. The photocell shall be adjusted to allow the lighting instruments to be illuminated at sunset and turned off at sunrise (at the discretion of the Owner). The timer shall be set to ensure that the lighting instruments are illuminated a maximum of ten (10) hours per day. Operating the lighting instruments beyond ten (10) hours per day will nullify the warranty. *(See below).*

G. Additional components

In the event that any additional wiring or structural components are introduced into the portal METALUMEN shall be consulted prior to installing same. This is to ensure that no components or wires interfere with the light provided by the lighting system.

H. Ventilation

The portal shall be adequately ventilated to ensure that the internal ambient heat load is exhausted from the system.

I. Installation

Installation will be carried out in accordance with the installation instructions provided by METALUMEN.

During installation the lighting instruments are to be protected from adverse weather conditions such as snow or rain. The installer is responsible for providing suitable tarpaulins or other cover.

J. Testing

The glazing installer shall power the system for a period of 24 hours prior to completing installation (closing the portal) to ensure that all instruments are functioning. In the event of a failure of any instrument during the test/burn-in phase the installer shall completely remove the failed instrument and replace with another device. The failed device shall be returned to METALUMEN. Prior to returning the failed instrument the installer is to contact METALUMEN and request a Return Materials Authorization Tag (RMA) and follow the instructions covering the return of the device.

K. Power feeds

Power shall be fed through a power feed located in concrete base. Each feed shall be located in accordance with drawings provided by METALUMEN.

The electrical engineer shall determine the appropriate method for running the conduits to the feed points as well as code compliance.

L. Paint Finishes

Interior surfaces for side, bottom, rear and top panels enclosing the structure shall be painted in a highly reflective, non-yellowing white enamel finish.

Variations to the depth of the portal internal cavity may require changes to the internal reflectance values specified above. In cases of variation METALUMEN shall be requested to conduct prototype tests to determine the nature and scope of the changes required to the internal surfaces. These changes shall be incorporated into the portal by the portal fabricator.

M. Replacement

The lighting instrument source has an extremely long lamp life (100,000 hours or approx. 25 years at 4,000 hours per year). In the event that a lighting instrument fails the failed device is to be easily disconnected from the preceding instrument and the following instrument by unplugging the daisy-chain. The instrument shall be removed by removing the machine screws holding it to the structure. If the failure occurs during the warranty period an RMA tag is to be requested from METALUMEN. The contractor shall return the device following the instructions accompanying the RMA tag. An industrial grade extension cord is to be used to by-pass the location of the removed instrument. This will allow the instruments in the 'run' where the failed instrument was removed to continue to function.

N. Drawings

Novum shall provide installation instructions, assembly and wiring drawings with each shipment and additionally provide schematic drawings showing the relative location of the power feeds (by electrical engineer).

O. Warranty

The induction lighting system shall have a limited five (5) year warranty. The warranty shall be contingent upon the induction lighting system being operated in accordance with the manufacturer's Product Information Bulletin for Original Equipment Manufacturers. The warranty period begins from the date of commissioning of the portal. The portal installer must provide METALUMEN with a signed copy of the commissioning statement which accompanies each installation.

In order for the warranty to be valid the lighting device must be operated within the following parameters:

The single lighting instruments shall be operated at a voltage of 120 VAC rated at 55 watts. Double lighting instruments shall be operated at a voltage of 120 VAC rated at 110 watts.

The system voltage operating must not be below 108 volts or exceed 132 volts. The maximum vessel (bulb) wall temperature must not exceed 135°C (275°F). The HF-generator maximum temperature shall not exceed 75°C (167°F) and the maximum power coupler temperature (antenna) shall not exceed 100°C (212°F).

The Illuminated Wall shall be ventilated to ensure there is protection against ingress of foreign bodies and weather elements while not exceeding the maximum operating temperatures of the critical 55 watt QL System components.

Liability shall be limited to the cost of the replacement instrument and does not cover the cost of installation or any other related costs such as delivery.

The warranty is contingent upon the lighting instruments being operated for a period not to exceed ten (10) hours per day. (See Controls above)

Failed lighting instruments must be returned to METALUMEN. Failed instruments must be accompanied with an RMA Tag (see Replacement above).

Metalumen will issue a registered Warranty Certificate for each Toyota Entrance Portal installation covering the first 5 years of operation for product replacement due to premature failure of the Induction Lighting System.

In addition Metalumen provides an extended Pro Rata Warranty, as a special discount from the published Manufacturer's Distributor cost at time of replacement, for premature failure of the Induction Lighting System as follows:

- Between 5 to 7 years a discount of 50% from Manufacturer's Distributor cost.
- Between 7 to 8 years a discount of 25% from Manufacturer's Distributor cost.
- Between 9 to 10 years a discount of 10% from Manufacturer's Distributor cost.
- After a period of 10 years this warranty will expire.

The Warranty Certificate is subject to estimated daily burning hours not to exceed 10 hours per day, 7 days per week of operation (365 days per year).

In accordance with our Warranty Certificate Metalumen extends only to the value of the product and does not allow for installation cost or liabilities beyond the value of the product.

This warranty is contingent on the induction lighting product not being operated under conditions that would exceed the MaxT case temperature of the generator (75 degrees C) or the Maximum mounting flange temperature of the power coupler (100 degrees C).

INSTALLATION INSTRUCTIONS

General

The T1 and T2 lighting instruments are manufactured by Metalumen to withstand normal handling. The units are shipped ready for installation using the hardware supplied by Metalumen and consists of one (T1) or two (T2) high frequency (HF) generator(s) components housed in an IP54 rated 'ballast' box, a vertical mounting bracket, one or two power couplers, one or two interior phosphor coated vessels (the light source). The power coupler is mounted to a heat sink to allow for the proper dissipation of heat and is connected to the HF-generator through a 400mm coaxial cable. Under no circumstances is the coaxial cable to be modified through cutting as this will affect the operation of the device and nullify the warranty.

The devices are equipped with a specifically designed optical light control device. It is important that the optical device not be bent or misshapened in any way. In the event that the optical device is damaged it should be removed using the screws provided and returned to Metalumen for replacement. To return the optical device a Return Merchandise Authorization (RMA) tag must be requested from Metalumen (see specifications).

The devices are inter-connected through the use of power-pigtails using a daisy-chain method which in turn is connected to power connections located in the base of the portal. The power sources are to be located in accordance with drawings supplied by Metalumen. The electrical engineer is responsible for providing the necessary power feeds in accordance with applicable codes which are installed by the project electrical contractor.

The entire power feed to the portal is to be controlled by a photocell/timer system specified by the electrical engineer and installed by the project electrical contractor. Details of the control system are shown on the schematic drawings supplied by Metalumen.

Installation

Carefully remove the device from the carton. Remove all protective packaging before installing the devices. During installation and before the portal is totally sealed the portal must be protected from rain and snow with appropriate tarpaulins.

The devices are to be installed in the locations shown in the schematic drawings.

The devices are to be fastened to the horizontal/diagonal structural component provided by the structure fabricator using the hardware provided.

Locate the devices, centered on the horizontal/diagonal structural components using the U-bolts supplied with the assembly. Nylok nuts are provided for this purpose.

The pigtails are fastened to the structure components using the cable-ties supplied and following the routing diagram provided. Insert the male plug into the female receptacle of the following device. Be sure to press the male plug firmly into the female receptacle.

The final pigtail, at the bottom of the structure is then plugged into the power feed provided by the electrical contractor.

Special/Custom Devices

Where special/custom devices are required they will be accompanied with instructions which cover their installation.

Testing

When the installation is completed the entire system must be powered up continuously for a period of twenty-four (24) hours to ensure that all devices are functioning properly.

Replacement

All devices are subjected to testing prior to leaving the Metalumen plant to ensure that they are operating correctly. In the event of a premature failure of a device simply unplug the device from its adjoining devices. Repack the device in its original packaging and return it to Metalumen. See the product specifications for information on obtaining a proper RMA tag. The removal of a single or multiple devices does not preclude the installation from being tested. To test the installation with devices removed simply use an industrial grade extension cord to bridge the space between adjoining devices.

When the replacement device(s) is/are received simply remove the jumper extension cord(s) and install the replacement device(s) in accordance with this installation instruction. The entire system must be re-tested as describe above in Testing.

Warranty

The devices carry a warranty detailed in the specifications. Deviation from these installation instructions will nullify the warranty.



COMMISSIONING STATEMENT

Project Name: _____

Project Number: _____

To implement the warranty program the following information must be provided and forwarded to METALUMEN MANUFACTURING INC. Attention: TOYOTA PROJECT.

√	Description	Date Checked	Int.
	Fixtures are installed according to the schematic drawings provided by METALUMEN		
	Check pigtail power leads and ensure that they are secured according to installation drawings using the nylon cable ties provided by METALUMEN		
	Check alignment of vertical supports of lighting fixtures. Vertical supports are to be parallel to the glass panel surfaces and perpendicular and centered to the horizontal diagonal structure members		
	HF Generator is installed away from front surface of glass panels [see drawing provided by METALUMEN]		
	Ensure all fastener as tightly secured		
	All filters are installed		
	Time clocks have been installed and are functioning		
	Photocell(s) have been installed and are functioning		
	System has been powered and operated for two (2) consecutive evenings [10 hours each] between sunset and sunrise (local)		

The system is free from operating defects or deficiencies.

I/we certify that the lighting equipment supplied by METALUMEN MANUFACTURING INC. has been installed in accordance with their specifications and instructions. I/we further certify that the lighting system has been operated for a period of twenty [20] hours over two evenings, from sunset to sunrise. No malfunctions were discovered.

Signed this: _____ day _____ 20 _____

Signed: _____
Authorized Signature

Per: _____
Installation Contractor

Accepted This: _____ day _____ 20 _____

Signed: _____
John Kruzlics – Manager of Inside Sales and Purchasing
Metalumen Manufacturing Inc.

File: E104850 Vol. 1 Sec. new Issued: 2004-0-0 and
Report: E104850 Project 04CA35463

2004-00-00

REPORT On FLUORESCENT SURFACE MOUNTED LUMINAIRES

Metalumen Mfg. Inc. Guelph, ON

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reproduce this report provided it is reproduced in its entirety.

DESCRIPTION PRODUCT COVERED:

USL, CNL - Induction Fluorescent Luminaires, Series MC-QL GENERAL

CONSTRUCTION:

This product complies with the Standard, of Underwriters Laboratories Inc. for High intensity Luminaires (UL 1598) and with the description on the following pages.

Products bearing the C-UL Mark shall comply with all the applicable requirements in the C-UL general portion of the Section General. In addition, these products shall also comply with all the other applicable requirements in the standard, for Luminaires (UL1598).

As indicated in the C-UL general portion of the Section General, any C-UL requirement in conflict with a UL-1598 requirement, shall take the precedence over the UL-1598 requirement.

ENGINEERING CONSIDERATION (NOT FOR UL REPRESENTATIVE USE)

USL indicates investigation to UL-1598 Indicates investigation to Canadian Standard C22.2 No. 250.00.

MARKINGS

In accordance with the Standards, Section General and as noted below (Listee Name or file number or authorized, trade names and manufacturers' identification on the product). In addition, the product shall be marked with the specific product identifier "Fluorescent" and a date code consisting of at least the month and year of manufacture.

"SUITABLE FOR DAMP LOCATIONS" permanent label or nameplate in Format Universal Bold letter 2.4 mm high visible during installation.

"MAX LOAD 10A" permanent label or nameplate in Format Universal Bold letter 2.4 mm high located near receptacle, visible after installation.

ELECTRICAL RATINGS:

Models MC-QL 1224, -1824 and -2424 120V, 60Hz, 1.02A, 2x55W

Models MC-QL 12, -18 and -24 120V, 60HZ, 0.51A, 1x55W

INSTALLATION INSTRUCTIONS

Installation or Assembly Instructions sheet, tag or temporary label in letters 1.6 mm high

"THIS PRODUCT MUST BE INSTALLED IN ACCORDANCE WITH THE APPLICABLE INSTALLATION- CODE BY A PERSON FAMILIAR WITH THE CONSTRUCTION AND OPERATION OF THE PRODUCT AND THE HAZARDS INVOLVED" Temporary label or instruction sheet in Format Universal Bold letter 2 - 4 mm high on the smallest unit package or carton

CATALOGUE NUMBERING NOMENCLATURE:

MC-QL	12	24
I	II	III

I MC-QL Series

II Overall height of upper luminaire in inches, 12, 18 or 24*

III Overall height of upper luminaire in inches, 24

NOTE: Suffix III omitted for single luminaires

SINGLE LUMINAIRE MODEL MC-QL 24

Overall luminaire height is 610 mm (24 in.).

1. Vertical Support - Aluminum profile, "U"-shaped, 3.18 mm thick, 477 mm long, provided with side openings for mounting purposes. Also provided with openings for Heat Sink and HF Generator Enclosure securement.
2. Heat Sink - Aluminum, 3.2 mm thick, measures 156 mm long by 98 mm wide, provided with openings for securement of Power Coupler, secured by four screws on bottom end of vertical Support.
3. Induction Lighting System - (FNFT2) R/C, CN, Phillips Lighting, Co., model QL 55W/13, rated 120 V ac, 50/60 Hz, 55 W, 0.51 A, consists of HF Generator, HF connecting coaxial shielded cable, power coupler and (lamp) discharge vessel. Installed in accordance with manufacturing instructions.
4. HF Generator Enclosure - Aluminum, formed as shown, 1.3 mm thick, measures 200 mm wide by 140 mm deep by 48 mm high, provided with openings for cable strain relief and for single receptacle securement. Enclosure terminated by cover, same material and thickness, secured to Vertical Support by screws.
5. Strain Relief Bushing - (N3MT2) R/C, CN, Heyco, Cat. No. SR-5N-4 terminates HF coaxial cable to HF generator enclosure.
6. Receptacle - (RTRT) Listed, CN, simplex type, min 15 A, 125V, secured to Top HF Generator Enclosure by snap-in.
7. Twist-on Connector - (ZMVV) Listed, CNL, suitable for type and size of conductors.
8. Thermal Protector - (XAPX2) R/C, CNR, Texas Instruments, Model 7AM022A5, automatic reset type, set point temperature 75°C, 120v, 5.5A, provided by manufacturer with R/C (QMFZ2), polyethylene terephthalate (PET) film, (Mylar), 0.15 mm thick, 38 mm long, heat shrunk on body, rated 300 V, 105°C minimum. Protector installed in series in line circuit, secured inside HF Generator Enclosure.
9. Power Supply Cord - (ELBZ) Listed, CNL, SJT, No. 14/3 AWG, 105°C, terminated in molded grounding type plug, secured to HF Generator Enclosure by (N2MT2) R/C, CM, strain relief, suitable for type and size of the used cord.
10. Internal Wiring - (AVLV2) R/C, min NO. 14 AWG, rated min 125 V, 105°C measure min 150 mm long outside enclosure for field wiring purposes
11. Lamp Reflector - Two provided, perforated aluminum or stainless steel, 165 mm OD by 28 mm deep. Reflectors secured together by stainless steel braces and secured to heat sink by screws.
12. Diffuser - Two provided, glass, app. 8 mm thick, 95 mm OD, secured to Lamp reflector by aluminum retaining spring.
13. Grounding - In accordance with Standard.

SINGLE LUMINAIRS MODEL MC-QL 18

Same as Model MC-QL 24, except overall luminaire height is 457 mm (18 in.) and Vertical Support length is 325 mm.

SINGLE LUMINAIRE MODEL MC-QL 12

Same as Model MC-QL 24, except overall luminaire height is 305 mm (12 in.) and Vertical Support length is 233 mm.

DOUBLE LUMINAIRE MODEL MC-QL 2424 - FIG. 1 TO 3

Same as Model MC-QL 24, except consists of two identical luminaires vertically mounted on same distance 610 mm (24 in.) from center of Vertical Support and as described below:

1. Vertical Support – Aluminum profile, “U”-shaped, 3.18 mm thick, 874 mm long, provided with openings for two Heat Sinks and two HP Generators securement.
2. Heat Sink - same as for Model MC-QL 24, except two provided.
3. Induction Lighting System - same as for Model MC-QL 24, except two provided.
4. Upper HF Generator Enclosure - same as for Model MC-QL 24
5. Lower HF Generator Enclosure - same as above, except additionally provided with opening for single receptacle securement.

DOUBLE LUMINAIRE MODEL MC-QL 1824

Same as Model MC-QL 2424, except overall upper luminaire height is 457 mm (18 inch) and total Vertical Support length is 759 mm.

DOUBLE LUMINAIRE MODEL MC-QL 1224

Same as Model MC-QL 2424, except overall upper luminaire height is 305 mm (12 in.) and total Vertical Support length is 630 mm.

**TOYOTA IMAGE USA II
PORTAL LIGHTING
PRODUCTS AND CATALOGUE NUMBER**

TOYOTA IMAGE USA II – PORTAL LIGHTING

CATALOGUE NUMBER: MC-QL-24U24D-E

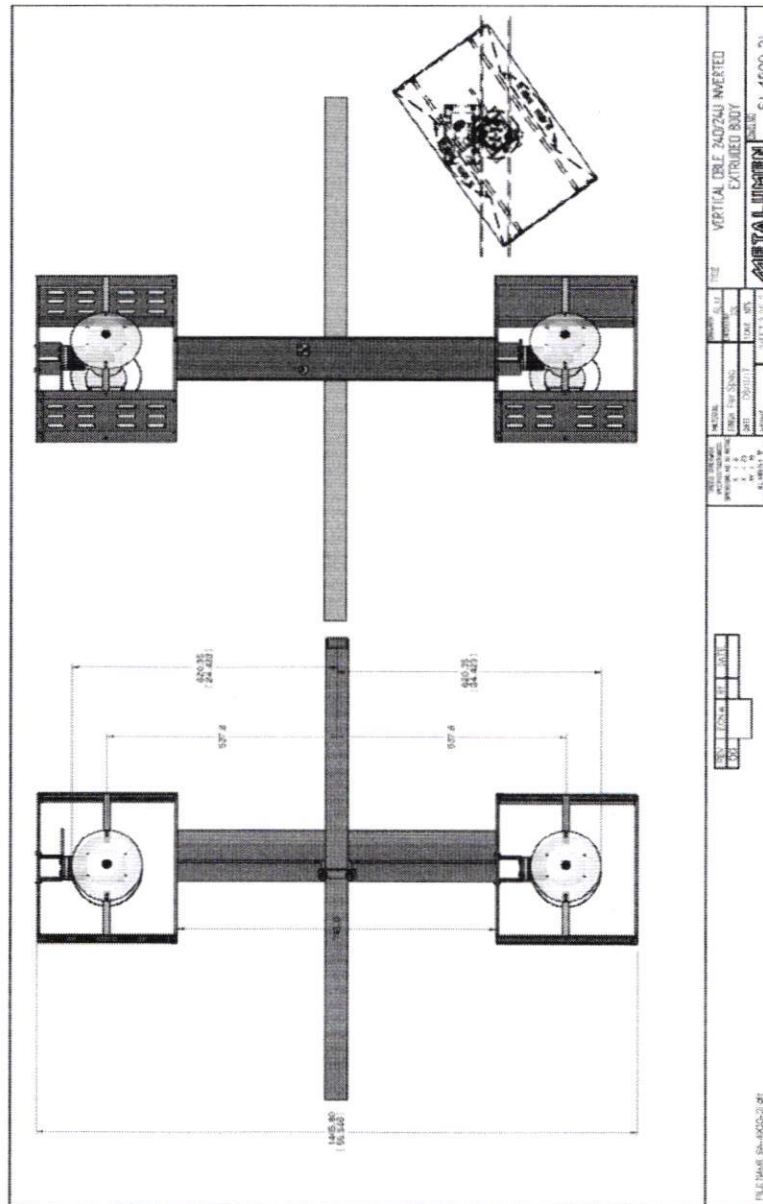


Figure 1

ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS

TOYOTA IMAGE USA II – PORTAL LIGHTING

CATALOGUE NUMBER: MC-QL-24D18U-E

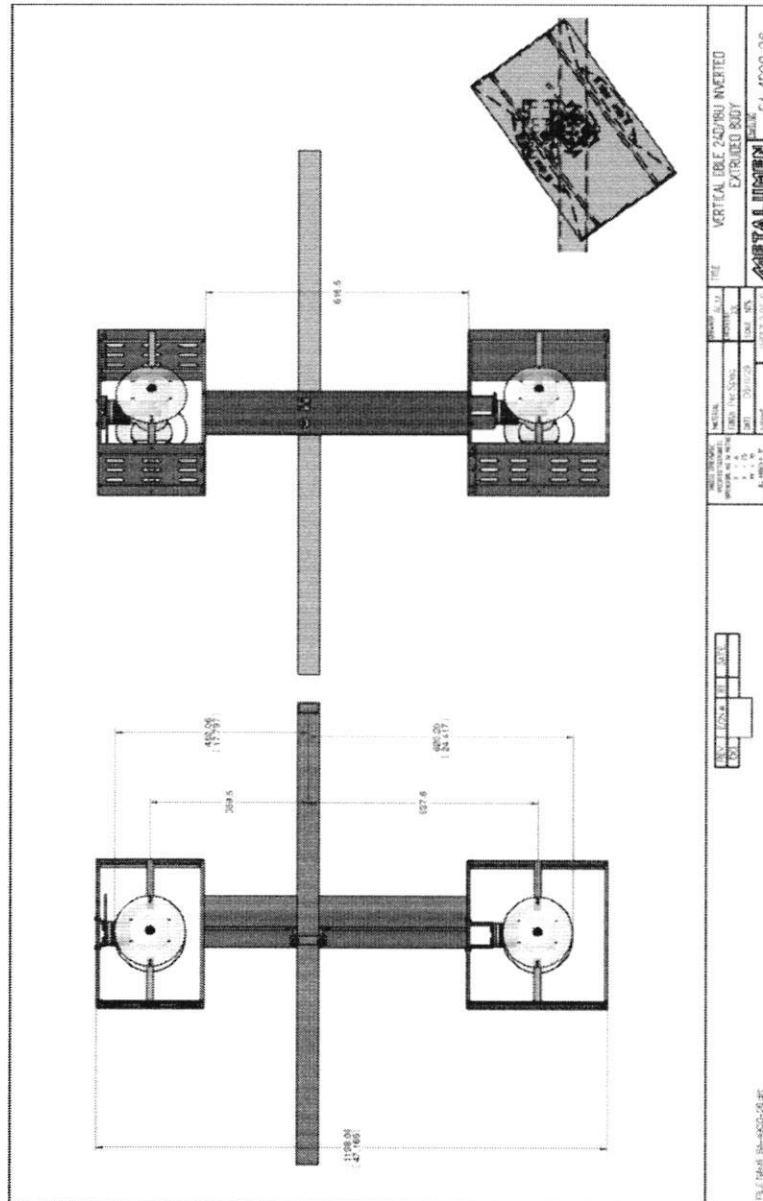


Figure 2

ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS

TOYOTA IMAGE USA II – PORTAL LIGHTING

CATALOGUE NUMBER: MC-QL-18D24U-E

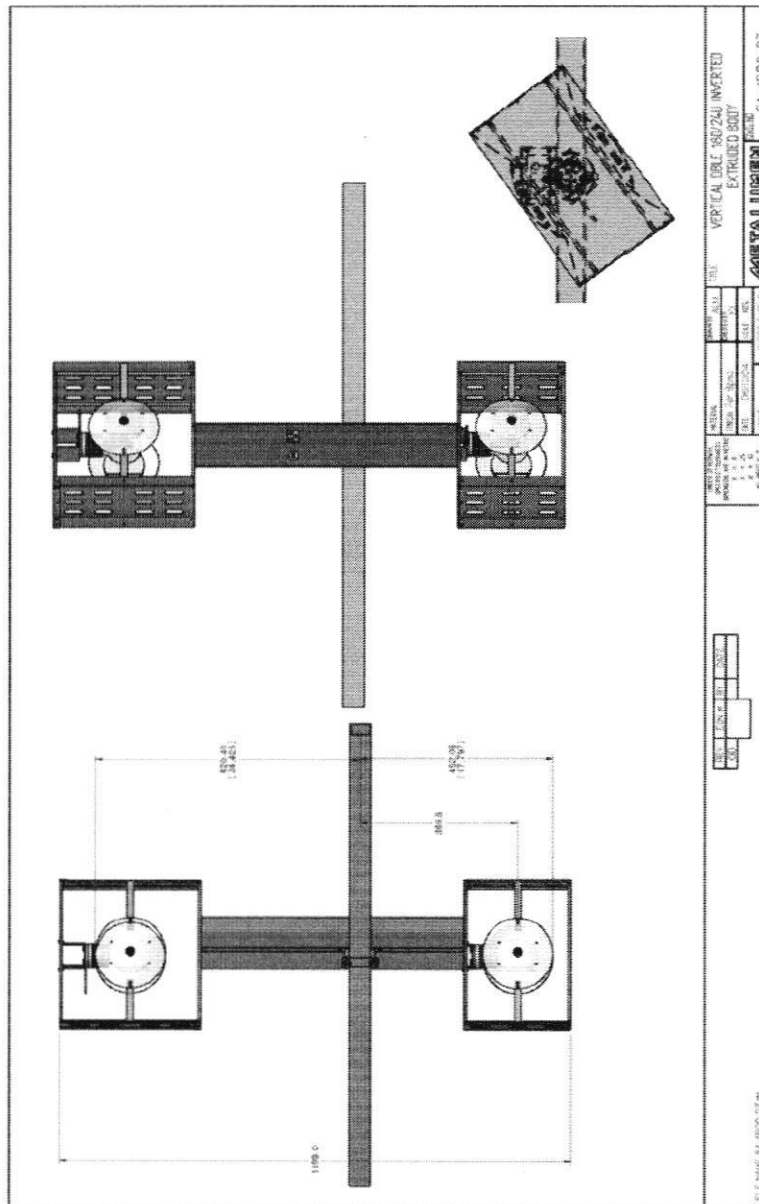


Figure 3

ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS

CATALOGUE NUMBER: MC-QL-24U-E

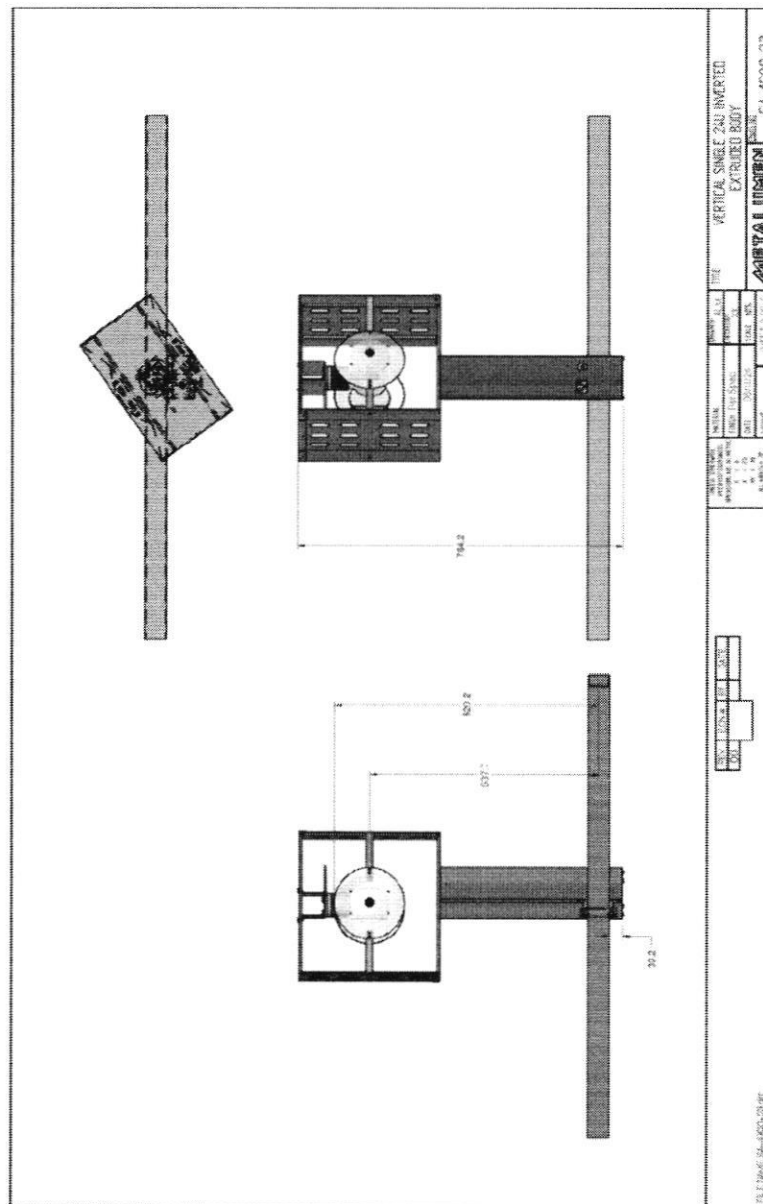


Figure 4

ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS

TOYOTA IMAGE USA II – PORTAL LIGHTING

CATALOGUE NUMBER: MC-QL-24D-E

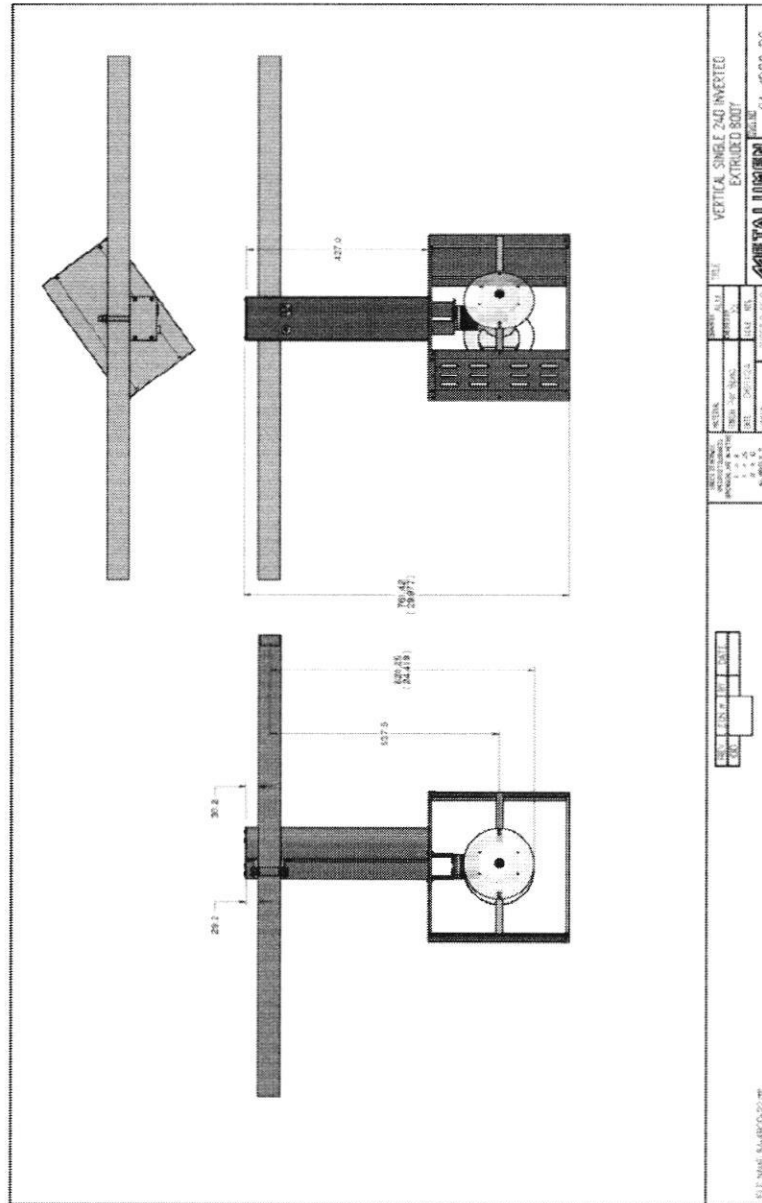


Figure 5

ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS

CATALOGUE NUMBER: MC-QL-18U-E



ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS

TOYOTA IMAGE USA II – PORTAL LIGHTING

CATALOGUE NUMBER:MC-QL-18D-E

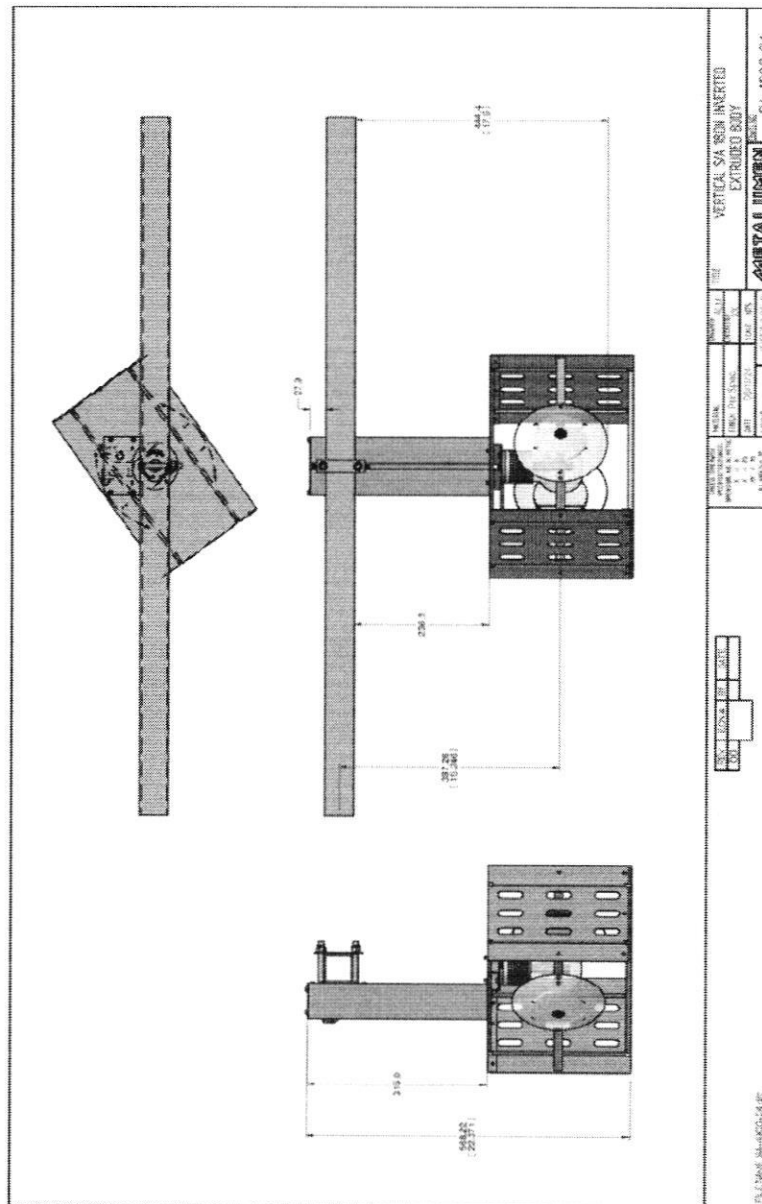


Figure 7

ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS

TOYOTA IMAGE USA II – PORTAL LIGHTING

CATALOGUE NUMBER: MC-QL-24D12U-E

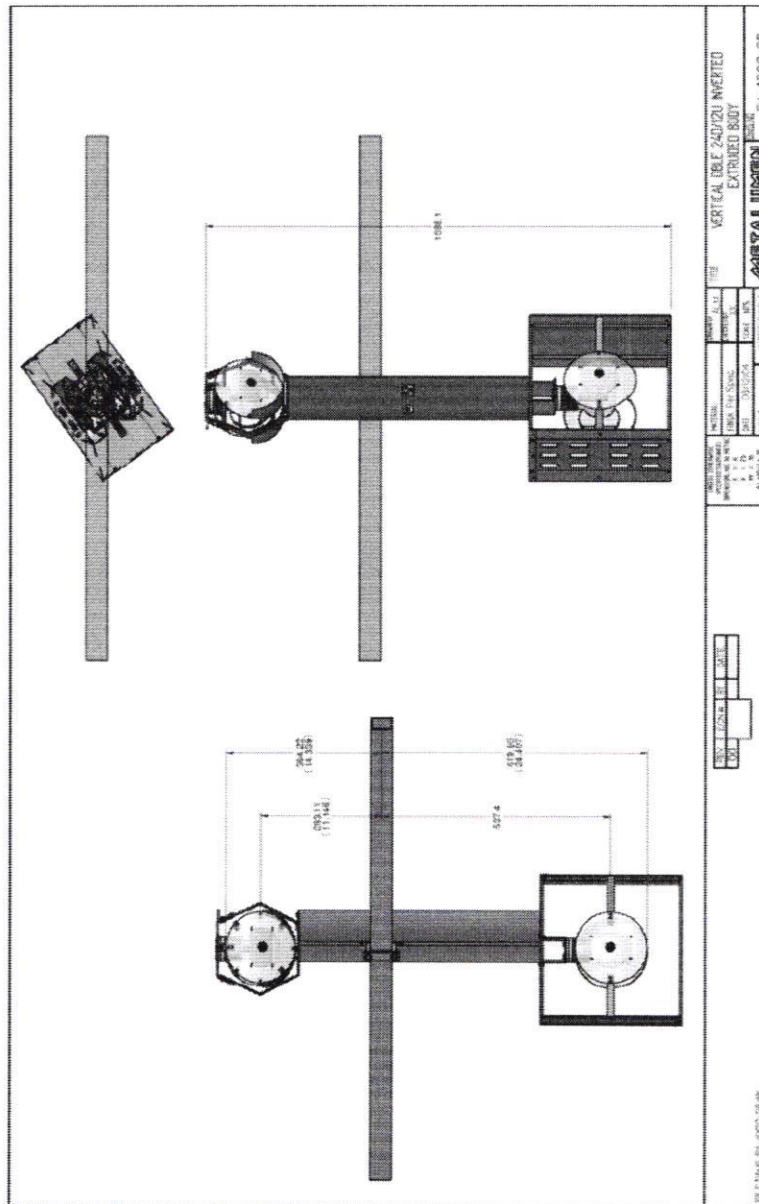


Figure 8

ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS

TOYOTA IMAGE USA II – PORTAL LIGHTING

CATALOGUE NUMBER: MC-QL-12D24U-E

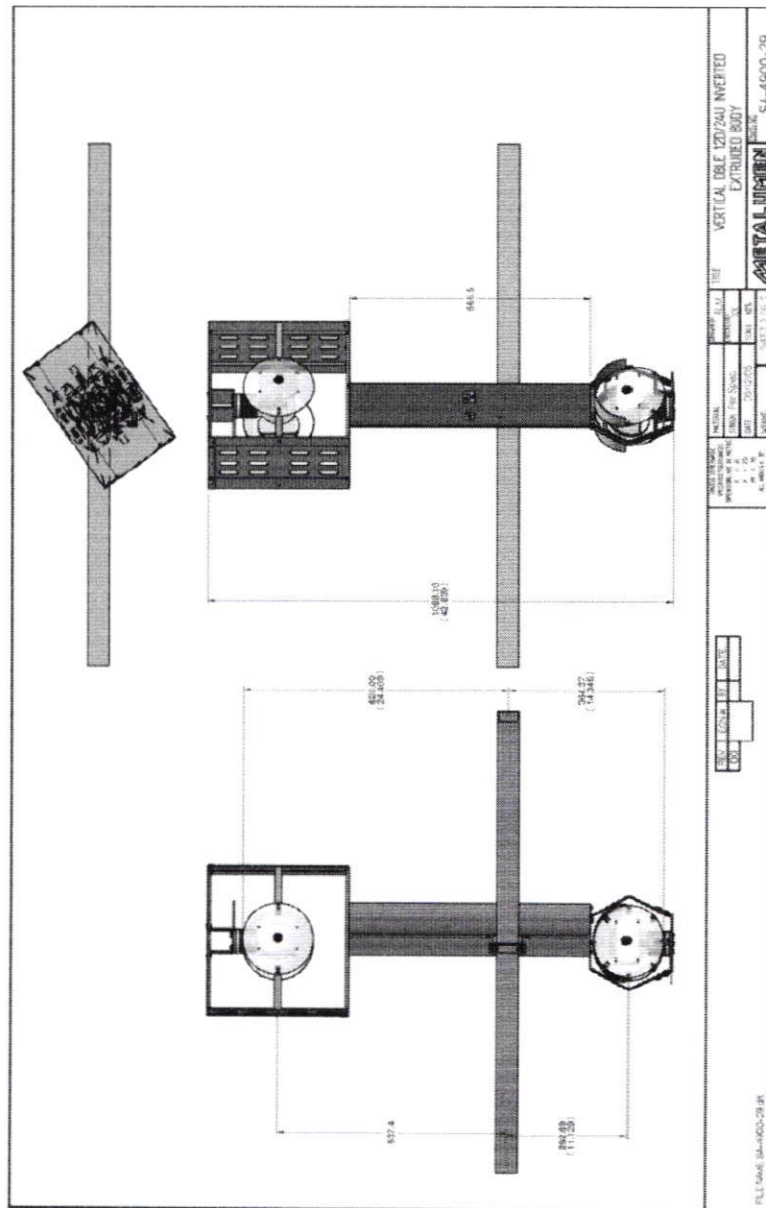


Figure 9

ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS

TOYOTA IMAGE USA II – PORTAL LIGHTING

CATALOGUE NUMBER: MC-QL-12U-E

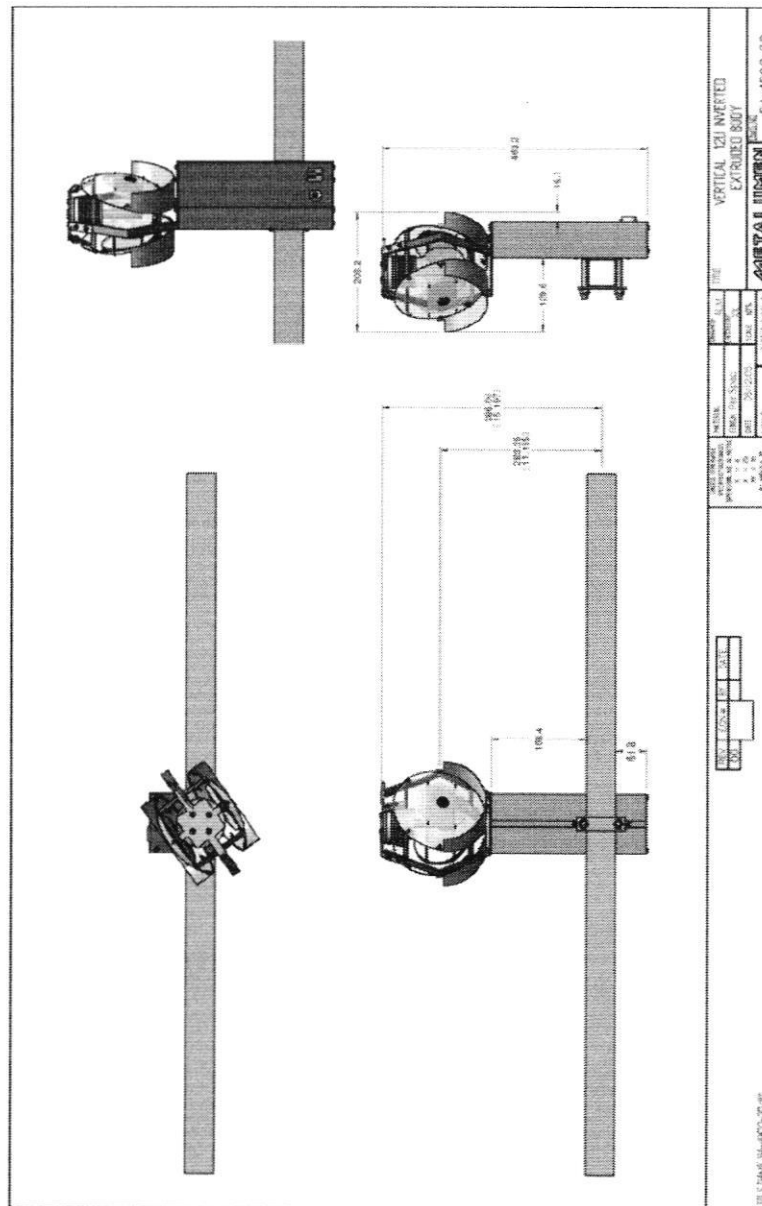
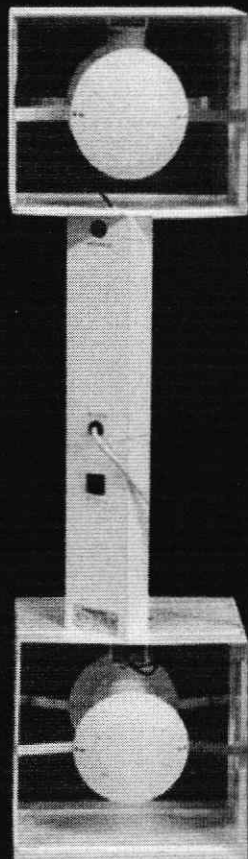


Figure 10

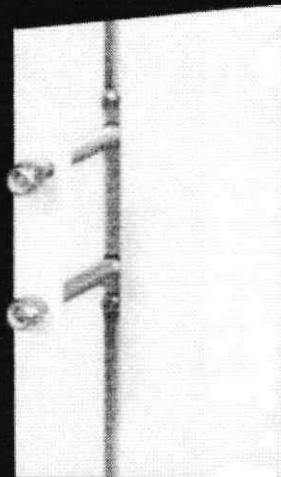
ALL DRAWINGS SHOW BOTH FRONT AND REAR VIEWS



ARROW INDICATING "UP"

DAISY CHAIN POWERCORD

POWER RECEPTACLE



REAR VIEW OF BALLAST ASSEMBLY SHOWING THE NEW MOUNTING METHOD WHICH USES CARRIAGE BOLTS IN LIEU OF "U" BOLTS. THE CARRIAGE BOLTS ARE PRE-LOCATED AT THE FACTORY AND LOCKED IN PLACE. NO FIELD ADJUSTMENT IS REQUIRED.

PHOTO SHOWING A TYPICAL CONFIGURATION. NOTE THE DIFFERENCE IN THE SIZE OF THE SHROUDS. THE UPPER UNIT IS FOR 36" X 48" PANELS.

28a

File E104850

Vol. 1

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Issued: 1999-11-19
Revised: 2004-08-10

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Note: USL - United States Listed
CNL - Canadian Standard Listed

MINUTES
STAUNTON PLANNING COMMISSION
October 16, 2014
5:30 p.m.
City Council Chambers

PRESENT: Nathaniel Burress, Chair
W. Patrick Stewart, Vice Chair
Brad Arrowood
Jessica Robinson
Judith Wiegand

ABSENT: Linda Nesselrodt, Zoning Technician

ALSO PRESENT: Sharon E. Angle, Director of Planning
Timothy Hartless, City Planner
Jim Harrington, Council Liaison
Douglas L. Guynn, City Attorney
Linda Little, Clerk of Council

The Chair called the meeting to order at 5:30 p.m. and a moment of silence was observed.

APPROVAL OF MINUTES

Mr. Stewart moved, seconded by Ms. Wiegand, to approve the minutes of the September 18, 2014, Planning Commission meeting, as amended. The motion carried unanimously.

NEW BUSINESS

a. PUBLIC HEARING: Consideration of application by Sandra G. Baker for inclusion of 26.19 acres of land to the Bells Lane Agricultural and Forrestal District

Ms. Angle, Director of Planning, stated that Sandra G. Baker has made application to include 26.19 acres of land into the Bells Lane Agricultural and Forrestal District. At Planning Commission's July 17, 2014, meeting the matter was referred to the Agriculture and Forrestal Advisory Committee for their consideration. The Advisory Committee held a meeting on September 2, 2014, and is now recommending approval of the application. Copies of the committee report and the application were included in the Planning Commission's packets.

The public hearing was opened.

Ms. Sandra G. Baker, owner, was present to represent this request.

There being no one else present to speak to this matter, the public hearing was closed.

Ms. Robinson moved to recommend approval of the application to include 26.19 acres of land to the Bells Lane Agricultural and Forrestral District.

Seconded by Mr. Arrowood, the motion carried unanimously.

OLD BUSINESS

a. Consideration of and continuance of an appeal under Staunton City Code 18.83.060(3)(b), Chapter 18.83, Entrance Corridor Overlay District, regarding the illumination of a stand-alone entrance portal as a sign.

Ms. Angle asked that the Clerk enter into the record the briefing documents and the notes from staff's inquiry with the Town of Leesburg's Deputy Director of Planning and Zoning, Brian Boucher. (See Attachment A) She stated that this matter before Planning Commission is a continuation of what is now an appeal pursuant to Staunton City Code Section 18.83.060(3)(b), part of SCC Chapter 18.83, Entrance Corridor Overlay District. The current continuance appeal focuses on a newly constructed, stand-alone lighted, cabinet signage portal at the McDonough Toyota dealership located immediately on Richmond Avenue in the City of Staunton. (The previous aspect of the original appeal concerned the color of the trim caps and the returns of the channel letter signs, as reflected in the Commission's July 17, 2014 meeting minutes). The portal was constructed without review of or approval by the City of Staunton. A photograph of the signage portal is attached. (See Attachment B)

Staff still recommends denial of the appeal on the following grounds, whether considered separately or together: that the illuminated sign structure is not sanctioned under SCC 18.83.090(7)(e)(iii), which specifies permitted cabinet signs and that the signage background is not opaque and does not appear black at night; does not qualify as an "[a]dditional type of sign that would be considered, given the specificity of the requirements for cabinet signs under SCC 18.83.090(7)(e)(iii); even if it were considered further under SCC 18.83.090(7)(e)(iii), such an illuminated sign structure would constitute a second free-standing sign prohibited by SCC 18.83.090 (7)(a); and such a sign is contrary to the intent of the entrance corridor overlay district of Chapter 18.83.010, which is "intended to implement the City's comprehensive plan's goal by protecting and promoting the unique characteristics of the City's natural and built environment leading into the historic districts through assuring site and building design reflecting the natural, scenic, historic, architectural, and cultural resources within view of each corridor." As well, that intention contemplates "[r]egulation and guidance of corridor development includes but is not limited to . . . regulating the size, intensity, and placement of signs and lighting . . ."

Staff had previously met with Mr. Frank McDonough approximately one year before the portal was constructed, and took what might be regarded as a generous approach then, in trying to accommodate the business, according to Ms. Angle. She also reminded that at Planning Commission's September 18, 2014, the Commission was asked to consider an appeal to the proposed lighting of the portal by McDonough representative, Steve McDonough, who noted the business has been there for approximately 40 years and that the renovation was a large investment in the City of Staunton instead of Augusta County or Waynesboro.

Ms. Angle recalled that Mr. John McCurdy, Dealer Development Manager for Central Atlantic Toyota, was present as the regional representative. He represented to the Commission that there is a similar situation in Albemarle County, which had similarly denied a lighted portal, was under review and they were considering an appeal. He further represented to the Commission that three other communities—Williamsburg, Leesburg and Winchester—were historic communities like Staunton that allowed similarly what McDonough was requesting. As the Commission may recall, at the July meeting of Planning Commission, the national Toyota spokesperson represented incorrectly that the company never changed or compromised its signage standards on the lighted portal design. To the contrary, according to Ms. Angle, Mr. Hartless contacted Albemarle County Planners to discuss these representations. Albemarle has an entrance corridor overlay and the sign regulations are similar to Staunton's. His discussion revealed that the same issues were identified by Albemarle County staff and that the illuminated portal was also reviewed by Albemarle County's Planning Commission and Toyota had, in fact, agreed to or acquiesced in the same compromise that Staunton already had offered. The portal in Albemarle County is not illuminated; however, Albemarle Planning Commission did agree to red trim caps and returns for the "Toyota" sign and logo. Albemarle staff further noted that the time limit on appeals to their decision had expired.

Ms. Angle also reminded that the Planning Commission unanimously voted to table the request in order to have staff research the details on the three localities mentioned by Mr. Bell—Williamsburg, Leesburg and Winchester, as being in similarly regulated areas where they were approved and to get input from the City Attorney as the implications of this type of decision in possibly setting a precedent for future requests in Entrance Corridor projects.

Although the view of the City Attorney is that what other Virginia localities have done is not directly material to a proper analysis under Staunton's Chapter 18.83 of the Staunton City Code, the City staff offered the information as a follow-up regarding the other localities mentioned by Toyota. Also, the City Attorney is of the view that the Planning Commission is obliged to analyze the appeal within the framework and provisions of Chapter 18.83 of the City Code, and absent making a distinction with a difference rooted in and based on those considerations—not unrelated considerations—an exception could be considered arbitrary or capricious or be considered a precedent that defines for the future an argument to be made by others who seek an exception untethered to the language and intent of Chapter 18.83.

According to Ms. Angle, Planning Department staff ascertained the following as to sign portals in other Virginia jurisdictions:

Williamsburg: Toyota dealership is not located in historic Williamsburg or its entrance corridors. It is actually located in James City County, which does not have a corridor overlay district.

Winchester: Located in the city limits but not located in either its Corridor Overlay District or the Historic Districts.

Leesburg: Toyota dealership is located in the town in one of its entrance corridors. Initially the Toyota application included the illuminated portal with red lettering that Toyota has chosen as its national standard. Upon review of the application, the Town of Leesburg, however, denied the request because of the requirements of the Leesburg Entrance Corridor Overlay. Leesburg found that the portal did not meet the minimum standards of its Overlay and the proposed portal was not in keeping with the existing architectural pattern of the district. Furthermore, Leesburg determined that if the portal was illuminated it would be considered a sign. Toyota appealed the decision to the Board of Architectural Review (BAR). The BAR upheld staff's determination and the application remained in a denied status. Toyota appealed the decision of the BAR to Town Council. Town Council sent the application back to the BAR and directed them to work it out. With the consent of the applicant, staff from Leesburg contacted the Toyota Dealer Facilities Development Manager, Brian Lapin, whose office is located in Glenn Burnie, MD. Mr. Lapin indicated that he was willing to work with Leesburg to come to a compromise that satisfied both parties. According to Leesburg staff, Mr. Lapin indicated that it was quite common for Toyota to make changes to the standard portal and building façade in order to meet local zoning code requirements. The size of the portal was reduced to about 2/3 of what Toyota had originally proposed. A brick base was added to the portal and brick accents were added to the building. It was determined that the portal would not be illuminated contrary to the representation previously made to the Planning Commission. Ms. Angle stated that the Commission has a copy of what was approved in Leesburg, which is indeed a portal with a brick base and a different portal than what is the standard.

Mr. Tom Bell, representing the McDonough's, stated that they appreciate the consideration that the Commission has given. He noted that they have had good discussion with the city planners and have been offered an appropriate compromise. He further noted that the compromise suggested by McDonough to make more sense and that is to have the portal illuminated until 9:00 p.m., Monday through Friday. He indicated that this compromise would allow McDonough to be part of Toyota's national branding. He further indicated that they would compromise further by limiting the time until 8:30 p.m.

Mr. Steve McDonough undertook to remind the Commission of the requirements businesses are required to do in the city. He stated that they were trying to reduce light pollution. He indicated that there were two options; one was to allow the illumination of the entrance portal with a very soft light or to light it externally with 4,000-5,000 watt bulbs shining down on the portal seven days a week. He asked the Commission to act favorably.

Mr. Stewart noted that he had to install a light at his business which was 3-feet by 2-feet, double sided, and it costs him \$2,300.00. He stated that McDonough has been in the area a long time and if they were going to light the portal only until 8:30 p.m., he felt the City should allow this approach.

Ms. Robinson stated that she believed that the Commission has a responsibility—as a Commission—to uphold the law as it is, whether the Commission members agree with it or not, and for the reasons set forth by staff, this portal doesn't meet the standards.

Ms. Wiegand stated that she agrees with Ms. Robinson and she would like to add that in regards to the City Attorney's comments about the fact that it will set a precedent, she has seen enough of that in a 30-year career as a professional planner to know that the City Attorney is correct and she is not comfortable basically eliminating the ordinance by allowing somebody to do something that when the next person comes in the City won't have a leg left to stand on. She further noted that as much as she would like to agree, because she recognizes that the dealer is a big part of this community, she wished the Commission had the opportunity to have this discussion way back at the beginning, before the portal was built, so that we could have given this kind of information and worked this out before that kind of money was spent, but it didn't and the Commission is now sitting here with a constructed portal that has lights in it and she was just not comfortable with the illumination.

Mr. Stewart posited what it will look like if it cannot be illuminated and the dealership used down lighting out there. He stated that it will not be as clean as what is proposed.

Ms. Wiegand stated that they don't really know because they haven't seen the plan for it. She indicated that it will be different and it's not going to be what was planned originally. She further stated that she does not think the lighted portal was clean and when she looks at the picture she thinks it looks like it belongs in Time Square. She stated that the only thing it doesn't have is words running across the face of it. She noted that it was bright and not in keeping with the ordinance.

Mr. Burress noted that the purpose of the corridor overlay came up doing the comprehensive plan and during that creation, the residents of the city stated how felt about Greenville Avenue not being an eye-appealing entrance to the city. What resulted was a corridor overlay that applied to all entrances to the historic districts, and Richmond Road is just one. He indicated that since the Planning Commission was actively involved in creating the corridor overlay, it should abide by it. He further noted that the McDonough's still have the option of going to City Council, which can take action as elected officials.

Ms. Wiegand made a motion to deny the appeal to allow internally illuminated entrance portal cabinet signage for McDonough Toyota for the reasons, whether considered separately or together, given by staff.

Seconded by Ms. Robinson, the motion carried as follows:

W. Patrick Stewart	Nay	Brad Arrowood	Aye
Judith Wiegand	Aye	Jessica Robinson	Aye
Nathaniel Burress	Aye		

OTHER BUSINESS

Ms. Angle noted that the zoning technician and Councilman Holmes will be attending the State Preservation Conference next week in Newport News.

Ms. Angle further noted that Ms. Cundy (CSPDC) has been working non-stop to get the City's application for Safe Routes to School Grant together for a November 1st deadline.

ADJOURNMENT

Upon a motion properly made, seconded, and unanimous, the meeting adjourned at 6:18 p.m.

Linda L. Little, Clerk

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, November 13, 2014
7:30 p.m.
Council Chambers

PRESENT: **Carolyn W. Dull, Mayor**
 Ophie A. Kier, Vice Mayor
 Erik D. Curren
 James J. Harrington
 R. Terry Holmes
 Andrea W. Oakes
 Walter J. Obenschain

ABSENT:

ALSO PRESENT: **Stephen F. Owen, City Manager**
 Steven L. Rosenberg, Deputy City Manager
 Douglas L. Guynn, City Attorney
 Linda L. Little Clerk of Council

Mayor Dull called the meeting to order. The Pledge of Allegiance was recited in unison.

MAYOR'S REPORT

The Mayor reported that many of the Council members rode in the Veterans Day Parade. She further stated that she was honored to be a judge in the Chili Cook-off at Brightview.

The Mayor read the following Proclamation:

Proclamation
Small Business Saturday
November 29, 2014

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, I, Carolyn W. Dull., Mayor of the City of Staunton, do **HEREBY PROCLAIM**, November 29, 2014 as:

SMALL BUSINESS SATURDAY

AND urge the residents of our Staunton community, our regional community, and communities across the country, to support small business and merchants on Small Business Saturday and throughout the year.

DATED this 13th day of November, 2014.

s/Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: *s/Linda L. Little*
Clerk of Council

Julie Markowitz, executive director of Staunton Downtown Development Association, thanked Council for this Proclamation.

ADDITIONAL ITEMS BY COUNCIL

Vice Mayor Kier stated that he had the honor of attending the annual banquet for the Valley Mission and mentioned a family that had spent time at the Valley Mission and how they were presently doing.

APPROVAL OF MINUTES

Ms. Oakes moved to approve the minutes of the work session and regular meeting of October 23, 2014, and the special called meeting of November 5, 2014.

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

Mr. Obenschain	aye	Mayor Dull	aye
Mr. Holmes	aye	Dr. Harrington	aye
Ms. Oakes	aye	Dr. Curren	aye
Vice Mayor Kier	aye		

REGULAR MEETING

A. PUBLIC HEARING: Consideration of a franchise ordinance for electric power in the City.

Mr. Tom Sliwoski, Director of Public Works, stated that the City has solicited bids for a non-exclusive franchise to provide electric power supply and distribution within the corporate limits of the City of Staunton. The franchise would allow the successful bidder to use the City's public rights of way to provide for electric power supply and distribution for 20 years.

The Mayor opened all bids, read them aloud in accordance with the provisions of Virginia Code §§ 15.2-2101 and 15.2-2102, closed all bidding and opened the public hearing.

The Mayor further noted that the Virginia Electric and Power Company, a corporation organized and doing business under the laws of the Commonwealth of Virginia (and doing business as Dominion Virginia Power), respectfully offered the sum of \$5,000.00 for the franchise rights proposed to be granted by the ordinance of the Council of the City of Staunton.

Mr. Emmett Toms of Dominion Virginia Power, noted that the company has spent, in the last couple of years, over \$8 million making improvements in downtown Staunton and asked for Council's permission to have their facilities on public rights-of-way.

Mr. Carl Hensley, 226 Meadowbrook, approved of this arrangement with Dominion.

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

Dr. Harrington moved that Council continue this matter until the December 11, 2014 regular meeting, with staff to review the matter further and make recommendations to Council at that time.

The motion was seconded by Dr. Curren and carried as follows:

Ms. Oakes	aye	Dr. Curren	aye
Vice Mayor Kier	aye	Mr. Obenschain	aye
Mayor Dull	aye	Mr. Holmes	aye
Dr. Harrington	aye		

B. PUBLIC HEARING: Application by Sandra G. Baker for inclusion of 26.19 acres of land in the Bells Lane Agricultural and Forestal District.

Ms. Angle, Director of Planning, stated that on June 17, 2004, Sandra G. Baker made application to include 26.19 acres of land in the Bells Lane Agricultural and Forestal District. This District was first approved in 1997, and was extended in 2000, and again in 2004 and 2011.

At its meeting on July 10, 2014, City Council referred the application to the Planning Commission for review. The Planning Commission, in turn, at its July 17, 2014 meeting, referred the application to the Agriculture and Forestal District Advisory Committee for a recommendation. The Advisory Committee held a meeting on September 2, 2014, and recommended approval of the application. The Planning Commission held a public hearing at its October 16, 2014 meeting. As required by the Code of Virginia, the next step in the process is for City Council to hold a public hearing on the application.

In its report, the Advisory Committee detailed the major points considered in its review of the application. The Advisory Committee made the following recommendation:

The application should be approved. The parcel proposed for inclusion in the Bells Lane District is bordered on three sides by the existing district, buffers a significant local stream, has a history of cultivation, is identified in the Comprehensive Plan as 70%

“conservation/recreation,” is unlikely to be developed to any intensive residential or commercial use due to difficult access and carries a relatively small impact on local tax revenues from a use-value assessment.

During the Planning Commission public hearing, no one spoke in opposition to the request, and the applicant spoke in support of her application. The Commission voted unanimously to recommend to City Council approval of the application to include 26.19 acres of land in the Bell’s Lane Agricultural and Forestal District.

The Public Hearing was opened.

Ms. Baker was present to represent this request.

There being no one else present to speak to this matter, the Public Hearing was closed.

This item will be on the December 11, 2014 City Council agenda for final consideration.

C. Consideration of an appeal by McDonough Toyota under Staunton City Code § 18.83.070 of decisions by the Planning Commission concerning “Entrance Corridor Overlay District” requirement.

The Director of Planning, Ms. Angle, gave a synopsis of her agenda briefing. (See **Attachment A.**)

Mr. Tom Bell, representing McDonough Toyota, stated that McDonough knew they would need a permit for lighting the portal. He noted that the lighting is required by Toyota as part of the corporation’s marketing campaign. He asked that McDonough Toyota be permitted to light the portal for a limited amount of time and for some consideration from Council.

Mr. Frank McDonough, 420 Windemere Dr., Staunton, stated that he founded McDonough Toyota in 1975 and moved the dealership to the present building in 1981. The current improvements are the third improvements to this structure. He noted that the portal was part of Toyota’s trademark. He asked that Council come out and they would arrange a showing for Council to see how much light was emitted. Mr. McDonough stated that they have agreed to a compromise to turn the lights out at 8:30 p.m., or at 7:30 p.m. when the business closes.

Mr. Steve McDonough, 1025 Westmoreland Dr., stated that the portal was not a sign; it’s an architectural design required from Toyota for all dealers in the United States. He noted that it shares the foundation of the building and that it is not free standing. He noted that the portal has been in every plan that has been submitted to the City. He further stated that the compromise they have submitted is fair and that the portal would only be lit approximately two hours a day, five days a week. Mr. McDonough stated that if they could not light the portal internally, they would be forced to light it externally from dusk to dawn.

Ms. Oakes asked Mr. Steve McDonough how it would affect his business if the City Council did not approve the appeal and would there be any issue with the Toyota Corporation as a result of not being able to have this portal.

Mr. Steve McDonough stated that this was a huge investment and it was very important to Toyota Corporation.

Vice Mayor Kier asked if the footers that the sign sits on are the exact same footers that the building sits on.

Mr. Steve McDonough stated that he could not answer that question.

Discussion ensued regarding the application process for the portal.

Dr. Harrington moved to uphold the decision of the Planning Commission and deny the appeal for the reasons, whether considered separately or together, identified by planning staff in the agenda briefing.

The motion was seconded by Dr. Curren and carried as follows:

Vice Mayor Kier	aye	Mr. Obenschain	no
Mayor Dull	aye	Mr. Holmes	aye
Dr. Harrington	aye	Ms. Oakes	no
Dr. Curren	aye		

D. Consideration of City Council Vision for 2025 and related three year priorities.

Mr. Owen, City Manager, noted that on September 25 and 26, City Council conducted a retreat, facilitated by A. Tyler St. Clair. Council received and discussed Ms. St. Clair's report, including a draft vision statement and priorities, at its work session on October 23. (See **Attachment B**.)

Dr. Curren moved that City Council adopt the City Council Vision for 2025 and related three year priorities, as set forth in the Staunton City Council Retreat Report prepared by A. Tyler St. Clair dated September 25-26, 2014.

The motion was seconded by Dr. Harrington and carried as follows:

Mayor Dull	aye	Mr. Holmes	aye
Dr. Harrington	aye	Ms. Oakes	no
Dr. Curren	aye	Vice Mayor Kier	aye
Mr. Obenschain	aye		

E. Consideration of an ordinance amending the FY2015 Budget.

Mr. Owen stated that the first budget amendment for fiscal year 2015 was presented to City Council for review and discussion at the October 23 work session. The total budget amendment equals \$1,853,455. The public hearing was held on October 23, 2014.

Vice Mayor Kier moved that City Council adopt an ordinance amending the fiscal year 2015 budget by adding Budget Amendment No. 1, totaling \$1,853,455.

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

Dr. Harrington	aye	Ms. Oakes	aye
Dr. Curren	aye	Vice Mayor Kier	aye
Mr. Obenschain	aye	Mayor Dull	aye
Mr. Holmes	aye		

(SEE FY2015 BUDGET AMENDMENT NO. 1 AS ATTACHMENT C)

F. Consideration of 2015 Legislative Program

Mr. Owen stated that every year the City Council adopts a legislative program to provide to its delegation in the General Assembly as well as to the Governor and various groups the City belongs to, such as the Virginia Municipal League and Virginia First Cities, which reflects the consensus of Council as to its legislative priorities.

Mr. Holmes moved that City Council adopt the resolution establishing the City of Staunton's 2015 Legislative Program.

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

Dr. Curren	aye	Vice Mayor Kier	aye
Mr. Obenschain	aye	Mayor Dull	aye
Mr. Holmes	aye	Dr. Harrington	aye
Ms. Oakes	no		

**RESOLUTION ESTABLISHING THE
CITY OF STAUNTON'S
2015 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 Staunton citizens, believe it is important to advise the City's representatives in the Virginia General Assembly of the City's legislative positions.

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

The Governor and General Assembly should not:

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

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

A. Education

1. The General Assembly should fully fund public education—funding all mandated programs and services of education on the basis of realistic costs; increasing Standards of Quality funding, coming from general fund revenues, appropriated to elementary and secondary education; providing for flexibility in the use of those funds to meet unique local needs; and supporting specialized training and professional development for staff in challenged schools.
2. The General Assembly should delay the A-F classification for schools until such time as the accountability system incorporates a valid, balanced assessment program inclusive of a broad array of measures—student achievement, student growth, code compliance, fidelity of programming, array of services and supports for students and families, and organizational responsiveness to community needs.
3. The General Assembly should reexamine and improve the system of accountability to encompass balanced assessments, greater validity, more cost effective sampling techniques, and expedited test retakes to more accurately reflect student achievement, sense of inquiry, and love of learning.

B. Stormwater Local Assistance Funding

The Commonwealth of Virginia and its localities are required under federal and state law to meet new requirements for the reduction of stormwater pollution. Recent cost estimates for such compliance exceed \$10 billion, with the majority of the costs falling on local governments. Last year, the Virginia Department of Environmental Quality provided only \$23 million in Stormwater Local Assistance Fund (SLAF) funding to local governments, to defray their costs of compliance. City Council requests that the Commonwealth increase SLAF funding to at least \$50 million.

C. Transportation

1. City Council supports improvements to railroad infrastructure to increase freight shipment capacity and reduce truck traffic and impacts on Interstate 81.
2. City Council supports a Primary Seatbelt Law, which research and other states' experiences have proven will save lives.
3. City Council supports a ban on handheld cell phone use by operators of moving motor vehicles.
4. City Council supports the use of non-motorized transportation for health, energy conservation and cost reasons for all Virginians, including trails, pathways and green corridors as an essential element of Virginia's transportation system.

D. Libraries

City Council joins the Virginia Library Association (VLA) in supporting increased state funding for public libraries through the “New Age, New Library” initiative started in FY 2014 to provide Virginia public library users with contemporary digital library materials including eBooks, audiobooks, streaming media, and electronic databases.

E. Youth

1. Childhood Obesity—Public recreation and parks programs have been providing healthy activities for nearly a century. These existing programs are capable of effecting positive change in lifestyles of young people. City Council encourages state efforts to improve the availability and coordination of existing local and state efforts to address the epidemic of obesity.
2. Youth Programs—City Council requests that the Commonwealth promote policies that support quality after-school and out-of-school programing for youth.
3. Substance Abuse—City Council encourages state efforts to improve the availability and coordination of state and local substance abuse prevention, intervention and treatment efforts.

F. Predatory Lending

The City of Staunton has been joined in its five year long fight against predatory lending by VML, Virginia Association of Counties, and Virginia First Cities, as well as 98 individual city, town and county governments. Despite the efforts of countless civil rights organizations, hundreds of churches, and dozens of newspaper editorial boards, legal aid societies and senior advocates, the protection the City seeks for its citizens is ignored. In spite of a Virginia Supreme Court ruling that called these practices “a vicious cycle of debt” and produced evidence that an estimated 9 million illegal loans had been made in the Commonwealth between 2002 and 2009, the General Assembly refuses to act to provide protections to Virginia families that the U.S. Government provides for military members and their families.

The cost to the Commonwealth is staggering. The capital flight from Virginia is estimated to be over \$150 million every year. Allowing lenders to charge fees and interest amounting to 200%-680% APR is crippling the efforts of charities and social services trying to get people back on their feet. The damage to the economy of Virginia is incalculable.

City Council asks now for three things:

- A return to the usury law (36% interest rate cap inclusive of all fees) that Virginia had prior to 2002.

- Vigorous enforcement of the ban on illegal internet loans by the Attorney General.
- If the Senate and the House refuse to act, swift approval by the General Assembly of a statewide referendum on an interest rate cap.

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

A. Aid to the Commonwealth

The City of Staunton was very disappointed to see the General Assembly reinstate its system of balancing the state budget by requiring that cities and counties return a portion of state aid, after just eliminating this unfortunate cost shifting in 2013.

B. Eminent Domain by Private Utilities for Surveying

City Council opposes the eminent domain rights extended to Dominion Virginia Power 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.

C. Stormwater Utility Exemptions for Churches

City Council opposes HB 1293 (Morris), which would exempt places of worship from the payment of local stormwater utility fees. Passage of the bill would likely result in exemption requests from other classes of property owners (including non-profit organizations and the federal and state governments). If considered favorably, those requests would further diminish fee collections. Council believes that places of worship should be required to pay fees for stormwater utility service, just as they pay for other utility services (including telephone, cable television, electric, gas, water and sewer services). As noted above, localities in Virginia already have limited financial resources available to comply with significant federal and state stormwater requirements. Any state-mandated reductions to stormwater utility fee collections—a limited source of funds for local governments to finance costly, mandated projects—will subject localities to additional financial burdens.

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 13 day of November, 2014.

s/Carolyn W. Dull
Carolyn W. Dull, Mayor

s/Linda L. Little
Linda L. Little, Clerk of Council

ADDITIONAL ITEMS BY COUNCIL

Mr. Kier made a motion to appoint the following individuals to various boards and commissions:

Tourism Advisory Board – to appoint Sarah Lynch to a three year term, effective November 1, 2014, and to expire October 31, 2017.

Recreation Advisory Board – to reappoint Mr. Michael Keatts to an additional three year term, effective December 1, 2014, and to expire November 30, 2017.

Cable Television Commission – to reappoint Gregory Cook to an additional three year term, effective November 1, 2014, and to expire October 31, 2017.

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

Dr. Curren	aye	Vice Mayor Kier	aye
Mr. Obenschain	aye	Mayor Dull	aye
Mr. Holmes	aye	Dr. Harrington	aye
Ms. Oakes	aye		

Matters from the City Manager

The City Manager had nothing to report.

Matters from the Public

Ms. Laten Bechtel, 1 Waverley Green, spoke about the proposal of renaming a street in Staunton in honor of Dr. Martin Luther King.

Mr. Michael Organ, 711 West Beverley Street, stated that a group of people were being established that will be known as the West End Alliance. He asked that the City Manager find some Christmas decorations for the west end of Staunton.

Ms. Susie Brent King, 510 Gooch Street, spoke about possible changes in Montgomery Hall Park, including the establishment of a dog park, and asked that the park be preserved as it was originally established.

Ms. Barbara Lee, 959 Donaghe Street, asked that the City ban the box on applications.

Mr. Baldwin Jennings, 332 Sharon Lane, thanked Chris Tuttle for the monument in the park. He further stated that Council should have backed the McDonough appeal. He also mentioned the retreat Council held in September.

Adjournment

There being no further business to come before Council, the meeting adjourned at 8:41 p.m.

Linda L. Little, Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	November 13, 2014	Staff Members: Sharon E. Angle Tim Hartless
Item #	C	
Ordinance #		
Department:	Planning and Inspections—Planning Commission	
Subject:	<u>McDonough Toyota: Consideration of an Appeal of Decisions of Planning Commission under Staunton City Code § 18.83.070(1) of Chapter 18.83, Entrance Corridor Overlay District, specifically regarding: (1) the color of trim caps and the returns of channel letter signs, and (2) the internal illumination of a stand-alone entrance portal as a sign</u>	

INTRODUCTION:

The matter before City Council is an appeal from decisions of the Planning Commission by McDonough Toyota pursuant to Staunton City Code ("SCC") 18.83.070(1), part of SCC Chapter 18.83, Entrance Corridor Overlay District. (A copy of the appeal letter on behalf of McDonough Toyota, from its counsel, Thomas G. Bell, Jr., is attached). Council will recall that after a very extensive process Council adopted amendments to SCC on April 10, 2008, recognizing that a corridor overlay zoning district would implement the city's comprehensive plan goal of protecting the city's natural, scenic, historic, architectural and cultural resources, especially the corridors that lead into the city's National Register historic districts that have proven so beneficial to the city in a variety of ways. Within the framework of the Entrance Corridor Overlay, approval of alterations within a designated corridor, including among other things, signage, light fixtures and landscaping, are required as part of an interactive process described in Chapter 18.83 of SCC.

The appeal includes two issues that have been occasioned as part of McDonough Toyota's renovations of its vehicle dealership facilities: first, the color of trim caps and returns of two proposed channel letter signs (renderings of the signs are attached); and second, a newly

constructed, stand-alone, internally-lighted, cabinet signage portal at the dealership located adjacent to and immediately on Richmond Avenue, one of the city's designated entrance corridor's recognized and established in SCC 18.83.030. The portal was constructed without the review or approval by the City of Staunton and notwithstanding communications to McDonough Toyota as a caution. A color photograph of the signage portal is attached.

Staff recommends that Council uphold the Planning Commission's denial of the appeal. First, as to the color of trim caps and returns of two proposed channel letter signs (under the Corridor Overlay Guidelines for Richmond Avenue, as amended, approved by Council on February 10, 2011), all channel letter signs are required to have dark bronze trim caps and returns.

Second, with respect to the portal sign, whether considered separately or together:

- the illuminated sign structure is not sanctioned under SCC 18.83.090(7)(e)(iii), since it does not meet the requirements that cabinet signs and the signage background be opaque and appear black at night;
- the illuminated sign structure does not qualify as an "additional type" of sign that would be considered, given the specificity of the requirements for cabinet signs, under SCC 18.83.090(7)(e)(iii);
- even if it were considered further under SCC 18.83.090(7)(e)(iii), such an illuminated sign structure would constitute a second free-standing sign prohibited by SCC 18.83.090(7)(a); and
- such a sign is contrary to the land use planning concept of the entrance corridor overlay district, stated in SCC 18.83.010 as "intended to implement the City's comprehensive plan's goal by protecting and promoting the unique characteristics of the city's natural and built environment leading into the historic districts through assuring site and building design reflecting the natural, scenic, historic, architectural, and cultural resources within view of each corridor." As well, under SCC 18.83.010, that intention contemplates "regulation and guidance of corridor development" including, but not limited to, "regulating the size, intensity, and placement of signs and lighting...."

HISTORY:

Staff had previously met with Mr. Frank McDonough, approximately one year before the portal was constructed (see attached November 11, 2013 letter from Tim Hartless, Zoning Technician, to Frank McDonough), and offered what might be regarded already as a generous interpretation in trying to accommodate the preferences of the business. In that sense, staff treated or regarded—for discussion purposes only—the letters "MCDONOUGH" and the Toyota logo as a "sign," but did not treat or regard as a sign the entire structure on which the letters and logo were to be mounted (i.e., the entire portal), as long as the portal was not illuminated. However, with illumination, the entire structure would then be considered a sign because, in the totality, it certainly would constitute definitionally under SCC 18.10.200 a "sign, billboard or other advertising device" that includes "any structure or part thereof or device attached thereto or represented thereon, which shall display any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of any announcement, direction, or advertisement." Without this very considerate, generous approach by planning staff during the

approval process, the combined sign structure would otherwise be, under SCC 18.10.070 a “freestanding sign,” defined as “any sign permanently affixed into the ground, erected on its own foundation or placed on a pole, which is independent of but on the same lot or parcel as the building or structure in which the person, place, event, product, business or other matter noted on the sign is located.” As such, under SCC 18.83.090(7)(a), it would be an impermissible second freestanding sign, beyond the one existing sign that McDonough Toyota already has, which is located very close to Richmond Avenue. In other words, the City Code allows only one freestanding sign per parcel, and this parcel already has one freestanding sign prominently located close to the City’s right-of-way on Richmond Avenue.

To reiterate, the discussion regarding the portal began in October of 2013 when Tim Hartless, a member of the city’s planning staff, met with Mr. Frank McDonough to discuss the possibility of erecting an entrance portal. The proposed portal was part of renovations to the McDonough Toyota dealership. At that time, staff’s sense was that Mr. McDonough himself expressed reservations about the portal altogether; however, Toyota, as the franchisor, was pressing McDonough for the change. Staff considered the portal proposal and responded by letter dated November 11, 2013 (copy attached) that the portal should not be internally illuminated due to lighting requirements that are part of Chapter 18.83, Entrance Corridor Overlay District (see letter). The Entrance Corridor Overlay District provisions of the SCC, under SCC 18.83.090(8)(c), generally limit lighting to that which is necessary for safety and prohibit lighting being used as signage. Further relevant facts also informed the staff and the Planning Commission:

- **July 17, 2014: Planning Commission meeting.** McDonough Toyota appealed the decision of staff to deny a sign permit application to install new signs at McDonough Toyota, 1003 Richmond Avenue. McDonough Toyota proposed to use Toyota branding red trim caps and returns; however, the provisions of the Entrance Corridor Overlay District’s applicable guidelines require all channel letter signs to have dark bronze trim caps and returns. After considering the matter, the Planning Commission voted 2 - 2, with the effect that the Planning Commission did not reverse or modify the staff’s action.
- **July 31, 2014: Staff offered a compromise.** For discussion purposes, the compromise contemplated McDonough Toyota’s agreement to not illuminate the portal and staff’s agreement to approve Toyota-specified red trim caps and returns of the “TOYOTA” lettering and logo. Representatives of the dealer, McDonough Toyota, with the support of Toyota corporate, refused this compromise despite the staff’s efforts and its generous interpretation of provisions of SCC to work the compromise.
- **August 15, 2014: Meeting among Steve (not Frank) McDonough, Tim Hartless, and Tom Bell, counsel to McDonough Toyota.** Mr. Steve McDonough proposed a different compromise of illuminating the portal only during the nighttime hours when the dealership was open. The proposal was declined by staff on the basis that provisions of Chapter 18.83 prohibit the portal from being illuminated and could set a precedent for other businesses along Richmond Avenue to request illuminated facades and internally illuminated cabinet signs without opaque backgrounds, contrary to the Entrance Corridor Overlay District’s design standards in SCC 18.83.090(7)(e)(iii), intent of those design standards and the intent of protecting and promoting the unique characteristics of the city’s natural and built environment leading into the historic districts through assuring site and building design reflecting the natural, scenic, historic, architectural, and cultural resources within view of each corridor.

- **September 18, 2014: Planning Commission meeting.** The application remained in a denied status. McDonough Toyota, however, further asked the Planning Commission to review staff's decision regarding the requirements of the SCC's Entrance Corridor Overlay District, regulating the illumination of a proposed entrance portal, after the portal already had been constructed and the internal lighting/illumination installed. Mr. Steve McDonough proposed a compromise of illuminating the portal during the nighttime hours when the dealership was open. The Planning Commission voted to table the application for additional information.
- **October 16, 2014: Planning Commission meeting.** The appeal continued as to staff's decision to deny illumination of the portal—which already had been erected without approval. At this meeting, staff presented its findings from further contacts made (as requested by the Planning Commission) with other localities where the same entrance portal and façade improvements had been proposed, according to representatives of McDonough Toyota. Staff discovered that contrary to Toyota's assertions, lighted portals had not been allowed in Albemarle County or the Town of Leesburg, where dealerships were located in corridor overlay or historic districts. Further, staff ascertained that dealerships in James City County and Winchester, where lighted portals had been permitted, were not located in corridor overlay districts or historic districts, as had been represented on behalf of McDonough Toyota. At this meeting, Mr. Tom Bell, counsel to McDonough Toyota, again offered a modified compromise to limit the hours of illumination, specifically until 8:30 p.m., Monday through Friday, with no illumination at all on the weekends. He noted that Mr. McDonough was appealing because this aspect was of great importance to the Toyota Corporation, as franchisor, nationally and locally.

Attached are a detailed timeline of this project and a detailed "Summary of Events."

APPEAL AS TO SIGN TRIM CAPS AND RETURNS

In regards to the appeal of the color of trim caps and returns of two proposed channel letter signs, the "Richmond Avenue Design Guidelines," specifically "Site and Building Signs," page 19, state an expectation that all channel letter signs include dark bronze trim caps and returns. With other new signs established on Richmond Avenue since the Corridor Overlay ordinance was enacted, this standard has been consistently applied by staff and respected by other businesses, including:

- sweetFrog—1027 Richmond Avenue
- Miracle Ear—1027 Richmond Avenue
- Massaki Japanese Steakhouse—1027 Richmond Avenue
- Pizza Hut—729 Richmond Avenue
- Amedysis Home Health—729 Richmond Avenue
- KFC—1022 Richmond Avenue
- Firehouse Subs—1028 Richmond Avenue

APPEAL AS TO ILLUMINATED PORTAL SIGN

By way of background generally, there appear to be two existing entrance portals located in Staunton overall corridors. One is located at Augusta Dodge, and the second is located at Elliot Chevrolet. Permits were issued for Augusta Dodge in 2011, and for Elliot Chevrolet in 2012.

Neither of these portals is internally illuminated.

The obvious purpose and effect of the proposed illumination of the portal is to light the entire wall so as to be distinguishable from the rest of building, in turn allowing lit/unlit letters to be vividly seen. Thus, the entire face is a sign in “the nature of an announcement, direction, or advertisement,” as defined under SCC 18.10.220. If the wall was not so illuminated, and only the letters were illuminated, using a generous interpretation, that could make only the letters distinguishable from rest of building and only the letters might be regarded as such an announcement, direction, or advertisement. Again, staff already, as part of the development plan and approval discussion process, has attempted to present an accommodating approach. Now, McDonough Toyota appeals to ask City Council, in effect, to disregard the plain language and intent of the Entrance Corridor Overlay District and the design standards, including the guidelines, as well as to override the concurrence of the Planning Commission.

STAUNTON CITY CODE REFERENCES

The following Staunton City Code provisions are applicable:

SCC Chapter 18.10 Definitions

18.10.010 “F” definitions.

“Freestanding sign” means any sign permanently affixed into the ground, erected on its own foundation or placed on a pole which is independent of but on the same lot or parcel as the building or structure in which the person, place, event, product, business or other matter noted on the sign is located.

18.10.020 “S” definitions.

“Sign, billboard, or other advertising device” means any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. Any letters, parts of letters, words, figures, numerals, emblems, devices, designs, trademarks, posters, handbills or any other objects (i) which make known or designate, or attract attention to, any person or anything (such as a place, event, product or business), (ii) which are visible to persons located outdoors, and (iii) which are capable of attracting the attention of such persons. Any supporting standard for a sign shall not itself be considered a sign if no letters, parts of letters, words, figures, numerals, emblems, devices, designs, trademarks, posters, handbills or other objects are affixed thereon.

The word “sign” includes the word “billboard” or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

SCC Chapter 18.83 Entrance Corridor Overlay District

18.83.090 Design standards.

- (7) Requirements for Signs, Billboards, and Other Advertising Structures. The requirements of Chapter 18.140 SCC, Signs, Billboards and Other Advertising Structures, shall apply with the following exceptions:

Each parcel of property occupied by a building shall be permitted one freestanding sign, which shall not exceed 30 square feet on each face. Automobile service stations shall be permitted an additional twenty square feet on each face to advertise the price of fuel.

FURTHER DISCUSSION REGARDING PROPOSED PORTAL SIGN:

McDonough Toyota has insinuated that if its appeal on the portal internal illumination is not granted, it will undertake to externally down-light the portal, using very bright lighting. McDonough Toyota seems to misapprehend the signage lighting considerations, even aside from the design standards for cabinet signs.

As has been stated earlier, if the portal is illuminated, the entire structure would be considered a “sign.” The portal measures 60 feet in width by 32 feet in height for a total size of 1,920 square feet. The aggregate sign area allowed for a parcel of land in a B-2, General Business District, is determined by a calculation (2 square feet of sign area for each linear foot of frontage on a public street), as set forth in SCC 18.140.040(4)(c), which provides:

- (4) For other permitted principal uses, business signs shall be permitted as incidental uses, not to exceed the number of signs nor to exceed the net area for all such signs permitted as follows:
 - (c) B-2 General Business District. Business signs not to exceed two square feet of surface for each one linear foot of lot fronting on a public street....

The McDonough Toyota property includes roughly 400 linear feet of frontage on Richmond Avenue. This frontage number would allow the dealership to have a total of 800 (2 x 400 linear feet) square feet of sign area. This maximum aggregate sign area could be distributed between or among freestanding signs, wall signs, and any other signs located on the property. The size of the portal alone (1,920 square feet) well exceeds the calculated 800 square feet of sign area allowed. As a result, due to this additional consideration, it would not be permissible to externally illuminate the entire portal.

In any event, illumination of the portal would need to be focused and limited to the specific area that is permitted to be used as a sign. To determine this aspect, staff would need to do an analysis of all existing signage on the McDonough Toyota property and then calculate all of the proposed sign area—“TOYOTA” lettering and logo, “SCION” lettering, “McDonough” lettering, “SERVICE/RECEPTION” lettering, and “PARTS” lettering—to determine the aggregate area of signs for the property. Then, the difference between the 800 square feet of allowed sign area and the sum of the area of existing signs would be the maximum amount of area of the portal that could be illuminated. In addition, McDonough Toyota would have to determine a way to externally illuminate only that specific area—without illuminating the remainder of the portal.

There are further regulations pertaining to external illumination. For example, SCC 18.83.090(7)(e)(i) requires that the light source of externally illuminated signs be directed downward. In addition, all illumination must be wholly contained within the site, as provided in SCC 18.83.090(8)(a). SCC 18.83.090(8)(c) prescribes that lighting shall be limited to that which

is necessary for safety and that lighting shall not be used as signage such as up-lighting or down-lighting building elevations.

If McDonough Toyota proposes external illumination for the portal, the proposed lighting would initially be subject to a staff review. As part of the review, staff would then require a photometric plan that demonstrates the requirements of Chapter 18.83 can be met with an external light source.

Attachments:

- Letter from Thomas G. Bell, Jr. to Sharon Angle dated October 28, 2014, concerning appeal to Planning Commission
- Renderings of Proposed Signs
- Color Photograph of Existing Portal
- Letter from Tim Hartless to Frank McDonough dated November 11, 2013, concerning internally illuminated portal
- Timeline pertaining to the proposed internally illuminated entrance portal
- Summary of Events
- Notes from conversation with Leesburg staff
- Elevation of the approved portal in Leesburg
- Minutes of the July 17, 2014 Planning Commission meeting
- Minutes of the September 18, 2014 Planning Commission meeting
- Minutes of the October 16, 2014 Planning Commission meeting

City Manager's Recommendation: Recommend that City Council uphold the decision of the Planning Commission and deny the appeal, based on the provisions and intent of Chapter 18.83 of Staunton City Code.

Suggested Motion: I move to uphold the decision of the Planning Commission and deny the appeal for the reasons, whether considered separately or together, identified by planning staff.

Alternative Motion (if City Council desires to overturn the decision of the Planning Commission, in whole or in part): I move to overturn the decision of the Planning Commission and uphold McDonough Toyota's appeal and permit the red trim caps and returns and/or the internal illumination of the cabinet portal sign.

City Manager: Stephen F. Owen

LAW OFFICES
TIMBERLAKE, SMITH, THOMAS & MOSES, P.C.

THE VIRGINIA BUILDING
25 N. CENTRAL AVENUE
STAUNTON, VIRGINIA 24401

THOMAS G. BELL, JR.
E-mail: tbell@tstm.com

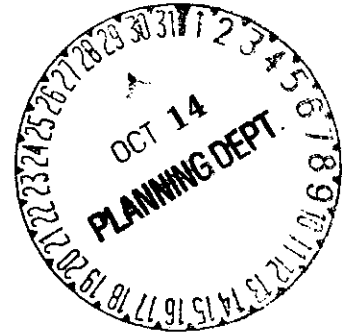
Mailing Address:
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FACSIMILE (540) 885-4537
REAL ESTATE FACSIMILE (540) 885-6780

October 28, 2014

Ms. Sharon E. Angle
Department of Planning & Inspections
PO Box 58
Staunton VA 24402



RE: Right to Appeal Planning Commission Decision
1003 Richmond Avenue, Staunton
Construction of Lighted Portal/Trim Caps and Returns Installation

Dear Sharon:

On behalf of McDonough Toyota, I am writing to appeal the decision of the Planning Commission on October 16, 2014, which denied McDonough's appeal to be permitted to use, for limited hours, the internal lighting on the portal which has been constructed as part of McDonough's significant renovations.

It is my understanding that the previous request concerning the lettering on the sign is already on appeal. I request that the two items be consolidated for consideration by City Council.

As you know, McDonough has requested to be allowed to light its portal for hours up to 8:30 p.m., Monday through Friday, with the portal remaining unlit for all other hours. That is the proposal which we wish to ask City Council to consider. In addition, McDonough would like permission to use the standard Toyota lettering system for the portion of the sign for which internal lighting is allowed under the ordinance.

I assume that you or a representative of City Council will be in touch with me to schedule a time to consider the appeal. This appeal is filed pursuant to § 18.83.070 of the Code dealing with entrance corridor or overlay district.

Please let me know if I need to do anything further to perfect this appeal.

October 28, 2014

Page 2

Please know as well that McDonough Toyota remains willing and eager to discuss a resolution of this matter with your office or any other appropriate City office or officer. McDonough is sorry that it cannot agree to the City's present decision, but believes that the limited lighting of the portal is such an integral part of Toyota's national branding plan and McDonough's local business plan that it is necessary to pursue what McDonough believes is a reasonable and fair compromise.

Should you or any representative of the City wish to renew discussions, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas G. Bell, Jr.", written in a cursive style.

Thomas G. Bell, Jr.

TGB:jg

cc: Steve McDonough

TOY1C4E7181

PORTAL SL60

Installation: ☐ Interior: ☒ Exterior:

Electrical specifications:

Volt: 120 Amp: 0.65 Circ: 1

Descriptions:

- 1 0.040 ALUMINUM CABINET PRE-PAINTED RED
- 2 0.064 ALUMINUM BACKING PRE-PAINTED RED
- 3 3/16" MOLDED WHITE PIGMENTED ACRYLIC #2447 VINYL APPLIED ON FIRST SURFACE
- 4 3/16" FLAT WHITE PIGMENTED ACRYLIC #2447 VINYL APPLIED ON FIRST SURFACE
- 5 RED TRIM
- 6 0.040 ALUMINUM CLIP PRE-PAINTED RED
- 7 0.040 ALUM PRE-PAINTED RED (4" X 6")
- 8 ELECTRICAL ACCESS DOOR COVER & SCREW
- 9 ILLUMINATION BY (TETRA MAX) RED LED
- 10 LOGO (1 1/2" X 1 1/2" X 1/8" ANGLE) (2" X 2" X 1/4" INTERIOR WASHER) (3/8" BOLTS WASHERS & NUTS) SUPPORT METHODS SEE PAGE # 3 FOR DETAILS
- 11 LETTERS PEDESTAL ATTACHMENT HARDWARE, WASHER & NUT SEE PAGE # 3 FOR DETAILS
- 12 ELECTRICAL PASSE-THRU (BY OTHER)
- 13 GLASS PORTAL (BY OTHER)

Notes:

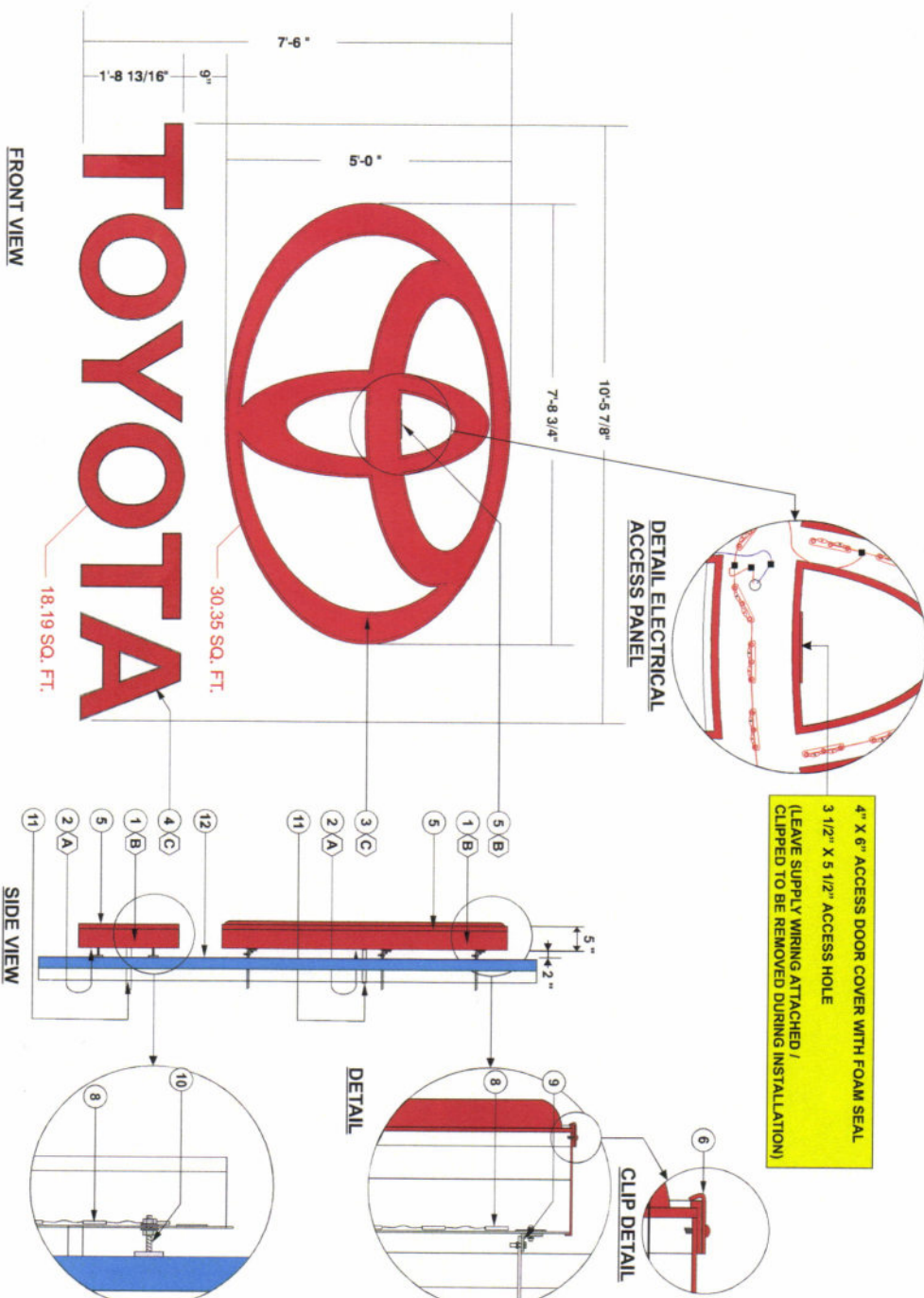
* ELECTRICAL HOOKUP SUPPLIED BY OTHERS

#	Colors:
A	PRE-PAINTED WHITE
B	PRE-PAINTED RED / WHITE
C	3M RED VINYL 3630-73

#	Revision(s)	By:	Date:
1	ADDED PAGE #4 FOR SHOP	ACH	09.24.2013



Client: TOYOTA
Site: VARIOUS
Draftsman: ANDRE CHARETTE
Checked By: JB
Date: 08.15.2013
Page: 1/4 Scale: 1/2" = 1'-0"



Customer Approval: _____ Date: _____

PRODUCTION INFORMATION: 11.09.24.2013

PSI TOY1 (TOYOTA) NEW LED (FEB 2012) SL60

TOY1C4E7181 STD. (PORTAL)

ISO 9001:2008 Certified Enterprise

Descriptions: Plan #

PLASTIC	TOY1C4E7181
ALUMINUM	TOY1C4E7181
TRIM MACHINE	TOY1C4E7181
CHANNEL BENDER	TOY1C4E7181
XX	XX
XX	XX
XX	XX

MULTICAM 2D

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TOY1C4D7785

ELECTRICAL LAYOUT SBL15 ELECTRICAL HOLES IN CENTER

Installation: ☐ Interior: ☒ Exterior:	
Electrical specifications:	
Volts: 120	Amp: 0.85
Circ: 1	
#	Descriptions:
1	POWER SUPPLY GEPS12-60
2	LOW VOLTAGE CLASS II POWER WIRES
3	LIQUID TIGHT CONDUIT
4	LIQUID TIGHT CONNECTOR
5	POWER SUPPLY JUNCTION BOX
6	WEATHERPROOF SERVICE SWITCH AS PER CODE NEC 600
7	INSTALLATION INPUT 120 VOLTS ELECTRICAL HOOK UP BY OTHERS
* ILLUMINATED BY LEDES	

POWER SUPPLY INFO:
- 1X POWER SUPPLY GEPS12-60

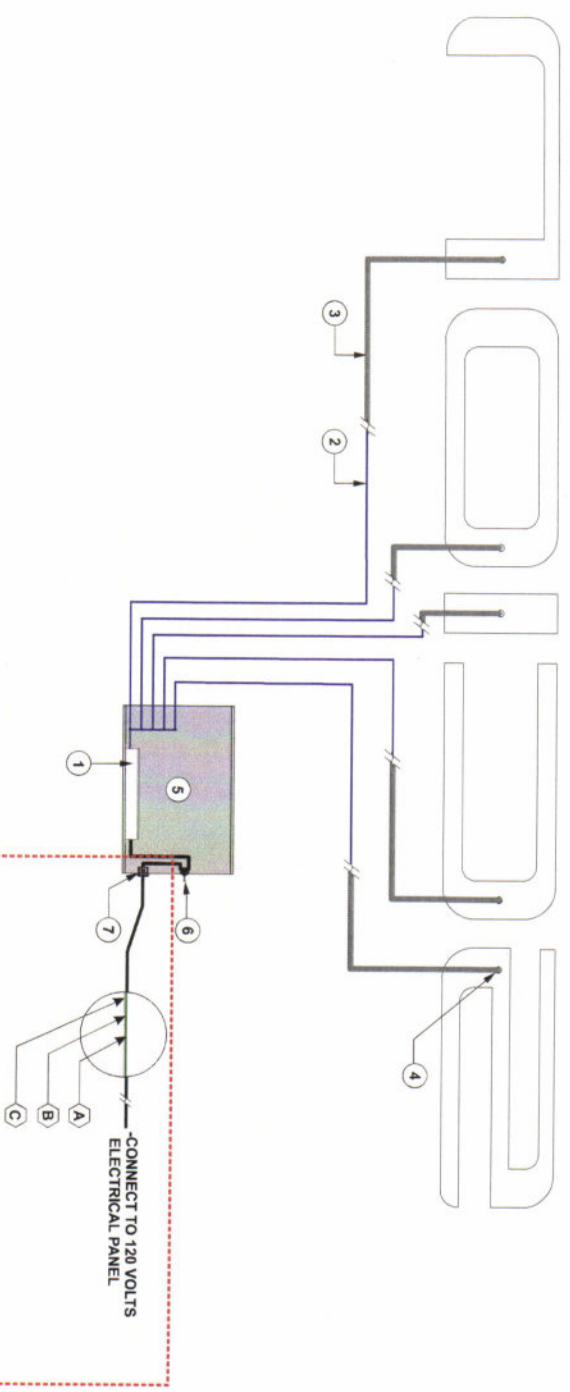
DISTANCE:
- 29 FT. MAXIMUM DISTANCE BETWEEN LED LETTERS AND POWER SUPPLY

Notes:
- ELECTRICAL HOOKUP SUPPLIED BY OTHERS
- EACH GEPS12-60 POWER SUPPLY CAN RUN UP TO 120 EACH GEHMX1S6 MODULES

#	Colors:
A	WHITE ELECTRICAL WIRE
B	BLACK ELECTRICAL WIRE
C	GREEN ELECTRICAL WIRE



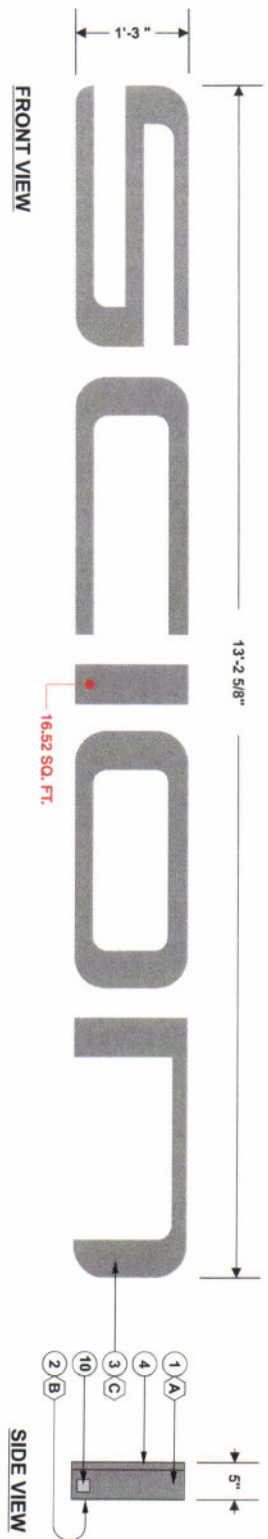
Tel: (504) 735-5506	Fax: (877) 737-1734	Toll Free: 1-800-561-9798
Client:	TOYOTA	
Site:	VARIOUS	
Drawn by:	JOEY BOSSE	Date: 02.13.2012
Checked By:	ACH	
Page:	2/3	Scale: N



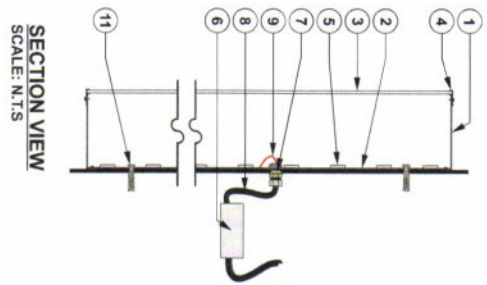
RISK OF ELECTRIC SHOCK:
 Turn power OFF before inspection, installation or removal.
 Properly ground Tetra Power Supply enclosure.
 Shut off power at fuse box or circuit breaker before installation.

RISK OF FIRE:
 Follow all NEC and local codes.
 Use only UL approved wire for input/output connections.
 Minimum size 18 AWG (0.32 mm)

ISO 9001:2008 Certified Enterprise



TOY1C4D7785			
SBL15 CHANNEL LETTERS			
ELECTRICAL HOLES IN CENTER			
Installation: ☐ Interior		☒ Exterior	
Electrical specifications:			
Volts: 120	Amps: 0.85	Circ.: 1	
#	Descriptions:		
1	0.040 ALUM. PRE-PAINTED GREY		
2	0.064 ALUM. PRE-PAINTED WHITE		
3	FLAT 3/16" ACRYLIC #2447 WITH VINYL APPLICATION ON FIRST SURFACE		
4	GREY PLASTIC TRIM SLV 1" - GEM-TRIM -		
5	LED'S (TETRA MAX)		
6	POWER SUPPLY JUNCTION BOX		
7	LIQUID TIGHT CONNECTOR		
8	LIQUID TIGHT CONDUIT		
9	LOW VOLTAGE WIRING		
10	ELECTRICAL REQUIREMENT STICKERS (UL)		
11	TYPICAL WALL SCREWS		



#	Colors:
A	PRE-PAINTED GRAY TO MATCH GF-838
B	PRE-PAINTED WHITE
C	TYPE (B) SCREEN PRINTED GF-838
	PERFORATED VINYL 3635-210

Customer Approval: _____ Date: ____/____/____

PROJECT: TOYOTA NEOMATION 15

TOYOTA (Toyota) NEW LED (FEV 2012) SBL SBL 15

TOY1C4D7785

Descriptions:	Plan #
PLASTIC	TOY1C4D7785-1
ALUMINUM	TOY1C4D7785-2
CHANNEL BENDER	TOY1C4D7785-3
TRIM MACHINE	TOY1C4D7785-4
XX	XX
XX	XX
XX	XX

ISO 9001:2008 Certified Enterprise

ENSEIGNES
PATISON
SIGN GROUP

Tel: (506) 735-5506 Fax: (877) 737-1734 Toll Free 1-800-561-9798

Client: TOYOTA

Site: VARIOUS

Draftsman: JOEY BOSSE Date: 02.13.2012

Checked By: ACH

Page: 1/3 Scale: 3/4" = 1'-0"

www.patisonsign.com

**LED LAYOUT SBL15
ELECTRICAL HOLES IN CENTER**

Electrical specifications:			
Volts:	120	Amp.:	0.85
		Circ.:	1

#	Descriptions:			
1	1. The first step in the process of creating a new product is to identify a market need. This is often done through market research, which can involve surveys, focus groups, and other methods of gathering information from potential customers.			
2	2. Once a market need has been identified, the next step is to develop a product concept. This involves creating a detailed description of the product, including its features, benefits, and target market.			
3	3. The third step is to create a business plan. This document outlines the company's goals, strategies, and financial projections. It is a critical tool for securing funding and guiding the company's operations.			
4	4. The fourth step is to secure funding. This can be done through a variety of methods, including venture capital, angel investors, and crowdfunding. Each method has its own advantages and disadvantages, so it's important to choose the one that best fits the company's needs.			
5	5. The fifth step is to develop a prototype. This is a physical model of the product that can be used to test the design and gather feedback from potential customers. It's an important tool for refining the product and ensuring it meets the market need.			
6	6. The sixth step is to conduct market testing. This involves introducing the product to a small group of potential customers and gathering feedback. This information can be used to make adjustments to the product and marketing strategy.			
7	7. The seventh step is to launch the product. This involves creating a marketing campaign and distributing the product to the target market. It's a critical moment for the company, as it determines whether the product will be successful.			
8	8. The eighth step is to monitor the product's performance. This involves tracking sales, customer feedback, and other metrics to ensure the product is meeting the market need and generating a profit.			
9	9. The ninth step is to iterate on the product. This involves making improvements based on customer feedback and market trends. It's an ongoing process that helps the company stay competitive and relevant.			
10	10. The tenth step is to scale the product. This involves expanding the product's reach to new markets and increasing production. It's a critical step for long-term success, as it allows the company to reach a larger audience and generate more revenue.			

#	Descriptions:
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-TOTAL 59X GEWHMXTS6 MODULES



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Turn power OFF before inspection, installation or removal.
Properly ground Tetra Power Supply enclosure.

Shut off power at fuse box or circuit breaker be

Shut off power at fuse box or circuit breaker before installation.

Follow all NEC and local codes.
Use only UL approved wire for this application.

Minimum size 18 AWG (0.82 mm)

Minimum size 18 AWG (0.82 mm)

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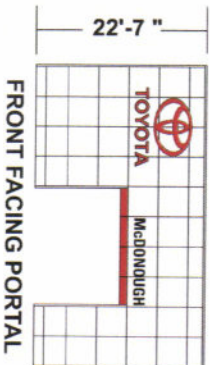
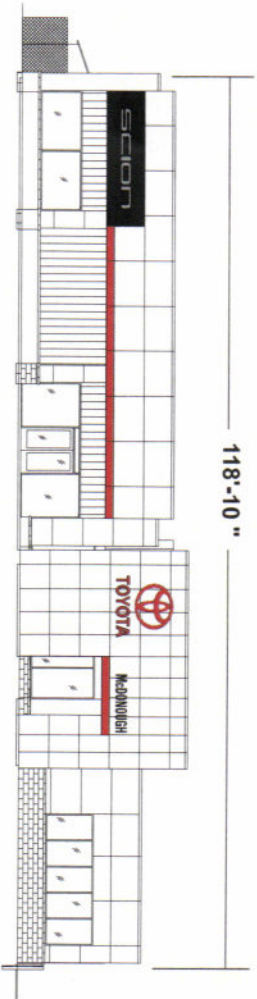
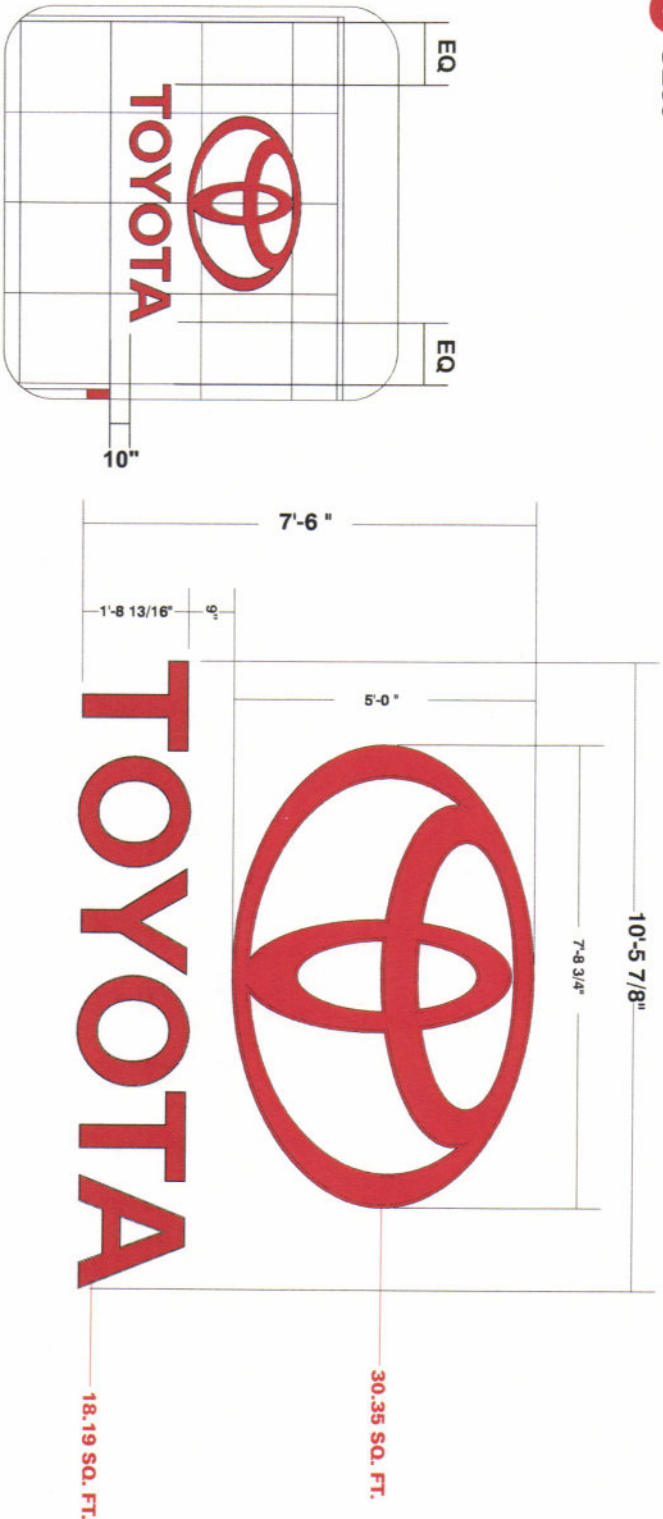
Client: **TOYOTA**

Site: VARIOUS

Checked By:	ACH
Draftsman:	JOEY BOSSE
Date:	02.13.2012

Checked by:	ACN
Page:	3/3
Scale:	N

1 SL60



LD-22164C

ELEVATION

Installation: ☐ Interior: ☒ Exterior:

Date:
 Customer Approval:
 ISO 9001:2008 Certified Enterprise

www.pattonsdesign.com

ENSEIGNES
PATTISON
SIGN GROUP
161 (506) 755-5506 Fax (877) 737-1734 Toll Free 1-800-561-8798
Client: TOYOTA S/S 45030
Site: STAUNTON, VA
Consultant: LUC DUGUAY
Draftsman: ANDRE CHARETTE Date: 07.09.2013
Page: 1/4 Scale: 1/16" = 1'-0"

LD-22164C

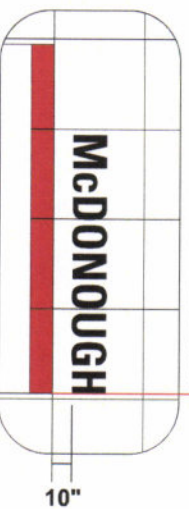
ELEVATION

Installation: ☐ Interior ☒ Exterior

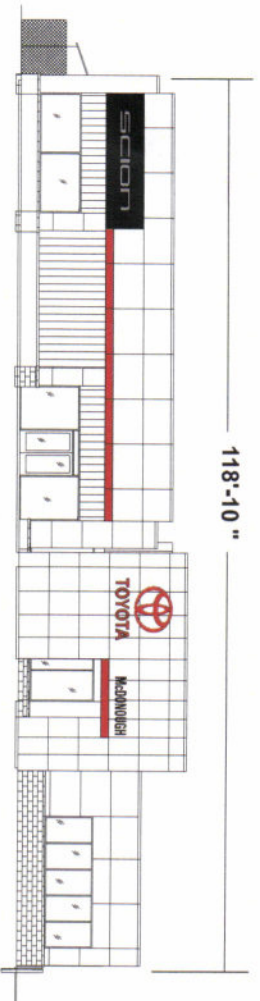
2 PDNN18

1'-6" 11'-6 1/16" **McDONOUGH**

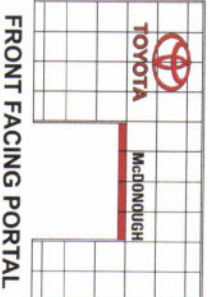
ALIGN TO RIGHT SIDE OF RED BAND



118'-10"



22'-7"



FRONT FACING PORTAL

Date: _____
Customer Approval: _____

This sign is subject to the following conditions:
1. The sign must be installed in accordance with the applicable local, state, and federal regulations.
2. The sign must be maintained in good condition and replaced if damaged.
3. The sign must be removed if the building is demolished or the business ceases operations.
4. The sign must be removed if the building is sold or the business is transferred to a new owner.
5. The sign must be removed if the building is no longer used for the business.
6. The sign must be removed if the building is no longer used for the business.

ISO 9001:2008 Certified Enterprise

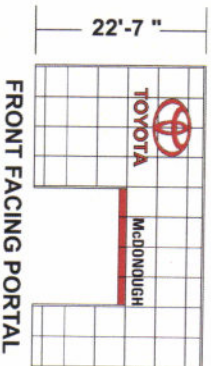
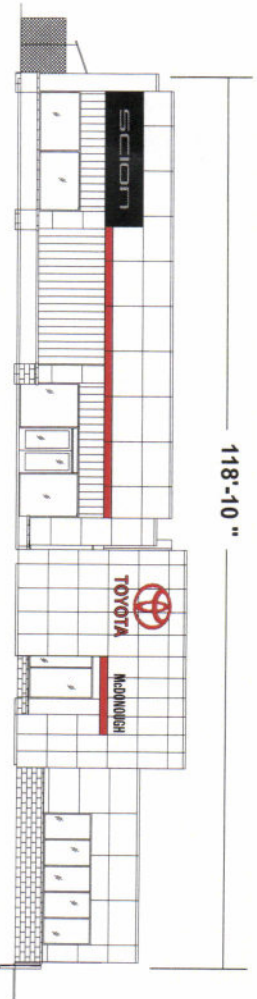
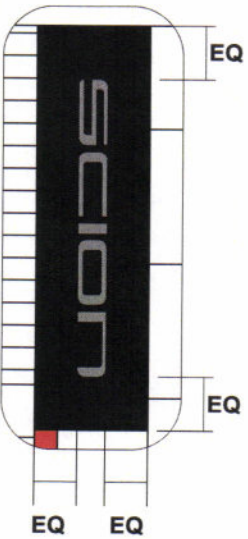
www.patisonsign.com



Tel: (506) 755-5506 Fax: (877) 737-1734 Toll Free 1-800-561-8798
Client: TOYOTA SIS 45030
Site: STAUNTON, VA
Consultant: LUC DUGUAY
Draftsman: ANDRE CHARETTE Date: 07/09/2013
Page: 2/4 Scale: 1/16" = 1'-0"

3 SBL15

1'-3" 13'-2 5/8" 16.52 SQ. FT.



Date: / /

Customer Approval:



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LD-22164C

ELEVATION

Installation: Interior: Exterior:



Client: TOYOTA S/S 45030
Site: STAUNTON, VA
Consultant: LUC DUGUAY
Draftsman: ANDRE CHARETTE
Date: 07.09.2013
Page: 3/4 Scale: 1/16" = 1'-0"

Tel: (506) 725-5506 Fax: (877) 727-1724 Toll Free 1-800-561-9798

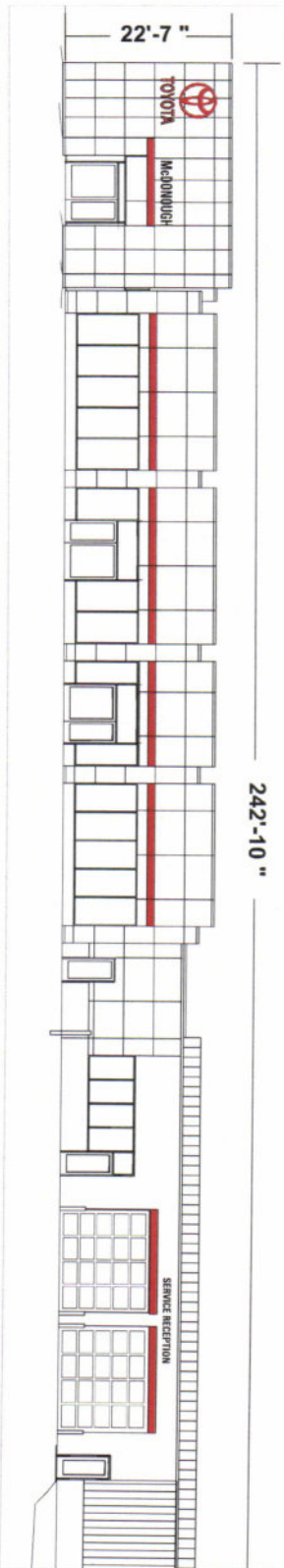
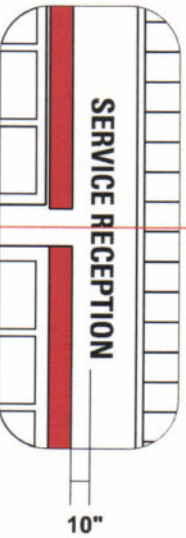
4 SI12

11'-6 5/8"

1'-0"

SERVICE RECEPTION

CENTERED ABOVE BOTH DOORS



Date: / /

Customer Approval:



ISO 9001:2008 Certified Enterprise

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LD-22164C

ELEVATION

Installation: ☐ Interior ☒ Exterior



Tel: (506) 725-5506 Fax: (877) 737-1724 Toll Free 1-800-561-5788
 Client: TOYOTA S/S 45030
 Site: STAUNTON, VA
 Consultant: LUC DUGUAY
 Draftsman: ANDRE CHARETTE Date: 07/09/2013
 Page: 2/4 Scale: 1/16" = 1'-0"

TOY1C4D7711

SI-12 ILLUMINATED CHANNEL LETTERS

Installation: ☐ Interior ☒ Exterior

Electrical specifications:

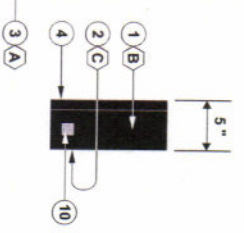
Volts: 120 Amp: 0.65 Circ: 1

Descriptions:

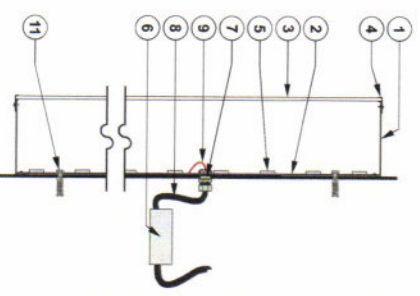
1	0.040 ALUM. PRE-PAINTED BLACK
2	0.064 ALUM. PRE-PAINTED WHITE
3	FLAT 3/16" ACRYLIC #2447 WITH VINYL APPLICATION ON FIRST SURFACE
4	BLACK 1" RETAINER
5	LED'S (TETRA MAX)
6	POWER SUPPLY JUNCTION BOX
7	LIQUID TIGHT CONNECTOR
8	LIQUID TIGHT CONDUIT
9	LOW VOLTAGE WIRING
10	ELECTRICAL REQUIREMENT STICKERS (UL)
11	TYPICAL WALL SCREWS



FRONT VIEW



SIDE VIEW



SECTION VIEW
SCALE: N.T.S

#	Colors:
A	PERFORATED BLACK 3635-222
B	PRE-PAINTED BLACK
C	PRE-PAINTED WHITE



Tel: (506) 735-5506 Fax: (506) 737-1740 Toll Free: 1-800-561-9788
 Client: TOYOTA
 Site: VARIOUS
 Draftsman: JOEY BOSSE Date: 01.17.2012
 Checked By: JACH
 Page: 1 / 3 Scale: 1" = 1'-0"

Customer Approval: _____ Date: _____

PRODUCTION INFORMATION: ES0748.2012

FACTORY (Toyota) NEW LED (FEB 2012) Channel	Descriptions:	Plate #
12 TOY1C4D7833 SERVICE RECEPTION	PLASTIC	TOY1C4D7833-1
	ALUMINUM	TOY1C4D7833-2
	CHANNEL (BONDED)	TOY1C4D7833-3
	TRIM MACHINE	TOY1C4D7833
		XX
		XX
		XX

MULTICAM 2D

ISO 9001:2008 Certified Enterprise

TOY1C4D7711

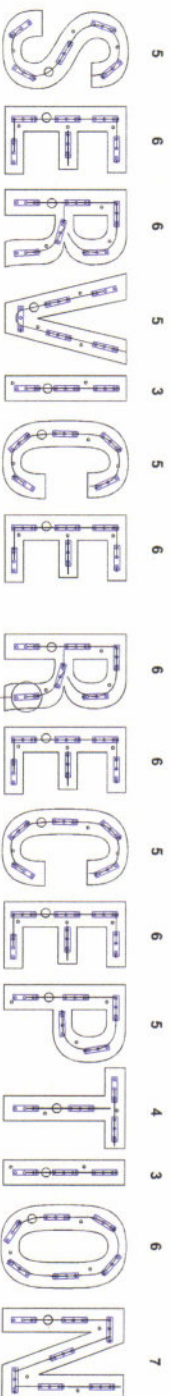
LED LAYOUT

Installation: ☐ Interior ☒ Exterior

Electrical specifications:

Volt: 120 Amp: 0.65 Circ: 1

Descriptions:



LED INFO:

- TOTAL 84X GEMHMXTS6 MODULES

Customer Approval:

PRODUCTION INFORMATION: XX

Date: / /

XX	Descriptions:	Plate #
XX	XX	XX
XX	XX	XX
XX	XX	XX
XX	XX	XX
XX	XX	XX
XX	XX	XX
XX	XX	XX
XX	XX	XX
XX	XX	XX

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PATISSON
SIGN GROUP

Tel (506) 735-5506 Fax (877) 731-1734 Toll Free 1-800-561-9798

Client: TOYOITA

Site: VARIOUS

Draftsman: JOEY BOSSE Date: 01-12-2012

Checked By: ACH

Page: 3/3 Scale: N.T.S.

TOY1C4E7181

LED ELECTRICAL LAYOUT

Installation:	Interior:	Exterior:
Electrical specifications:		
Volts:	120	Amp: 0.65
Circ:	1	
#	Descriptions:	
1	POWER SUPPLY CLASS 2	
2	ILLUMINATED BY RED LED (TETRA MAX)	
3	12 VOLTS CLASS 2 WIRING	
4	LIQUID TIGHT CONDUIT 12 VOLTS CLASS 2	
5	WIRING SUPPLIED BY PSG & PRE-INSTALLED IN PORTAL BY NOVEM	
6	LIQUID TIGHT CONNECTOR	
7	POWER SUPPLY JUNCTION BOX	
8	WATERPROOF DISCONNECT SWITCH AS PER CODE NEC 600	
9	WATERPROOF DISCONNECT SWITCH AS PER CODE NEC 600	

LED INFO:

- TOTAL 74 GERDMXWL6 MODULES (IN LOGO)
- TOTAL 48 GERDMXWL6 MODULES (IN LETTERS)
- 1X GEPS12-60U-NA POWER SUPPLY

Notes:

- EACH GEPS12-60U-NA POWER SUPPLY CAN RUN UP TO 140 GERDMXWL6 (3 LEDS) MODULES
- ELECTRICAL HOOKUP SUPPLIED BY OTHERS

Colors:

A	WHITE ELECTRICAL WIRE
B	BLACK ELECTRICAL WIRE
C	GREEN ELECTRICAL WIRE

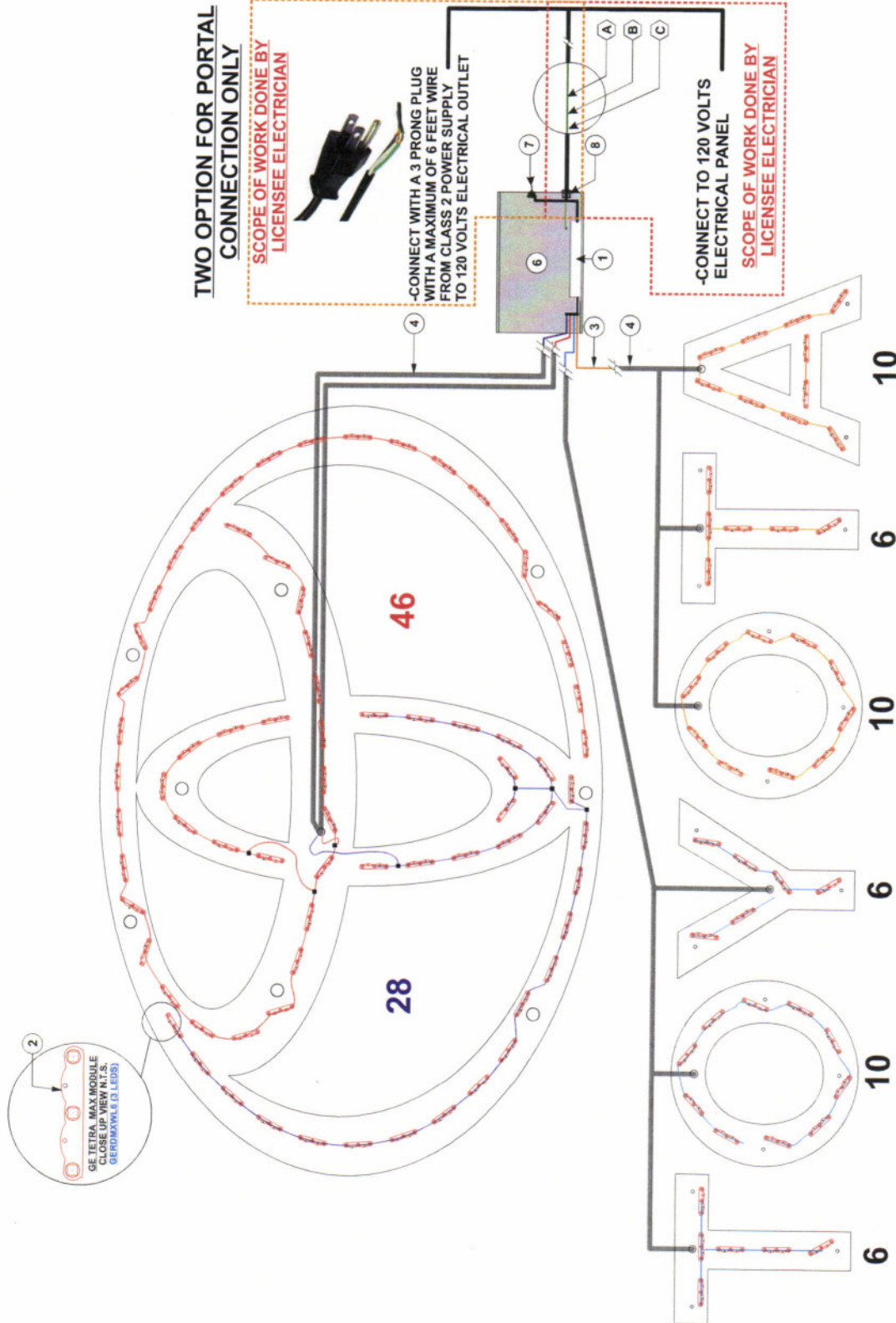
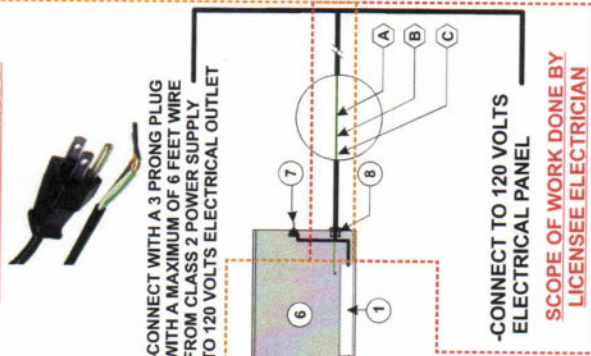


-Tel (506) 735-5506 -Fax (506) 737-1740 -Toll Free 1-800-561-4798

Client:	TOYOTA
Site:	VARIOUS
Draftsman:	ANDRE CHARETTE
Date:	08.15.2013
Checked By:	GUY DAIGLE (MTR)
Page:	2/4
Scale:	N.T.S.

TWO OPTION FOR PORTAL CONNECTION ONLY

SCOPE OF WORK DONE BY LICENSEE ELECTRICIAN



A WARNING!

RISK OF ELECTRIC SHOCK:

Turn power OFF before inspection, installation or removal.
Properly ground Tetra Power Supply enclosure.
Shut off power at fuse box or circuit breaker before installation.

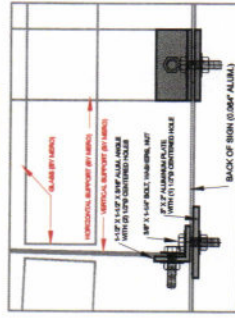
RISK OF FIRE:

Follow all NEC and local codes.
Use only UL approved wire for input/output connections.
Minimum size 18 AWG (0.82 mm)

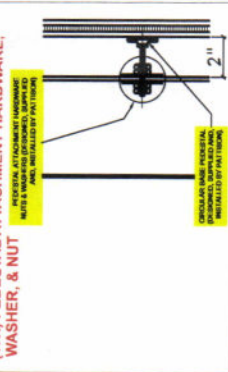


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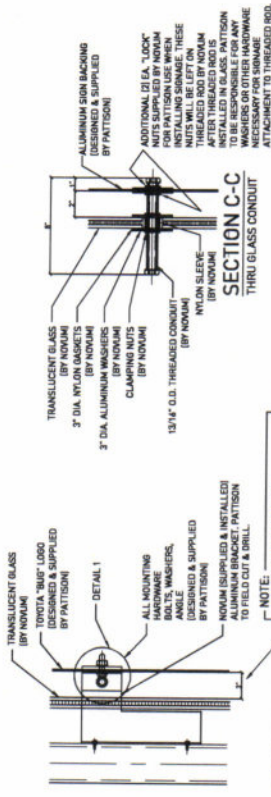


LETTERS PRE-INSTALLED HARDWARE BY EPSG:
**-(17X) PEDESTAL ATTACHMENT HARDWARE,
 WASHER, & NUT**
 PEDESTAL ATTACHMENT HARDWARE

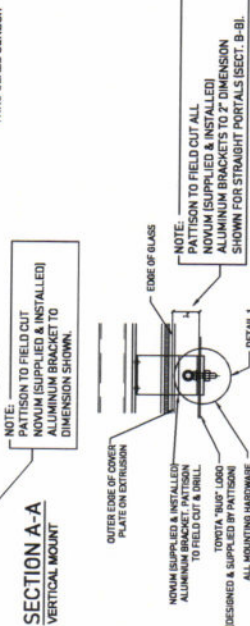


STAIN GROUP
Tel (506) 735-5506 • Fax (506) 737-1740 • Toll Free 1-800-561-9798

Client:	TOYOTA
Site:	VARIOUS
Draftsman:	ANDRE CHARETTE
Checked By:	JB
Date:	09.15.2013
Page:	3/4
Scale:	N.T.S.

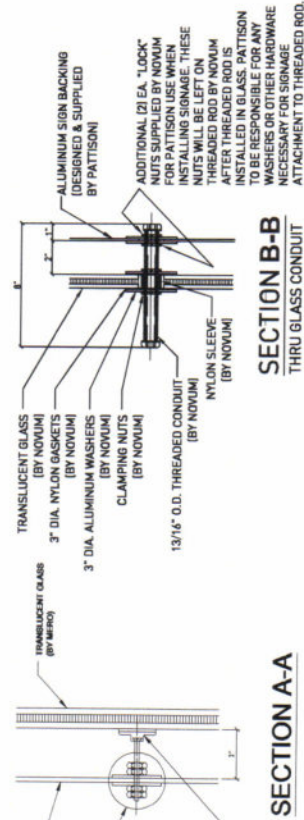


SECTION C-C



SECTION B-B

NOTE: NOYUM (SUPPLIED & INSTALLED) BRACKETS PROJECT 4-1/2" FROM THE GLASS AND MUST BE FIELD CUT (BY PATTISON) TO LENGTH. EXTREME CARE MUST BE TAKEN WHEN CUTTING AND DRILLING ALUMINUM BRACKET. PATTISON IS RESPONSIBLE FOR PROTECTING THE GLASS DURING SIGN INSTALLATION.



SECTION B-B
THRU GLASS CONDUIT

IT IS AGREED THAT THE CLIENT IS ENTIRELY RESPONSIBLE TO INSTALL THE CONCRETE BASE AS PER ENSEIGNES PATTISON SIGN GROUP'S TECHNICAL DRAWINGS OR THE EQUIVALENT. WHEN AN EXISTING BASE IS USED, THE CLIENT AGREES TO CHECK IF THE CONCRETE BASE CAN SUPPORT THE SIGN AS SUPPLIED BY ENSEIGNES PATTISON SIGN GROUP. ENSEIGNES PATTISON SIGN GROUP WILL NOT ACCEPT ANY LIABILITY FOR

Dispose of these lamps according to Local, Provincial, State, Federal and/or International Regulations.



This sign intended to be installed in accordance with the requirements of Article 500 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign



ISO 9001:2000 Certified Enterprise

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N.T.S.

TOY1C4E7181

BRACKET DETAILS

Installation: ☐ Interior: ☒ Exterior:

Electrical specifications:

Volts: ☐ 120 ☐ Amp: ☐ 1.3 ☐ Circ: ☐ 1

| Descriptions:

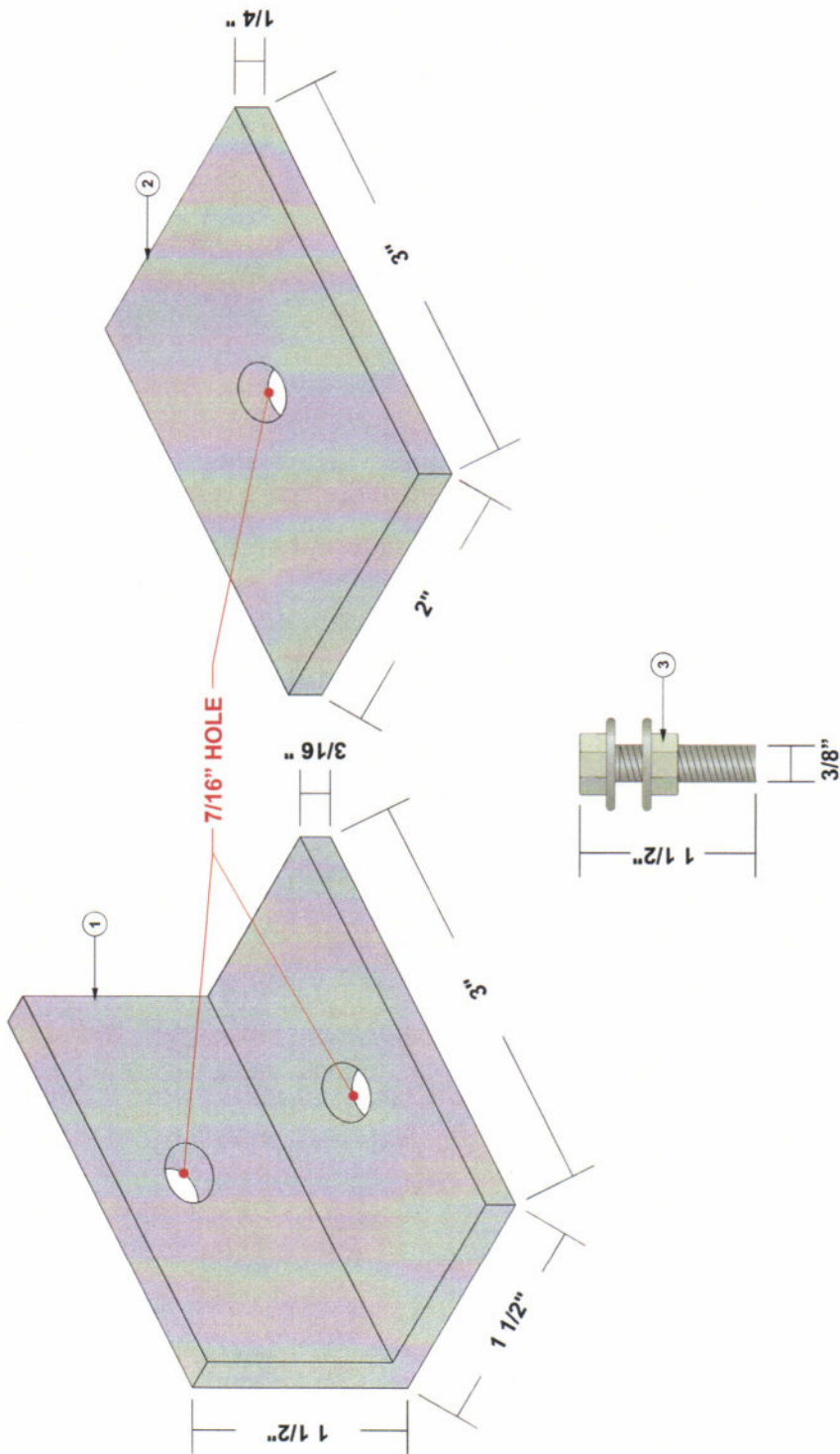
1 1 1/2" X 1 1/2" X 3/16" ANGLE

2 2" X 3" X 1/4" INTERIOR WASHER

3 1 1/2" X 3/8" BOLTS WASHERS & NUTS

Notes:

- SEE REQUIRED QUANTITIES ON PAGE # 3



Tel (506) 735-5506 Fax (506) 737-1740 Toll Free 1-800-561-4798

Client:	TOYOTA
Site:	VARIOUS
Draftsman:	ANDRE CHARETTE
Checked By:	J.B.
Date:	09.24.2013
Page:	4/4
Scale:	N.T.S.

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A photograph of a modern building at night. The building's facade is composed of a grid of large, square, illuminated panels that glow with a warm white light. The name "McDONOUGH" is displayed in large, black, sans-serif capital letters across the middle of the grid. Below the name is a large, dark rectangular opening, likely an entrance, which reveals a brightly lit interior space with various objects and furniture. To the left of the main illuminated section, there is a smaller, darker area with some glass panels. To the right, the building continues into the darkness, with a few more illuminated windows visible in the distance. The overall scene is set against a dark, clear night sky.

McDONOUGH



FILE COPY

November 11, 2013

Frank McDonough
McDonough Toyota
9118 Richmond Rd
Staunton, VA 24401

Re: Internally illuminated portal
1003 Richmond Avenue

Mr. McDonough:

Thank you for taking the time to come in and meet with me regarding the internally illuminated portal that you, and Toyota, have proposed for your dealership here in the City of Staunton. As we discussed in our meeting, this type of building element is not something that can be approved under Staunton City Zoning laws. As you requested, I am providing you with this letter to outline and explain the reasons for not approving this request.

In reviewing the information that you provided to us, we have concluded that under the City's zoning ordinance this structure would have to be considered to be a sign. The purpose of this structure is to attract attention to the business. The structure will contain the word Toyota as well as the dealer name, and as a result, the city must consider this to be a sign. Title 18.83.090 (7) (e) (iii) prohibits internally illuminated signs that do not include opaque backgrounds. In this case the entire portal is an internally illuminated sign and as such it must be opaque and only the lettering may be illuminated.

This property is located within the Richmond Road Entrance Corridor Overlay District. In the Entrance Corridor Overlay Districts it is recommended that building elevation not be illuminated, the outlining of structures or windows is discouraged. In this case, having lighting inside the portal would constitute an illuminated elevation and be contrary to the recommendations of the Corridor.

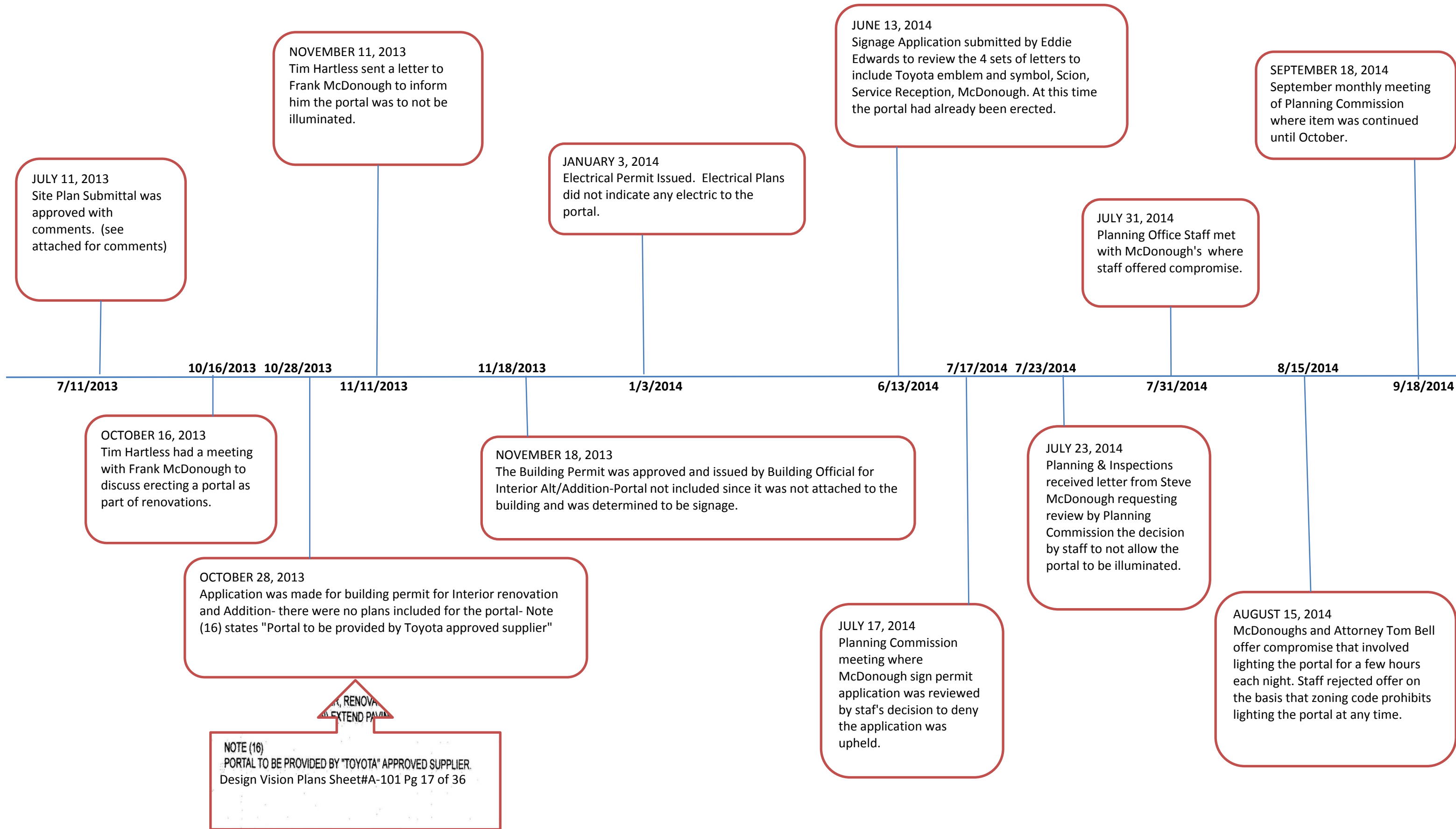
I have included copies of the Richmond Avenue Entrance Corridor Overlay Districts Recommendations as well as a copy of the relevant code section, Title 18.83 of the Staunton Zoning Code. If you have any questions regarding these requirements please feel free to contact our offices during regular business hours.

I hope this information is helpful.

Sincerely,

Timothy A Hartless
Zoning Technician

MCDONOUGH TOYOTA TIMELINE



Summary of Events

July 11, 2013 – Site Plan submittal was approved with the following comments.

Submittal included color architectural renderings, black and white building elevations indicating material and color configurations, and building face material samples describing the proposed re-development of the existing building.

Based on the requirements and expectations of SCC 18.83 Entrance Corridor Overlay District and the Design Guidelines for Richmond Avenue, the submittal is approved.

Please note:

- There are no changes in exterior building or site lighting proposed as part of the site plan submittal. The building permit set will be reviewed for proposed changes in exterior building and site lighting and compliance of that lighting with SCC 18.83 Entrance Corridor Overlay District and the Design Guidelines for Richmond Avenue. Should there be changes in the existing exterior building or site lighting, all fixtures proposed emitting levels of illumination above 1800 lumens must be specifically rated full cut off; cut sheets must be submitted for each new exterior building or site fixture proposed for review.
- The review of proposed signs has not been part of the considerations in this approval. Building and site signs are reviewed as part of the sign permitting process.

October 16, 2013 – Meet with Frank McDonough to discuss erecting a portal as part of the McDonough Toyota Renovations.

October 28, 2013 – Application was made for a building permit for an addition and renovation. The application included a note saying that “Portal to be provided by Toyota approved supplier” That is the only reference staff identified on the plans that was related to the portal.

November 11, 2013 – Responded to Frank McDonough to inform him of the determination that the portal should not be illuminated due to requirements of the Zoning Code.

November 18, 2013 – The building permit was approved and issued by the Building Official.

January 3, 2014 – Electrical permit was issued. The electrical plans did not indicate any electric to the portal.

June 13, 2014 – Application was submitted for the installation of 4 sets of letters.

July 17, 2014 – Planning Commission meeting where the McDonough sign permit application was reviewed and staff’s decision to deny the application was upheld.

July 23, 2014 – Planning and Inspections received a letter from Steve McDonough requesting a review by Planning Commission of the decision by staff not to allow the portal to be illuminated.

July 31, 2014 – Meeting involving Frank McDonough, Steve McDonough, Tim Hartless, Sharon Angle, and John Glover. The meeting was held in the Planning Conference Room. Staff offered a compromise approving the “Toyota” sign with red trim caps and red returns if Toyota agreed to not illuminate the entrance portal.

August 15, 2014 – Meeting involving Steve McDonough, Tim Hartless, and attorney Tom Bell. At the meeting McDonough offered a compromise that involved lighting the portal for a few hours each night. Staff rejected this offer on the basis that zoning code prohibits lighting the portal at any time.

September 18, 2014 – Monthly meeting of Planning Commission where the item was continued until the October meeting.

Notes from staff conversation with Town of Leesburg Deputy Director of Planning and Zoning, Brian Boucher

Initially the Toyota application included the standard illuminated portal with red lettering that Toyota has chosen as its national standard.

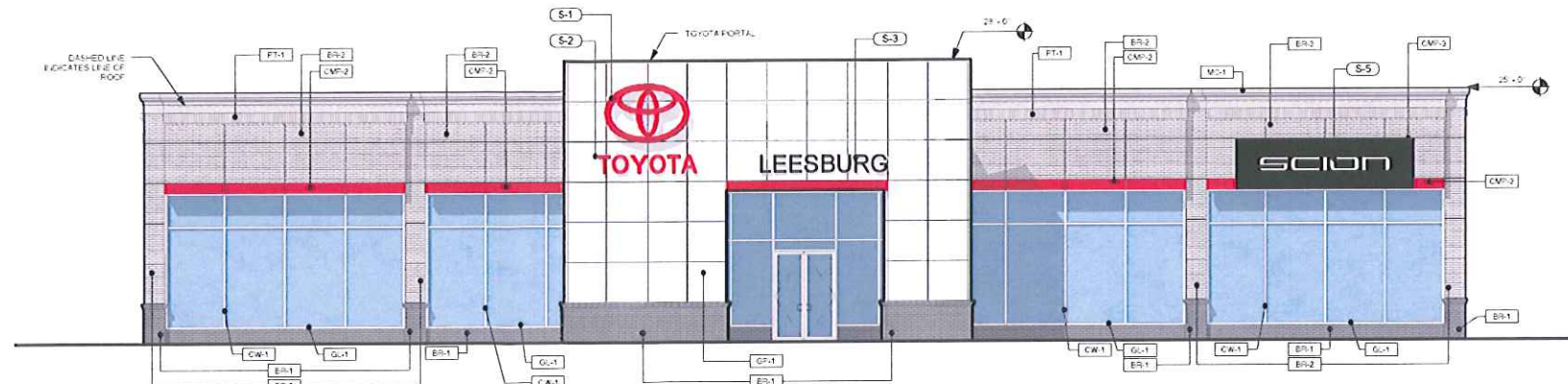
Upon review of the application the Town of Leesburg denied the request because of the requirements of the Leesburg Entrance Corridor Overlay. Leesburg felt that the portal did not meet the minimum standards of its Overlay and the proposed portal was not in keeping with the existing architectural pattern of the district. Furthermore, Leesburg determined that if the portal was illuminated it would be considered a sign.

Toyota appealed the decision to the Board of Architectural Review (BAR). The BAR upheld staff's determination and the application remained in a denied status.

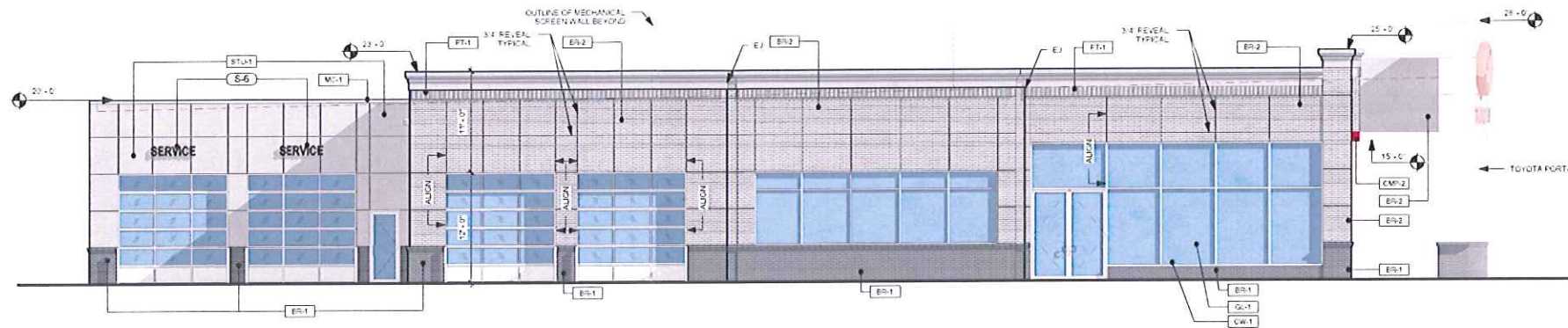
Toyota appealed the decision of the BAR to Town Council. Town Council sent to application back to the BAR and directed them to work it out.

With the consent of the applicant, staff from Leesburg contacted the Toyota Dealer Facilities Development Manager, Brian Lapin, whose office is located in Glenn Burnie, MD. Mr. Lapin indicated that he was willing to work with Leesburg to come to a compromise that satisfied both parties. According to Leesburg Staff, Mr. Lapin indicated that it was quite common for Toyota to make changes to the standard portal and building façade in order to meet local zoning code requirements. The size of the portal was reduced to about 2/3 of what Toyota had originally proposed. A brick base was added to the portal and brick accents were added to the building. It was determined that the portal would not be illuminated.

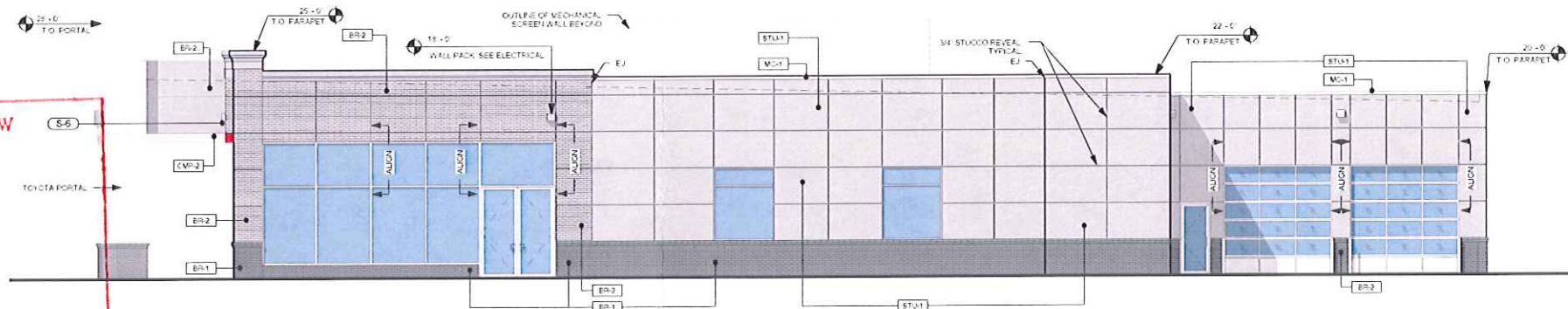
FRESH MATERIAL LEGEND			
CODE	MATERIAL	MANUFACTURER	FINISH/COLOR
P-1	EXTERIOR PAINT	SHERWIN WILLIAMS	SW 25% CHELSEA GRAY
P-2	EXTERIOR PAINT	SHERWIN WILLIAMS	MODERATE WHITE
P-3	EXTERIOR PAINT	SHERWIN WILLIAMS	REFLECTIVE WHITE
P-4	EXTERIOR PAINT	SHERWIN WILLIAMS	SILVER BP71
CMP	CMP-2	COMPOSITE METAL PANEL	REYNOLDS
	CMP-3	COMPOSITE METAL PANEL	REYNOLDS
PT	PT-1	PORCELAIN TILE	FANTHORN
	PT-2	PORCELAIN TILE	GRUS SERIES 20-303
STU	STU-1	EXTERIOR STUCCO	TEO
	STU-2	EXTERIOR STUCCO	TEO
GL	GL-1	TRANSLUCENT GLASS	WHITE
	GL-2	TRANSLUCENT GLASS	WHITE
M	M-1	METAL FASCIA	SPRICKMAN OR EQUIV.
	M-2	METAL FASCIA	SPRICKMAN OR EQUIV.
CW	CW-1	EXTERIOR STONEFRONT	TO MATCH WALL COLOR
	CW-2	EXTERIOR STONEFRONT	TO MATCH WALL COLOR
BR	BR-1	EXTERIOR GLAZING	CLEAR
	BR-2	EXTERIOR GLAZING	CLEAR
BR	BR-1	BRICK	TEO
	BR-2	BRICK	TEO



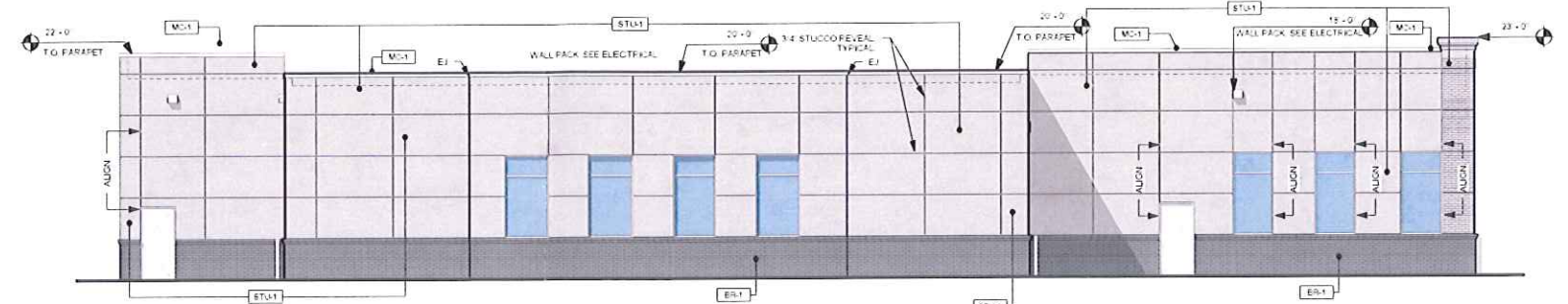
1 North Elevation
A501
1/8" = 1'-0"



2 East Elevation
A501
1/8" = 1'-0"



3 West Elevation
A501
1/8" = 1'-0"

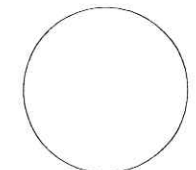


4 South Elevation
A501
1/8" = 1'-0"

ysm
DESIGN
AUTOMOTIVE

1320 Ellsworth Industrial Blvd.
Suite A-100
Atlanta, GA 30318
404-249-4555 tel
404-355-6394 fax

www.ysmdesign.com



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Rev	Date	Comments

TOWN OF LEEBSBURG, VIRGINIA BOARD OF ARCHITECTURAL REVIEW

CASE # TLHP - 2011-0096

☐ ADMINISTRATIVE APPROVAL

☐ II-1 OVERLAY DISTRICT

☒ II-2 CORRIDOR OVERLAY DISTRICT / PROFFER

Notes: Amendment of TLHP-2011-0051

[Signature]
STAFF, BOARD OF ARCHITECTURAL REVIEW

7/2/12
APPROVAL DATE

THESE DRAWINGS MAY NOT BE CHANGED WITHOUT PRIOR APPROVAL FROM STAFF OR THE BOARD OF ARCHITECTURAL REVIEW

Client

AutoNation

200 SW 1st Avenue
Suite 1600
Fort Lauderdale, FL
33301

Project

Leesburg
Toyota

3 Cardinal Park Dr SE
Leesburg VA 20175

Project Number: 10057
Drawn By: CM
Checked By: BY
Approved By: YSM

Sheet Title:

Exterior Elevations

Sheet Number:

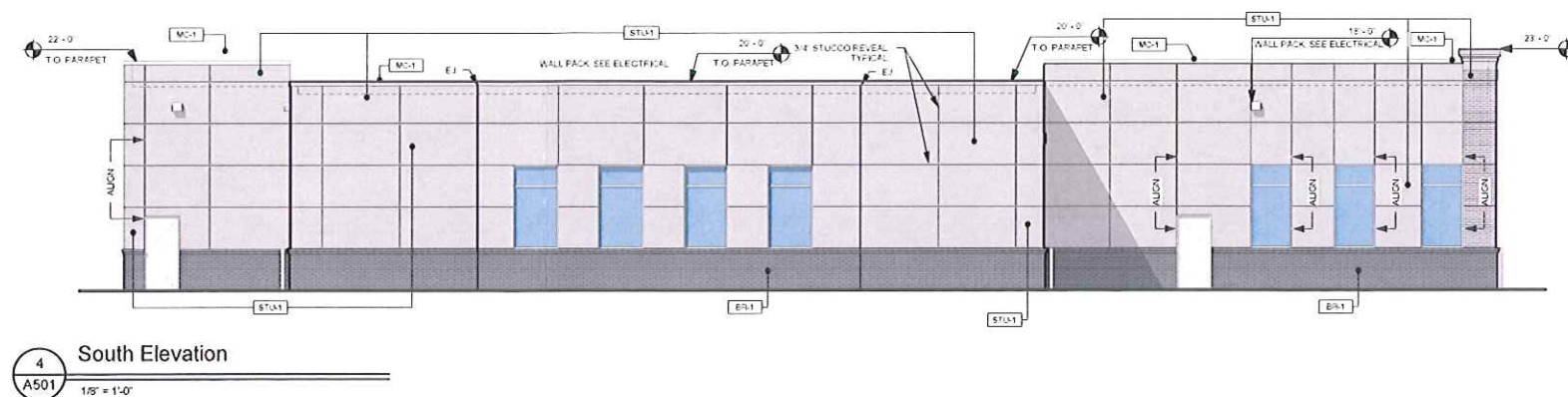
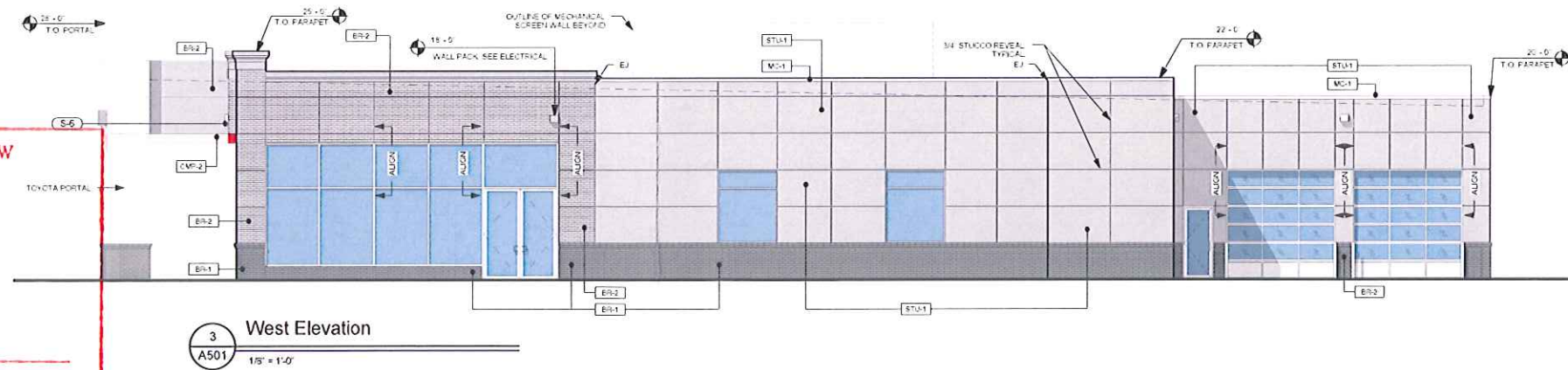
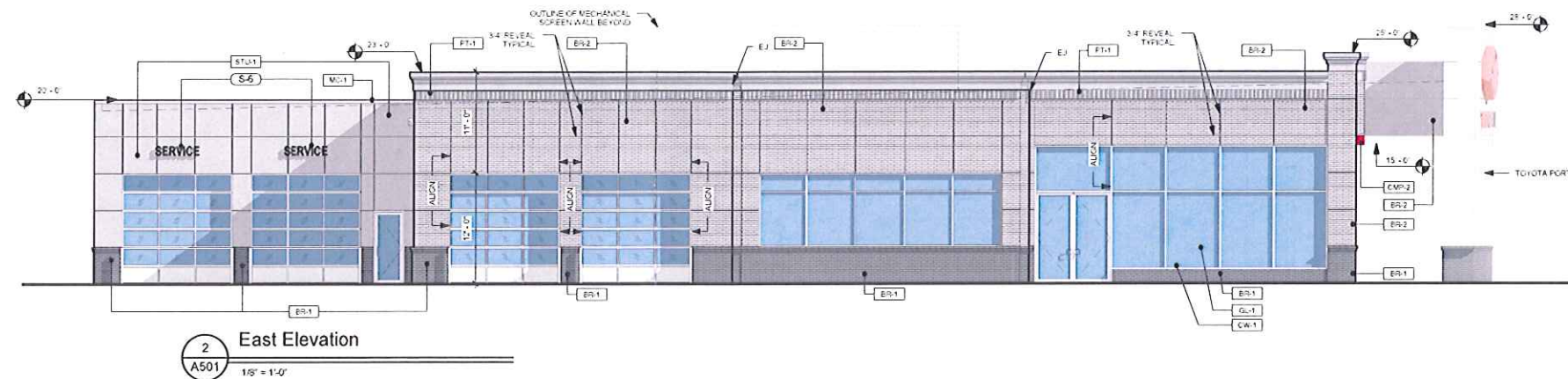
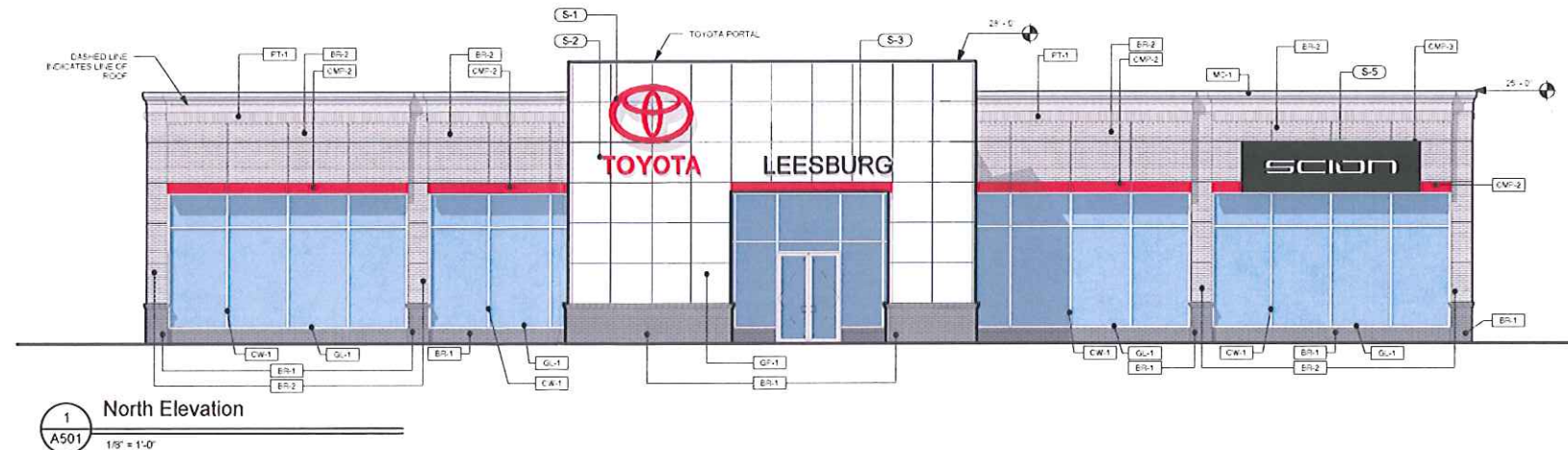
A501

6/29/2012 10:05:54 AM

FINISH MATERIAL LEGEND			
CODE	MATERIAL	MANUFACTURER	FINISH/COLOR
P-6	EXTERIOR PAINT	SHERWIN WILLIAMS	SW-2555 CHELSEA GRAY
P-7	EXTERIOR PAINT	SHERWIN WILLIAMS	MOONLIGHT WHITE
P-8	EXTERIOR PAINT	SHERWIN WILLIAMS	REFLECTIVE WHITE
P-9	EXTERIOR PAINT	SHERWIN WILLIAMS	SILVER BPT1
CMP-2	COMPOSITE METAL PANEL	REYNOLDS	TOYOTA RED
CMP-3	COMPOSITE METAL PANEL	REYNOLDS	TOYOTA BLACK
FT-1	PORCELAIN TILE	FANTHROP	CIRRUS SERIES 25-240
STU-1	EXTERIOR STUCCO	T&B	TO MATCH FT-1
GL-1	TRANSLUCENT GLASS	-	WHITE
MD-1	METAL FASIA	WHICKMAN OR EQUAL	TO MATCH WALL COLOR
CW-1	EXTERIOR STOREFRONT	-	CLEAR ANODIZED ALUMINUM
GL-1	EXTERIOR GLAZING	-	CLEAR
BR-1	BRICK	T&B	DARK GREY
BR-2	BRICK	T&B	LIGHT GREY

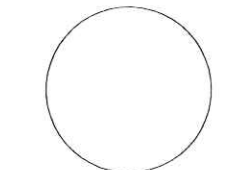
ELEVATION LEGEND	
S-1	"TOYOTA" Logo with internal illumination
S-2	"TOYOTA" Red Letters, flush mount on individual channels
S-3	"LEESBURG" Black Letters, flush mount on portal
S-4	"TOYOTA" Logo mounted over entrance
S-5	"SCION" Letters with internal illumination
S-6	"SERVICE" Letters with internal illumination

NOTE: ALL SIGNAGE SHOWN FOR INFORMATION AND LOCATION ONLY. SIGNAGE SHALL BE PERMITTED & INSTALLED BY OTHERS. G.C. SHALL INSTALL BLOCKING AND PROVIDE ELECTRIC CONDUITS AND J-BOXES AS NECESSARY.



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Rev	Date	Comments
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TOWN OF LEESBURG, VIRGINIA BOARD OF ARCHITECTURAL REVIEW

CASE# TLHP - 2011-0096

☐ ADMINISTRATIVE APPROVAL

☐ H-1 OVERLAY DISTRICT

☒ H-2 CORRIDOR OVERLAY DISTRICT / PROFFER

Notes: Amendment of TLHP-2011-0051

David W. Saule 7/2/12
STAFF, BOARD OF ARCHITECTURAL REVIEW APPROVAL DATE

THESE DRAWINGS MAY NOT BE CHANGED WITHOUT PRIOR APPROVAL FROM STAFF OR THE BOARD OF ARCHITECTURAL REVIEW

Client:

AutoNation

200 SW 1st Avenue
Suite 1600
Fort Lauderdale, FL
33301

Project:

Leesburg
Toyota

3 Cardinal Park Dr SE
Leesburg VA 20175

Project Number: 10057
Drawn By: CM
Checked By: BY
Approved By: YSM

Sheet Title:

Exterior Elevations

Sheet Number:

A501

MINUTES
STAUNTON PLANNING COMMISSION
July 17, 2014
5:30 p.m.
City Council Chambers

PRESENT: Nathaniel Burress, Chair
W. Patrick Stewart, Vice Chair
Judith Wiegand
William L. Vaughn

ABSENT: Jessica Robinson
Douglas L. Guynn, City Attorney
Jim Harrington, Council Liaison
Linda Nesselrodt, Zoning Technician

ALSO PRESENT: Sharon E. Angle, Director of Planning
Timothy Hartless, City Planner
Linda Little, Clerk of Council

The Chair called the meeting to order at 5:30 p.m. and a moment of silence was observed.

APPROVAL OF MINUTES

Ms. Wiegand moved, seconded by Mr. Stewart, to approve the minutes of the June 19, 2014, Planning Commission meeting. The motion carried unanimously, with Mr. Vaughn abstaining due to his absence at that meeting.

NEW BUSINESS

- a. Public Hearing: Consideration of a request by the City of Staunton to rezone from R-3 Medium Density Residential to B-2 General Business parcel # 5093, addressed as 2402 Noon Street.**

The Director of Planning reported that because of the Planning Commission's efforts to address zoning conflicts on legally nonconforming residential property throughout the City, on Thursday, June 13, 2013, Staunton City Council voted unanimously to rezone ninety six residential properties from business to residential use in the neighborhoods near-by and adjacent to West Beverley Street. This property was identified in City of Staunton, Virginia *Comprehensive Plan, 2010–2030* as recommended for rezoning to a zoning district more accurately reflecting the use of the property.

Ms. Angle explained that during the process to do the initial rezoning, twenty-eight additional properties were identified by the Planning Commission for rezoning in these neighborhoods. At

the June 2014 meeting, Planning Commission directed staff to begin the process to rezone the above referenced properties. The first of three public hearings, reviews one property 2402 Noon Street (Parcel 5093), for consideration of changing from the current zoning of R-3 Medium Density Residential to B-2 General Business. This is the location of an existing heating and cooling company. The designation of a business zoning was found to be appropriate.

Ms. Angle stated that staff feels rezoning these properties supports the priority initiatives, policies, and desires included in the Staunton *2010-2030 Comprehensive Plan*.

The Chairman opened the public hearing on the rezoning request.

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

Mr. Stewart moved to recommend approval of the proposed rezoning of parcel 5093, addressed as 2402 Noon Street, from R-3 Medium Residential to B-2 General Business.

Seconded by Ms. Wiegand, the motion carried unanimously.

This matter will be on City Council's meeting of July 24, 2014.

b. Public Hearing: Consideration of a request by the City of Staunton to rezone from B-2 General Business to R-2 Low Density Residential the following properties: Parcels 522, 9055, 9057, 6802, 5743, 9066, 1741, 1410, 4244, 4430, 7584, 7583, 6640, 2576, 6272, 7270, 2106, 2079, 744 (should be 774), 10552, addressed as 1301, 1311, 1315, 1401, 1407, 1601, 1609, 1611, 1615, 1625, 1629, 1631, 1637, 1641, 1645, 1726, 1736, 1738, 1744, 1748 West Beverley Street, and parcel 151, addressed as 9 Park Boulevard, and parcel 7062, addressed as 1725 Plunkett Street.

The Director of Planning stated that because of the Planning Commission's efforts to address zoning conflicts on legally nonconforming residential property throughout the City, on June 13, 2013, Staunton City Council voted unanimously to rezone ninety six residential properties from business to residential use in the neighborhoods near-by and adjacent to West Beverley Street. She noted that this property was identified in City of Staunton, Virginia *Comprehensive Plan, 2010-2030* as recommended for rezoning to a zoning district more accurately reflecting the use of the property.

Ms. Angle explained that during the process to do the initial rezoning, twenty-eight additional properties were identified by the Planning Commission for rezoning in these neighborhoods. At the June 2014 meeting, Planning Commission directed staff to begin the process to rezone the above referenced properties. The second of three public hearing, reviews twenty properties on West Beverley Street, one property on Park Boulevard, and one property on Plunkett Street, for consideration of changing from the current zoning of B-2 General Business to R-2 Low Density Residential.

Ms. Angle reported that staff finds that re-zoning these properties supports the priority initiatives, policies, and desires included in the Staunton *2010-2030 Comprehensive Plan*.

Ms. Angle noted that she received a call from Mr. Nance, 1726 West Beverley Street, asking that his property not be included in this rezoning.

The Chairman opened the public hearing.

There being no one present to speak to this matter, the public hearing was closed.

Mr. Vaughn made the motion to recommend approval of the rezoning of those parcels outlined by the Director of Planning in our opening statement, with the correction of parcel 744 being revised to parcel 774, and removing parcel 1726 from the request, owned by Mr. Nance.

Seconded by Mr. Stewart the motion carried unanimously.

This matter will be on City Council's meeting of July 24, 2014.

- c. **Public Hearing: Consideration of a request by the City of Staunton to rezone from I-1 Light Industrial to R-2, Low Density Residential the properties with designated street addresses of parcels 10202, 11357, 10512, 10485, addressed as 2639, 2641, 2651, 2649 Locust Avenue, and parcel 11296, addressed as 102 [North] Sheets Street.**

The Director of Planning stated that because of the Planning Commission's efforts to address zoning conflicts on legally nonconforming residential property throughout the City, on Thursday, June 13, 2013, Staunton City Council voted unanimously to rezone ninety six residential properties from business to residential use in the neighborhoods near-by and adjacent to West Beverley Street. This property was identified in City of Staunton, Virginia *Comprehensive Plan, 2010-2030* as recommended for rezoning to a zoning district more accurately reflecting the use of the property.

Ms. Angle explained that during the process to do the initial rezoning, twenty-eight additional properties were identified by the Planning Commission for rezoning in these neighborhoods. At the June 2014 meeting, Planning Commission directed staff to begin the process to rezone the above referenced properties. The third of three public hearings, reviews four properties on Locust Avenue and one property on Sheets Street for consideration of changing from the current zoning of I-1 Light Industrial to R-2, Low Density Residential.

Ms. Angle reported that Staff feels re-zoning these properties supports the priority initiatives, policies, and desires included in the Staunton *2010-2030 Comprehensive Plan*.

The Chairman opened the public hearing.

There being no one present to speak to this matter, the public hearing was closed.

Ms. Wiegand moved to recommend approval of the rezoning of the properties with designated street addresses of parcels 10202, 11357, 10512, 10485, addressed as 2639, 2641, 2651, 2649

Locust Avenue; and parcel 11296, addressed as 102 North Sheets Street from of I-1 Light Industrial to R-2, Low Density Residential.

Seconded by Mr. Vaughn, the motion carried unanimously.

This matter will be on City Council's meeting of July 24, 2014.

d. Appeal to Staunton City Code Section 18.83.060 (3)(B), Corridor Overlay, Richmond Avenue, McDonough Toyota.

Mr. Hartless, City Planning stated that in June, the Planning and Inspections Office received a sign permit application to install new signs at 1003 Richmond Avenue. This is the location of McDonough Toyota. The application was submitted by Eddie Edwards Signs on behalf of McDonough Toyota. The permit application includes 4 new channel letter signs to be mounted on the building at this location. These 4 signs include:

"Toyota" with logo,

"Scion"

"McDonough"

"Service Reception"

Mr. Hartless noted that during the review process questions arose concerning the color of the trim caps and the returns of these channel letter signs. The application indicates that the Toyota Sign would have red trim caps and returns while the Scion sign would have gray trim caps and returns. The "Richmond Avenue Design Guidelines" recommend that all channel letter signs include dark bronze trim caps and returns. Staff was unable to reach an agreement with the applicant to change these elements and meet the requirements of the "Design Guidelines".

Mr. Hartless further noted that SCC 18.83.060(3)(b) allows for a review by Planning Commission in cases where staff and the applicant cannot reach a mutually agreeable understanding.

Previously approved signs along Richmond Avenue

There have been a number of approved channel letter signs along Richmond Avenue which include design guideline standard of dark trim caps and returns. Many of these signs have been for national brands. Some examples of these sign locations are:

SweetFrog – 1027 Richmond Avenue

Miracle Ear – 1027 Richmond Avenue

Massaki Japanese Steakhouse – 1027 Richmond Avenue

Pizza Hut – 729 Richmond Avenue

Amedysis Home Health – 729 Richmond Avenue

KFC – 1022 Richmond Avenue

Firehouse Subs – 1028 Richmond Avenue

Mr. Hartless stated that staff recommends denial of the appeal based on the recommendations of the “Design Guidelines” for Richmond Avenue and the numerous channel letter signs that have been approved and installed along Richmond Avenue which have included dark bronze trim caps and returns.

The Chair acknowledged that this was not a public hearing, but there were individuals present that would like to speak.

Mr. Steve McDonough stated that the business has been in town for almost 40 years and ask that the Planning Commission consider this request.

Mr. Dwayne Keyser with Eddie Edwards Signs, the installer for McDonough Toyota, was present. He presented a sample of the can letter and return under consideration. He noted that not only was this a sign, it was also a brand for Toyota.

Luke, with Patteson Signs, signs suppliers and manufacturers for Toyota dealerships across North America. He noted that Toyota has developed their own specific red color and calling it Toyota red. He stated that this was their identification and their brand. He noted that the change of the cans would not only change the color of the sides, it would change the image of the sign altogether. He stated that they were asking to keep the standard image the Toyota red, which was not only national but international.

Mr. Vaughn asked Luke if he represented more than one national company and has he had to adhere to strict corridor overlay guidelines or signage requirements in other communities?

Luke stated that this was the only time he has had to face this item as far as color. He noted that most of the concerns in other areas had to do with area and size of the sign.

Discussion ensued regarding where the Toyota sign would be on the building and the portal.

Luke explained that there are certain size logos that go with certain size letters, there are certain ratios to be respected, and there is also certain surrounding white space that needs to be respected. He stated this is international, not only U.S. or North America.

Mr. John McCurdy, Central Atlantic Toyota, a regional office for Toyota Motor Sales USA, stated that Toyota red is their international color and recognized worldwide, particularly with the three ellipses as the logo indicates and is unified around the planet earth.

Discussion ensued.

Ms. Wiegand moved to deny the appeal of the “Entrance Corridor Overlay District Design Guidelines” for Richmond Avenue for an alternative color to trim caps and returns. For discussion purposes only, the motion was seconded by Mr. Vaughn.

The vote was split, 2 ayes and 2 nays. Motion failed.

The Chairman explained that the applicants have the option to appeal this matter to City Council.

e. Consideration of Receipt and Referral of Application by Sandra G. Baker for Inclusion of 26.19 Acres of Land to the Bells Lane Agricultural and Forrestal District.

The Director of Planning stated that Sandra Baker, who resides at 104 Smithleigh Circle, Staunton, is requesting the inclusion of 26.19 acres of land to the Bell's Lane Agricultural and Forrestal District.

Ms. Angle noted that City Council has already appointed an Advisory Committee. A list of those individuals is was in the packets. Council also referred this application to the Planning Commission for consideration at the July meeting. Planning Commission must now refer the application to the Advisory Committee. It is requested that the application by Sandra G. Baker for the inclusion of 26.19 acres of land to the Bells Lane Agricultural and Forrestal District be referred to the Advisory Committee for review.

Ms. Wiegand moved that the application by Sandra G. Baker for the inclusion of 26.19 acres of land to the Bells Lane Agricultural and Forrestal District be referred to the Advisory Committee for review.

Seconded by Mr. Vaughn, the motion carried unanimously.

OLD BUSINESS

There was no old business.

OTHER BUSINESS

The Planning Commission adjourned to the Caucus Room to discuss the *Staunton Greenways Plan* with the Recreational Advisory Commission.

ADJOURNMENT

Upon a motion properly made, seconded, and unanimous, the meeting adjourned at 6:20 p.m.

Linda L. Little, Clerk

MINUTES
STAUNTON PLANNING COMMISSION
September 18, 2014
5:30 p.m.
City Council Chambers

PRESENT: Nathaniel Burress, Chair
W. Patrick Stewart, Vice Chair
Brad Arrowood
Jessica Robinson
Judith Wiegand

ABSENT: Douglas L. Guynn, City Attorney
Timothy Hartless, City Planner

ALSO PRESENT: Sharon E. Angle, Director of Planning
Linda Nesselrodt, Zoning Technician
Jim Harrington, Council Liaison
Linda Little, Clerk of Council

The Chair called the meeting to order at 5:30 p.m. and a moment of silence was observed.

APPROVAL OF MINUTES

Mr. Stewart moved, seconded by Ms. Robinson, to approve the minutes of the August 21, 2014, Planning Commission meeting. The motion carried unanimously, with Ms. Wiegand abstaining due to her absence at that meeting.

The Chair welcomed Mr. Brad Arrowood as the newest member of the Planning Commission.

NEW BUSINESS

a. Consideration of the final plat for Winnbrook Subdivision, Section III

Ms. Angle, Director of Planning, stated that in April 2003, City Council approved a conditional rezoning to R-2, Low Density Residential for Winnbrook subdivision. The property is located on New Hope Road just to the west of its intersection with Interstate 81. The conditional zoning retained the same density as the previous zoning for the overall tract. The Comprehensive Plan recommends the use of this area as Low Density Residential. Public water and sewer are available.

A Preliminary Plat for Winnbrook was approved in August 2003. It contains 76 single family lots with minimum lot areas of 12,000 square feet. The Final Plat for Section I contained 19 lots and was approved in September 2005. In June 2007 the final plat for Section II was approved

containing 18 lots. This submittal is for the Final Plat for Section III of Winnbrook containing 11 lots.

Mr. Howard Vance, Balzer and Associates, was present representing the developer.

Ms. Wiegand moved to recommend approval of the final plat for Section III of Winnbrook.

Seconded by Ms. Robinson, the motion carried unanimously.

b. Consideration of an appeal under Staunton City Code § 18.83.060 (3)(b), Development Plan Review Process, of Staunton City Code § 18.83, Entrance Corridor Overlay District, regarding the illumination of an entrance portal

Ms. Angle, Director of Planning, stated that at its July 17, 2014 meeting, Planning Commission heard an appeal from McDonough Toyota of a decision of staff to deny a sign permit application to install new signs at McDonough Toyota, 1003 Richmond Avenue. On a 2 - 2 vote, Planning Commission upheld staff's decision and the application remains in a denied status. Now, McDonough Toyota is asking Planning Commission to review staff's decision regarding the requirements of the "Entrance Corridor Overlay District" ordinance, regulating the illumination of a proposed entrance portal.

The discussion regarding the portal began in October of 2013 when Tim Hartless met with Mr. Frank McDonough to discuss the possibility of erecting an entrance portal. The proposed portal was part of renovations to the McDonough Toyota dealership. Staff considered the proposal for some time and then responded in November with a determination that the portal should not be internally illuminated due to lighting requirements that are part of SCC 18.83 "Entrance Corridor Overlay District". During the review process staff identified the following issues with the illumination of the proposed portal.

1. The intent of the portal is to draw attention to the business. Letters and logos are attached to the portal; therefore the portal meets the Zoning Code definition of a "sign". The background of any internally illuminated sign must be opaque. This would mean that the letters and logo could be illuminated, but not the portal itself.
2. The "Entrance Corridor Overlay District" Ordinance limits lighting to that which is necessary for safety and prohibits lighting being used as signage.

No further discussion took place regarding the portal until the July 17, 2014 Planning Commission meeting. At that time the applicant brought up the portal during comments that were made to the Commission. It was determined at that time that the portal was not part of the application under consideration and discussion was limited to the issue at hand. On July 23, 2014 the Planning and Inspections Office received a letter from Steve McDonough, President of McDonough Toyota, requesting that staff's decision regarding the portal be brought before Planning Commission.

On Thursday, July 31, 2014 staff met with Frank and Steve McDonough and offered a compromise. In exchange for McDonough Toyota agreeing to not illuminate the portal, staff would agree to approve red trim caps and returns of the "Toyota" sign and logo. Mr. Steve McDonough indicated that he would present this offer to Toyota. It is our understanding that Toyota has been considering this offer, but no final decision has been made.

On Friday, August 15, 2014 another meeting took place between Steve McDonough, Tim Hartless, and attorney Tom Bell. At this meeting Mr. McDonough proposed another compromise. Mr. McDonough's proposal included illuminating the portal for the nighttime hours when the dealership was open. This proposal was considered and then rejected by staff on the basis that SCC 18.83 prohibits the portal from being illuminated and allowing the portal to be illuminated undermines the "Entrance Corridor Overlay District" requirements and could open the door for other businesses along Richmond Avenue to request illuminated facades and internally illuminated cabinet signs without opaque backgrounds.

Staff became aware of recent renovations that occurred at Brown Toyota in Albemarle County. Mr. Hartless contacted Albemarle County Planners to discuss these renovations. Albemarle has an entrance corridor overlay and the sign regulations are similar to Staunton's. The discussion revealed that the same issues were identified by Albemarle County staff. There, the illuminated portal was also reviewed by Planning Commission and Toyota agreed to the same compromise that Staunton has offered. The portal is not illuminated; however, Albemarle Planning Commission did agree to red trim caps and returns for the "Toyota" sign and logo.

There are two existing entrance portals located in Staunton. One is located at Elliot Chevrolet and the second is located at Augusta Dodge. Permits were issued for Augusta Dodge in 2011 and for Elliot Chevrolet in 2012. Neither of these portals is internally illuminated

Mr. Tom Bell, attorney representing Frank and Steve McDonough, offered a compromise of limiting the hours of illumination until 9:00 p.m., Monday through Friday, not on the weekends. He noted that the McDonough's were appealing this because this was of great importance to Toyota nationally and locally. He noted that illuminated portals have been erected or in use in such localities as Williamsburg, Leesburg and Winchester.

Mr. John McCurdy, Dealer Development Manager for Central Atlantic Toyota located outside of Baltimore, was present as the regional representative supporting Frank McDonough and Steve McDonough in their business endeavors. He stated that the Albemarle County situation was under review and they were considering an appeal.

Mr. Steve McDonough stated that McDonough Toyota has been in business for approximately 40 years. He noted that the business employs nearly 50 people and was very happy in the community. He indicated that they have spent a large amount of money just to do business in Staunton.

Mr. Steve Skowbo, Novum Structures, LLC, designer and installer of the portal, was present to explain the structure and answer questions.

Discussion followed.

Ms. Wiegand made the motion to table the appeal of SCC 18.83 until the October meeting in order to obtain further information from other localities and discuss with the City Attorney on how this may be setting a precedent.

Seconded by Ms. Robinson, the motion carried unanimously.

c. Receipt of the Agricultural and Forrestral Advisory Committee report on the application by Sandra G. Baker for inclusion of 26.19 acres of land to the Bells Lane Agricultural and Forrestral District

Ms. Angle, Director of Planning, stated that Sandra G. Baker has made application to include 26.19 acres of land into the Bells Lane Agricultural and Forrestral District. At the July 17, 2014 meeting the Planning Commission referred the application to the Agriculture and Forrestral Advisory Committee for their consideration. The Advisory Committee held a meeting on September 2, 2014 and is now recommending approval of the application. As required by the Code of Virginia, the next step in the process is for Planning Commission to hold a public hearing. Staff recommends placing this item on the October agenda for public hearing.

Ms. Robinson made a motion to properly advertise this matter and place on the October Planning Commission agenda for public hearing. Seconded by Mr. Arrowood, the motion carried unanimously.

OLD BUSINESS

There was no old business to discuss.

OTHER BUSINESS

Ms. Angle stated that Mr. Hartless was attending the fall session of the Certified Planning Commission Program.

ADJOURNMENT

Upon a motion properly made, seconded, and unanimous, the meeting adjourned at 6:28 p.m.

Linda L. Little, Clerk