Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
May 26, 2022
5:00 p.m.

5:00 p.m.	**1.**	**Annual Visit to Betsy Bell**
5:45 p.m.	**2.**	**Consideration of Work Session and Regular Meeting Agendas**
5:50 p.m.	**3.**	**Discussion of Resolution Approving City Council Meeting Schedule for the Remainder of 2022**
6:00 p.m.	**4.**	**Discussion of Ordinance to Transition the Mayoral and Vice-Mayoral Elections to January**
6:05 p.m.	**5.**	**Presentation on Community Friendly Outdoor Lighting Design**
6:20 p.m.		**Break**
6:40 p.m.	**6.**	**Roll Call**
6:50 p.m.	**7.**	**Closed Meeting for Consultation with Legal Counsel Pertaining to Probable Litigation Involving Liens Against Real Estate**
7:15 p.m.		**Break**

Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
May 26, 2022
7:30 p.m.

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Oakes

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Special Meeting of May 4, 2022

Work Session and Regular Meeting of May 12, 2022

REGULAR MEETING

A. Discussion, Introduction and Public Hearing of Ordinance to Amend the FY2022 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Four*

B. Presentation of Quarterly Financial Report

C. Consideration of Revision to Financial Management Policy Fund Balance/Reserve Policy

D. Update on the Staunton Crossing Economic Development Efforts

E. Consideration of Resolution Approving City Council Meeting Schedule for the Remainder of 2022

F. Consideration of Ordinance to Transition the Mayoral and Vice-Mayoral Elections to January

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, VA

Meeting Date:	**May 26, 2022**	**Staff Member:** **Chris Tuttle**
Item #	**1**	
Department:	**Parks and Recreation**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Responsive, Efficient Government**	
Subject:	**Visit to Betsy Bell**	

Background: The deed conveying Betsy Bell Mountain to the City of Staunton for use as a City park requires that a majority of the elected members of Council shall "go in a body to the top of the mountain at some time each spring," and that each such visit shall be noted in the minutes. The annual visit to Betsy Bell has been scheduled for the work session. All members of Council are encouraged to make this annual visit, so that the City remains in compliance with the terms of the deed.

After the visit, Council members will proceed to City Hall to participate in the remainder of the work session and the regular meeting.

Interim City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

Interim City Manager: Leslie Beauregard

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

Meeting Date:	**May 26, 2022**	**City Council**
Item #	**2**	
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

Attachment #1

Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
May 26, 2022
5:00 p.m.

5:00 p.m.	**1.**	**Annual Visit to Betsy Bell**
5:45 p.m.	**2.**	**Consideration of Work Session and Regular Meeting Agendas**
5:50 p.m.	**3.**	**Discussion of Resolution Approving City Council Meeting Schedule for the Remainder of 2022**
6:00 p.m.	**4.**	**Discussion of Ordinance to Transition the Mayoral and Vice-Mayoral Elections to January**
6:05 p.m.	**5.**	**Presentation on Community Friendly Outdoor Lighting Design**
6:20 p.m.		**Break**
6:40 p.m.	**6.**	**Roll Call**
6:50 p.m.	**7.**	**Closed Meeting for Consultation with Legal Counsel Pertaining to Probable Litigation Involving Liens Against Real Estate**
7:15 p.m.		**Break**

Attachment #2

Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
May 26, 2022
7:30 p.m.

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Oakes

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Special Meeting of May 4, 2022

Work Session and Regular Meeting of May 12, 2022

REGULAR MEETING

A. Discussion, Introduction and Public Hearing of Ordinance to Amend the FY2022 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Four*

B. Presentation of Quarterly Financial Report

C. Consideration of Revision to Financial Management Policy Fund Balance/Reserve Policy

D. Update on the Staunton Crossing Economic Development Efforts

E. Consideration of Resolution Approving City Council Meeting Schedule for the Remainder of 2022

F. Consideration of Ordinance to Transition the Mayoral and Vice-Mayoral Elections to January

Matters from the Interim City Manager

Matters from the Public*

Adjournment

***<u>Public Participation</u>**

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

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

Meeting Date:	**May 26, 2022**	**John C. Blair, II** **City Attorney**
Item #	**3 & E**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Responsive, Efficient Government**	
Subject:	**Resolution Approving City Council Meeting Schedule for the Remainder of 2022**	

Background: In 2021, the Virginia General Assembly adopted Senate Bill 1157. This legislation amended Virginia Code Section 15.2-1400 to mandate that elections for all local officials be transitioned to November. On June 24, 2021, the Staunton City Council adopted an ordinance transitioning its elections for local officials to November.

Senate Bill 1157 did not address the election of mayors in cities which are conducted by the city council rather than the general election process. Cities such as Salem, Lynchburg, and Danville have charter provisions that require the election of a mayor by the city council in July.

The Staunton City Attorney requested an official advisory opinion of the Virginia Attorney General concerning the discrepancy of electing a mayor in July before city council elections are conducted in November.

On November 19, 2021, the Virginia Attorney General issued an official advisory opinion concluding that the Staunton City Council is required to transition is mayoral election by City Council to the Council's first meeting in January 2023. The opinion also stated that the current mayor shall continue in office until the first meeting in January 2023.

Consistent with the Attorney General's Opinion, the City Council's organizational meeting will be moved to January 2023 to occur at the same time as the Mayoral election. The organizational meeting in January 2023 will include the election of a Mayor and Vice-Mayor, the appointment of a Nominations Committee, the establishment of a meeting schedule, and the reaffirmation of the

Council's procedural memoranda.

However, during its last organizational meeting on July 1, 2020, the Council adopted a Resolution establishing its meeting dates through June 30, 2022. Therefore, it will be necessary for Council to adopt an additional Resolution establishing its meeting dates from July 1, 2022 through December 31, 2022.

In April of this year, the Interim City Manager, at Council's direction, polled the members of Council to determine if they were interested in cancelling one meeting in July and/or one meeting August. The majority of Councilors desired to cancel one meeting in July as well as one meeting in August. The attached Resolution cancels the first Council meetings in July and August. This is consistent with a majority of Council's wishes when asked by the Interim City Manager. The resolution cancels the second Council meetings in November and December consistent with past Council resolutions and practice.

Attachments:

Attachment 1—November 19, 2021 Attorney General Opinion
Attachment 2—Proposed Resolution Establishing the Council's Meeting Schedule for the Remainder of 2022

Interim City Manager's Recommendation: Adopt the proposed resolution

Suggested Motion: I move that Council adopt the proposed resolution establishing a meeting schedule for July 1, 2022 through December 31, 2022.

Interim City Manager: Leslie Beauregard

AG Op. GOVERNING BODIES OF LOCALITIES, 2021 Va. AG S-24 (21-037)

GOVERNING BODIES OF LOCALITIES — PRESIDING OFFICERS AND VACANCIES IN CERTAIN OFFICES

An ordinance, adopted to comply with S.B. 1157, may transition the mayoral election by the Staunton City Council from July 1, 2022, to the Council's first meeting in January 2023. The current mayor of Staunton continues in office and may exercise the powers and duties of the office until their successor is chosen by the Council at its first meeting in January 2023.

John C. Blair, Esquire Staunton City Attorney

November 19, 2021

ISSUE PRESENTED

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the Code of Virginia.

FACTS AND APPLICABLE LAW

You relate that prior to the passage of Senate Bill 1157, the City of Staunton held elections for City Council positions in May of even-numbered years.[1] Newly-elected members of the City Council would assume office on July 1 following the election in May. On the new members' first day in office (July 1), the Council would hold an organizational meeting and elect a mayor from amongst the Council's membership, in accordance with § 5 of the City Charter and the directive in § 15.2-1422 that the Council select a mayor from among its membership "at its first meeting after taking office."[2] Pursuant to this framework, the current mayor of Staunton was elected by the Council on July 1, 2020, to serve a two-year term that is scheduled to expire on or about June 30, 2022.

With the recent passage of Senate Bill 1157, municipal elections in Virginia have been moved from May to November, beginning with elections held after January 1, 2022.[3] The terms of municipal officers elected in November will commence on January 1, 2023, under the provisions of the legislation.[4] As applied to Staunton, Senate Bill 1157 requires that the date of the next municipal election be moved from May 2022 to the general election in November 2022, and that officers elected to the City Council in November 2022 will assume office on January 1, 2023, provided they duly qualify.

Senate Bill 1157 recognizes that inevitably, when election dates are shifted, existing terms in office are affected. The legislation therefore contains a clause stating that current councilmembers whose terms are scheduled to expire on June 30, 2022, shall continue in office "until their successors have been elected at the November general election and have been qualified to serve."[5] The legislation also directs that a popularly-elected mayor whose term is scheduled to expire on June 30, 2022, shall continue in office in the same manner.[6]

The legislation, however, does not specify whether mayors who are elected by a City Council rather than being popularly elected should continue in office when (1) their terms expire on or about June 30, 2022, and (2) their successors would otherwise be elected by Council on July 1, 2022. As you note, the mayor of Staunton is elected by the City Council rather than popularly elected. Your questions below relate to how the tenure of the mayor of Staunton is affected by the language of Senate Bill 1157 and the transition to November elections.

ISSUES PRESENTED

Your questions are as follows:

1. Does the language in Senate Bill 1157 authorize the City of Staunton to transition its mayoral election by City Councilors from July 1, 2022, to its first meeting in January 2023?

2. May the mayor continue in office beyond the expiration date of their term until the election of a new mayor?

DISCUSSION

1. The language of Senate Bill 1157 requires the City of Staunton to transition its mayoral election by City Councilors from July 1, 2022, to the Council's first meeting in January 2023.

As mentioned above, the term of the current mayor is scheduled to expire on or about June 30, 2022. Prior to the passage of Senate Bill 1157, the Council was scheduled to elect a successor on July 1, 2022 — the date of its "first meeting after taking office" following the May election. However, given the change in municipal elections from May to November, the Council cannot have its "first meeting upon taking office" until January 1, 2023, at the earliest. Therefore, by operation of law, the Council is required to transition its mayoral election by City Council from July 1, 2022, to the Council's first meeting in January 2023. In my opinion, the City of Staunton may include this transition in its ordinance enacted pursuant to Senate Bill 1157, as a necessary incident of its transition of municipal elections from May to November.[7]

2. The current mayor of Staunton continues in office until the next election by city councilors in January 2023.

The conclusion that the City is required to shift the election of the mayor by the City Council to January 2023 leads naturally to your next question, which is whether the current mayor continues in office until a new mayor is selected. As discussed, Senate Bill 1157 does not specify whether a mayor who is elected by a City Council shall hold over in office. "As a general rule, however, in the absence of a constitutional or statutory prohibition, a public officer holds over after the conclusion of his term until the qualification of his successor."[8] "The purpose of the hold-over rule is to prevent a hiatus in government pending the election or qualification of a successor officer."[9] "A necessary implication of this rule is that such member may continue to exercise the powers and duties of his office . . . until such successor has qualified."[10]

I am aware of no constitutional or statutory provision that would prohibit the current mayor of Staunton from continuing in office until their successor is chosen in January 2023. In my opinion, therefore, the mayor continues in office and may exercise the powers and duties of the office until their successor is chosen by the Council at its first meeting in January 2023.[11]

CONCLUSION

In my opinion, the Staunton City Council is required to transition its mayoral election by City Council from July 1, 2022, to the Council's first meeting in January 2023. Moreover, the current mayor of Staunton continues in office and may exercise the powers and duties of the office until their successor is chosen by the Council at its first meeting in January 2023.

FOOTNOTES

[1] The City of Staunton is governed by a seven-member Council, in which each member is elected to a term of four years. However, because the terms of the Council are staggered, the City holds municipal elections biennially. In any given election, either three or four Council seats are filled by popular election.

[2] VA. CODE ANN. § 15.2-1422 (providing that, in cities and towns without a popularly-elected mayor, the governing body shall "shall elect one of its number" as mayor "at its first meeting after taking office"). Under the Staunton City Charter, the mayor serves a two-year term as president of the Council, and he or she is the official head of the City. *See* CHARTER FOR THE CITY OF STAUNTON, VA., § 5.

[3] See Senate Bill 1157 (2021 Va. Acts Spec Sess. I ch. 103), available at https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0103+pdf* (amending VA. CODE § 15.2-1400 and providing, in relevant part, that "[n]otwithstanding the provisions of §§ 24.2-222 and 24.2-222.1, any city or town charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for mayor, members of a local governing body, or members of an elected school board shall be held at the time of the November general election . . . .").

* [Editor's Note: The website address(es) in this case are set out as hyperlinks for your own convenience. Due to the passage of time, however, the hyperlink may no longer work and/or the content of the website may not accurately reflect the content which existed at the time this case was decided.]

[4] *Id.*

[5] *Id.* at enactment clause 2.

[6] *Id.* at enactment clause 2.

[7] *Id.* at enactment clause 2 (providing that "any city . . . currently providing for the election of its mayor, governing body, or school board at a May election shall, by ordinance, provide for the transition of such elections to the November general election date.").

[8] 85-86 Va. AG 64, 1985-1986 Op. Va. Att'y Gen. 64, 64 (concluding that the chairman of a board of supervisors continued in office after the board failed to choose his successor); *see also* 2013 Va. AG 220, 2013 Op. Va. Att'y Gen. 220, 221; 85-86 Va. AG 250, 1985-1986 Op. Va. Att'y Gen. 250, 250; 80-81 Va. AG 4, 1980-1981 Op. Va. Att'y Gen. 4, 5; 72-73 Va. AG 234, 1972-1973 Op. Va. Att'y Gen. 234, 234; *State ex rel. Landis v. Byrd*, 120 Fla. 780, 795-96 (1935) ("An office which the law contemplates shall continue in existence as created until abolished remains in existence unless otherwise provided by law, even though the beginning of the cycle terms of office be changed and the incumbent continues in office after the expiration of his term until the new cycle terms begin under an amendment to the law.").

[9] 85-86 Va. AG 64, 1985-1986 Op. Va. Att'y Gen. 64, 64; *see also, e.g., Chadduck v. Burke*, 103 Va. 694, 699 (1905) (observing that the holdover rule is intended to provide for the continuation of the functions of government, as "the law abhors vacancies in public office," and further, that "wherever the law provides for an incumbent holding over until his successor has been appointed and qualified, there is no vacancy in office at the expiration of the fixed term").

[10] 2013 Va. AG 220, 2013 Op. Va. Att'y Gen. 220, 221.

[11] An "incumbent officer immediately becomes a holdover officer upon expiration of his term. It does not require any affirmative act of the appointing body, acquiescence by it, or appointment by implication; it is automatic; by operation of law." *Westphal v. City of Council Bluffs*, 275 N. W.2d 439, 443 (Iowa 1979). However, in my opinion, the City may memorialize the hold-over of the mayor in its ordinance effectuating the transition of elections from May to November.

RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON
ESTABLISHING DATES FOR
REGULAR MEETINGS OF THE
COUNCIL OF THE CITY OF STAUNTON
FOR THE PERIOD OF
JULY, 2022 THROUGH
DECEMBER, 2022

RECITALS

A. Section 3 of Chapter II of the Charter of the City of Staunton vests the government and administration of the city in one body, called the Council of the City of Staunton, and in one administrative officer, styled the city manager, and in such other departments, boards and other officers as provided or as permitted or required by law to be appointed by the council;

B. Every two years, the Council organizes after the biennial election of members, as contemplated under the provisions of Section 4.1 of the Charter; and, as part of the organization, Council elects a Mayor and Vice Mayor, also referred to as the President and Vice-President, respectively, under the provisions of Staunton City Code Section 2.10.010;

C. At its organizational meeting on July 1, 2020, the Council members elected a Mayor and Vice-Mayor, and as part of its organizational meeting, the Council undertook other similar matters, including establishment of its meeting schedule for the next two years;

D. On March 12, 2021, the Virginia General Assembly approved Senate Bill 1157, Chapter 103 of the Virginia Acts of Assembly - 2021 Special Session I, which shifts municipal elections to November, thereby necessitating that Council take action to establish its scheduled meeting dates for the period of July 2022 through December 2022;

E. Section 6 of Chapter II of the Charter of the City of Staunton provides that regular meetings of the Council must occur at least once per month and that Council meet at such times as prescribed by ordinance or resolution;

F. Section 2.10.070 of the Staunton City Code provides that Council will hold regular meetings on the second and fourth Thursdays of each month at such hour as it may designate and at any other time to which it may be regularly adjourned or postponed; and

G. For the months of July and August 2022, City Council has determined that it will not meet on the second Thursday, and for the months of November and December 2022, City Council has determined that it will not meet on the fourth Thursday due to the Thanksgiving and Christmas holidays, respectively, which Council recognizes as holidays observed by the City;

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

1. Regular meetings of the Council shall be held on the second and fourth Thursdays of each month for the period of July, 2022 through December, 2022, at City Hall, 116 West Beverley Street, Staunton, Virginia, at 7:30 p.m. or at such earlier or other time or place as may be designated by the published agenda for any meeting or session of Council, except Council shall only meet on the fourth Thursday of July and August, 2022, and only meet on the second Thursday of November and December, 2022.

2. In the event the Mayor, or the Vice-Mayor, if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members of the Council to attend a regular meeting, such regular meeting shall be continued to the next Monday. Such finding and declaration shall be communicated to the members of the Council and the media as promptly as possible. And to the fullest extent permitted by law, all hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Adopted this 26th day of May, 2022.

____
Andrea W. Oakes, Mayor

ATTEST: ______________________________
Kiley A. Kesecker, Clerk of Council

CITY COUNCIL **AGENDA BRIEFING**

Staunton, VA

Meeting Date:	**May 26, 2022**	**John C. Blair, II** **City Attorney**
Item #	**4 & F**	
Department:	**City Council**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Responsive, Efficient Government**	
Subject:	**Ordinance to Transition the Mayoral and Vice-Mayoral Elections to January**	

Background: In 2021, the Virginia General Assembly adopted Senate Bill 1157. This legislation amended Virginia Code Section 15.2-1400 to mandate that elections for all local officials be transitioned to November. On June 24, 2021, the Staunton City Council adopted an ordinance transitioning its elections for local officials to November.

Senate Bill 1157 did not address the election of mayors in cities which are conducted by the city council rather than the general election process. Cities such as Salem, Lynchburg, and Danville have charter provisions that require the election of a mayor by the city council in July.

The Staunton City Attorney requested an official advisory opinion of the Virginia Attorney General concerning the discrepancy of electing a mayor in July before city council elections are conducted in November.

On November 19, 2021, the Virginia Attorney General issued an official advisory opinion concluding that the Staunton City Council is required to transition its mayoral election by City Council to the Council's first meeting in January 2023. The opinion also stated that the current mayor shall continue in office until the first meeting in January 2023.

The proposed ordinance transitions the election of the mayor to the council's first meeting in January beginning in 2023. The ordinance also states that the current mayor shall remain in office until January 2023 consistent with the Attorney General's opinion.

Additionally, the ordinance states that the Council will adopt its biennial meeting schedule at this meeting.

Attachments:

Attachment 1—November 19, 2021 Attorney General Opinion
Attachment 2—Proposed Ordinance

Interim City Manager's Recommendation: Adopt the proposed ordinance.

Suggested Motion: I move that Council adopt the proposed amendments to Staunton City Code Section 2.10.020, as presented.

Interim City Manager: Leslie Beauregard

AG Op. GOVERNING BODIES OF LOCALITIES, 2021 Va. AG S-24 (21-037)

GOVERNING BODIES OF LOCALITIES — PRESIDING OFFICERS AND VACANCIES IN CERTAIN OFFICES

An ordinance, adopted to comply with S.B. 1157, may transition the mayoral election by the Staunton City Council from July 1, 2022, to the Council's first meeting in January 2023. The current mayor of Staunton continues in office and may exercise the powers and duties of the office until their successor is chosen by the Council at its first meeting in January 2023.

John C. Blair, Esquire Staunton City Attorney

November 19, 2021

ISSUE PRESENTED

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the Code of Virginia.

FACTS AND APPLICABLE LAW

You relate that prior to the passage of Senate Bill 1157, the City of Staunton held elections for City Council positions in May of even-numbered years.[1] Newly-elected members of the City Council would assume office on July 1 following the election in May. On the new members' first day in office (July 1), the Council would hold an organizational meeting and elect a mayor from amongst the Council's membership, in accordance with § 5 of the City Charter and the directive in § 15.2-1422 that the Council select a mayor from among its membership "at its first meeting after taking office."[2] Pursuant to this framework, the current mayor of Staunton was elected by the Council on July 1, 2020, to serve a two-year term that is scheduled to expire on or about June 30, 2022.

With the recent passage of Senate Bill 1157, municipal elections in Virginia have been moved from May to November, beginning with elections held after January 1, 2022.[3] The terms of municipal officers elected in November will commence on January 1, 2023, under the provisions of the legislation.[4] As applied to Staunton, Senate Bill 1157 requires that the date of the next municipal election be moved from May 2022 to the general election in November 2022, and that officers elected to the City Council in November 2022 will assume office on January 1, 2023, provided they duly qualify.

Senate Bill 1157 recognizes that inevitably, when election dates are shifted, existing terms in office are affected. The legislation therefore contains a clause stating that current councilmembers whose terms are scheduled to expire on June 30, 2022, shall continue in office "until their successors have been elected at the November general election and have been qualified to serve."[5] The legislation also directs that a popularly-elected mayor whose term is scheduled to expire on June 30, 2022, shall continue in office in the same manner.[6]

The legislation, however, does not specify whether mayors who are elected by a City Council rather than being popularly elected should continue in office when (1) their terms expire on or about June 30, 2022, and (2) their successors would otherwise be elected by Council on July 1, 2022. As you note, the mayor of Staunton is elected by the City Council rather than popularly elected. Your questions below relate to how the tenure of the mayor of Staunton is affected by the language of Senate Bill 1157 and the transition to November elections.

ISSUES PRESENTED

Your questions are as follows:

1. Does the language in Senate Bill 1157 authorize the City of Staunton to transition its mayoral election by City Councilors from July 1, 2022, to its first meeting in January 2023?

2. May the mayor continue in office beyond the expiration date of their term until the election of a new mayor?

DISCUSSION

1. The language of Senate Bill 1157 requires the City of Staunton to transition its mayoral election by City Councilors from July 1, 2022, to the Council's first meeting in January 2023.

As mentioned above, the term of the current mayor is scheduled to expire on or about June 30, 2022. Prior to the passage of Senate Bill 1157, the Council was scheduled to elect a successor on July 1, 2022 — the date of its "first meeting after taking office" following the May election. However, given the change in municipal elections from May to November, the Council cannot have its "first meeting upon taking office" until January 1, 2023, at the earliest. Therefore, by operation of law, the Council is required to transition its mayoral election by City Council from July 1, 2022, to the Council's first meeting in January 2023. In my opinion, the City of Staunton may include this transition in its ordinance enacted pursuant to Senate Bill 1157, as a necessary incident of its transition of municipal elections from May to November.[7]

2. The current mayor of Staunton continues in office until the next election by city councilors in January 2023.

The conclusion that the City is required to shift the election of the mayor by the City Council to January 2023 leads naturally to your next question, which is whether the current mayor continues in office until a new mayor is selected. As discussed, Senate Bill 1157 does not specify whether a mayor who is elected by a City Council shall hold over in office. "As a general rule, however, in the absence of a constitutional or statutory prohibition, a public officer holds over after the conclusion of his term until the qualification of his successor."[8] "The purpose of the hold-over rule is to prevent a hiatus in government pending the election or qualification of a successor officer."[9] "A necessary implication of this rule is that such member may continue to exercise the powers and duties of his office . . . until such successor has qualified."[10]

I am aware of no constitutional or statutory provision that would prohibit the current mayor of Staunton from continuing in office until their successor is chosen in January 2023. In my opinion, therefore, the mayor continues in office and may exercise the powers and duties of the office until their successor is chosen by the Council at its first meeting in January 2023.[11]

CONCLUSION

In my opinion, the Staunton City Council is required to transition its mayoral election by City Council from July 1, 2022, to the Council's first meeting in January 2023. Moreover, the current mayor of Staunton continues in office and may exercise the powers and duties of the office until their successor is chosen by the Council at its first meeting in January 2023.

FOOTNOTES

[1] The City of Staunton is governed by a seven-member Council, in which each member is elected to a term of four years. However, because the terms of the Council are staggered, the City holds municipal elections biennially. In any given election, either three or four Council seats are filled by popular election.

[2] VA. CODE ANN. § 15.2-1422 (providing that, in cities and towns without a popularly-elected mayor, the governing body shall "shall elect one of its number" as mayor "at its first meeting after taking office"). Under the Staunton City Charter, the mayor serves a two-year term as president of the Council, and he or she is the official head of the City. *See* CHARTER FOR THE CITY OF STAUNTON, VA., § 5.

[3] See Senate Bill 1157 (2021 Va. Acts Spec Sess. I ch. 103), available at https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0103+pdf[*] (amending VA. CODE § 15.2-1400 and providing, in relevant part, that "[n]otwithstanding the provisions of §§ 24.2-222 and 24.2-222.1, any city or town charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for mayor, members of a local governing body, or members of an elected school board shall be held at the time of the November general election . . . .").

[*] [Editor's Note: The website address(es) in this case are set out as hyperlinks for your own convenience. Due to the passage of time, however, the hyperlink may no longer work and/or the content of the website may not accurately reflect the content which existed at the time this case was decided.]

[4] *Id.*

[5] *Id.* at enactment clause 2.

[6] *Id.* at enactment clause 2.

[7] *Id.* at enactment clause 2 (providing that "any city . . . currently providing for the election of its mayor, governing body, or school board at a May election shall, by ordinance, provide for the transition of such elections to the November general election date.").

[8] 85-86 Va. AG 64, 1985-1986 Op. Va. Att'y Gen. 64, 64 (concluding that the chairman of a board of supervisors continued in office after the board failed to choose his successor); *see also* 2013 Va. AG 220, 2013 Op. Va. Att'y Gen. 220, 221; 85-86 Va. AG 250, 1985-1986 Op. Va. Att'y Gen. 250, 250; 80-81 Va. AG 4, 1980-1981 Op. Va. Att'y Gen. 4, 5; 72-73 Va. AG 234, 1972-1973 Op. Va. Att'y Gen. 234, 234; *State ex rel. Landis v. Byrd*, 120 Fla. 780, 795-96 (1935) ("An office which the law contemplates shall continue in existence as created until abolished remains in existence unless otherwise provided by law, even though the beginning of the cycle terms of office be changed and the incumbent continues in office after the expiration of his term until the new cycle terms begin under an amendment to the law.").

[9] 85-86 Va. AG 64, 1985-1986 Op. Va. Att'y Gen. 64, 64; *see also, e.g., Chadduck v. Burke*, 103 Va. 694, 699 (1905) (observing that the holdover rule is intended to provide for the continuation of the functions of government, as "the law abhors vacancies in public office," and further, that "wherever the law provides for an incumbent holding over until his successor has been appointed and qualified, there is no vacancy in office at the expiration of the fixed term").

[10] 2013 Va. AG 220, 2013 Op. Va. Att'y Gen. 220, 221.

[11] An "incumbent officer immediately becomes a holdover officer upon expiration of his term. It does not require any affirmative act of the appointing body, acquiescence by it, or appointment by implication; it is automatic; by operation of law." *Westphal v. City of Council Bluffs*, 275 N. W.2d 439, 443 (Iowa 1979). However, in my opinion, the City may memorialize the hold-over of the mayor in its ordinance effectuating the transition of elections from May to November.

Ordinance No. 2022 - __

AN ORDINANCE AMENDING SECTION 2.10.020, ELECTION AND DUTIES OF PRESIDENT AND VICE-PRESIDENT, OF CHAPTER 2.10, CITY COUNCIL, OF TITLE 2, ADMINISTRATION, OF THE STAUNTON CITY CODE TO MOVE COUNCIL'S ELECTION OF ITS PRESIDENT AND VICE-PRESIDENT TO THE FIRST ORGANIZATIONAL MEETING IN JANUARY 2023, AND BIENNIALLY THEREAFTER

Recitals

A. The Virginia General Assembly approved Senate Bill 1157 on March 12, 2021, Chapter 103 of the Virginia Acts of Assembly - 2021 Special Session I.

B. The bill amended and reenacted § 15.2-1400 of the Code of Virginia, 1950, as amended, to provide that, notwithstanding the provisions of Virginia Code §§ 24.2-222 and 24.2-222.1, any city or town charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for mayor, members of a local governing body, or members of an elected school board shall be held at the time of the November general election for terms to commence January 1.

C. Prior to the enactment of Senate Bill 1157, at its biennial organizational meeting in July, Staunton City Council had historically elected one of its members as mayor of the city, while also electing a member as vice-mayor.

D. Senate Bill 1157 did not specifically address whether localities were authorized to transition their mayoral elections from July 1, 2022 to their first meeting in January, 2023. The City Attorney sought an official advisory opinion of the Virginia Attorney General to address this particular issue, as well as whether the current mayor's term was to continue in office until the first meeting in January, 2023.

E. The Virginia Attorney General opined that "Staunton City Council is required to transition its mayoral election by City Council from July 1, 2022, to the Council's first meeting in January 2023. Moreover, the current mayor of Staunton continues in office and may exercise the powers and duties of the office until their successor is chosen by the Council at its first meeting in January 2023."

F. Staunton City Council finds it necessary to enact an ordinance to amend the language of the Staunton City Code moving Council's election of its mayor and vice-mayor to the first meeting in January, 2023, and biennially thereafter to comply with Virginia Code §15.2-1400.

G. This matter has been properly heard and considered.

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 2.10.020, Election and Duties of President and Vice-President, of Chapter 2.10, City Council, of Title 2, Administration, of the Staunton City Code is hereby amended as follows:

Chapter 2.10
CITY COUNCIL

…

2.10.020 Election and duties of president and vice-president.

The council shall, at its first meeting in January, 2023, and biennially thereafter on January 1st, or as soon as is practicable, elect one of its members as president, who shall be, ex officio, mayor of the city who shall be the presiding officer of the council and official head of the city, and who shall perform such duties as shall be prescribed by the laws of the state or may be imposed by the council not inconsistent therewith. The council shall, at the same time, elect a vice-president, who shall perform the duties of the president or mayor in his absence or incapacity. The council shall also adopt its biennial meeting schedule at this meeting.

In all other respects, the provisions of Title 2, Administration, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

The adoption of this ordinance memorializes that the current Mayor of the City of Staunton shall remain in office until the Staunton City Council convenes for its first meeting in January 2023 consistent with the Virginia Attorney General's November 19, 2021 official advisory opinion.

Introduced:
Adopted:
Effective Date:

____
Andrea W. Oakes, Mayor

ATTEST:______________________________
Kiley A. Kesecker,
Clerk of Council

CITY COUNCIL

AGENDA BRIEFING

Staunton, Virginia

<table>
<tr><td>Meeting Date:</td><td>May 26, 2022</td><td rowspan="3">Andrea Oakes
Mayor</td></tr>
<tr><td>Item #</td><td>5</td></tr>
<tr><td>Department:</td><td>City Council</td></tr>
<tr><td>Alignment with Staunton Plan (Value/Strategic Area):</td><td colspan="2">Value: Environmentally Conscious</td></tr>
<tr><td>Subject:</td><td colspan="2">Presentation on Community Friendly Outdoor Lighting Design</td></tr>
</table>

Background: At the request of Mayor Oakes, a presentation will be given by the Newtown Neighborhood Lighting Committee on community friendly outdoor lighting design, the changing technology, considerations when making decisions about lighting, and recommendations around avoiding pitfalls and choosing good designs.

Attachment: Community Friendly Outdoor Lighting Handout

Interim City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

Interim City Manager: Leslie Beauregard

Attachment #1

Key Concepts for Responsible Outdoor Lighting

Just the Light We Need, Where and When We Need

For safety and crime prevention:
"Provide lighting systems that minimize glare, shadow, light pollution and light trespass." Crime Prevention Through Environmental Design (CPTED)

See the Light, Not the Source

Fixture design matters
Avoid sky glow, glare, light trespass

Five Principles (Illuminating Engineering Society and International Dark Sky Association)

Outdoor Lighting should be …

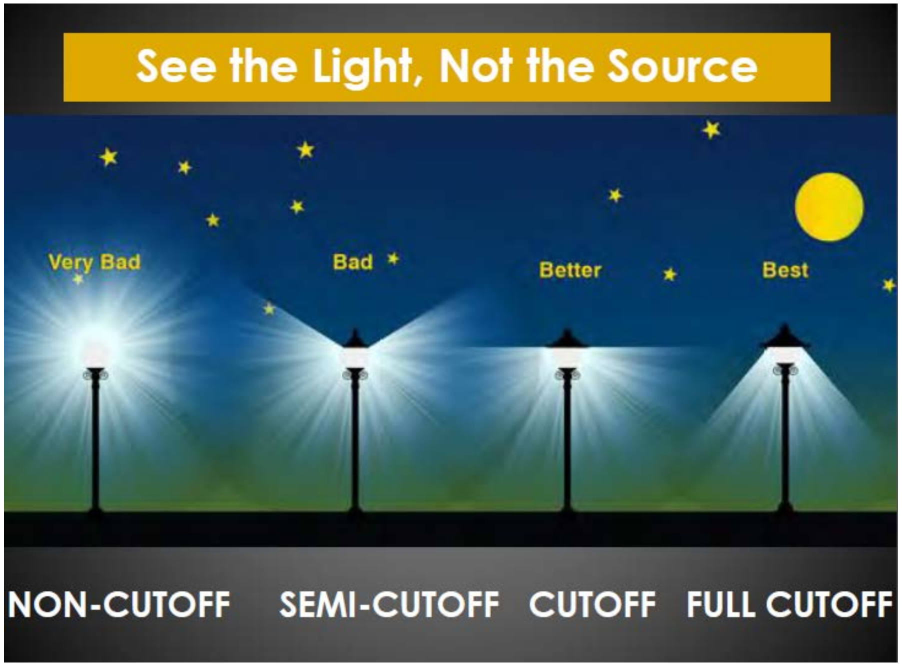
1. **Useful - have a clear purpose**
2. **Targeted - directed only to where needed**
3. **Level - no brighter than necessary**
4. **Controlled - only used when it is useful**
5. **Color - limits blue light to least needed**

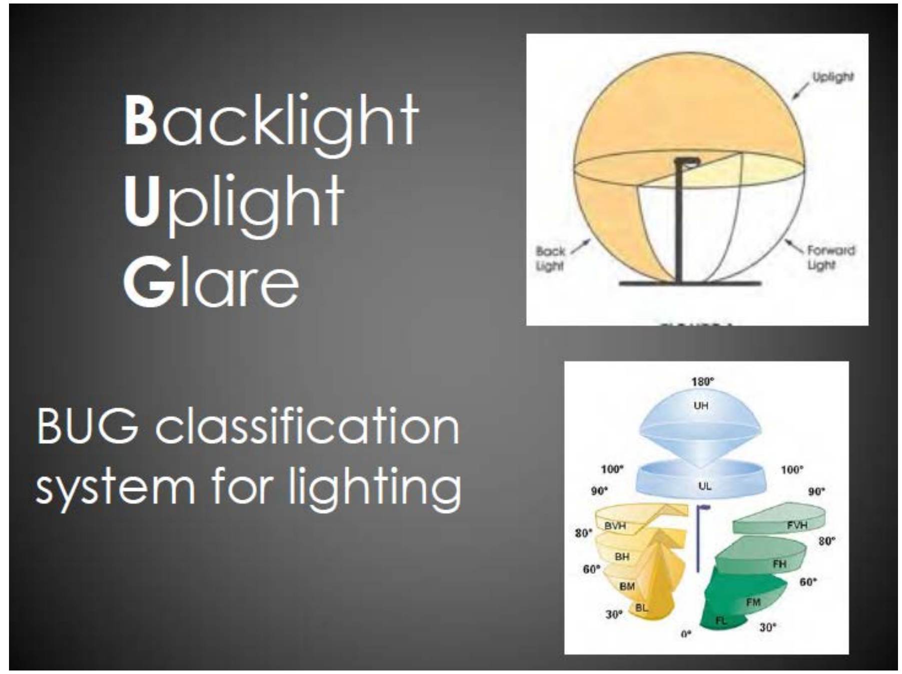
Terminology

Light Pollution - excessive, unnecessary light; causing negative impacts (trespass/glare/harm)

Dark Sky Friendly - reducing light into the sky (environmental)

Community Friendly - visibility, safety, comfort, minimal trespass





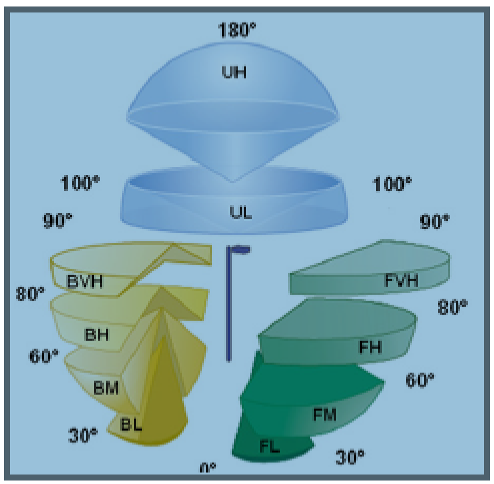


Figure 1: the revised outdoor luminaire distribution measuring system from TM-15-07 (revised)

After reviewing hundreds of candidate luminaires, the MLO task force established the three composite (BUG) ratings based on TM-15-07 (revised):

Backlight, which creates light trespass onto adjacent sites. The B rating takes into account the amount of ligwht in the BL, BM, BH and BVH zones, which are direction of the luminaire OPPOSITE from the area intended to be lighted.

Uplight, which causes artificial sky glow. Lower uplight (zone UL) causes the most sky glow and negatively affects professional and academic astronomy. Upper uplight (UH) is mostly energy waste. The U rating accounts the amount of light into the upper hemisphere with greater concern for the lower uplight angles in UL.

Glare, which can be annoying or visually disabling. The G rating takes into account the amount of frontlight in the FH and FVH zones as well as BH and BVH zones.

BUG rating: a luminaire classification system that replaces ‘cutoff’ terminology to more comprehensively address light pollution from all directions, not just up into the sky.

LIGHT TO PROTECT THE NIGHT

Five Principles for Responsible Outdoor Lighting

Illuminating ENGINEERING SOCIETY

IDA

USEFUL

ALL LIGHT SHOULD HAVE A CLEAR PURPOSE

Before installing or replacing a light, determine if light is needed. Consider how the use of light will impact the area, including wildlife and the environment. Consider using reflective paints or self-luminous markers for signs, curbs, and steps to reduce the need for permanently installed outdoor lighting.

TARGETED

LIGHT SHOULD BE DIRECTED ONLY TO WHERE NEEDED

Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.

LOW LIGHT LEVELS

LIGHT SHOULD BE NO BRIGHTER THAN NECESSARY

Use the lowest light level required. Be mindful of surface conditions as some surfaces may reflect more light into the night sky than intended.

CONTROLLED

LIGHT SHOULD BE USED ONLY WHEN IT IS USEFUL

Use controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.

COLOR

USE WARMER COLOR LIGHTS WHERE POSSIBLE

Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.


See the Light, Not the Source


"Good" Lighting


"Good" Lighting
Aim down
Lower watts
Shield
Switch
Sensor

Good Lights for Good Nights

Help eliminate light pollution. Select the best fixture for your application using this guide. Use the lowest wattage bulb appropriate for the task and turn off the light when it's not being used.

Unacceptable / Discouraged
Fixtures that produce glare and light trespass

Acceptable
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

presented by the

Dark Sky Society

www.darkskysociety.org

Illustrations by Bob Crelin, used with permission. You may freely copy and distribute this document.

CITY COUNCIL AGENDA BRIEFING

Staunton, VA

<table>
<tr><td>Meeting Date:</td><td>May 26, 2022</td><td rowspan="3">City Council

John C. Blair, II
City Attorney

Leslie Beauregard
Interim City Manager</td></tr>
<tr><td>Item #</td><td>7</td></tr>
<tr><td>Department:</td><td>City Council
City Attorney
City Manager’s Office</td></tr>
<tr><td>Alignment with Staunton Plan (Value/Strategic Area):</td><td colspan="2">Value: Excellence

Strategic Area: Responsive, Efficient Government</td></tr>
<tr><td>Subject:</td><td colspan="2">Closed Meeting for Consultation with Legal Counsel Pertaining to Probable Litigation Involving Liens Against Real Estate</td></tr>
</table>

Suggested Motion:

Before the closed meeting: I move to enter a closed meeting for consultation with legal counsel pertaining to probable litigation involving liens against real estate for unpaid utility bills, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the City, pursuant to Virginia Code Section 2.2-3711(A)(7) and 2.2-3711(A)(8).

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

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

SPECIAL MEETING OF STAUNTON CITY COUNCIL
Wednesday, May 4, 2022
5:00 p.m.

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

ALSO PRESENT: **Leslie Beauregard, Interim City Manager**
John Blair, City Attorney
Kiley Kesecker, Clerk of Council

Mayor Oakes called the meeting to order: Mayor Oakes stated "As Mayor, I call this meeting of Staunton City Council to order."

Vice Mayor Robertson moved to amend the agenda to include consideration of a resolution to rescind the establishment of the Equity and Diversity Commission after the interviews. Discussion ensued between City Attorney John Blair, Mayor Oakes and Vice Mayor Robertson regarding the language to be used. Mr. Holmes stated that he thought it was a really big mistake.

The motion was seconded by Mr. Claffey.

Ms. Mead stated that there were nine people who were going to show up to be interviewed that night for nothing. Mr. Robertson stated that he was making a motion. Mr. Blair stated that because the motion had been seconded, it could not be amended, and that the resolution must be discussed in open session. Mayor Oakes clarified that the motion on the floor was to go forth with the interviews in a closed session and then discuss the resolution in open session, which Mr. Blair confirmed.

The motion carried as follows:

Mayor Oakes	aye	Mr. Claffey	aye
Vice Mayor Robertson	aye	Ms. Dull	no
Ms. Mead	no	Ms. Darby	aye
Mr. Holmes	no		

Vice Mayor Robertson moved to enter a closed meeting for discussion, interviewing and consideration of the prospective candidates for the Equity and Diversity Commission, pursuant to Virginia Code § 2.2-3711(A)(1).

The motion 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

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

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

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

Mayor Oakes introduced the second item, a discussion concerning a resolution to rescind City Council's establishment of an Equity and Diversity Commission. Vice Mayor Robertson stated that he brought this item up because he felt he had to. He addressed Ms. Mead and stated that it was egregious that she brought closed meeting information into the open public at the last meeting.

Ms. Dull suggested that councilmembers each pick three more candidates from the categories that were underrepresented in the current selection of applicants and make additional time slots to interview them, to avoid any "poisoning of the well."

Mr. Claffey agreed with Ms. Dull's suggestion and stated that he felt the integrity of the whole process was at stake with how the confidentiality of the interview process had been breached. Ms. Mead stated that she disclosed no confidential information and that councilmembers had originally voted to interview all applicants from the very beginning, which Mr. Claffey disputed. Discussion ensued.

Ms. Darby stated that the situation could have been avoided with more communication and that the most important thing was figuring out how to move forward. Mr. Holmes stated that the way to fix it was to interview everyone. Mr. Claffey stated that he agreed and all applicants deserved Council's time.

Council agreed that they would each send Ms. Beauregard three more applicants to be interviewed, each from an underrepresented category. The top three choices would be interviewed the following Thursday on May 12. Councilmembers discussed removing Ms. Mead as liaison to the Equity and Diversity Commission, though decided to delay action on the matter until after the commission was established.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:15 p.m.

Kiley A. Kesecker
Clerk of Council

City Council
WORK SESSION
May 12, 2022
3:00 p.m.

Councilmembers present: Mayor Oakes, Vice Mayor Robertson and councilmembers Claffey, Darby, Dull and Mead.

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

1. Consideration of Work Session and Regular Meeting Agendas

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

Mr. Claffey moved to approve the work session and regular meeting agendas.

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

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

Mr. Holmes arrived at 3:15 p.m.

2. Closed Meeting for Discussion and Consideration of the Prospective Candidates to be Interviewed for the Equity and Diversity Commission

Vice Mayor Robertson moved to enter a closed meeting for discussion, interviewing and consideration of the prospective candidates for the Equity and Diversity Commission, pursuant to Virginia Code § 2.2-3711(A)(1).

The motion was seconded by Mr. Holmes 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		

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

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

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

The work session adjourned at 6:52 p.m.

Kiley A. Kesecker
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, May 12, 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
R. Terry Holmes
Brenda O. Mead

ALSO PRESENT: **Leslie Beauregard, Interim City Manager**
John Blair, City Attorney
Kiley Kesecker, Clerk of Council

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

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Sheila Ahmadi, at the request of Ms. Mead.

MAYOR'S REPORT

Mayor Oakes read the following proclamation in recognition of Bike Month:

WHEREAS, bicycling has been an important part of the lives of many Americans for more than a century, and today City of Staunton residents of all ages engage in bicycling for transportation, recreation, fitness, and fun; and

WHEREAS, bicycling offers independent mobility for Stauntonians traveling between work, school, and home, and, when used as means of transportation, benefits all residents of Staunton by easing traffic congestion, reducing air pollution, and saving highway construction dollars; and

WHEREAS, bicycling is recognized as an activity that can reduce the onset of chronic disease and reduce childhood obesity, and its consideration in transportation and land use planning will help create a healthier and more active community in Staunton; and

WHEREAS, bicycling offers a unique perspective from which residents and visitors may discover Staunton's natural beauty, history, and culture; and

WHEREAS, Bike Month provides an opportunity to increase public awareness of the many benefits of bicycling, to promote bicyclist safety, and to encourage bicycling;

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that May 2022, is hereby designated as **Bike Month** in the City of Staunton, and Council recognizes, with great appreciation, the efforts of the Staunton Bicycle and Pedestrian Advisory Committee to foster a more bicycle and pedestrian friendly community.

Adopted this 12th day of May, 2022.

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

ATTEST: /s/Kiley Kesecker
CLERK OF COUNCIL

Mayor Oakes introduced and welcomed Sara Hollberg, Chair of the Bicycle and Pedestrian Advisory Committee who thanked Council.

Mayor Oakes read the following proclamation in recognition of Letter Carriers' *Stamp Out Hunger* Food Drive Day:

WHEREAS, every year on the second Saturday in May, letter carriers across the country collect non-perishable food as part of the nation's largest one-day food drive, distributing the donations to local food banks; and

WHEREAS, the Letter Carriers' *Stamp Out Hunger* Food Drive is just one example of how letter carriers work to make a difference in the lives of those they serve. Since the pilot drive was held in 1991, more than 1.82 billion pounds of food have been collected; and

WHEREAS, we recognize all letter carriers for their hard work and their commitment to their communities. All the food collected in our community stays in our community and we support carriers' efforts to help those in need in our community; and

WHEREAS, we also recognize the noteworthy milestone of 30 years that the National Letter Carrier Food Drive celebrates in 2022.

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that May 14, 2022 is hereby designated as **Letter Carriers' *Stamp Out Hunger* Food Drive Day** in the City of Staunton, and we encourage the citizens of our community to support the Letter Carriers' *Stamp Out Hunger* Food Drive by placing non-perishable food items for donation to the Blue Ridge Area Food Bank in or near your mailbox on the morning of the Food Drive Day. Your letter carrier and volunteers will pick up your donation and together, we can all help feed our hungry.

Adopted this 12th day of May, 2022.

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

ATTEST: /s/Kiley Kesecker
CLERK OF COUNCIL

Mayor Oakes introduced and welcomed President of the Staunton Branch of the National Association of Letter Carriers, Tom Miller, Food Drive Coordinator and retired member of the National Association of Letter Carriers, Cindy Connors and Megan Vernon, member of the Staunton Branch of the National Association of Letter Carriers and letter carrier for downtown Staunton.

Mayor Oakes stated that she had spoken with Anne Lewis from Baker Tilly, who would be giving a report on the city manager search at the June 9 Council meeting.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

There were no additional items by members of council.

APPROVAL OF MINUTES

Ms. Mead moved to approve the special called meeting minutes of April 21, 2022 as presented.

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

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

Ms. Mead moved to approve the regular meeting minutes of April 28, 2022 as presented.

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

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

REGULAR MEETING

A. Presentation of Kenneth L. Jones Plaque

There was a presentation and reading by Mayor Oakes of a commemorative plaque for Mr. Kenneth L. Jones. The plaque is being placed on the first floor of City Hall near the display for the Staunton Augusta County African American Research Society. Family and friends of Mr. Jones were in attendance for the presentation.

B. Public Hearing and Consideration of a Request by Valley Supporting Housing for a Special Use Permit for 111 Pump Street to Allow Residential Use on the Ground Floor

Senior Planner Rodney Rhodes stated that Valley Supportive Housing has requested a Special Use Permit to use the ground level of the building located at 111 Pump Street for six multi-family residential units. The building was the long-time location of Staunton Glass Company and City records indicate the building was constructed in 1960 as a commercial building. Prior to that, the property had been the site of a single-family dwelling. He added that the issue questioning the floodplain was brought up years ago and was resolved to staff satisfaction.

Mr. Rhodes continued by stating that due to the topography, the ground floor of the building resembles more of a basement and is therefore less conducive for commercial and business use. Parking is very limited in the area and there are a number of residences that are already in existence in the area. The second floor of the building consists of six multifamily residential units, occupied by residents of the Valley Supportive Housing Program. The SUP would duplicate that and add six more units to the level below the current units. They had recently received a grant from the Central Shenandoah Planning District Commission to convert the commercial space to residential space. The parking requitement is one parking space per two units, which Mr. Rhodes noted was probably the lowest parking rate that the City required under the zoning ordinance for residential use. Normally, an apartment would require two parking spaces per unit. However, for the elderly or those with disabilities, that is reduced to one space per two units. There are six parking spaces on the upper level off of Lewis Street, which satisfies the parking requirements for all 12 existing and proposed units. The Planning Commission conducted a public hearing on April 21 and none spoke in opposition to the special use permit and on a unanimous vote, the Commission recommended approval of the special use permit with the following conditions:

1. All multi-family units must be used for the elderly and/or persons with disabilities;
2. The six existing parking spaces on the property must be maintained for use by the tenants;
3. Violation of any condition of approval of the Special Use Permit will result in immediate revocation.

Mr. Rhodes asked if Council had any questions or comments.

Vice Mayor Robertson asked if the property were to flood, whould there be a possibility of it not drying out properly and molding. Building Official and Floodplain Administrator John Glover stated that there is a concrete floor between the basement and the first floor that has vents and openings that would allow water to drain and dry out.

Mr. Holmes asked if there is any parking available on Pump Street. Mr. Rhodes replied that there are none that meet the standards for a parking space.

Executive Director of Valley Supportive Housing, Lou Siegel, provided council with some background on what their organization does. He stated that they have 42 apartments and they supply apartments exclusively to individuals with a diagnosed mental health illness, learning disability, or who are in a recovery program from drug or alcohol abuse.

Vive Mayor Robertson asked what the timeframe was to complete renovations. Mr. Siegel stated they are hoping they will be move-in ready in June 2023. Ms. Dull asked how many apartments they will need in total to solve the homeless situation for those with disabilities in the area. Mr. Siegel estimated that number to be around 90 in the Staunton-Augusta-Waynesboro area.

Council members did not have any further questions.

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 five 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.

Ms. Dull moved that Council approve the special use permit with conditions as recommended by the Planning Commission.

The motion was seconded by Mr. Claffey and 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		

C. Public Hearing and Consideration of an Ordinance Amending the Timing of Water/Sewer Connection and Facility Fees

Director of Public Works Jeff Johnston stated that they were proposing to make a change to the timing of the connection and facility fees that are paid when new connections are made to the City's utility system and not the amount of the fee. The current method had created a three-tier system in which different projects pay their fees at different times, which had proven complicated and confusing. Mr. Johnston proposed that all projects pay their connection and facility fees when the service is requested. He added that doing so would not only reduce three paragraphs of city code into one sentence, but would also treat all projects the exact same way when they connect to the City's utility system.

Mayor Oakes asked if Council members had any questions.

Council members did not have any questions.

Mayor Oakes stated the following:

"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.

Scott Williams, 82 Old Oaks Drive, Fishersville, spoke in support of the proposed change on behalf of the Augusta Home Builders Association

Seth Bokelman, 176 Woodland Place, Lyndhurst, spoke in support of the proposed change from a financing and banking standpoint.

David Surrett, 1308 Long Meadow Road, Fishersville, supported the proposed amendment.

Phillip Brown, 5061 Lee Jackson Highway, Greenville, supported the proposed amendment.

Richard Landes, 107 Sycamore Creek Lane, Staunton, supported the proposed amendment.

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

Ms. Dull moved that City Council adopt the ordinance amending Section 13.15.060, Water connection charges – Connection fees, of Chapter 13.05, In General, and Section 13.40.030, Sewer connection and facility fees, of Chapter 13.40, Connections to City Sewer Systems, of Title 13, Environment, of the Staunton City Code.

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

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

Ordinance No. 2022 - 12

AN ORDINANCE AUTHORIZING AN AMENDMENT TO SECTION 13.15.060, WATER CONNECTION CHARGES-CONNECTION FEES, OF CHAPTER 13.15, IN GENERAL, AND SECTION 13.40.030, SEWER CONNECTION AND FACILITY FEES, OF CHAPTER 13.40 CONNECTIONS TO CITY SEWER SYSTEMS, OF TITLE 13, ENVIRONMENT, OF THE STAUNTON CITY CODE TO MODIFY THE TIME AT WHICH PAYMENT FOR WATER AND SEWER FACILITY AND CONNECTION FEES ARE TO BE PAID

<u>Recitals</u>

A. The Staunton City Code (SCC) requires both connection fees and facility fees be paid when new connections are made to water and sewer systems. Currently, these fees are required to be paid at different points in the property development timeline based on the size and type of development;

B. City staff desire to simplify the current water and sewer fee system to require the fees for all new water and sewer connections to paid at the same point in the development process;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Title 13, Environment, of the Staunton City Code be and hereby is amended as follows:

13.15.060 Water connection charges – Connection fees.

(1) Connection Fees.

(a) The fees charged for all connections, including connections made to provide fire suppression systems, shall be $2,100 each, except as otherwise provided herein. This charge includes, but is not limited to, the service connection, the corporation stop (where required), the meter box, and the meter. Such fees shall be paid to the city prior to such connection. The foregoing notwithstanding, the director of public works may require that a higher deposit be made, prior to connection, if, in his opinion, the actual cost of such particular connection is likely to exceed $2,100. Such deposit may be made in cash, by bond with corporate surety, or by a letter of credit payable to the city approved by the director of public works. If such higher deposit is made and the actual cost exceeds the deposit, the person requesting the deposit shall owe the difference to the city which shall be due and payable within 30 days of billing; or, if the actual cost is less than the deposit, the city shall refund the difference to such person within 30 days of completion of work. Such actual cost may include, but is not limited to, labor, equipment, materials and other costs, but in no event shall the fees charged be less than $2,100 for each connection.
(b) Where the service connection and the meter box are installed by the developer, the city will install the required meter. The cost for the meter shall be based on actual cost, plus 30 percent of the actual cost to cover overhead and indirect cost. The developer shall be responsible for the inspection provided by the city. This cost includes all direct cost, plus 30 percent to cover overhead and indirect cost.

(c) Projects on property owned and operated by the city of Staunton, Virginia, or the school board of the city of Staunton, Virginia, shall be exempt from water connection fees.

(d) Single-family residential projects in the city of Staunton that meet all of the following criteria may also be considered for exemption from water connection fees; however, organizations must submit a request for exemption from water connection fees which will then be considered by Staunton city council on a case-by-case basis using these criteria:

(i) The project is on property in the city of Staunton, is owned by the organization, and the organization has a 501(c)(3) exemption recognized by the Internal Revenue Service;

(ii) The project provides home ownership to residents within the city of Staunton, classified as low- and moderate-income individuals, as defined by current HUD Section 8 income standards; and

(iii) The organization administering the program requires the homeowner(s) to contribute a minimum of 200 hours in the construction of the subject single-family residence or being constructed by the organization for others.

(2) Water Off-Site Facilities Fee.

(a) The off-site facilities fee for all applicants is to cover the cost of present and future capital facilities constructed. Capital expenditures include, but are not limited to, water source, raw water storage, treatment facilities, transmission lines, pump stations and major finished water storage facilities. The off-site facilities fee shall be assessed all connectors to an existing or proposed establishment of a water system as set forth in the schedule of facilities fees under subsection (2)(g) of this section. All monies collected as “off-site facilities fees” under this section shall be deposited in a special account of the water enterprise fund to be known as the “water facilities fees account.” Funds unexpended and remaining in this special account, at the end of each fiscal year, shall carry forward to succeeding fiscal years. Monies shall be disbursed from this special account to pay the costs of such present and future capital facilities, and related existing and future debt service with respect thereto.

(b) Off-Site and Oversize Main Credit Policy. Credits will be allowed against the off-site facilities fee for off-site extension in excess of 300 feet and/or line size in excess of minimum size required for the development. No credit will be allowed where a main size greater than minimum size in diameter is required to adequately serve the owner. Credits will be computed based on public bids for the subject construction, or the schedule of rates determined for construction of water systems established annually by the city engineer.
(c) The city council may by separate agreement with a developer enter into a reimbursement agreement for off-site facilities which may be required by the city and which would not be covered by the off-site and oversized main credit policy above.

(d) The total connection fee(s) and facilities fee(s) shall be paid no later than the time when service is requested. The connection fee(s) and facilities fee(s) shall be paid by certified or cashier’s check.

(e) The city council may, by resolution, waive a portion of the facilities fees for water facilities installed under federal- or state-funded water projects. The portion of the fee that is waived shall be indicated as city financial participation in the water project.

(f) The city council may, by resolution, authorize the off-site facilities fee to be waived entirely or to be paid from the general fund for those commercial or industrial owners which the city council determines would be in the best interest of the city’s economic development and which would generate significant employment.

(g) Projects on property owned and operated by the city of Staunton, Virginia, or the school board of the city of Staunton, Virginia, shall be exempt from water facility fees.

(h) Single-family residential projects which meet all of the following criteria may also be considered for exemption from water facility fees; however, organizations must submit a request for exemption from water facility fees which will then be considered by Staunton city council on a case-by-case basis using these criteria:

(i) The project is on property in the city of Staunton, is owned by the organization, and the organization has a 501(c)(3) exemption recognized by the Internal Revenue Service;

(ii) The project provides home ownership to residents within the city of Staunton, classified as low- and moderate-income individuals, as defined by current HUD Section 8 income standards; and

(iii) The organization administering the program requires the homeowner(s) to contribute a minimum of 200 hours in the construction of the subject single-family residence or being constructed by the organization for others.

(i) Schedule of Water Facilities Fees.

Water Meter Size (Inches)	EDU*	Off-Site Facilities Fee
5/8"	1	$3,500
3/4"	1.5	$5,250
1"	2.5	$8,750
1 1/2"	4.375	$15,310
2"	8	$28,000
3"	16	$56,000
4"	25	$87,500
6"	50	$175,000

*Equivalent Dwelling Unit.

(j) Total Connection and Facilities Fee.

(i) The total fee due by the owner to the city shall be the appropriate facilities fee based on meter size and the connection fee. A connection fee shall be due for new connections only. Facilities fees shall be due for both new structures and additions to existing structures which add one-half equivalent dwelling units (EDU) or more to an existing structure.
The EDU, as set forth herein, shall be considered the same as the equivalent dwelling connection (EDC) as defined and derived in the latest Virginia Health Department Waterworks Regulations.
The facilities fee due shall be determined, first, by establishing the EDU demand on the system, and second, by the meter size set forth in subsection (2)(i) of this section, which will accommodate such demand. Such fee is due regardless of need for change to an existing water meter.

(ii) The minimum fee for any connection shall be that established for a five-eighths-inch meter.

(iii) If connections are made to water lines outside the city limits, or if the connecting lines come from outside the city limits, the total fee for connecting the applicant's water line to the city's water system shall be 50 percent more than the rate for a resident of the city for services within the city.

13.40.030 Sewer connection and facilities fees.

(1) Connection Fees. *(Effective July 1, 2020.)*

(a) The charge for all connections shall be $3,100. This cost includes the service connection from the main to the right-of-way line, to be paid in advance of such connection. The foregoing notwithstanding, the director of public works may require that a higher deposit be made, prior to connection, if, in his opinion, the cost of such particular connection is likely to exceed $3,100. Such deposit may be made in cash, by bond with corporate surety, or by a letter of credit payable to the city approved by the director of public works. If such higher deposit is made and the actual cost exceeds the deposit, the individual requesting the deposit shall owe the difference to the city which shall be due and payable within 30 days of billing; or, if the actual cost is less than the deposit, the city shall refund the difference to such individual within 30 days of completion of work.

(b) Where the service connection is installed by the developer, the city will inspect the installation of the service. The developer shall be responsible for all direct costs related to inspection, plus 30 percent of actual cost to cover overhead and indirect cost.

(c) Projects on property owned and operated by the city of Staunton, Virginia, or the school board of the city of Staunton, Virginia, shall be exempt from sewer connection fees.

(d) Single-family residential projects which meet all of the following criteria may also be considered for exemption from sewer connection fees; however, organizations must submit a request for exemption from sewer connection fees which will then be considered by Staunton city council on a case-by-case basis using these criteria:

(i) The project is on property in the city of Staunton, is owned by the organization, and the organization has a 501(c)(3) exemption recognized by the Internal Revenue Service;

(ii) The project provides home ownership to residents within the city of Staunton, classified as low- and moderate-income individuals, as defined by current HUD Section 8 income standards; and

(iii) The organization administering the program requires the homeowner(s) to contribute a minimum of 200 hours in the construction of the subject single-family residence or being constructed by the organization for others.

(2) Sewer Off-Site Facilities Fee.

(a) The off-site facilities fee for all applicants is to cover the cost of present and future capital facilities constructed. Capital expenditures include, but are not limited to, treatment facilities, sewer mains, and pump stations. The off-site facilities fee shall be assessed all connectors to an existing or proposed establishment of a sewer system as set forth in the schedule of facilities fees under subsection (2)(g) of this section. All monies collected as "off-site facilities fees" under this section shall be deposited in a special account of the sewer enterprise fund to be known as the "sewer facilities fees account." Funds unexpended and remaining in this special account, at the end of each fiscal year, shall carry forward to succeeding fiscal years. Monies shall be disbursed from this special account to pay the costs of such present and future capital facilities, and related existing and future debt service with respect thereto.

(b) Off-Site and Oversize Main Credit Policy. Credits will be allowed against the off-site facilities fee for off-site extension in excess of 300 feet and/or line size in excess of minimum size required to serve the development. No credit will be allowed where a main size greater than minimum size in diameter is required to adequately serve the owner. Credits will be computed based on public bids for the subject construction or a schedule of rates determined for the construction of sewerage systems established annually by the director of engineering and utilities.

(c) The city council may by separate agreement with a developer enter into a reimbursement agreement for off-site facilities which may be required by the city and which would not be covered by the off-site and oversize main credit policy in subsection (2)(b) of this section.

(d) The total connection fee(s) and facilities fee(s) in cases of increased sewer service shall be paid no later than the time when service is requested. The connection fee(s) and facilities fee(s) shall be paid by certified or cashier's check.

(e) The city council may, by resolution, waive a portion of the facilities fees for sewer facilities installed under federal- or state-funded sewer projects. The portion of the fee that is waived shall be indicated as city financial participation in the sewer project.

(f) The city council may, by resolution, authorize the off-site facilities fee to be waived entirely or to be paid from the general fund for those commercial or industrial owners which the city council determines would be in the best interest of the city's economic development and which would generate significant employment.

(g) Projects on property owned and operated by the city of Staunton, Virginia, or the school board of the city of Staunton, Virginia, shall be exempt from sewer facility fees.

(h) Single-family residential projects which meet all of the following criteria may also be considered for exemption from sewer facility fees; however, organizations must submit a request for exemption from sewer facility fees which will then be considered by Staunton city council on a case-by-case basis using these criteria:

(i) The project is on property in the city of Staunton, is owned by the organization, and the organization has a 501(c)(3) exemption recognized by the Internal Revenue Service;

(ii) The project provides home ownership to residents within the city of Staunton, classified as low-and-moderate income individuals, as defined by current HUD Section 8 income standards; and

(iii) The organization administering the program requires the homeowner(s) to contribute a minimum of 200 hours in the construction of the subject single-family residence or being constructed by the organization for others.

(i) Schedule of Sewer Facilities Fees.

Water Meter Size (Inches)	EDU*	Facilities Fee
5/8"	1	$6,850
3/4"	1.5	$10,280
1"	2.5	$17,130

1 1/2"	4.375	$29,970
2"	8	$54,800
3"	16	$109,600
4"	25	$171,250
6"	50	$342,500

*Equivalent Dwelling Unit.

(j) Total Connection and Facilities Fee.

(i) The total fee due by the owner to the city shall be the appropriate facilities fee and the connection fee. A connection fee shall be due for new connections only. Facilities fees shall be due for both new structures and additions to existing structures which add one-half equivalent dwelling units (EDU) or more to an existing structure. The EDU, as set forth herein, shall be considered the same as the equivalent dwelling connection (EDC) as defined and derived in the latest Virginia Health Department Waterworks Regulations. The facilities fee due shall be determined, first, by establishing the EDU demand on the system, and second, by the meter size set forth in subsection (i) of this section, which will accommodate such demand. Such fee is due regardless of need for change to an existing water meter.

(ii) The minimum fee for any connection shall be that established for a standard residential connection with a five-eighths-inch meter.

(iii) If connections are made to sewer lines outside the city limits, or if the connecting lines come from outside the city limits, the total fee for such connections shall be 50 percent more than the fee for a resident of the city for service within the city and such shall be paid before any permit is issued authorizing the connection. The applicant shall sign an agreement to the effect that he will guarantee payment of an annual sewage rental fee.

In all other respects, the provisions of Title 13, Environment, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: May 12, 2022
Adopted: May 12, 2022
Effective Date: May 12, 2022

/S/Andrea W. Oakes
Andrea W. Oakes, Mayor

ATTEST: Kiley A. Kesecker
Kiley A. Kesecker,
Clerk of Council

D. Public Hearing and Consideration of an Ordinance Authorizing a Lease Agreement between City of Staunton and Happy Birthday America, Inc.

City Attorney John Blair presented to council the lease of Gypsy Hill Park and Gypsy Hill Gymnasium for the Happy Birthday America celebration for July 4. The lease has one change from previous years which would permit rides for small children. All events are to be concluded July 4 at 11:30 p.m.

President of Happy Birthday America Andrew Deitz thanked Council for their support and stated that they were very excited to celebrate in person again.

Langdon Reid, representative of Happy Birthday America, stated that the celebration will be in its 53rd year in Staunton. He also thanked City Council, the city manager's office, parks and ecreation, public works, the fire department, police department and the community.

Mayor Oakes stated the following:

"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 ordinance authorizing the approval of the lease agreement between the City of Staunton and Happy Birthday America, Inc., and further authorizing the Interim City Manager to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

The motion was seconded by Mr. Claffey 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		

Ordinance No. 2022-13

AN ORDINANCE
AUTHORIZING THE APPROVAL
OF A LEASE AGREEMENT
BETWEEN THE CITY OF STAUNTON AND
HAPPY BIRTHDAY AMERICA, INC. FOR
HAPPY BIRTHDAY AMERICA'S BIRTHDAY CELEBRATION
2022 FOURTH OF JULY HOLIDAY ACTIVITIES

<u>Recitals</u>

A. The City of Staunton (City) owns and operates what is commonly known as Gypsy Hill Park;

B. Happy Birthday America, Inc. (HBA) is a privately organized and operated organization that has requested a lease agreement for charitable and educational purposes to sponsor and conduct Fourth of July-related activities for the year 2022;

C. HBA's Fourth of July activities provide the City and its residents with valuable civic, educational, and recreational opportunities;

D. The Council of the City of Staunton has conducted a public hearing regarding the proposed lease agreement;

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA that it authorizes the lease agreement between the City of Staunton and Happy Birthday America, Inc. to sponsor and conduct Fourth of July-related activities for the year 2022; and it is

FURTHER ORDAINED that the Staunton Interim City Manager is authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

Introduced: May 12, 2022
Adopted: May 12, 2022
Effective Date: May 12, 2022

/S/ Andrea W. Oakes
Andrea W. Oakes, Mayor

ATTEST: Kiley A. Kesecker
Kiley A. Kesecker
Clerk of Council

E. Public Hearing and Consideration of an Ordinance Authorizing the Lease Agreement between City of Staunton and Staunton Baseball, Inc. for the Limited Use of Baseball Field and Operation of Concession Rights.

Mr. Blair presented to Council the lease agreement for Stanton Baseball, Inc. to use the field at Gypsy Hill Park. He noted that the club will probably begin its operation on May 13, 2022, but the field use would not start until after May 23. He also noted that beer may be offered this year as part of the concessions.

President of Staunton Baseball, Inc. Lance Mauck stated that alcohol sales would take place in a designated area separate from the regular concession area, which would have security personnel present and that wristbands would be given out to indicate those who had purchased alcohol.

Mr. Claffey asked about the outfield and if there was any intention of working on the fence. Discussion ensued between Mr. Mauck, Mr. Claffey and Vice Mayor Robertson about the cost to replace the fence, the length of the fence compared to other fields in the area, banners on the fence, home field advantage and trees lining the fence.

Mayor Oakes clarified that the proposal was just for beer sales. Mr. Mauck answered that the event license would be for beer and wine.

Mayor Oakes stated the following:

"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.
Michele Edwards, 112 Belle Creek Drive, suggested that Mr. Mauck serve beer from local breweries at games.

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

Mr. Claffey moved that that City Council adopt the ordinance authorizing approval of the lease agreement between the City of Staunton and Staunton Baseball, Inc. for the limited use of the baseball field and operation of concession rights beginning May 15, 2021, and further authorizing the City Manager be authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

The motion was seconded by Vice Mayor Robertson.

Mr. Holmes stated that he would never want to see any of those trees along the fence cut down.

The motion 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		

Ordinance No. 2022 -14

AN ORDINANCE
AUTHORIZING THE APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF STAUNTON AND STAUNTON BASEBALL, INC. FOR THE LIMITED USE OF BASEBALL FIELD AND OPERATION OF CONCESSION RIGHTS

<u>Recitals</u>

A. The City of Staunton owns and operates John Moxie Memorial Baseball Stadium in Gypsy Hill Park;

B. Staunton Baseball, Inc. is a privately organized and operated organization that has requested a lease agreement for the use of John Moxie Memorial Baseball Stadium for the purposes, during summer months, of playing baseball during the Valley League Baseball Season, including the operation of a concession stand;

C. The Valley Baseball League program provides the City and its residents with valued recreational and entertainment opportunities during the summer;

D. The Council of the City of Staunton has conducted a public hearing regarding the proposed lease agreement;

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA that it authorizes the lease agreement between the City of Staunton and Staunton Baseball, Inc. for the limited use of the baseball field and operation of concession rights retroactively to and including ______________, 2022; and it is

FURTHER ORDAINED that the Staunton City Manager is authorized to execute the lease agreement with such modifications and in final form as approved by the City Attorney.

Introduced: May 12, 2022
Adopted: May 12, 2022
Effective Date: May 12, 2022

/S/ _____Andrea W. Oakes___
Andrea W. Oakes, Mayor

ATTEST:_____Kiley A. Kesecker____
Kiley A. Kesecker
Clerk of Council

F. Discussion and Consideration of Substantial Amendment to the FY 2019 Annual Action Plan to Reallocate CDBG-CV Funds Awarded under the CARES Act

Director of Community Development Billy Vaughn stated that before Council was a simple reallocation of HUD funding. In 2020, in response to the pandemic the city received Cares Act funding through its CDBG program. Those funds were distributed to five local nonprofit organizations. One month later, one of those sub-recipients requested that a portion of their unused funds be reallocated to other nonprofit agencies that are already in the program. With that request on the table, Mr. Vaughn stated that they reached out to all the nonprofits that in the past have received or requested CDBG funds. Staff received requests from two agencies, and was proposing substantial amendment to the FY2019 program. The first was to reduce the health education and services portion in response to the Central Shenandoah Health District request to return $43,231.95 in CDBG-CV funding. Second was to increase shelter operations as the Valley Mission, which requested $35,240.28 in CDBG-CV funding to support increased operating expenses associated with needs at the emergency shelter. The remaining $7,991.67 would go to Valley Program for Aging Services to purchase and distribute testing kits.

Mr. Vaughn also asked that if the substantial amendment were approved, the Interim City Manager be given the authority to sign any agreements and any associated documents, which would allow the reallocation of those funds to those two organizations.

Mayor Oakes asked if Council had any questions or comments.

Council members did not have any questions.

Ms. Dull moved that City Council approve the Substantial Amendment to the FY2019 Annual Action Plan for CARES Act CDBG-CV Funds in response to the COVID-19 emergency, and authorize the Interim City Manager to sign appropriate forms including sub-recipient agreements with agencies slated to receive HUD CDBG funds.

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

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

G. Discussion of Uses of American Rescue Plan Act Funds

Chief Finance Officer Phil Trayer presented to Council additional expenditure options and updates concerning guidance for the American Rescue Plan Act. He reviewed the major elements of the act and outlined what had occurred to date and noted that ARPA allows for localities to recapture "general revenues" lost as a result of the COVID 19 Pandemic. Mr. Trayer detailed alternate methods for calculating that amount and some of the details surrounding proceeding in that manner.

Interim City Manager Leslie Beauregard presented and examined the results of the ARPA resident and business surveys conducted via the recently purchased POLCO surveying, polling and communications platform.

Vice Mayor Robertson asked if the lower rating in categories like economy and utilities could be due to the survey taking place during the Pandemic. Ms. Beauregard stated that could well be the reason, since the survey was conducted at the end of 2021.

Ms. Dull stated that stated that she was surprised that transportation was not included. Ms. Beauregard agreed and discussion ensued about programs that repair donated cars and provide them to those in need of a vehicle, as well as the Afton Express and its increasing popularity.

Mayor Oakes asked if there would be a second survey in 2023. Ms. Beauregard stated that 2023 is the earliest they would do another survey and that it would be interesting to see the impacts of the ARPA funds and if people's feelings change. Ms. Mead noted that actual numbers versus percentages can make a difference in the interpretation.

Vice Mayor Robertson suggested that once the utility lines are in place in Uniontown, the residents in that area should not have to pay connection and utility fees since they had been without water and sewer for so long. Ms. Beauregard stated that Mr. Rhodes would be addressing the small area plan for Uniontown later in the presentation.

Ms. Beauregard reviewed some of the ARPA requests from community organizations.

Mr. Trayer outlined the staff requests for ARPA funding.

Mayor Oakes asked if grant money was available for the West End planning. Ms. Beauregard stated they had not identified any at that point and added that the quickest way to go about it would be to just identify the ARPA funds to be appropriated for that purpose.

Mr. Trayer continued by stating that at the February 2, 2022 work session, City Council expressed interest in funding the extension of water and sewer lines into the Uniontown Area, so the City engaged the services of Wiley and Wilson to conduct a study. The preferred option would cost approximately $5.2 million. Staff recommended that the City commission a comprehensive small area plan for the area in order to identify additional elements required to revitalize the area. The plan would establish goals and objectives for the community that would align with the City of Staunton Comprehensive Plan 2018-2040. The Planning Commission voted 5-0 at their April 21, 2022 meeting to support such a study. It was noted that the comprehensive plan should include potential scenarios of how the community could come back to life if the proposed utilities were put into place.

Ms. Mead asked if the Uniontown small area plan was required before committing $5 million to installing water and sewer lines and if one was dependent on the other. Mr. Rhodes stated that they were separate items and staff recommended that a plan be in place to ensure the desired outcome before spending such a large amount of money. He added that they needed to look at whether they were looking to revitalize the neighborhood or just provide water and sewer, as well as examine what other infrastructure needs there are. He noted that the roads were not in great shape and the neighborhood had been divided for decades when the bridge was removed. These were items that should be addressed up front, before putting in the infrastructure. Ms. Mead stated that she thought a small area plan was a good idea, but was concerned about there being enough time to complete it before the ARPA funds were required to be under contract by December of 2024. She asked how long such a study would take to conduct. Mr. Rhodes stated that a plan could potentially be in place in six to nine months time and would involve public information meetings and hearings. Mr. Johnston added that certain preliminary engineering functions could take place concurrently with the small area plan. Mr. Trayer noted that they had debt capacity for the Gardner Springs project without any additional rate increases for water, so there would still be capacity for other projects like Uniontown if awarded the state funds.

Mr. Holmes stated that if water and sewer lines were put in, it would raise property values, making it harder for the residents living there to stay, and there would then be a risk of developers buying up all the land. Mr. Trayer agreed that there were some risks, but they were casting a wider net on being able to use the funds for home repairs and affordable housing. Mr. Holmes asked if ARPA funds are able to be used to take care of the negative contingency. Mr. Trayer responded in the affirmative.

Mr. Trayer continued by reviewing the framework Council informally agreed upon for the first half of the allotment, including an 80/20 percent split between capital related projects and community support projects. Totalling $5.2 and $1.3 million respectively, the City was scheduled to receive the second allotment by the end of May 2022. He added that they were recommending holding back a $2 million provision for one more year to allow additional needs to surface, and that staff is continuing to evaluate and assess requests as they come in.

Ms. Beauregard asked if it would be helpful for staff to provide some prioritization on the requests to be discussed at an upcoming meeting to which Council members responded in the affirmative.

Council members did not have any further questions or comments.

MATTERS FROM THE INTERIM CITY MANAGER

Interim City Manager Leslie Beauregard stated that the Virginia Department of Health had given the city's Water Treatment Plant another award for Excellence in Treatment Plant Operations for the 18th consecutive year.

She stated that a community meeting is to be held on May 24, 2022 to reengage with the West End community regarding the status of the EPA Brownfields grant award and next steps. The City officially engaged the engineering consultant services of Draper Aden Associates to lead the process with actionable steps toward improvements to enhance economic development opportunities and quality of life in the West End.

She also outlined several of the awards Staunton had received in Virginia Living's "Best of Virginia 2022" issue, including: historic downton for best historic site, the American Shakespeare Center for best performing arts company and historic theater and the Frontier Culture Museum for best museum.

Ms. Beauregard also stated that Staunton Jams was coming back on May 28, 2022, the Virginia Association of Destination Marketing Organizations was having its Strategic Planning Retreat at Hotel 24 South May 24-25, and that she would be graduating from a seven month initiative called the Local Government Equity Clinic in Charlottesville.

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. A copy of the Staunton City Council's 'Matters from the Public' rules are available in paper form at the clerk's desk and online at the City of Staunton webpage. 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 five minutes."

Sheila Ahmadi, no address given, critiqued the process of the Equity and Diversity Commission and stated that she felt there was a lack of transparency.

Allison Profeta, Farrier Court, critiqued the Equity and Diversity Commission and took issue with the use of the word "egregious."

Maria Miller, 471 Albemarle Avenue, stated concern with gun laws in the U.S. and felt that more restrictions should be in place.

Barbara Lee, 904 Rockway Street, stated that she never received an email acknowledging receipt of her Equity and Diversity Commission application.

Yvonne Wilson, 2017 First Street, commended citizens of Staunton for their engagement, and stated that the second amendment provides protection.

Nitch Narduzzi, South Jefferson Street, criticized the Equity and Diversity Commission.

Michele Chirieleison, 241 Thornrose Avenue, stated that citizens of Staunton have a choice and an active role in its governance.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 10:17 p.m.

____

Kiley A. Kesecker
Clerk of Council

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

<table>
<tr><td>Meeting Date:</td><td>May 26, 2022</td><td rowspan="3">Staff Member:

Phil Trayer</td></tr>
<tr><td>Item #</td><td>A</td></tr>
<tr><td>Department:</td><td>Finance</td></tr>
<tr><td>Alignment with Staunton Plan (Value/Strategic Area):</td><td colspan="2">Value: Excellence

Strategic Area: Responsible, Efficient Government</td></tr>
<tr><td>Subject:</td><td colspan="2">Ordinance to Amend the FY2022 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Four</td></tr>
</table>

Background: The fourth budget amendment for fiscal year 2022 has been prepared for review and discussion. The total budget amendment equals $2,775,299. The introduction and a properly advertised public hearing of this ordinance is scheduled for May 26, 2022. Consideration of the ordinance is scheduled for June 9, 2022.

<u>City Budget Amendment—$2,699,160</u>

1. General Fund amendment of $61,186 includes the following:
   - $20,378 law enforcement grants for US Marshalls task force operations and selective enforcement.
   - 25,349 for Firehouse Subs grant for computer equipment within the Staunton Police Department
   - $6,890 for insurance recoveries.
   - $8,569 for donations supporting Parks and Recreation, the Library, and Horticulture.
2. CIP Fund appropriation of $2,000,000 for appropriations of emergency radio project via American Rescue Plan Act, (ARPA), proceeds.
3. Community Development Fund appropriation of $100,000 to appropriate the Arcadia Project grant.
4. Grant Fund appropriation of $5,474 for Local Law Enforcement Block grants.

5. Water Fund appropriation of $368,000 for Virginia Community Ready Sites Program grants to support enhanced water system design work for the eastern sector of the city Staunton Crossing.
6. Sewer Fund appropriation of $164,500 for Virginia Community Ready Sites Program grants to support enhanced waste water system design work for the eastern sector of the city to Staunton Crossing.

School Budget Amendment—$76,140

1. The Education Fund 900 amendment totaling $64,868 includes the following:
   - $24,405 for appropriations for the Thacker Fund at Bessie Weller, band instrument replacements, and equity fund support.
   - $3,800 VRSA grant award
   - $26,326 to appropriate the McKinney – Vento ARP Homeless grant award
   - $10,337 for insurance recoveries
2. The Cafeteria Fund 930 appropriates a total $11,272, $8,209 in donations to support school cafeteria operations and $3,063 in Federal Funds to support EBT administration costs.

Attachments:

Attachment 1—Budget Amendment Number Four
Attachment 2—Notice of Public Hearing

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

Suggested Motion (to be made before the public hearing is conducted): I move to introduce an ordinance amending the fiscal year 2022 budget by adding Budget Amendment Number Four, totaling $2,775,299, and that Council conduct a public hearing of the ordinance.

Interim City Manager: Leslie Beauregard

Attachment #1

Ordinance No. 2022-

AN ORDINANCE TO AMEND

THE FY2022 BUDGET ORDINANCE

FOR THE CITY OF STAUNTON

BY ADDING BUDGET AMENDMENT NUMBER FOUR

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

GENERAL FUND

Anticipated Revenue		
General Revenue	$	2,425
Recovered Costs		6,890
Miscellaneous Revenue		3,200
Capital Grants and Contributions		48,671
Total Revenue	$	61,186
Appropriations		
Public Safety		52,617
Parks, Recreation, Cultural		8,569
Total Appropriations	$	61,186

GRANTS FUND

Anticipated Revenue		
Capital Grants and Contributions	$	5,474
Total Revenue	$	5,474
Appropriations		
Public Safety	$	5,474
Total Appropriations	$	5,474

CITY CAPITAL IMPROVEMENTS FUND

Anticipated Revenue		
Transfer from the General Fund	$	2,000,000
Total Revenue	$	2,000,000
Appropriations		
Capital Projects	$	2,000,000
Total Appropriations	$	2,000,000

COMMUNITY DEVELOPMENT FUND

Anticipated Revenue		
Capital Grants and Contributions	$	100,000
Total Revenue	$	100,000
Appropriations		
Operations	$	100,000
Total Appropriations	$	100,000

WATER FUND

Anticipated Revenue		
General Revenues	$	368,000
Total Revenue	$	368,000
Appropriations		
Capital	$	368,000
Total Appropriations	$	368,000

SEWER FUND

Anticipated Revenue		
Appropriation of Prior Year Fund Balance	$	164,500
Total Revenue	$	164,500
Appropriations		
Capital	$	164,500
Total Appropriations	$	164,500

EDUCATION FUND

Anticipated Revenue		
General Revenue	$	64,868
Capital Grants and Contributions		-
Total Revenue	$	64,868
Appropriations		
Operations	$	64,868
Total Appropriations	$	64,868

CAFETERIA FUND - 930

Anticipated Revenue		
Capital Grants and Contributions	$	10,772
Transfer from Cafeteria Fund Balance	$	500
Total Revenue	$	11,272
Appropriations		
Operations	$	11,272
Total Appropriations	$	11,272

GRAND TOTAL BUDGET AMENDMENT NO 4	**$**	**2,775,299**

INTRODUCED: May 26, 2022
PUBLIC HEARING: May 26, 2022
Public Hearing Advertisement Date: May 18, 2022

Approved this ________________day of ________2022

Effective Date: ____________________

CERTIFIED: ____________________________

ATTEST:__________________________

Andrea Oakes
Mayor of Council

Kiley A. Kesecker
Clerk of Council

FY 2022 BUDGET AMENDMENT NO. 4

	LEDGER CODE	AMOUNT REVENUE	AMOUNT EXPENDITURE
GENERAL FUND			
GENERAL GOVERNMENTAL ADMINISTRATION			
PUBLIC SAFETY			
POLICE DEPARTMENT			
Fed DMV Grant	11033-46206-52900	$ 15,380	
Overtime DMV Grant	11033110-51530-52900		$ 14,080
Training	11033110-55005-52900		$ 1,300
Selective Enforcement - Speed			
US Marshall Forfeited Asset	11033-46207-53300	$ 4,998	
Police Overtime	11033110-51530-53300		$ 4,998
To appropriate US Marshal Services Joint Law Enforcement Operations Task Force Funding - Carry Over Funding			
Computer Equipment	11034-44122-40252	$ 25,349	
Other Grants - FH Subs	11033110-58342-40252		$ 25,349
To appropriate Firehouse Subs Grant - Computer Equipment			
Insurance recovery	11031-41928	$ 1,000	
Police Maintenance and Repairs-vehicles	11033110-55305		$ 1,000
To appropriate insurance proceeds for damages to Police cruiser			
Insurance recovery	11031-41928	$ 1,240	
Police Maintenance and Repairs-vehicles	11033110-55305		$ 1,240
To appropriate insurance proceeds for damages to Police cruiser			
Insurance recovery	11031-41928	$ 3,204	
Police Maintenance and Repairs-vehicles	11033110-55305		$ 3,204
To appropriate insurance proceeds for damages to Police cruiser			
POLICE DEPARTMENT			
Insurance recovery	11031-41928	$ 1,446	
Police Maintenance and Repairs-vehicles	11033110-55305		$ 1,446
To appropriate insurance proceeds for damages to Police cruiser			
PARKS AND RECREATION			
PARKS AND RECREATION			
Donations Parks & Recreation	11073-41730	$ 2,425	
Materials and Supplies -	11077110-55415-31200		$ 2,425
Library Donations	11073-41735	$ 3,200	
Special Programs - D Taylor Donation	11077510-55270		$ 100
Special Programs - Mary Bierne Nutt Memorial	11077510-55270		$ 100
Special Programs - RZ Foundation	11077510-55270		$ 3,000
HORTICULTURE			
Donations - Parks & Recreation	11073-41730-33200	$ 2,944	
Materials and Supplies	11077120-55415-33200		$ 2,944
To appropriate Susan Blackley grant funds			

FY 2022 BUDGET AMENDMENT NO. 4			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
TRANSFERS TO OTHER FUNDS			
CAPITAL IMPROVEMENTS			
Contingency - ARPA	11099800-56997-ARPA		$ (2,000,000)
Transfer to the City Capital Improvements Fund	11099600-59339		$ 2,000,000
To transfer Emergency Radio Provision from ARPA			
TOTAL GENERAL FUND		**61186**	**61186**
BUDGET AMENDMENT NO. 4 GENERAL FUND SUMMARY			
GENERAL FUND REVENUE SUMMARY			
General Revenues			
Appropriation of Prior Year Fund Balance		$ 2,425	
Recreation- Nature Park Donations	2,425		
Recovered Costs		6,890	
Public Safety	6,890		
Miscellaneous Revenue		3,200	
Recreation-Donations- Library	3,200		
Non-Capital Grants and Contributions		48,671	
Police Department	45,727		
Parks & Recreation	2,944		
Total General Fund Revenues		**$ 61,186**	
GENERAL FUND EXPENDITURE SUMMARY			
Public Safety		52,617	
Parks, Recreation, Cultural		8,569	
Total General Fund Expenditures		**$ 61,186**	
CITY CAPITAL IMPROVEMENTS FUND			
Transfer from the General Fund	39001-49211	$ 2,000,000	
CIP Contingency Account	39099800-58400-ARPA		$ 2,000,000
To appropriate ARPA funds transferred from the General Fund			
TOTAL CAPITAL IMPROVEMENTS FUND		**$ 2,000,000**	**$ 2,000,000**
COMMUNITY DEVELOPMENT FUND			
Industrial Revitalization Fund	22083-46240-46012	$ 100,000	
Professional Services	22088501-53010-46012		$ 100,000
To appropriate Arcadia Project Grant Award			
TOTAL COMMUNITY DEVELOPMENT FUND		**$ 100,000**	**$ 100,000**

FY 2022 BUDGET AMENDMENT NO. 4

	LEDGER CODE	AMOUNT REVENUE	AMOUNT EXPENDITURE
GRANTS FUND			
POLICE DEPARTMENT			
DCJS Grant	21533-46252-40250	$ 2,816	
Non capital Equipment	21533110-55486-40250		$ 2,816
Appropriate LOLE Law Enforcement Grant # 2019-MU-BX-0026			
DCJS Grant	21533-46252-40251	$ 2,658	
Non capital Equipment	21533110-55486-40251		$ 2,658
Appropriate LOLE Law Enforcement Grant # 2020-MU-BX-0035			
TOTAL GRANTS FUND		**$ 5,474**	**$ 5,474**
WATER FUND			
Miscellaneous Federal Aid	53004-46250	$ 368,000	
Water Lines	53004321-58365		$ 368,000
To appropriate Virginia Community Readiness funding for design work			
TOTAL WATER FUND		**$ 368,000**	**$ 368,000**
SEWER FUND			
Miscellaneous Federal Aid	54004-46250	$ 164,500	
Sewer line replacement	54004420-58366		$ 164,500
To appropriate Virginia Community Readiness funding for design work			
TOTAL SEWER FUND		**$ 164,500**	**$ 164,500**

FY 2022 BUDGET AMENDMENT NO. 4 SUMMARY

CITY GOVERNMENT FUNDS	
GENERAL FUND	$ 61,186
CAPITAL IMPROVEMENTS FUND	$ 2,000,000
COMMUNITY DEVELOPMENT FUND	$ 100,000
GRANTS FUND	$ 5,474
WATER FUND	$ 368,000
SEWER FUND	$ 164,500
TOTAL CITY GOVERNMENT FUNDS	**$ 2,699,160**
EDUCATION FUNDS	
EDUCATION FUND	$ 64,868
CAFETERIA FUND	$ 11,272
TOTAL EDUCATION FUNDS	**$ 76,140**
TOTAL FY2022 BUDGET AMENDMENT NO. 4	**$ 2,775,299**

STAUNTON CITY SCHOOLS
FY 2022 BUDGET
AMENDMENT NO. 4

EDUCATION FUND			**REVENUES**		**EXPENDITURES**
LOCAL GENERAL REVENUE/PROGRAMS					
Donations	900387-40580	$	2,500		
Band Replacement	91102587-58108			$	2,500
To appropriate Newman Band Donations					
Donations - Private Contributions	900381-40580-THACK	$	10,835		
Bessie Weller Elementary Thacker Fund	91101181-56109-THACK			$	10,835
To appropriate donated funds received from the Thacker Fund for Bessie Weller Elementary School					
Other Grants - VRSA	900300-40587	$	3,800		
Repair / Maint Supplies	94209099-56007			$	3,800
To Appropriate VRSA Grant Award					
Insurance Adjustments	900100-40510	$	103		
Repair / Main	93409096-53604			$	103
To appropriate insurance recovery of vehicle damage					
Insurance Adjustments - McSwain Elementary Flood	900100-40510-MEFLO	$	10,234		
Replace Machinery & Equipment	94209099-58101-MEFLO			$	10,234
To appropriate insurance recovery of basement flood					
Donations for Equity Initiatives Within Staunton City Schools	900300-40580-EQUIT	$	5,000		
Contingency	91101100-59100-EQUIT			$	5,000
To appropriate Redbeard Brewing Donation					
Bessie Weller Elementary					
Donation - Private Contribution	900381-40580	$	6,070		
Additional School Allotment - Weller	91101181-58212			$	5,820
Education Supplies - Weller	91101181-56013			$	250
To appropriate book vending machines - Rockingham Insurance					
ARP Homeless Children and Youth	900300-43995-ARHCY	$	26,326	$	-
Other Purchased Services	91221195-53569-ARHCY	$	-	$	5,139
Internal Services - Transportation	91221195-54098-ARHCY			$	8,687
Other Operating Supplies	91221195-56014-ARHCY			$	12,500
To record ARP II Education Fund Appropriation					
TOTAL LOCAL GENERAL REVENUE/PROGRAMS		$	64,868	$	64,868
TOTAL EDUCATION FUND 900		**$**	**64,868**	**$**	**64,868**

STAUNTON CITY SCHOOLS

FY 2022 BUDGET

AMENDMENT NO. 4

CAFETERIA FUND			
Donations	930395-40580	$ 7,709	
Other Operating Supplies	H5109095-56014		$ 7,709
To appropriate Giant Food grant funds			
Donations	930395-40580	$ 500	
Other Operating Supplies	H5109095-56014		$ 500
To appropriate Covenant Presbyterian Church Food grant funds			
Other Federal Funds	930300-43999	$ 3,063	
Purchased Services	H5209095-53569		$ 3,063
To appropriate Pandemic EBT Administration Support			
TOTAL SCHOOL CAFETERIA FUND 930		**$ 11,272**	**$ 11,272**
GRAND TOTAL BUDGET AMENDMENT NO. 4		**$ 76,140**	**$ 76,140**

NOTICE OF PUBLIC HEARING

TO THE CITIZENS OF THE CITY OF STAUNTON, VIRGINIA

TAKE NOTICE that on Thursday, May 26, 2022, at the regular meeting of City Council at 7:30 p.m., to be held in the Rita S. Wilson Council Chambers, First Floor, City Hall, 116 West Beverley Street, Staunton, Virginia, the City Council intends to amend the Fiscal Year 2022 budget and will consider the adoption of the following:

An Ordinance to amend the FY 2022 Budget Ordinance for the City of Staunton, by adding Budget Amendment Number 4

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

Capital Improvements Fund	$2,000,000
Water Fund	$368,000
Sewer Fund	$164,500
Community Development Fund	$100,000
General Fund	$61,186
Grant Fund	$5,474
Education Fund	$64,868
School Cafeteria Fund	$11,272
Total FY2022 Budget Amendment No. 4	$2,775,299

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

Attachment #2

Kiley A. Kesecker
Clerk of Council

Please run this advertisement on Wednesday, May 18, 2022

NV-GCI0885124-01

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

Meeting Date:	**May 26, 2022**	**Staff Member:** **Phil Trayer**
Item #	**B**	
Department:	**Finance**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence** **Strategic Area: Responsible, Efficient Government**	
Subject:	**Presentation of Quarterly Financial Report**	

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

Interim City Manager's Recommendation: Not applicable

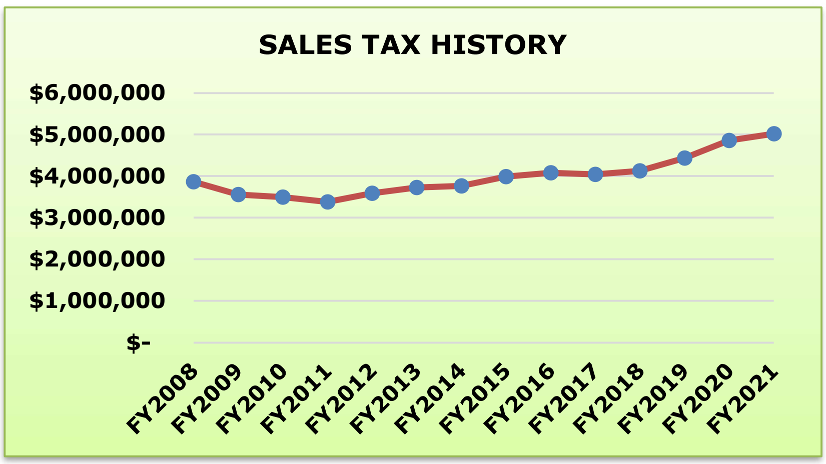
Suggested Motion: Not applicable

Interim City Manager: Leslie Beauregard

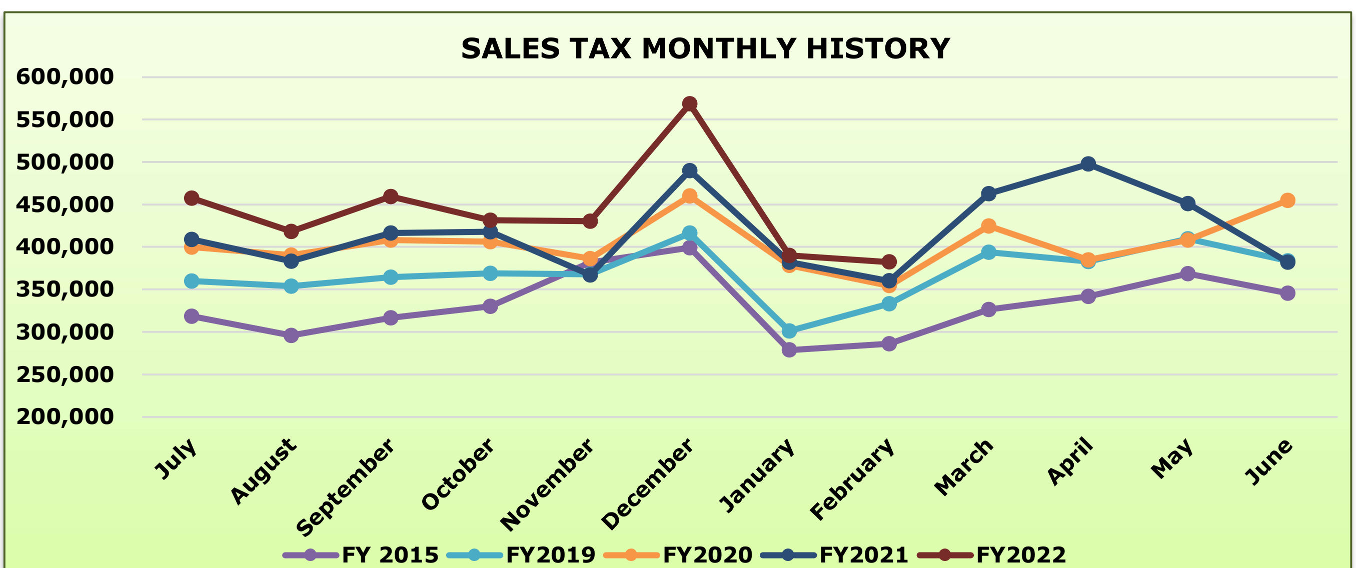
LOCAL SALES TAX - FY2022 - 1% Tax Rate

Attachment #1

	FY2019	FY2020	FY2021	FY2022	% Change	YTD Change
July	359,853	399,841	408,778	457,551	11.9%	$ 48,772
August	353,758	390,365	383,139	418,081	9.1%	$ 34,942
September	364,511	408,013	416,225	459,262	10.3%	$ 43,037
October	368,779	406,308	417,973	431,562	3.3%	$ 13,589
November	367,724	386,214	367,040	430,213	17.2%	$ 63,172
December	416,329	459,871	489,867	568,394	16.0%	$ 78,527
January	301,088	378,159	381,915	389,797	2.1%	$ 7,882
February	333,110	354,448	360,082	382,280	6.2%	$ 22,198
March	393,767	424,727	462,591	-	0.0%	
April	382,963	384,624	497,565	-	0.0%	
May	409,439	408,068	451,087	-	0.0%	
June	383,654	454,692	381,951	-	0.0%	
Totals	4,434,974	4,855,331	5,018,212	3,537,139		$ 312,120
Budget	4,015,000	4,300,000	3,393,750	4,662,500		
Budget Variance	419,974	555,331	1,624,462	(1,125,361)		
% OF BUDGET	110.5%	112.9%	147.9%	75.9%		
% CHANGE- YEAR	7.5%	9.5%	3.4%	-29.5%		

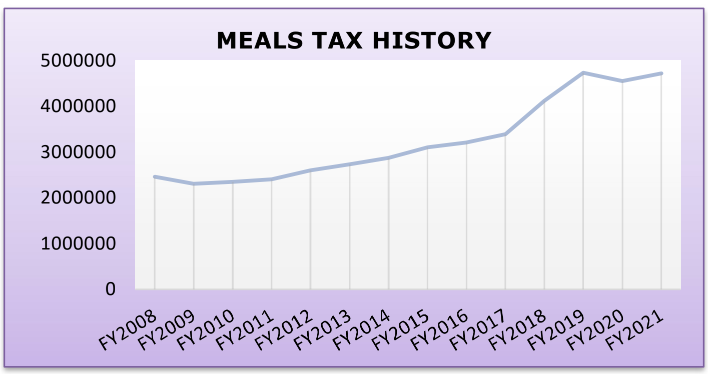


FY2008	$ 3,862,575	
FY2009	$ 3,554,096	-8.0%
FY2010	$ 3,495,905	-1.6%
FY2011	$ 3,381,018	-3.3%
FY2012	$ 3,588,737	6.1%
FY2013	$ 3,729,201	3.9%
FY2014	$ 3,760,505	0.8%
FY2015	$ 3,988,839	6.1%
FY2016	$ 4,079,919	2.3%
FY2017	$ 4,039,658	-1.0%
FY2018	$ 4,123,862	2.1%
FY2019	$ 4,434,974	7.5%
FY2020	$ 4,855,331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

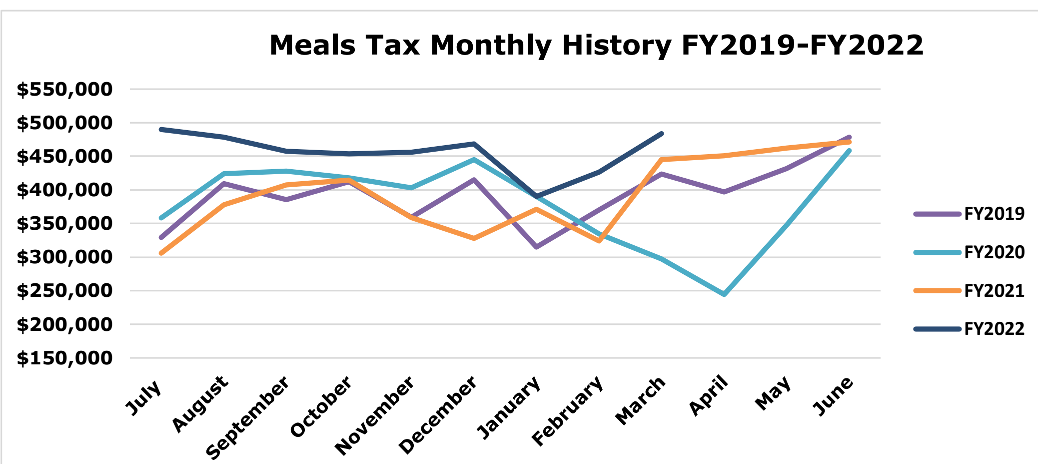


FY 2022 MEALS TAX - 7% Tax Rate

	7% TAX RATE	7% TAX RATE	7% TAX RATE	7% TAX RATE		
	FY2019	FY2020	FY2021	FY2022	% Change	$ Change
July	329,573	358,212	305,920	490,076	37.6%	184,156
August	409,425	424,090	377,519	478,421	26.7%	100,901
September	385,385	427,995	407,128	457,575	12.4%	50,447
October	411,876	417,690	414,546	453,768	9.5%	39,222
November	359,316	403,285	358,586	456,293	27.2%	97,706
December	415,030	444,990	327,793	468,456	42.9%	140,663
January	315,163	390,333	371,174	390,422	5.2%	19,249
February	370,265	334,123	324,288	426,769	31.6%	102,480
March	423,831	297,411	445,061	483,854	8.7%	38,793
April	397,110	244,201	450,532	-	0.0%	
May	432,043	347,244	462,115	-	0.0%	
June	478,306	458,278	471,063	-	0.0%	
Actuals	4,727,323	4,547,853	4,715,726	4,105,633		773,616
Budget	4,112,500	4,600,000	3,562,500	4,300,000		
Budget Variance	614,823	(52,147)	1,153,226	(194,367)		
% of BUDGET	115.0%	98.9%	132.4%	95.5%		



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



MEALS TAX HISTORY- RATE INCREASES

JULY 1, 1986

JULY 1, 1994

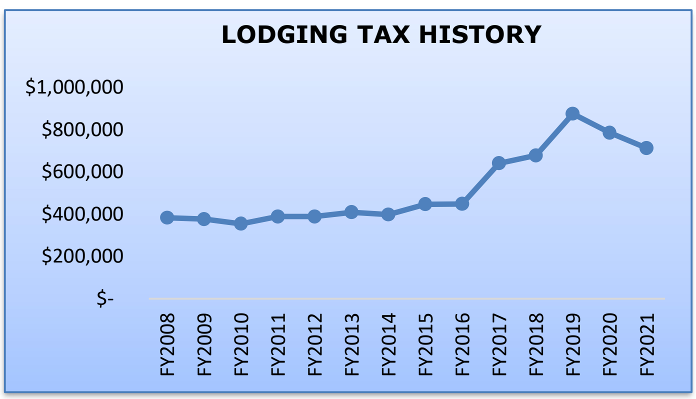
SEPTEMBER 1, 1 NEW STREET PARKING GARAGE FUNDING

JULY 1, 2007 CIP/ SCHOOL PROJECTS

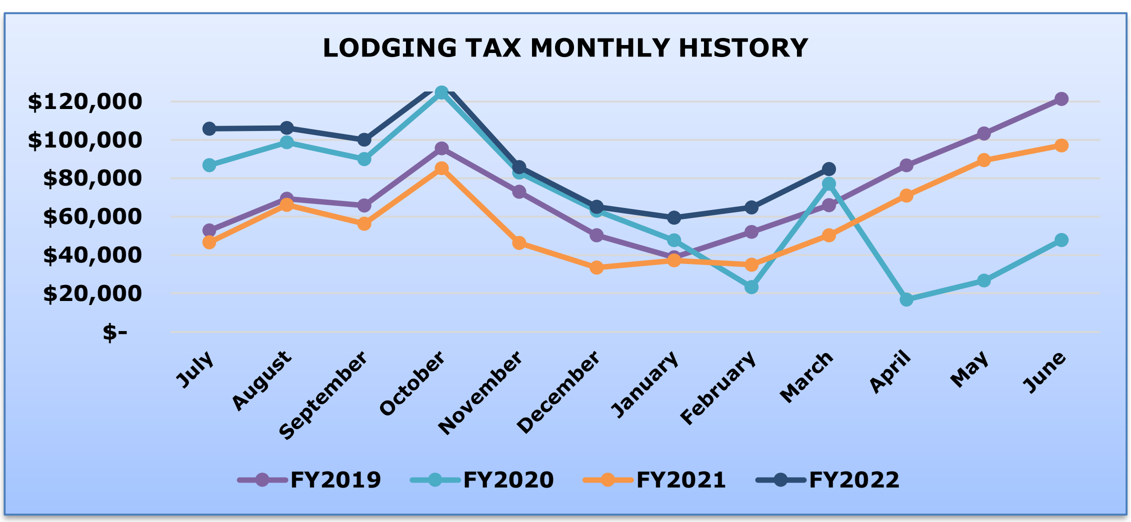
JULY 1, 2017 SCHOOL PROJECT - STAUNTON HIGH RENOVATION

FY 2022 LODGING TAX - 6.7% Tax Rate

TAX RATE		6.70%		6.70%		6.70%		6.70%		
		FY2019		**FY2020**		**FY2021**		**FY2022**	**% CHANGE**	**$ Change**
July	$	52,798	$	86,792	$	46,648	$	105,750	55.9%	59,101
August	$	69,287	$	98,765	$	66,056	$	106,184	60.7%	40,128
September	$	65,785	$	89,978	$	56,235	$	100,094	78.0%	43,860
October	$	95,600	$	124,738	$	85,131	$	130,186	52.9%	45,055
November	$	72,869	$	82,915	$	46,252	$	85,840	85.6%	39,588
December	$	50,208	$	63,057	$	33,471	$	65,008	94.2%	31,537
January	$	38,856	$	47,730	$	37,127	$	59,405	60.0%	22,278
February	$	52,085	$	23,204	$	34,928	$	64,791	85.5%	29,864
March	$	65,973	$	77,152	$	50,273	$	84,717	68.5%	34,444
April	$	86,719	$	16,730	$	70,866			0.0%	
May	$	103,399	$	26,667	$	89,381			0.0%	
June	$	121,369	$	47,878	$	97,078			0.0%	
Actuals	$	874,948	$	785,605	$	713,445	$	801,974		$ 345,854
Budget Totals	$	890,000	$	890,000	$	836,000	$	760,000		
Budget Variance	$	(15,052)	$	(104,395)	$	(122,555)	$	41,974		
% of BUDGET		98%		88%		85%		106%		
% CHANGE-YEAR		29.1%		-10.2%		-9.2%		12.4%		



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



FY 2022 FINANCIAL REPORT - UNAUDITED

MARCH 2022

GENERAL FUND REVENUES	FY2022 BUDGET	ACTUAL YTD		AVAILABLE BUDGET	% RECEIVED	Comment
PROPERTY TAXES						
Real Estate Taxes 2022 (75%) & 2021 (25%)	$ 20,167,363	$ 5,538,868		$ 14,628,495	27%	75% of 2022 Taxes due June 20, 2022
						25% of 2022 Taxes due Dec 5, 2021
Real Estate - Public Service	905,000	957,979		(52,979)	106%	100% of 2022 Taxes due Dec 5, 2021
Real Estate - Interest	150,000	75,874		74,126	51%	
Real Estate- Penalty	115,000	101,759		13,241	88%	
Real Estate Tax -Downtown Serv District	120,000	36,279		83,721	30%	25% due Dec 5; 75% due June 21
Personal Property Taxes 2022-…	5,525,000	6,012,374		(487,374)	109%	100% of 2022 PP Tax due December 5, 2021
Personal Property Taxes -Prior Written Off	-	249		(249)	#DIV/0!	
Personal Property Taxes- Public Service	2,700	2,858		(158)	106%	
Personal Property -Interest	65,000	66,224		(1,224)	102%	
Personal Property - Penalty	85,000	95,705		(10,705)	113%	
Machinery & Tools Tax	450,000	400,020		49,980	89%	100% Tax Due December 5, 2021
TOTAL PROPERTY TAXES	**$ 27,585,063**	**$ 13,288,188**		**$ 14,296,875**	**48%**	
OTHER LOCAL TAXES						
Business & Occupational Licenses	$ 2,040,000	$ 2,566,079		$ (526,079)	126%	BPOL License due March 1, 2022
Water Utility Tax	285,000	190,261		94,739	67%	Paid Monthly w/ 1-2 months delay in collection
Gas Utility	298,000	194,180		103,820	65%	Paid Monthly w/ 1-2 months delay in collection
Electric Utility	585,000	397,400		187,600	68%	Paid Monthly w/ 1-2 months delay in collection
Local Sales Tax	4,662,500	3,154,859		1,507,641	68%	Paid Monthly w/ 2 months delay in payment from State
Bank Stock	485,000	2,813		482,187	1%	Paid in June
Recordation	220,000	274,502		(54,502)	125%	Paid Monthly w/ 1 month delay in collection
Cigarette Tax	385,000	299,200		85,800	78%	Paid at sale date, no delay in collection
Lodging Tax	760,000	717,257		42,743	94%	Paid Monthly w/ 1 month delay in collection
Meals Tax	4,300,000	3,621,779		678,221	84%	Paid Monthly w/ 1 month delay in collection
Probate Tax on Wills	7,000	7,178		(178)	103%	
Short Term Rental Tax	23,000	15,696		7,304	68%	
Local Communications Tax	1,100,000	589,747		510,253	54%	Paid Monthly w/ 1-2 months delay in collection
TOTAL OTHER LOCAL TAXES	**$ 15,150,500**	**$ 12,030,951**		**$ 3,119,549**	**79%**	
PERMITS						
Short Term Rental Registration/Precious Metal	$ -	$ 900		$ (900)	#DIV/0!	
Judicial Charges for Services	900	652		248	72%	
Public Safety Charges for Services	197,000	144,093		52,907	73%	
Planning and Development Charges for Services	10,500	8,925		1,575	85%	
TOTAL PERMITS	**$ 208,400**	**$ 154,570**	**$ -**	**$ 53,830**	**74%**	

MARCH 2022

GENERAL FUND REVENUES	FY2022 BUDGET	ACTUAL YTD	AVAILABLE BUDGET	% RECEIVED	
FINES & FORFEITURES					
Circuit Court Fines	$ 168,000	$ 97,790	$ 70,210	58%	
Court Recorder Fees	46,000	42,825	$ 3,175	93%	
Courthouse Maintenance Fee	12,000	6,003	5,997	50%	
Animal Control Fines	6,000	4,624	1,376	77%	
TOTAL FINES & FORFEITURES	**$ 232,000**	**$ 151,241**	**$ 80,759**	**65%**	
REVENUE FROM USE OF PROPERTY					
Interest Revenue	$ 100,000	$ (37,416)	$ 137,416	-37%	
Rental of Real Property	54,000	56,129	(2,129)	104%	
Rental of Real Property-Recreation	5,500	5,285	215	96%	
TOTAL REVENUE FROM USE OF PROPERTY	**$ 159,500**	**$ 23,997**	**$ 135,503**	**15%**	
CHARGES FOR SERVICES					
Property Clean Up Fees	$ 2,000	$ 4,330	$ (2,330)	216%	
Payment in Lieu of Tax from Proprietary Funds	1,217,260	-	1,217,260	0%	Allocation transfers from Enterprise Funds
DMV Stop Fees	6,000	5,341	659	89%	
Administrative Fees	18,000	6,252	11,748	35%	
Judicial Operations Charges for Services	70,167	54,441	15,726	78%	
Public Safety Tax Exempt Service Charge	6,400	6,972	(572)	109%	
Sale of Publications & Maps	-	177	(177)	#DIV/0!	
Recreation Charges for Services	$ 536,075	409,435	126,640	76%	
TOTAL CHARGES FOR SERVICES	**$ 1,855,902**	**$ 486,948**	**$ 1,368,954**	**26%**	
MISCELLANEOUS					
Sale of Salvage & Surplus	$ 15,000	$ 31,210	$ (16,210)	208%	
Payment in Lieu of Taxes SRHA	14,000	13,923	77	99%	
Donations	3,130	4,519	(1,389)	144%	
Miscellaneous	5,000	16,178	(11,178)	324%	
TOTAL MISCELLANEOUS	**$ 37,130**	**$ 65,829**	**$ (28,699)**	**177%**	
RECOVERED COSTS					
Wellness Program Reimbursement	$ 12,500	$ 6,630	$ 5,870	53%	
Recovered Costs - Courts	58,000	-	58,000	0%	
Recovered Costs- Public Safety	615,735	647,172	(31,437)	105%	Buy-In from Harrisonburg/Rockingham for Regional Jail
Recovered Costs- Police Security	45,000	34,204	10,796	76%	
Recovered Costs- Insurance Recovery	11,858	21,765	(9,907)	184%	
Recovered Costs- Public Works	25,000	4,108	20,892	16%	
Recovered Costs- Education	379,000	-	379,000	0%	Software Annual Costs and Bus Mechanic Services
Recovered Costs- Recreation/ Library	55,000	44,509	10,491	81%	Talking Book Center Reimbursement
TOTAL RECOVERED COSTS	**$ 1,202,093**	**$ 758,389**	**$ 443,704**	**63%**	

MARCH 2022

GENERAL FUND REVENUES	FY2022 BUDGET	ACTUAL YTD		AVAILABLE BUDGET	% RECEIVED	
COMMONWEALTH OF VIRGINIA REVENUE						
Public Facilities Tax	$ 50,000	$ 36,872		$ 13,128	74%	State sales tax revenue from Hotel 24 South
Recordation	45,000	-		45,000	0%	
Rolling Stock Taxes	9,600	10,097		(497)	105%	
Motor Vehicle Rental Tax	87,500	90,981		(3,481)	104%	
HB599 Law Enforcement	954,888	477,490		477,398	50%	Quarterly Payments from State
Personal Property Tax Relief Act (PPTRA)	1,652,000	1,569,590		82,410	95%	
Recordation - Grantor's Tax	50,000	70,936		(20,936)	142%	
Juror/Witness Fees	10,000	1,635		8,365	16%	
DCJS- Victim Witness Grant	33,765	(10,879)		44,644	-32%	
DMV Four for Life Funds	23,500	22,774		726	97%	
DMV Animal License Plates	750	867		(117)	116%	
State Crime Forfeited Assets- Police	-	30,781		(30,781)	#DIV/0!	Revenue based on criminal drug activity
Fire Programs Fund	88,000	96,112		(8,112)	109%	
E911 Wireless Funds	95,000	87,330		7,670	92%	Grants from the Wireless Board of Virginia
Street & Highway Maintenance	4,798,472	3,279,239		1,519,233	68%	Quarterly Payments from State
Miscellaneous State Aid	-	20,455		(20,455)	#DIV/0!	
Public Assistance	1,521,908	748,475		773,433	49%	
CSA Administrative Fees	10,787	10,787		-	100%	
Comprehensive Services Act (CSA)	2,212,100	936,513		1,275,587	42%	
VA Comm for the Arts	4,500	4,500		-	100%	
Library	155,000	128,039		26,961	83%	Quarterly Payments from State
Commissioner of Revenue	132,408	88,983		43,425	67%	
Treasurer	130,338	88,229		42,109	68%	
Electoral Board & Registrar	73,926	1,836		72,090	2%	
Commonwealth Attorney	565,439	371,236		194,203	66%	
Sheriff	413,943	275,705		138,238	67%	
Circuit Court Clerk	323,591	209,568		114,023	65%	
Circuit Court Technology Grant	14,406	7,816		6,590	54%	
TOTAL COMMONWEALTH OF VIRGINIA	**$ 13,456,821**	**$ 8,655,965**		**$ 4,800,856**	**64%**	
FEDERAL REVENUES						
Victim Witness Federal Grant	$ 78,784	$ 27,359		$ 51,425	35%	Accrual - Will clear in coming months
Federal DMV Grant	-	6,308		(6,308)	#DIV/0!	Accrual - Will clear in coming months
U S Marshall Forfeited Asset	22,000	8,107		13,893	37%	Accrual - Will clear in coming months
DCJS Grants	-	887		(887)	#DIV/0!	
CARES Act Funding	6,559,222	-		6,559,222	0%	
Welfare Public Assistance	1,305,629	743,834		561,795	57%	
Federal Forfeited Assets	-	-		-	#DIV/0!	
TOTAL FEDERAL REVENUE	**$ 7,965,635**	**$ 786,494**		**$ 7,179,141**	**10%**	
Appropriation of Prior Year Fund Balance	9,862,047			$ 9,862,047		
TOTAL PRIOR YEAR APPROPRIATIONS	**$ 9,862,047**	**$ -**		**$ 9,862,047**	**0%**	
TOTAL GENERAL FUND REVENUES	**$ 77,715,091**	**$ 36,402,574**		**$ 41,312,517**	**46.8%**	
	$ -	**$ -**	**$ -**			

MARCH 2022

GENERAL FUND EXPENDITURES	FY2022 BUDGET	ACTUAL YTD	ENCUMBRANCES	AVAILABLE BUDGET	% EXPENDED
GENERAL GOVERNMENT ADMINISTRATION					
CITY COUNCIL	$ 137,661	$ 100,590	$ -	$ 37,071	73%
CLERK OF COUNCIL	108,552	43,708	5,000	59,844	45%
CITY MANAGER	588,966	455,615	586	132,765	77%
HUMAN RESOURCES	662,299	479,219	5,292	177,788	73%
CITY ATTORNEY	442,420	231,256	46,212	164,952	63%
COMMUNICATIONS MANAGER	106,059	102,685	-	3,374	97%
PROFESSIONAL CONSULTANTS	75,000	53,000	-	22,000	71%
CITY MEMBERSHIPS	28,750	25,895	-	2,855	90%
FINANCE	1,457,396	854,341	99,788	503,267	65%
ASSESSOR	334,818	218,653	6	116,159	65%
COMMISSIONER OF REVENUE	374,747	263,468	134	111,144	70%
TREASURER	397,348	278,617	78	118,652	70%
REGISTRAR	214,582	144,467	28	70,087	67%
INFORMATION TECHNOLOGY	1,380,386	782,710	29,351	568,326	59%
RISK MANAGEMENT	695,000	496,608	-	198,392	71%
TOTAL GENERAL GOV'T ADMINISTRATION	**$ 7,003,984**	**$ 4,530,832**	**$ 186,474**	**$ 2,286,677**	**67%**
JUDICIAL ADMINISTRATION					
CIRCUIT COURT	$ 164,428	$ 114,757	$ -	$ 49,671	70%
GENERAL DISTRICT COURT	16,900	9,969	-	6,931	59%
MAGISTRATES	2,000	120	-	1,880	6%
JUVENILE DOMESTIC RELATIONS COURT	75,092	-	-	75,092	0%
CLERK OF THE CIRCUIT COURT	596,176	403,474	455	192,247	68%
SHERIFF	857,726	654,492	8,948	194,286	77%
VICTIM/WITNESS GRANT	116,430	54,129	-	62,301	46%
COMMONWEALTH ATTORNEY	940,743	616,679	9,942	314,122	67%
TOTAL JUDICIAL ADMINISTRATION	**$ 2,769,495**	**$ 1,853,620**	**$ 19,345**	**$ 896,530**	**68%**
PUBLIC SAFETY					
POLICE	$ 5,752,410	$ 4,054,245	$ 87,768	$ 1,610,398	72%
E911 CENTER	953,333	527,318	7,586	418,429	56%
FIRE	3,312,080	2,427,157	-	884,923	73%
COMMUNITY PUBLIC SAFETY	183,676	33,636	-	150,040	18%
JUVENILE DETENTION HOME	256,484	97,956	-	158,528	38%
JAIL	2,782,021	2,060,618	-	721,403	74%
OFFICE ON YOUTH	165,000	73,979	-	91,021	45%
INSPECTIONS	407,961	268,905	22	139,034	66%
ANIMAL CONTROL	100,500	3,855	-	96,645	4%
MEDICAL EXAMINER	250	240	-	10	96%
TOTAL PUBLIC SAFETY	**$ 13,913,715**	**$ 9,547,908**	**$ 95,375**	**$ 4,270,431**	**69%**

MARCH 2022

GENERAL FUND EXPENDITURES	FY2022 BUDGET	ACTUAL YTD	ENCUMBRANCES	AVAILABLE BUDGET	% EXPENDED	
PUBLIC WORKS						
ENGINEERING	$ 286,401	$ 197,339	$ -	$ 89,062	69%	
PUBLIC WORKS ADMINISTRATION	288,734	202,257	355	86,122	70%	
STREETS	4,207,415	1,485,004	1,900,867	821,544	80%	
TRAFFIC ENGINEERING	300,932	156,601	12,526	131,805	56%	
TRAFFIC SIGNALS	315,956	159,167	25,479	131,310	58%	
BUILDING MAINTENANCE	1,409,275	905,947	117,666	385,662	73%	
EQUIPMENT MAINTENANCE	473,653	330,230	29,271	114,152	76%	
TOTAL PUBLIC WORKS	**$ 7,282,366**	**$ 3,436,546**	**$ 2,086,163**	**$ 1,759,657**	**76%**	
HEALTH AND WELFARE						
PUBLIC HEALTH	$ 308,388	$ 284,218	$ -	$ 24,170	92%	
VALLEY COMM SERVICES BOARD	193,869	193,869	-	-	100%	Quarterly Payments
COMMUNITY POLICY MGMNT TEAM (CSA)	3,150,000	1,576,586	-	1,573,414	50%	
DEPT OF SOCIAL SERVICES	3,718,513	2,009,970	-	1,708,543	54%	
TAX RELIEF FOR THE ELDERLY	207,660	-	-	207,660	0%	Real Estate Tax Relief- processed May each year
COMMUNITY WELFARE ASSISTANCE	104,524	68,881	-	35,643	66%	Outside Agency Contributions
TOTAL HEALTH AND WELFARE	**$ 7,682,954**	**$ 4,133,524**	**$ -**	**$ 3,549,430**	**54%**	
EDUCATION -OTHER						
EDUCATIONAL CONTRIBUTIONS-BRCC	$ 9,000	$ 7,750	$ -	$ 1,250	86%	Contribution to Blue Ridge Community College
TOTAL EDUCATION-OTHER	**$ 9,000**	**$ 7,750**	**$ -**	**$ 1,250**	**86%**	
PARKS, RECREATION, LIBRARY, CULTURAL						
PARKS AND RECREATION ADMIN	$ 1,404,077	$ 677,048	$ 216,280	$ 510,749	64%	
HORTICULTURE	188,412	98,937	-	89,475	53%	
GOLF COURSE	130,931	81,489	-	49,442	62%	
COMMUNITY RECREATION ASSISTANCE	20,000	20,000	-	-	100%	Boys and Girls Club
PARK MAINTENANCE	1,197,708	640,230	41,085	516,394	57%	
COMMUNITY CULTURAL CONTRIBUTIONS	15,500	14,000	-	1,500	90%	Outside Agency Contributions
LIBRARY	1,203,637	821,963	2,683	378,991	69%	
TOTAL PARKS, RECREATION, LIBRARY, CULTURAL	**$ 4,160,265**	**$ 2,353,667**	**$ 260,047**	**$ 1,546,551**	**63%**	
PLANNING AND COMMUNITY DEVELOPMENT						
PLANNING	$ 427,208	$ 245,777	$ 78,716	$ 102,716	76%	
COMMUNITY DEVELOPMENT ASSISTANCE	361,286	246,243	-	115,043	68%	Outside Agency Contributions
ECONOMIC DEVELOPMENT	1,252,725	270,905	40,000	941,820	25%	
TOURISM	511,197	235,191	26,813	249,193	51%	
STAUNTON WELCOME CENTER	54,673	25,840	-	28,833	47%	
TRANSPORTATION-CSPDC	75,510	73,997	-	1,513	98%	
TOTAL PLANNING AND COMMUNITY DEVELOPMENT	**$ 2,682,599**	**$ 1,097,953**	**$ 145,528**	**$ 1,439,118**	**46%**	

SEPTEMBER 30, 2021

GENERAL FUND EXPENDITURES	FY2022 BUDGET	ACTUAL YTD	ENCUMBRANCES	AVAILABLE BUDGET	% EXPENDED	
TRANSFERS TO OTHER FUNDS/NON-DEPARTMENTAL						
TRANSFER TO DEBT SERVICE FUND	$ 4,844,415	$ 4,844,415	$ -	$ -	100%	Annual Debt Payments
TRANSFER TO CIP FUND	7,257,050	7,257,050	-	-	100%	
TRANSFER TO EDUCATION FUND	13,626,250	6,813,125	-	6,813,125	50%	Education Transfer/ Second half to occur in June
NON-DEPARTMENTAL EXPENDITURES	6,484,497	5,461	-	6,479,036	0%	Distribution account-equal to zero at year end
TOTAL TRANSFERS AND NON-DEPARTMENTAL	**$ 32,212,212**	**$ 18,920,051**	**$ -**	**$ 13,292,161**	**59%**	
TOTAL GENERAL FUND EXPENDITURES	**$ 77,716,590**	**$ 45,881,851**	**$ 2,792,933**	**$ 29,041,806**	**62.6%**	

FY2022 GENERAL FUND BUDGET

ADOPTED BUDGET	$ 61,753,974	JULY 1, 2021
ENCUMBRANCE CARRY FORWARDS	432,736	JULY 1, 2021
FY2022 BUDGET AMENDMENT NO. 1	6,543,777	July 22, 2021
FY2022 BUDGET AMENDMENT NO. 2	194,995	August 26, 2021
FY2022 BUDGET AMENDMENT NO. 3	8,791,108	January 13, 2022
FY2022 REVISED BUDGET	$ 77,716,590	$ 77,716,590
FY2022 REVENUES	$ 36,402,574	
FY2022 EXPENDITURES	$ (45,881,851)	
FY2022 NET YTD	$ (9,479,277)	

Attachment #2

Attachment # 2

City of Staunton - Gypsy Hill Golf
Unaudited Operating Statement @ 3/31/2022

		FY2022 Budget		Unaudited FY2022 YTD		FY2021 Actual
Statistics						
Golf Rounds		**11,000**		**7,413**		**7,520**
* Members		**67**		**140**		**15**
Revenues						
41631 Membership Fees	$	20,000	$	33,370	$	4,720
41639 Cart Rentals		110,642		78,648	$	65,170
41640 Green Fees		51,933		51,933	$	57,280
Total Revenue	$	182,575	$	163,951	$	127,170
Expenses						
51006 Salaries	$	55,461	$	39,826	$	40,471
51510 Part - Time Help		13,879		10,044	$	10,534
51530 Overtime		0		0	$	-
52001 Group Life Insurance - VRS		743		556	$	545
52005 Health Insurance		0		0	$	-
52010 Social Security		5,330		3,824	$	3,910
52020 Retirement VRS		8,475		6,341	$	6,216
52030 Unemployment Insurance - VEC		68		69	$	48
53001 Advertising		3,000		1,800	$	22
53010 Professional Services		12,250		3,541	$	198
53040 Tree Care		15,000		6,145	$	-
53085 Collection Fees		0		2,287	$	-
53101 Main/Repair - Office Equipment		600			$	-
55001 Telephone		300		237	$	352
55002 Dues & Subscriptions		500		801	$	-
55015 Utilities - Elec tric		563		1,180	$	865
55405 Office Supplies		500		779	$	165
55415 Materials/ Supplies		200		0	$	-
55457 Fertilizers / Chemicals		0		0	$	-
55481 Gas & Oil		6,000		2,823	$	2,255
55497 Rental of Equipment		6,000		0	$	-
55498 Software License Fees		2,000		0	$	-
Operations Costs	**$**	**130,869**	**$**	**80,253**	**$**	**65,581**
Park Maintenance Allocation						
Allocation - Pro Rated Budget	$	340,843	$	255,632	$	219,491
Park Maintenance Allocation Costs	**$**	**340,843**	**$**	**255,632**	**$**	**219,491**
Debt						
59600 Refunding Principal	$	25,000	$	25,000	$	20,000
59601 Refunding Interest		7,295		7,295		9,081
Debt Service Costs	**$**	**32,295**	**$**	**32,295**	**$**	**29,081**
Total Expense	**$**	**506,044**	**$**	**368,180**	**$**	**314,153**
Net Income / (Loss)	**$**	**(323,469)**	**$**	**(204,229)**	**$**	**(186,983)**

127 adult members/ 13 junior members

CITY COUNCIL **AGENDA BRIEFING**

Staunton, VA

Meeting Date:	**May 26, 2022**	**Staff Member:** **Phil Trayer**
Item #	**C**	
Department:	**Finance**	
Alignment with Staunton Plan (Value/Strategic Area):	**Value: Excellence** **Strategic Area: Responsive, Efficient Government**	
Subject:	**Revision to Financial Management Policy Fund Balance/Reserve Policy**	

Background: City Council adopted a Fund Balance/Reserve Policy in May 2011 to comply with new accounting and fiscal management standards. The policy adopted established a Safety Net Reserve amount for each major fund equal to 10% of the subsequent year's budget. The policy has been revised six times since the policy was established. The last year this policy was officially updated by Council was in 2017 which brought the reserve amount to up 15%. During the FY2019 Fund Balance presentation Council intended to revise the policy to establish a 15.5% reserve level but due to the pandemic, official action was not taken to raise the limit. The City's goal has been to raise the safety net reserve to 18% by June 30, 2027.

Attached is the revised policy to increase the safety net reserve to 16.5%, effective June 30, 2022. Based on the FY2023 General Fund Adopted Budget of $65,192,940, the safety net reserve amount will equal $10,756,835. The additional 1% increase will increase the fund balance at June 30, 2022 by $651,929.

Attachment: City of Staunton Financial Management Policy for the Fund Balance/Reserve Policy

Interim City Manager's Recommendation: Approve the revised Fund Balance/Reserve Policy

Suggested Motion: I move that Council approve the revised Financial Management Policy for the Fund Balance/Reserve Policy increasing the safety net reserve amount to 16.5% effective June 30, 2022.

Interim City Manager: Leslie Beauregard

Attachment #1

FINANCIAL MANAGEMENT POLICY

City of Staunton, Virginia

Fund Balance / Reserve Policy

Revised May 26, 2022
Revised May 11, 2017
Revised April 28, 2016
Revised April 23, 2015
Revised May 22, 2014
Revised May 23, 2013
Adopted May 26, 2011

Safety Net Reserve

1. The City of Staunton will establish, at June 30 each year, a Safety Net Reserve, categorized as Committed Fund Balance, for all major operating funds equal to sixteen and one half percent (16.5%), of the subsequent fiscal year total adopted expenditure budget for those operating funds.

2. All major funds include: General Fund, Water Fund, Sewer Fund, Environmental Fund, and the Stormwater Fund.

3. Financial circumstances allowing the use of the Safety Net Reserve to be appropriated for expenditures by City Council include:

   a. Unanticipated natural disasters resulting from storm damage, unseen infrastructure damage for water and sewer system deterioration, bridge repair, etc., exceeding $100,000 in damage.

   b. Imposition of mandates by Federal and State governments such as, water, sewer and landfill regulations, construction of court and jail facilities, etc., exceeding $100,000 in costs.

   c. Court decisions resulting in unbudgeted expenditures, in excess of $100,000.

   d. Acts of terrorism against the City destroying the City's infrastructure or causing a financial hardship to provide services to citizens, in excess of $100,000.

4. The Safety Net Reserve will not be available for appropriation due to a general economic slowdown or recession. The City shall adjust its revenues and expenditures according to the economic conditions.

5. Funds used from the Safety Net Reserve shall be appropriated through the annual budget ordinance or by a budget amendment ordinance approved and adopted by City Council.

6. In the event the Safety Net Reserve or a portion of the reserve is used, the City will restore the Safety Net Reserve to the fifteen and one half percent level within thirty-six months. If restoration cannot be accomplished within such time period without severe hardship to the City, the Chief Financial Officer will prepare a financial plan to restore the reserve to the sixteen and one half level.

7. In no event, will the Safety Net Reserve be less than the amount calculated at June 30, 2022, equal to $ 10,756,835, (FY2022 General Fund Budget = $65,192,940 times 16.5%).

City of Staunton, Virginia

Fund Balance / Reserve Policy

Revised May 26, 2022
Revised May 11, 2017
Revised April 28, 2016
Revised April 23, 2015
Revised May 22, 2014
Revised May 23, 2013
Adopted May 26, 2011

General Contingency

1. The City shall establish a General Contingency amount for the General Fund equal to $250,000, categorized as Unassigned General Fund Balance, to provide for unexpected declines in budgeted revenues or unanticipated emergency expenditures, such as:

    a. Unexpected declines in revenues such as the bankruptcy of a major taxpayer or the relocation of a major taxpayer outside of the City boundaries during a fiscal year;

    b. Unforeseen limitations on a governments taxing and spending powers imposed by the State or Federal government;

    c. Adjustments to revenue and expenditure estimates due to sudden changes in the economic climate affecting the City's financial condition either from local or global economic conditions;

    d. Unanticipated major repairs or replacement of an asset used in the daily operations of service delivery to citizens;

    e. Unanticipated expenditures for excessive worker's compensation, insurance premiums, and overtime expenses;

    f. The City shall not use the Unassigned General Contingency to finance recurring operating expenditures.

2. Funds in excess of the Safety Net Reserve, the General Contingency amount, and carry forward appropriations unexpended at fiscal year-end, shall be given first consideration for appropriation in the City's Capital Improvements Fund. Such appropriation shall be in the form of a budget amendment to the subsequent year's budget.

Any funds in the Education Fund in excess of the annual expenditures for any year ending June 30 shall be given first consideration for appropriation to the Education Fund Capital Improvement Fund. Such appropriation shall be in the form of a budget amendment to the subsequent year's budget or approved through the annual budget adoption procedures.

City of Staunton, Virginia

Fund Balance / Reserve Policy

FUND BALANCE CLASSIFICATION POLICY

Committed Fund Balance:
Committed fund balance includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council. Formal action includes the adoption of the annual City Budget Ordinance or adoption of budget amendment ordinances during the course of the operating year.

Assigned Fund Balance:
Assigned fund balance includes amounts constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed. The Chief Financial Officer is delegated the authority to assign fund balance for specific purposes.

Restricted Fund Balance:
Restricted fund balance includes amounts that have constraints placed on their use by external sources such as creditors for debt covenants, grantors, contributors, or laws or other regulations of other governments. Restricted fund balance can also be imposed by law through constitutional provisions or enabling legislation. The source of the constraint is outside the government and cannot be changed by City Council.

Nonspendable Fund Balance:
Nonspendable fund balance includes amounts that cannot be spent because they are either not in spendable form such as inventories, property acquired for resale, prepaid amounts, or are amounts that are legally or contractually required to be maintained intact.

Unassigned Fund Balance:
Unassigned fund balance consists of amounts not assigned to other funds, or restricted, committed or assigned within the same fund. Unassigned fund balance includes all spendable amounts not contained in the other classifications and are technically available for any purpose.

Policy on the order of spending resources:
When expenditures are incurred for purposes for which multiple unrestricted categories could be used, the following order is considered: committed amounts are presumed to be used first, followed by the assigned amounts, and then the unassigned amounts.

Revised: May 26, 2022
Revised: May 11, 2017
Revised: April 28, 2016
Revised: April 23, 2015
Revised: May 22, 2014
Revised: May 23, 2013
Adopted: May 26, 2011

____
Andrea W. Oakes, Mayor

ATTEST: ________________________________
Kiley A. Kesecker, Clerk of Council

CITY COUNCIL **AGENDA BRIEFING**

Staunton, Virginia

Meeting Date:	**May 26, 2022**	**Staff Members:** **Billy Vaughn** **Amanda DiMeo**
Item #	**D**	
Department:	**Economic Development**	
Alignment with Staunton Plan (Value/Strategic Area):	**Strategic Area: Economic Development**	
Subject:	**Update on the Staunton Crossing Economic Development Efforts**	

Background: During Council's meeting on May 26, 2022, an update will be provided on the recent efforts to prepare and position Staunton Crossing for selection and development by prospective companies. Staff will focus on the following topics:

- Demolition Project
- Marketing Plan Strategy
- VDOT Crossing Way Extension
- Virginia Business Ready Site Program Grant

Interim City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

Interim City Manager: Leslie Beauregard