

**Work Session Agenda
Staunton City Council
Caucus Room
July 28, 2022
6:15 p.m.**

- | | | |
|------------------|-----------|---|
| 6:15 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 6:20 p.m. | 2. | Update from Dr. Garrett Smith, School Superintendent, on the Virginia Department of Education's report "Our Commitment to Virginians: High Expectations and Excellence for All Students" |
| 6:35 p.m. | 3. | Update on Shenandoah Valley Airport Master Plan and Air Service |
| 6:50 p.m. | 4. | Update on American Rescue Plan Act Funds |
| 7:10 p.m. | 5. | Roll Call |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
July 28, 2022
7:30 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Darby

Mayor's Report

**Proclamation—Recognition of Jeff Ribman, Bonnie Huang and
Berkeley House**

Additional Items by Members of Council

Approval of Minutes

Special Meeting of June 22, 2022

Work Session and Regular Meeting of June 23, 2022

REGULAR MEETING

- A. Resolution Consenting to and Confirming Declaration of Local
Emergency Beginning July 6, 2022**

- B. Public Hearing and Consideration of a Request by Barristers Row
Staunton LLC., for Special Use Permits at 1, 5, 7, 9, and 11 Court
Place under the provisions of Section 18.60.070(3)(a), Uses
Permitted on Review, of Chapter 18.60, B-2, General Business
District, of Title 18, Zoning, of the Staunton City Code**

- C. Public Hearing and Consideration of a Request by Oikos Solar
Systems Inc. to Amend Section 18.75.040, Uses Permitted on
Review, of Chapter 18.75, I-1, Light Industrial District, and 18.80.040,
Uses Permitted on Review, of Chapter 18.80, I-2, Heavy Industrial
District of Title 18, Zoning, of the Staunton City Code to Allow Solar
Energy Facilities as a Use Permitted on Review and to Amend
Chapter 18.10, Definitions, to Add a definition for Solar Energy
Facility**

- D. Consideration of the FY 2022 Annual Action Plan for the City of Staunton through the U.S. Department of Housing and Urban Development Community Development Block Grant Program Fund**
- E. Introduction of Ordinance to Amend the FY2022 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Five**
- F. Introduction of Ordinance to Amend the FY2023 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number One**
- G. Consideration to Authorize the 2022 VRA Fall Application and the Exploration of Bank Financing Application for Gardner Springs Project**
- H. Consideration of Amendments to Chapter 2.75 of the Staunton City Code**

Matters from the Interim City Manager

Matters from the Public*

Adjournment

***Public Participation**

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

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 28, 2022	City Council
Item #	1	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Values: Integrity Engagement	
Subject:	Work Session and Regular Meeting Agendas	

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

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

Interim City Manager: Leslie Beauregard

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CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 28, 2022	Councilmember Brenda Mead Dr. Garrett Smith School Superintendent
Item #	2	
Department:	City Council Staunton City Schools	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government	
Subject:	Update from Dr. Garrett Smith, School Superintendent, on the Virginia Department of Education’s report “Our Commitment to Virginians: High Expectations and Excellence for All Students”	

Background: At the request of Councilmember Brenda Mead, Dr. Garrett Smith, Staunton City Schools Superintendent, will provide an update on the Virginia Department of Education's report "Our Commitment to Virginians: High Expectations and Excellence for All Students"

Attachment: Report - "Our Commitment to Virginians: High Expectations and Excellence for All Students"

Interim City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

Interim City Manager: Leslie Beauregard



OUR COMMITMENT TO VIRGINIANS

*HIGH EXPECTATIONS
AND EXCELLENCE
FOR ALL STUDENTS*

MAY 2022



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FOREWORD

Governor Youngkin and Secretary Guidera,

In accordance with Executive Order One, I am issuing this update on the status of our efforts to restore excellence and close K-12 achievement gaps. The ensuing report—told through data—goes well beyond a compliance exercise. It is full of stark facts about gaps in student achievement that have existed for years, but have not been adequately addressed by state leaders. In short, the gaps diminish access to opportunities for many learners, especially for Black, brown, and impoverished students.

Since January 15, I have traveled to multiple school divisions, talked with teachers, built an understanding of the issues, and collaborated with leaders. I can tell you firsthand there are heroic educators and leaders in every school and community. They are making a difference. This report establishes a shared focus essential to our work moving forward. I have reached out to many stakeholders for advice and feedback, including regarding this report. Their contributions and feedback hold great weight and I am grateful for their dedication and partnership. Our continued work together is critical.

This report should create a sense of urgency and importance for all of us. Decisions made at the state level created confusion in Virginia education and downplayed troubling trends. It is noteworthy that the rhetorical emphasis on equity coincided with the widened gaps in student achievement. And now, decisions at the state level must correct those errors and reverse these disturbing trends.

It is important to point out that already-present declines in student achievement were exacerbated by the COVID-19 pandemic school closures in Virginia. Research is emerging regarding learning losses that occurred nationwide. There is consensus that school closures widened achievement gaps, more so for Black and brown students, and those in high-poverty schools. We must—and we will—immediately assess and report on the magnitude of Virginia’s learning loss. In one recent study¹ of eleven states, Virginia showed the greatest decline in state assessment pass rates. The same study also found that Virginia offered in-person school for an average of 9.7% of the 2020-2021 school year, the lowest of the states studied.

Today, we commit to placing Virginia education on a new path—more opportunities for every student, integrity in reporting the performance of our students, greater transparency through the use of data, and increased engagement by all stakeholders, especially parents.

Sincerely,



Jillian Balow
Virginia Superintendent of Public Instruction

EXECUTIVE SUMMARY

Virginia's public schools have been long regarded as among the best in the nation. The Commonwealth is home to schools and school divisions with national reputations for excellence. *But this has been changing in recent years.*

Our reputation and overall high-average performance masks widening students achievement gaps in the Commonwealth's schools and a recent slip in comparison with other states on a range of academic achievement measures. Further, state leaders have lowered expectations for students and redefined success for both students and schools. Accordingly, our trend lines on key measurements are heading in the wrong direction.

By not addressing the downward performance that has been happening for years, more students are bearing the brunt and falling even farther behind. This is unacceptable.

VIRGINIA'S CURRENT STATE: LOWER EXPECTATIONS, WIDER GAPS, AND LACK OF TRANSPARENCY

Lower Expectations

- The State Board of Education changed its accreditation requirements in 2017 to de-emphasize grade-level proficiency in reading and math.
- Despite the gaps between state and national proficiency standards, the State Board of Education voted to lower the proficiency cut scores—meaning how many correct answers it takes to demonstrate proficiency—on Standards of Learning (SOL) tests in math and reading in 2019 and 2020, respectively.

Wider Gaps

- Virginia has wide gaps between student proficiency standards on state reading and math assessments and the grade-level proficiency benchmarks on the National Assessment of Educational Progress (NAEP)—also known as “The Nation’s Report Card.” This is called the “Honesty Gap,”² a term of art used to describe the discrepancy between NAEP and state assessment scores.
 - In fact, only 38% of Virginia fourth graders and 33% of eighth graders were proficient in reading on the 2019 NAEP, compared to 75% and 76%, respectively, on the 2019³ state fourth- and eighth-grade SOL reading tests.
- The honesty gap is wider for Black and brown students. Seventy-one percent (71%) of Black fourth graders demonstrated proficiency on the 2019 math SOL compared to 26% on the NAEP. For Hispanics, the gap was 77% on SOL compared to 36% on NAEP.
- Further compounding these issues, pandemic-related learning loss in reading and math in Virginia is worse than the national average according to Renaissance⁴, a publisher of widely used K-12 assessments.

2 [Definition of the Honesty Gap](#)

3 2019 is the most recent NAEP data and Virginia did not administer a state assessment in 2020.

4 [Renaissance: How Kids Are Performing](#)

FIVE FAST FACTS

ONLY 33%

Virginia 8th graders are proficient in reading on 2019 Nation's Report Card.

ONLY 38%

Virginia 4th graders are proficient in reading on 2019 Nation's Report Card.

2017
↓
TO
2019

Reading SOL test scores grades 3 through 8 declined every year from 2017-2019.

ALARMINGLY
42%

Virginia second graders scored below reading benchmark on PALS in Fall 2021.

3RD ↓ **9TH**

Virginia has fallen from third to ninth in the nation in students earning college credit on AP exams.

Lack of Transparency

- An overly complex school accreditation system diminishes awareness and urgency around the fact that too many students in accredited schools are not achieving at grade level.
- The SOL review process does not sufficiently leverage many critical customers of our schools—including parents, employers, colleges and universities, and the military—to ensure our standards are aligned to the skill and content needs of the knowledge economy.
- Evidence of literacy deficiencies, such as 42% of second graders scoring below the reading benchmark in the fall of 2021⁵, are not widely shared and, thus, have been largely ignored. (The Virginia Literacy Act, enacted in 2022, changes this.)
- Virginia’s honesty gap persists after eighteen states took the necessary steps to better align their state test proficiency benchmarks to the NAEP.

Lower Achievement

- Reading scores declined in grades 3-8 from 2017-2019 on SOL and other state assessments.
- Virginia students in grades four and eight posted statistically significant declines in reading performance on the 2019 NAEP.
- 45% of all Virginia public high school seniors in 2019, including 76% of Black and 56% of Hispanic seniors, were not college-ready in math on the SAT.
- The achievement of Virginia students on Advanced Placement (AP) examinations has fallen from third to ninth in the nation.

Leaving Public Schools

- Virginia parents are taking their kids out of public schools.
- The number of home-schooled students has soared with a 90% increase in transfers from Virginia public schools to home schools from 2019-2020 to 2020-2021.
- Based on preliminary data for 2021-2022, the current public school-to-home schooling transfer percentage represents a 52% increase over 2019-2020 and could increase as final data are reported in August.
- 5,828 students have transferred from Virginia public schools to in-state private schools since the beginning of the 2020-2021 school year.

OUR COMMITMENT TO VIRGINIANS:

The significant lowering of expectations, a lack of transparency with data, and weak accountability for results must end. In the next four years, we will:

- Establish and maintain high expectations for students, schools, and ourselves.
- Advance parent and teacher empowerment to best serve students in partnership.
- Demand zero-tolerance for discrimination in education and beyond.
- Foster innovation in all education environments.
- Provide transparency and accountability so that each child is seen and receives what they need to succeed.
- Ensure post-secondary readiness so that all learners can succeed in life.
- Protect and nurture freedom of speech and inquiry to ensure every student is taught how to think, not what to think.

Leadership Matters

We know this work cannot be done solely from Richmond. The most important education decisions are not made in state capitals; they are made around kitchen tables, in classrooms, and in communities across the Commonwealth. Working together with all stakeholders from the kitchen table to the classroom and from the floor of the General Assembly to the dais of the school board, we will prioritize these commitments and refocus our efforts. We must do the urgent work of ensuring every child in the Commonwealth is prepared to prosper.

VIRGINIA IS LOSING ITS NATIONAL STANDING: WE MUST BE A BEACON OF EDUCATIONAL EXCELLENCE

Historically, Virginia's students have been regarded as among the best in the nation. The Commonwealth is home to schools and school divisions with national and international reputations for excellence. Historically, Virginia students have outperformed their peers on national measures such as the NAEP, AP examinations, and the SAT and ACT college admissions tests.

But today tells a different story. Our reputation and overall high average performance masks widening achievement gaps in the Commonwealth's schools, as well as a recent downward slide in comparison with other states on a range of academic achievement measures. In 2017, downward performance trend lines on the state SOL assessments foreshadowed the declines to come in 2019 on national reading tests for elementary and middle school students. We also have seen this in the performance of our students' on AP exams. Since 2015, the percentage of Virginia students earning a passing score has fallen from third to ninth in the nation. And we have widening gaps in achievement, access to opportunities, quality of schools, and college and career readiness across communities.⁶

We now see that Virginia education has experienced:

- Lack of transparency around negative data trends on key student and school success indicators.
- Lowered expectations and shifted definitions.
- Widening gaps in achievement and access to excellence.

On February 8, 2021, The Washington Post editorial board opined, "Virginia officials have long boasted about requiring more of their students than what is mandated by the federal government. Their constituents should be asking them why they would want to abandon that principle."⁷

**We are asking that same
question now.**

**Virginians are ready
for the answer—
and for change.**

"Virginia officials have long boasted about requiring more of their students than what is mandated by the federal government. Their constituents should be asking them why they would want to abandon that principle."

*-Washington Post
February 8, 2021*

⁶ See Appendices E through H for more detailed data and analyses.
⁷ Opinion: Virginia made a mistake by easing its academic standards

VIRGINIA HAS MOVED IN THE WRONG DIRECTION: TROUBLING TRENDS

Virginia cannot afford to rest on its past reputation. We are facing declines in student performance that started long before the pandemic and were illuminated and exacerbated over the last two years. We must act now to change the alarming trajectory that will otherwise lead to increasing numbers of our students ill-prepared for success in life after high school and beyond.

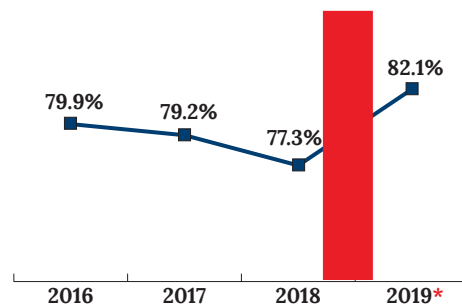
READING AND LITERACY

- 42% of the Commonwealth's second graders scored below the reading benchmark on the Phonological Awareness Literacy Screener (PALS) in fall 2021. When disaggregated, these results show that a majority of Black, Hispanic, and economically disadvantaged students lack knowledge of the important literacy fundamentals that are predictive of future reading success.
- 55.6% of Black, 56.5% of Hispanic, and 56.8% of economically disadvantaged students were below the second-grade PALS reading benchmark.⁸
- Only 61% of third graders demonstrated proficiency on state reading tests in 2021, compared with 71% before the pandemic and similar declines occurred in grades 4-8. In addition, the actual declines in reading achievement on the 2021 SOL tests are masked by lower proficiency cut scores on new assessments introduced last year.

MATHEMATICS

- In 2019—before the pandemic—45% of Virginia public high school graduating seniors were unable to demonstrate college readiness in mathematics on the SAT, including 76% of Black and 54% of Hispanic graduates.
- Virginia's performance in fourth- and eighth-grade math on the NAEP has been higher than the national rate. But in recent years, Virginia's performance has been slipping while the rest of the nation has been trending upward.
- The relatively high SOL pass rate in mathematics in 2018-2019 was largely the product of the State Board of Education's decision to lower proficiency standards and masked several years of declining achievement.⁹

Virginia SOL: Mathematics
Percent Passing



* March 2019: Board of Education lowers proficiency standards on tests.

KINDERGARTEN READINESS

- 4 out of 10 children are not ready for kindergarten.¹⁰
- Today, more than 21,000 Virginia kindergartners are at serious risk of reading failure in the absence of intervention.
- Greater percentages of historically underperforming children began the 2021-2022 school year below the overall readiness benchmark.

8 See Page 5 [Examining the Impact of COVID-19 on the Identification of At-Risk Students: Fall 2021 Literacy Screening Findings](#)
9 See Item G, March 21, 2019, Board of Education Business Session Agenda
10 VKRP Statewide Kindergarten Readiness Landscape - Fall 2021

LEARNING LOSS: WORSE THAN FEARED

No issue, however, is more pressing than the learning loss. Some call it “unfinished” or “disrupted” learning. These terms minimize what has taken place in schools in Virginia and across the nation. A recently released analysis from the National Bureau of Economic Research documents that students denied in-person instruction experienced the greatest learning loss. This research also documents that those already most behind—Black, Hispanic, students living in poverty—were more likely to not be learning in school and therefore experienced the most devastating loss.¹¹ For example, the average high poverty school that remained remote for 2020-21 lost more learning than a year of high-dosage tutoring (30 minutes, 3-5 times per week) can recover.

- During the 2020-2021 school year, Virginia’s students received in-person instruction for 9.7% of the school year—the lowest of the eleven studied. Not surprisingly, Virginia’s decline in student pass rates on the state assessment was the sharpest of the states.¹²
- Virginia’s math performance dropped seven points more than the national average from 2020 to 2022.¹³
- English performance in the Commonwealth dropped one point more than the national average.¹⁴
- The pandemic also exacerbated long-standing achievement gaps, resulting in Black, Hispanic and economically disadvantaged students falling farther behind. For example:
 - 45% of Black third-grade students passed their SOL reading assessment in 2021, compared with 61% in 2017.
 - 43% of Hispanic third graders passed in reading in 2021, compared to 66% in 2017.
 - 45% of economically disadvantaged third-grade students passed in 2021, compared to 62% in 2017.
 - 72% of white third graders passed in 2021, compared to 81% in 2017.

SLIPPING MEASURES OF COLLEGE AND CAREER READINESS

Virginia is experiencing achievement gaps and declines in college admissions testing and AP examinations, two indicators of college and career readiness identified through Virginia’s College and Career Readiness Initiative.¹⁵

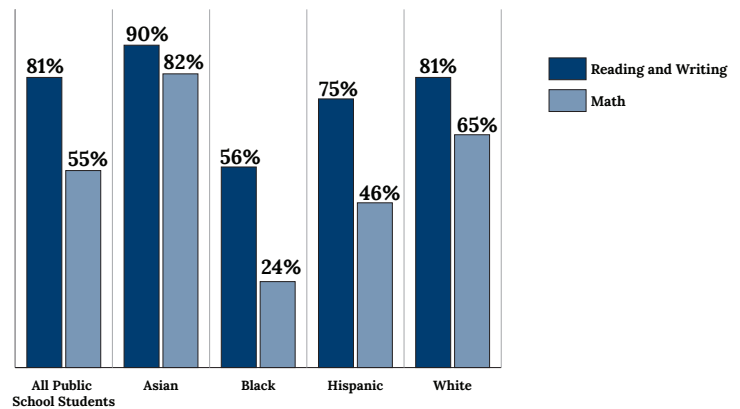
Our goal must be to prepare every learner for success in life and in a career. We have many measures to gauge if our learners are on track to graduate from high school with the skills necessary for the next steps in life. College admissions tests such as the SAT or ACT, AP scores which signal if a student is producing college level outcomes, and our SOLs which are supposed to be calibrated to the demands of the knowledge economy. Historically, the overall performance of Virginia students on the SAT has compared favorably with achievement nationwide and in other SAT-dominant states. However, the relatively high overall achievement of Virginia students on the SAT masks wide gaps in performance and college readiness when state data is disaggregated by race/ethnicity.

11 [The Consequences Of Remote And Hybrid Instruction During The Pandemic](#)
12 [Pandemic Schooling Mode and Student Test Scores: Evidence from U.S. School Districts](#)
13 [For more information on Math performance, see Appendix K.](#)
14 [For more information on English performance, see Appendix L.](#)
15 [Virginia’s College and Career Readiness Initiative](#)

- According to pre-pandemic data for the class of 2019, 54% of the Commonwealth's graduating seniors met all of the College Board's college-readiness benchmarks on the SAT, compared with 45% nationwide. Yet, only 22% of Virginia's Black public high school graduates and 44% of Hispanic public high school graduates met all of the benchmarks, compared with 64% of white graduates and 79% of Asian graduates.
- Disparities across race/ethnicity were largest in math, as only 24% of Black graduates and 46% of Hispanic graduates met the college-readiness benchmark for math, compared with 65% of white graduates, 82% of Asian graduates, and 55% of graduates overall.

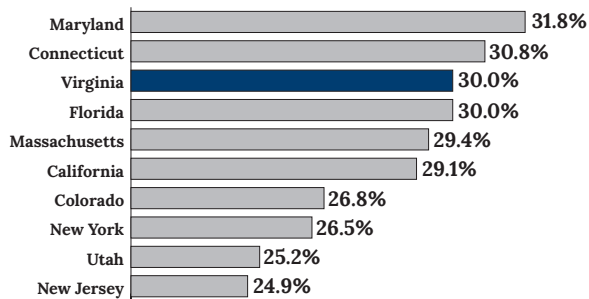
Virginia SAT 2019

Percentage of Students Meeting Benchmarks by Race/Ethnicity

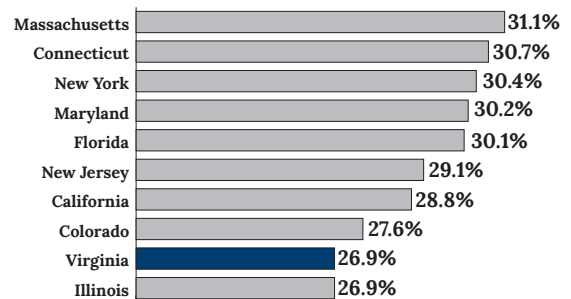


Student performance on AP examinations in Virginia has also declined over the past seven years. In 2015, Virginia was third in the nation in the percentage of high school graduates qualifying for college credit on at least one AP test. Since then, the Commonwealth has fallen to ninth. To improve Virginia's standing in college and career readiness, the state must work with school divisions to improve strategies to increase access to and mastery of rigorous advanced coursework.

2014: Top 10 AP States Graduates with Qualifying Scores



2021: Top 10 AP States Graduates with Qualifying Scores



EXPECTATIONS FOR VIRGINIA'S STUDENTS ARE Too Low

The NAEP is the gold standard of student assessment and is a critical tool for measuring if students are on track to be college and career ready. It is the only assessment that can make an apples-to-apples comparison about student proficiency for all fifty states and compare academic rigor. State policymakers typically use NAEP as a benchmark for ensuring that their education systems are calibrated to prepare students for college and career demands. In fact, it was the dramatic decline in the reading performance of Virginia fourth graders on the 1992 NAEP that served as a catalyst for Virginia to raise academic standards in 1995 and implement a more rigorous state assessment system in the late 1990s.

Because of concerns that many states were not accurately benchmarking their state standards and assessments to the actual rigors of the economy, the nonprofit Achieve created a measurement tool to draw attention to the lack of transparency and accurate and useful information. Achieve's resulting honesty gap refers to the discrepancy—or gap—between scores that are considered to demonstrate student proficiency on the NAEP and state assessments. In 2013, eighteen states, including Virginia, had honesty gaps of more than 20 points. By 2017, the Commonwealth was alongside just two other states—Arkansas and Georgia—with gaps of more than 20 points.

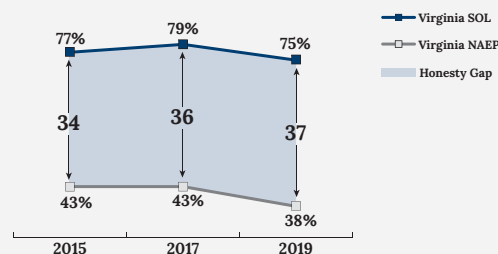
Today, the honesty gap persists in Virginia. For example, proficiency cut scores were lowered in mathematics in 2019, followed by reading in 2020. Virginia is the only state to define proficiency on its fourth-grade reading test below the NAEP Basic level and also sets the lowest bars in the nation for fourth-grade math and eighth-grade reading.¹⁶

THE HONESTY GAP

For nearly a decade, researchers have looked at the discrepancy between proficiency on the NAEP and each state's assessments. In 2013, over half of the states had a gap of 30 points or more. In short, these states reported that many more students were "proficient" than actually were, hence the term, honesty gap. Most states immediately addressed the gap by better aligning their state assessments to be at least as rigorous as NAEP. Yet, Virginia declined to narrow or close its own honesty gap. The following data points demonstrate the disconnects between NAEP and our state reading and math results, which are even more troubling when considering the existing disparities across race and ethnicity.

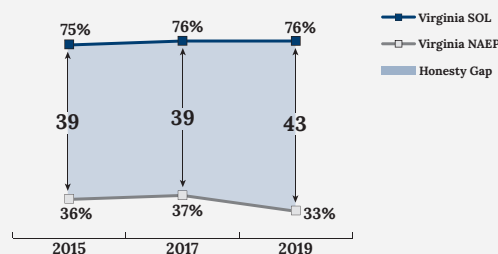
Virginia NAEP vs SOL: Honesty Gap

Grade-4 Reading | Percent Proficient and Above



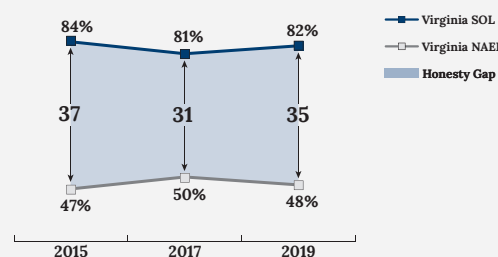
Virginia NAEP vs SOL: Honesty Gap

Grade-8 Reading | Percent Proficient and Above



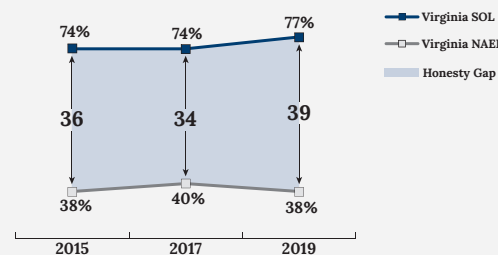
Virginia NAEP vs SOL: Honesty Gap

Grade-4 Math | Percent Proficient and Above



Virginia NAEP vs SOL: Honesty Gap

Grade-8 Math | Percent Proficient and Above

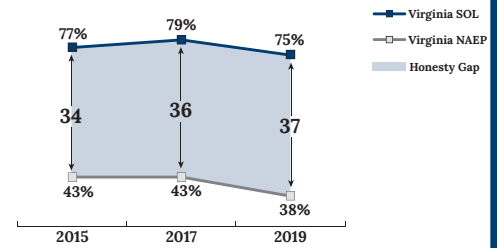


1. According to the 2019 NAEP, only 38% of Virginia fourth-grade students were proficient or above in reading, while SOL reading data indicate 75% are proficient or advanced.

1

Virginia NAEP vs SOL: Honesty Gap

Grade-4 Reading | Percent Proficient and Above

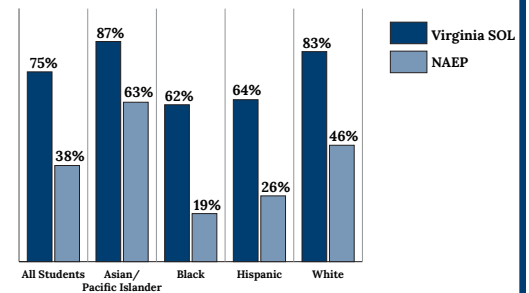


2. 62% of Black fourth graders demonstrated proficiency on their SOL reading tests in 2019, while only 19% were proficient according to NAEP. 64% of Hispanic students demonstrated proficiency on state reading tests, compared to 26% on NAEP.

2

Virginia NAEP vs SOL: Demographics

Grade-4 Reading | Percent Proficient and Above

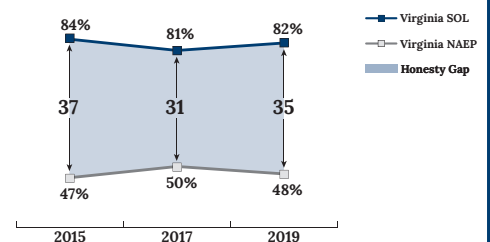


3. 2019 NAEP data also indicate that only 48% of Virginia fourth-grade students are proficient or above in math, while 83% of Virginia fourth-grade students scored proficient or advanced on SOL math assessments.

3

Virginia NAEP vs SOL: Honesty Gap

Grade-4 Math | Percent Proficient and Above

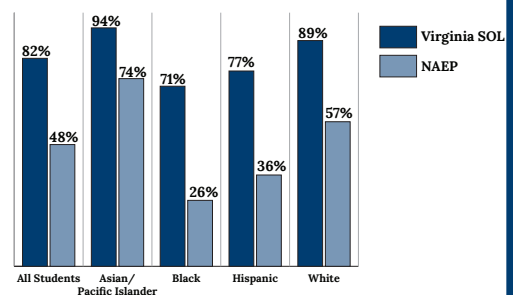


4. 71% of Black fourth graders scored proficient on their SOL math tests in 2019, while only 26% were proficient according to NAEP. 77% of Hispanic students demonstrated proficiency on state math tests, compared to 36% on NAEP.

4

Virginia NAEP vs SOL: Demographics

Grade-4 Math | Percent Proficient and Above



EXPECTATIONS FOR VIRGINIA'S SCHOOLS ARE TOO LOW

Our school accreditation system does not provide a clear, consistent, and understandable picture of how well schools are serving students. Past state policy decisions to lower proficiency benchmarks for students on the state's reading and mathematics assessments as part of the Commonwealth's school accreditation standards have resulted in Virginia having the lowest expectations for student proficiency in the nation.¹⁷ In addition to lowering student proficiency expectations, school performance expectations were also altered to de-emphasize student proficiency. As a result, our current school accreditation system does not make it clear when a school is or is not serving all students well.

Yet, this was not always the case. Virginia began accrediting schools based on the achievement of students on state SOL assessments in 1999. In that year, students in only a handful of the Commonwealth's schools met the benchmark pass rates required for full accreditation. But student achievement improved as VDOE and school divisions worked in partnership to meet the accreditation standards. By 2005, 92% of schools were fully accredited and a bipartisan consensus had emerged around the importance of maintaining high standards for schools and students.

The State Board of Education subsequently increased the rigor of its accreditation standards by including a graduation benchmark for high schools, adopting higher expectations for elementary reading, and replacing multiple choice tests with online assessments that required students to apply content knowledge. With each of these changes, the number of fully accredited schools initially fell but rebounded as school divisions adjusted instruction and more students were able to meet the higher expectations. The improved performance of Virginia students on the SOLs was mirrored by higher levels of achievement on national assessments, including NAEP.

But this culture of excellence took a wrong turn in 2015 as the State Board of Education began a review of its accreditation regulations, culminating in a 2017 adoption of accreditation standards that watered down the importance of grade-level proficiency. These changes resulted in a student who is unable to meet Virginia's lowest-in-the-nation proficiency standards, but meets a minimal objective for growth, being weighed equally with a proficient student in calculating for accreditation ratings. The new accreditation standards made it possible for such a student to support a school's accreditation without being proficient for as many as three consecutive years.

A steady decline in student achievement on state SOL tests followed these accreditation changes. Ensuing NAEP scores also declined, with the 2019 declines in reading described as "statistically significant" by the National Center for Education Statistics. [Appendix N](#) explains the many variations in the state accreditation system that have diminished its ability to provide a clear picture of student progress and achievement. Growth measures are very important, but should not be used at the expense of the primary goal of grade-level proficiency.

A thorough review of the 2017 Standards of Accreditation is a starting point in our larger discussion of ensuring excellence in education.

THOUSANDS OF BELOW-BENCHMARK STUDENTS COUNT TOWARDS VIRGINIA SCHOOL ACCREDITATION

— Virginia Grade-5 Reading —

10,974

fifth-grade students who failed their SOL reading test in 2019 **also failed** to meet Virginia's lowest-in-the-nation reading benchmarks as fourth and third graders.

3,117

of these students were weighed equally with passing students in calculating accreditation ratings for the 2019-2020 school year.

— Virginia Grade-5 Math —

9,837

fifth-grade students who failed their SOL math test in 2019 **also failed** to meet Virginia's lowest-in-the-nation reading benchmarks as fourth and third graders.

2,077

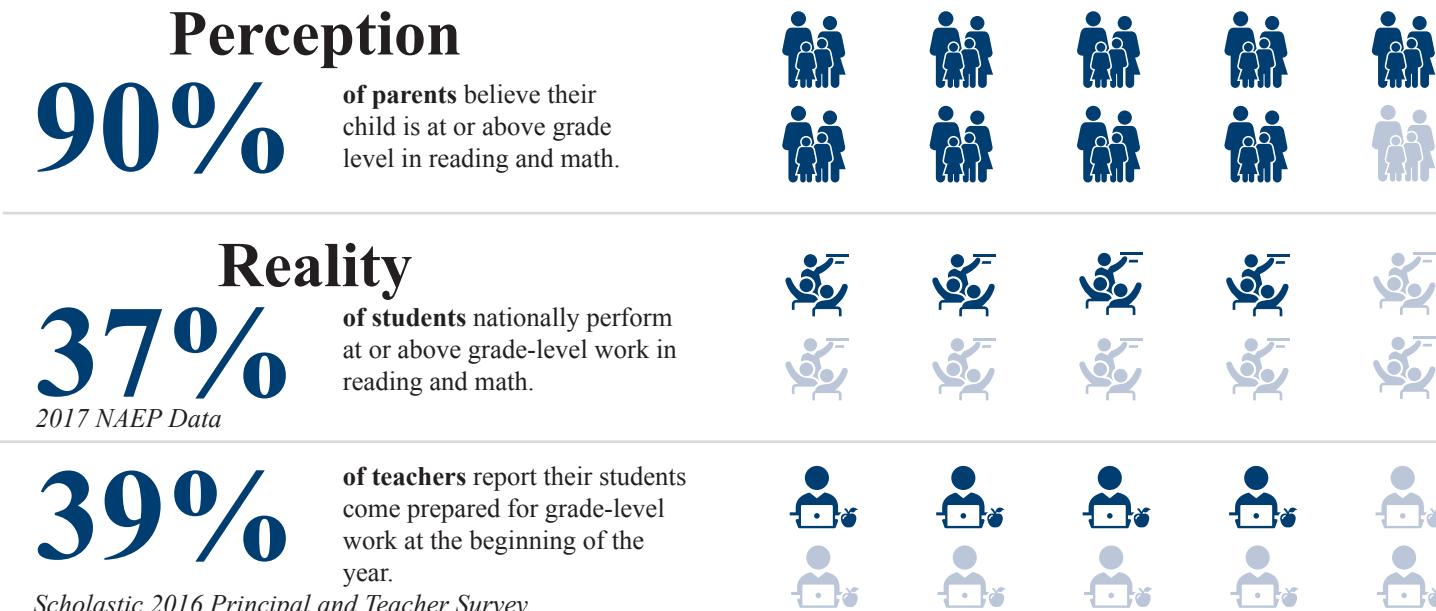
of these students were weighed equally with passing students in calculating accreditation ratings for the 2019-2020 school year.

¹⁷ See [Appendices B, C, and D for charts on proficiency cut scores.](#)

Parent perception of student achievement is inflated, which is unsurprising considering the lack of transparency in Virginia. As the national research below documents, 90% of parents believe their child is at or above grade level in reading and math. In reality, only 37% of students nationally perform at or above grade-level work in reading and math, meaning there is a 53 percentage point gap between parent perception and reality. However, this national research also shows teachers know how their students are doing.

Given teachers are parents’ most trusted source of information, parents and teachers empowered by timely, actionable data can change the trajectory of a child’s education and life. With the learning loss experienced by students following the COVID-19 pandemic, it is more imperative than ever to provide teachers the tools and training necessary to effectively partner with parents to meet every learners’ unique needs.

PARENT PERCEPTION VS REALITY



Source: [Learning Heroes: The Case for an Accurate Picture](#)

ERODING PARENT CONFIDENCE IN VIRGINIA K-12 SCHOOLS

School shutdowns and prolonged virtual instruction had a devastating impact on learning and, as a result, led to an overall lack of confidence in the education system. Thousands of families have “voted with their feet” by leaving Virginia’s public schools since the beginning of the pandemic. For example:

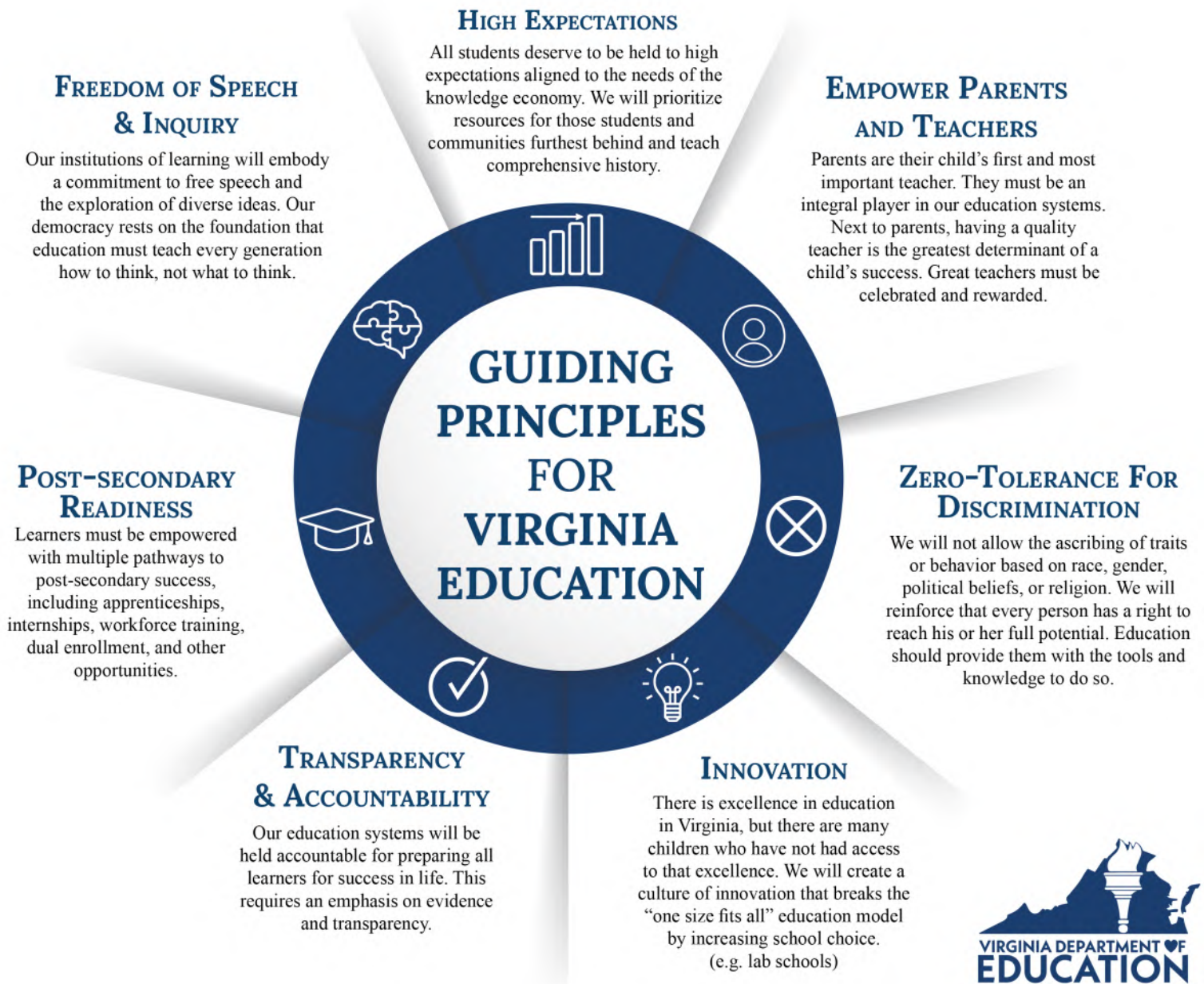
- During the 2019-2020 school year, 38,282 students were home-schooled in the Commonwealth. Home schooling increased 56% in 2020-2021 as the parents of 59,638 school-age children chose not to send their children to public schools.
- Despite the return in 2021-2022 to in-person instruction, the parents of 55,769 home-schooled students elected not to enroll or return their children to public school.
- 3,748 Virginia students transferred in 2020-2021 from a public school to an in-state private school.

The exodus of thousands of families from Virginia’s public schools was noted by UVA’s Weldon Cooper Center for Public Service in a [January 2022 report](#) and [presentation](#). The Center—whose estimates of school-age population are used for the distribution of state sales tax revenue for public schools—reported that the pandemic accelerated a pre-pandemic trend since 2010 of growth in homeschooling and private education outpacing growth in public school enrollment.

MOVING FORWARD: OUR COMMITMENT TO VIRGINIANS

We commit to raise expectations for students and schools, support them to meet those high standards, and hold them accountable for results. We will restore excellence and the opportunity to access quality education for all. We commit to close honesty and achievement gaps and prioritize transparency and accountability. We commit to historic investments in education and collaboration with all stakeholders to realize our goals.

Underpinning our work is a set of principles for how we will conduct business. These principles represent a new approach to education in the Commonwealth and will guide everything we do. In order to directly address the challenges facing Virginia students, schools, and families, we commit to taking the following actions over the next four years.



WE COMMIT TO:

Establish and maintain **HIGH EXPECTATIONS** for students, schools, and ourselves.

- Virginia’s assessment system must provide quality information about student achievement and growth, as well as the health of our state’s education system. We must close the honesty gap by raising proficiency cut scores and improving SOL rigor to align with the demands of the knowledge economy.
- Alongside a bipartisan study group of stakeholders and assessment experts, we will lead efforts to create a best-in-class state assessment system, including providing recommendations to the General Assembly in fall 2023.
- We will ensure that evidence-based literacy instruction is prioritized across Virginia’s schools through faithful implementation of the *Virginia Literacy Act of 2022*, which requires alignment with the science of reading in all instruction. The *Virginia Literacy Act of 2022*:
 - Creates new individualized reading plans for those students not on track to be on grade level by 3rd grade implemented in partnership with parents.
 - Provides new reading specialists to support learners and reading coaches to support teachers across the Commonwealth.
 - Ensures teachers in and preparing for the classroom have mastery of the science of reading aligned instructional practices.
 - Provides tools for parents to support literacy growth at home.



It was passed with the overwhelming support of bipartisan patrons and members of the General Assembly and signed into law as a “Governor’s bill.” This legislation and its implementation will serve as a model for the nation.

- We must have content standards that are best-in-class in depth and breadth, including in history, math, reading, and science, which are due for review in 2022, 2023, 2024, and 2025 respectively. We will revamp the process for reviewing and revising academic standards to honor the critical role employers, families, subject-matter experts, and other key stakeholders have in shaping and aligning our expectations with the needs of the Commonwealth. We will expand our public engagement efforts, which have been historically limited to submission of public comments to VDOE and the State Board of Education, so that all voices are heard when decisions are made about what Virginia’s students learn.

Advance **PARENT AND TEACHER EMPOWERMENT** to best serve students in partnership.

- To empower parents and increase family engagement, VDOE will create opportunities for intentional and ongoing collaboration and communication. VDOE’s recently announced Office of Parental Engagement will empower parents with information and prepare and train teachers to work with parents as partners in the shared effort to support student learning.
- We commit to providing honest, timely, accurate, and actionable information. Parents, educators, and learners will know where every student is succeeding and where they are off track. They will be supported in acting upon this information, providing interventions that put learners back on track for short- and long-term success.



- Parents are a child's first and most important teacher; after parents, the greatest determinant of student achievement is a quality classroom teacher. We are making historic investments in teachers, and will find innovative ways to reward and incentivize great teaching, especially benefiting those who need it most.

In recognition of the importance of a high-quality teacher, VDOE will work to strengthen the teaching profession in Virginia. We will work with our education partners in the Commonwealth and across the nation to implement best practices for growing a diverse and excellent educator workforce to better reflect our student population.

Demand ZERO-TOLERANCE FOR DISCRIMINATION in education and beyond.

- All students deserve an education that does not teach nor practice discrimination, whether it be through the funding their schools receive, the opportunities they have to learn, or preconceived judgments.
- Every student in the Commonwealth deserves access to high-quality, comprehensive, and unbiased history education. VDOE will ensure that state standards support a civic education that allows Virginia students to fully understand their rights and responsibilities as citizens under our foundational documents, including the Declaration of Independence, the Constitution, the Bill of Rights, and the Constitution of Virginia.
- We will not tolerate violations of Title IV and Title VI of the Civil Rights Act of 1964, including policies, programs, training, and curricula that advance discrimination.



Foster Innovation in all education environments.

- One-size-fits-all education does not work. We will fuel a culture of innovation, informed by data and built on the examples of excellence that currently exist in the Commonwealth.
- We will continue to support innovative education by increasing school choice and opportunities for all students, including through our goal to support the launch of 20 new lab schools across the Commonwealth.
- VDOE's recently announced Department of Strategic Innovation will catalog innovative education opportunities and schools—including lab, Governor's, magnet, and charter schools—and disseminate best practices. The department aims to inspire and incubate innovation across school divisions and the Commonwealth.
- There are examples of education greatness across the Commonwealth. We will seek out examples and work to replicate in other communities. Every student deserves to go to a great school. Parents need to be empowered with more choices, including within our public schools.
- Leveraging pandemic relief funds, we will establish and support evidence-based programs that address learning loss and provide direct support to students and families.
 - This work will include creating a supplemental educational micro-grant program for families to purchase additional educational resources for their children.
 - In partnership with schools and community-based organizations serving families with the greatest needs, we will identify and re-engage students who have disappeared from our school systems.



Provide **Transparency and Accountability so that each child is seen and receives what they need to succeed.**

- The people of Virginia—including students, parents and teachers—have not had a clear picture of the academic performance of their students and schools. This will change. Virginia will aim to be the most transparent and accountable state in the nation by first providing a clear picture of student achievement. By the fall of 2022, we will produce a data report that provides a snapshot of learning proficiency, growth, and gaps from March 2020 to June 2022 for every student in the Commonwealth in grades 1-8. While individual reports will be provided directly to students, families, and educators, a general report summarizing the findings will be made available on the VDOE website.
- The changes to the accreditation system over the past decade have diminished the importance of every student being proficient in critical knowledge and skills, including in reading and math. A school that is not fully accredited is a red flag for parents, communities, and taxpayers. Working with the State Board of Education, we will revise the Standards of Accreditation to ensure that schools that earn full accreditation are truly preparing the students in their care for the demands of the workplaces of tomorrow. Accreditation ratings will accurately and clearly reflect the quality of our individual schools. Schools that fail to achieve accreditation cannot operate in the same manner year after year. Such schools will receive enhanced support and direct intervention that engages families, educators, and the community to ensure that all students are receiving a high-quality education that supports their success.



Ensure **POST-SECONDARY READINESS so that all learners can succeed in life.**

- Schools will provide multiple pathways to post-secondary success, including apprenticeships, internships, workforce training, college preparation, dual and concurrent enrollment, and career and technical education.
- VDOE will audit and revise the current career and technical education program offerings to ensure they are aligned with high-wage, high-demand fields.¹⁸
- In order to ensure our students are ready for the global economy, we will prioritize STEM, computer science, and cybersecurity in our future standard setting processes in 2025.



Protect and nurture **FREEDOM OF SPEECH AND INQUIRY to ensure every student is taught how to think, not what to think.**

- A great education must address complicated and uncomfortable topics in ways that support critical thinking and vigorous classroom discussions—without injecting trendy political views or inhibiting free speech. We will support this by providing training to our teachers and school leaders on teaching such subjects and facilitating difficult conversations.



CLOSING THOUGHTS

The interim report, released on February 25, 2022, sparked conversations across the Commonwealth and nation on “divisive concepts” and anti-discrimination efforts. Likewise, this report articulating our commitment to Virginia intends to spark conversations across the Commonwealth and nation as we grapple with difficult realities about student performance. We sought input from partners in education on the drafting and finalization of this report. Setting and implementing strategies and sharing our principles requires continued partnership and shared commitment. This report is an initial step in our work to ensure high expectations and excellence for all students—efforts that will continue for years to come.

There are numerous issues and topics that were not addressed in this report—rural education, early care and learning, English learners, gifted and talented education, special education, and a deeper dive into school operations and capital construction funding—to name a few. Our goal—to provide a best-in-class education for every Virginian—can be accomplished when we work together. Parents, teachers, policymakers, stakeholders, even students cannot be partners without first being informed—this is the first step. The guiding principles serve as the foundation for many conversations and actions about education in the coming months and years. Supported by a foundation of actionable data and our guiding principles, we must work together to ensure high expectations and excellence for all learners in Virginia.

OUR

COMMITMENT

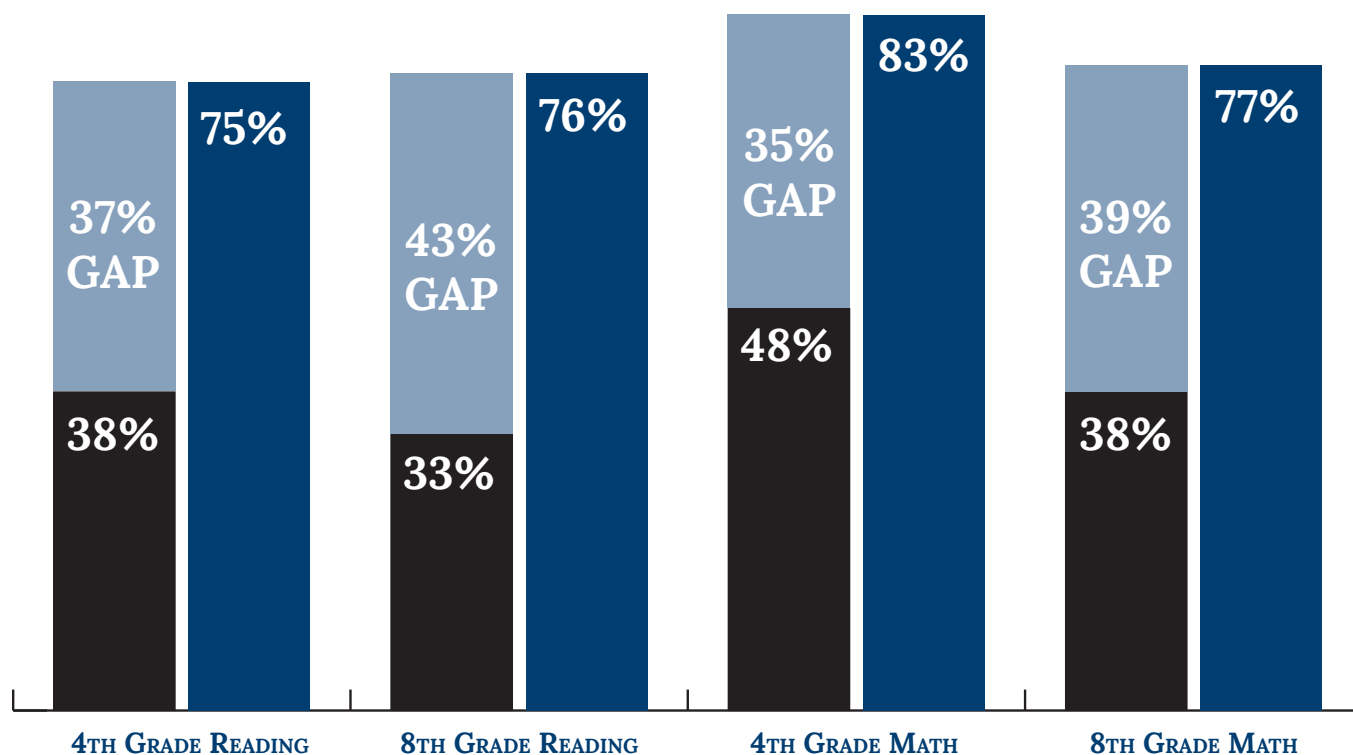
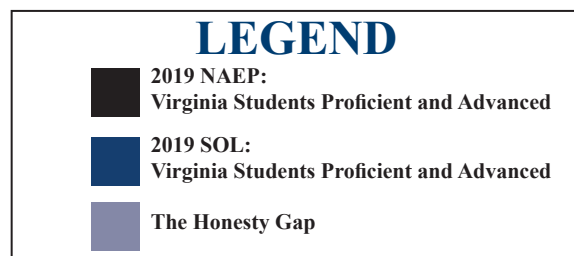
TO VIRGINIANS

DATA APPENDICES

APPENDIX A: THE HONESTY GAP

The proficiency percentages on Virginia’s state SOL assessments are significantly higher than on NAEP. This gap is referred as [the honesty gap](#). For example, in Virginia, 75 percent of 4th graders had a reading pass rate on SOL assessments in 2019. But only 38 percent of 4th graders were proficient in reading on NAEP that same year.

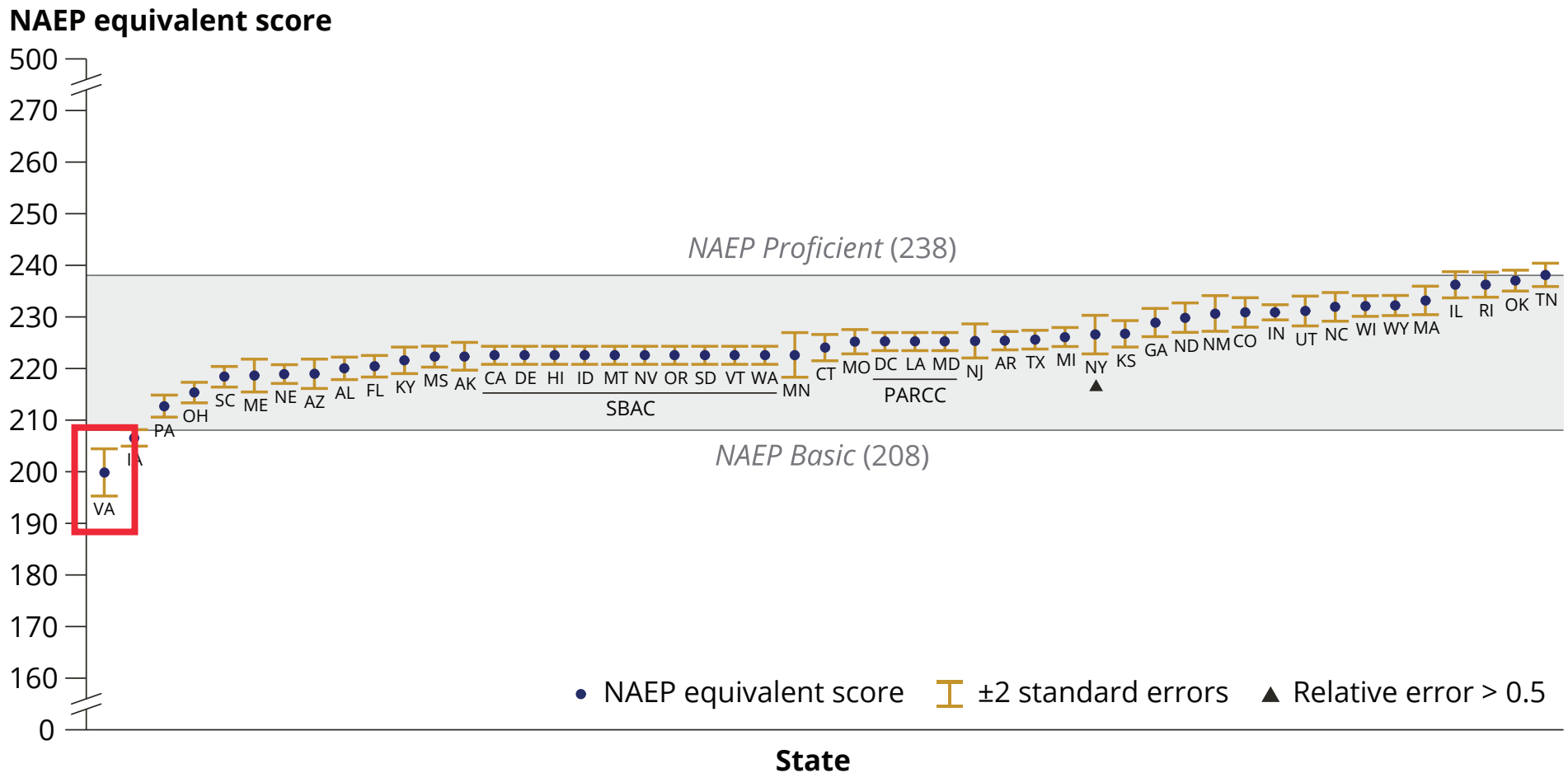
THE HONESTY GAP



2019 Virginia NAEP v.s. SOL	Reading Grade 4	Reading Grade 8	Math Grade 4	Math Grade 8
2019 NAEP Proficient and Advanced	38%	33%	48%	38%
2019 SOL Proficient and Advanced	75%	76%	83%	77%
NAEP difference from SOL Proficient and Advanced	-37%	-43%	-35%	-39%

APPENDIX B: LOWEST PROFICIENCY CUT SCORES - GRADE-4 LITERACY

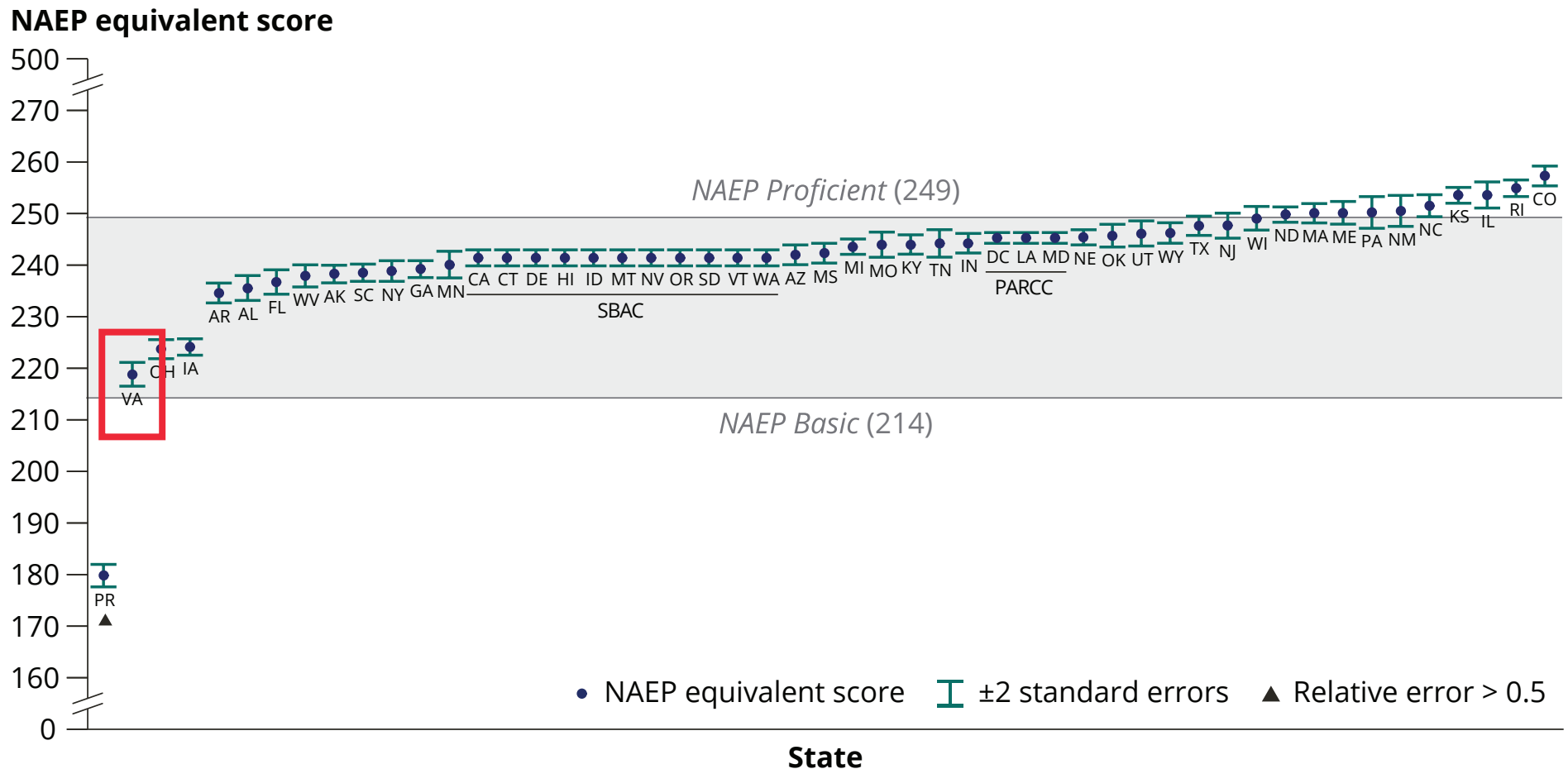
State grade-4 reading proficiency standards compared with NAEP proficiency levels by state: 2019



Source: [Mapping State Proficiency Standards Onto the NAEP Scales: Results From the 2019 NAEP Reading and Mathematics Assessments](#)

APPENDIX C: LOWEST PROFICIENCY CUT SCORES - GRADE-4 MATH

State grade-4 math proficiency standards compared with NAEP proficiency levels by state: 2019

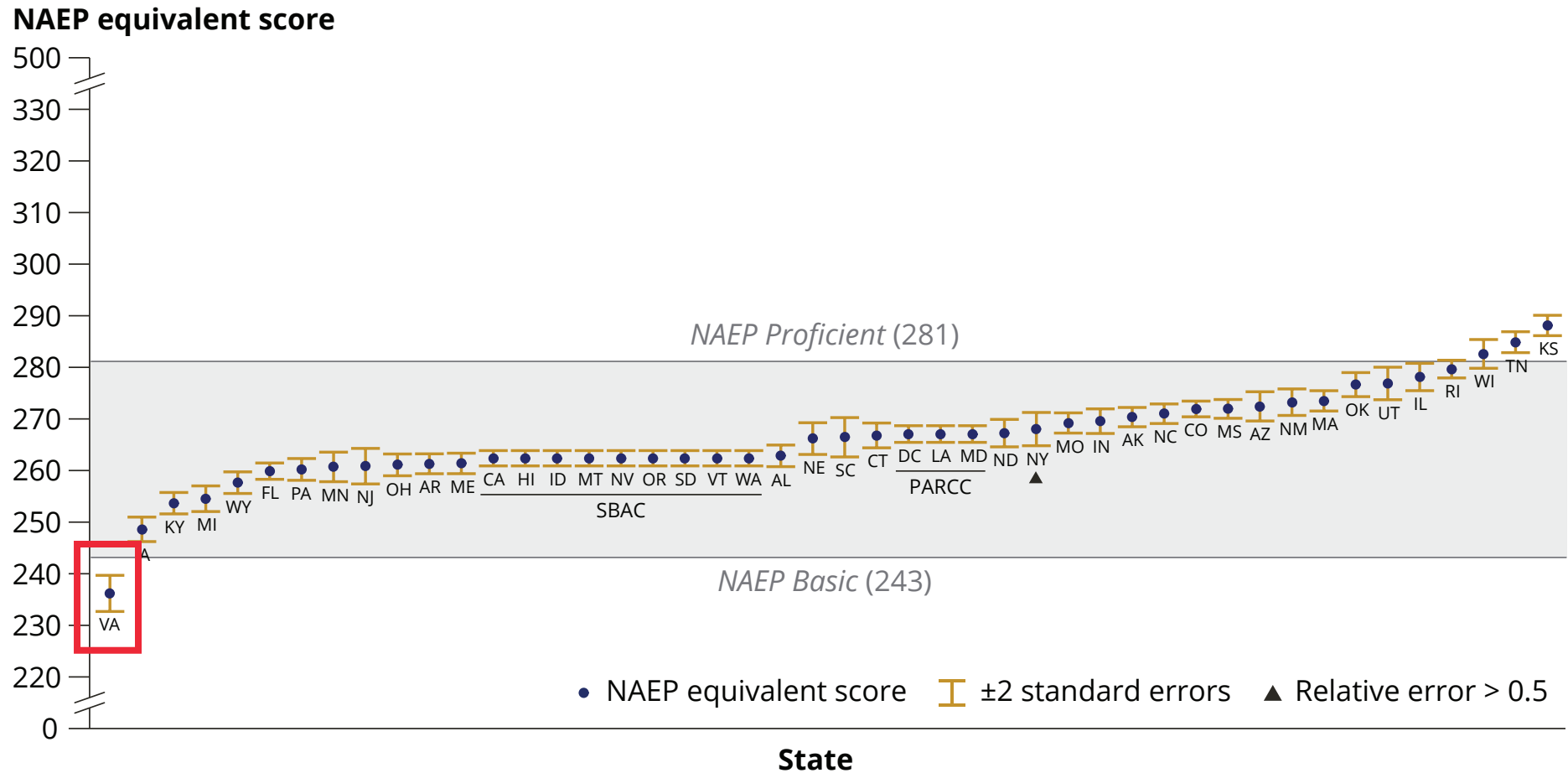


Note: NCES did not compare Virginia's 2019 grade-8 math proficiency standard with NAEP proficiency levels due to the relatively small number of students who took the eighth-grade SOL math assessment, as opposed to the Commonwealth's end-of-course mathematics assessments (Algebra I, Geometry, etc.).

Source: [Mapping State Proficiency Standards Onto the NAEP Scales: Results From the 2019 NAEP Reading and Mathematics Assessments](#)

APPENDIX D: LOWEST PROFICIENCY CUT SCORES - GRADE-8 LITERACY

State grade-8 reading proficiency standards compared with NAEP proficiency levels by state: 2019

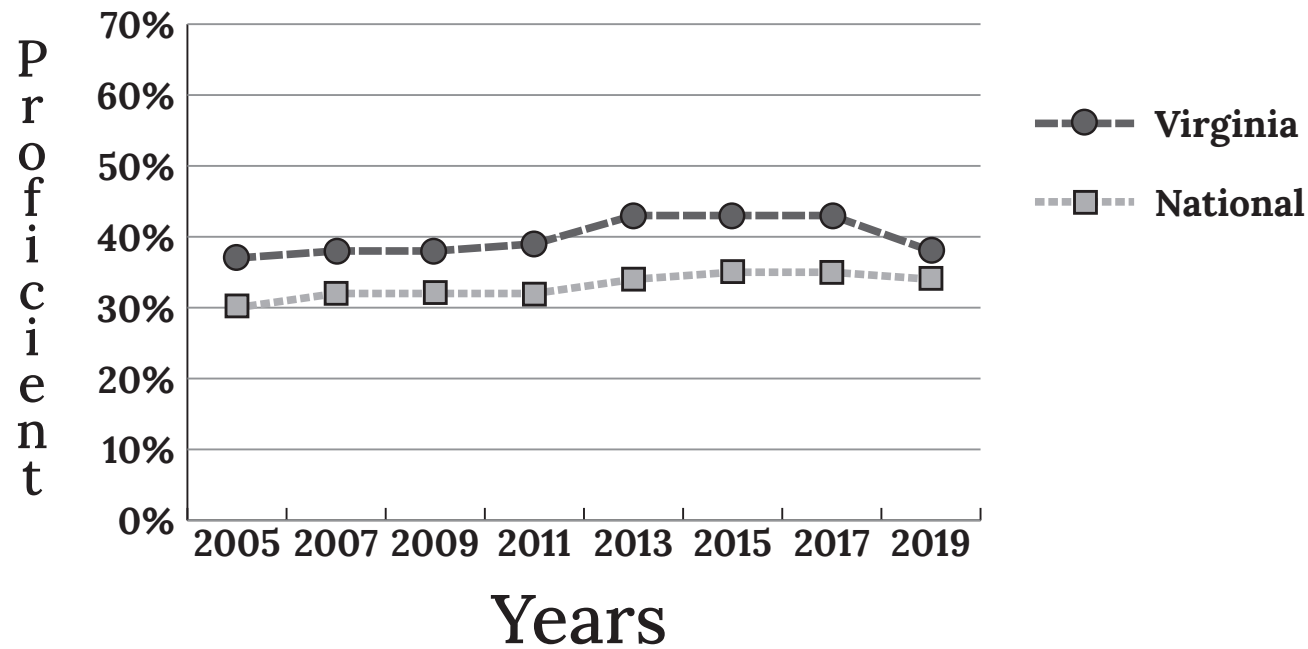


Source: [Mapping State Proficiency Standards Onto the NAEP Scales: Results From the 2019 NAEP Reading and Mathematics Assessments](#)

APPENDIX E: 4TH GRADE LITERACY DOWNWARD

Virginia NAEP Grade-4 Reading

Percent Proficient or Above



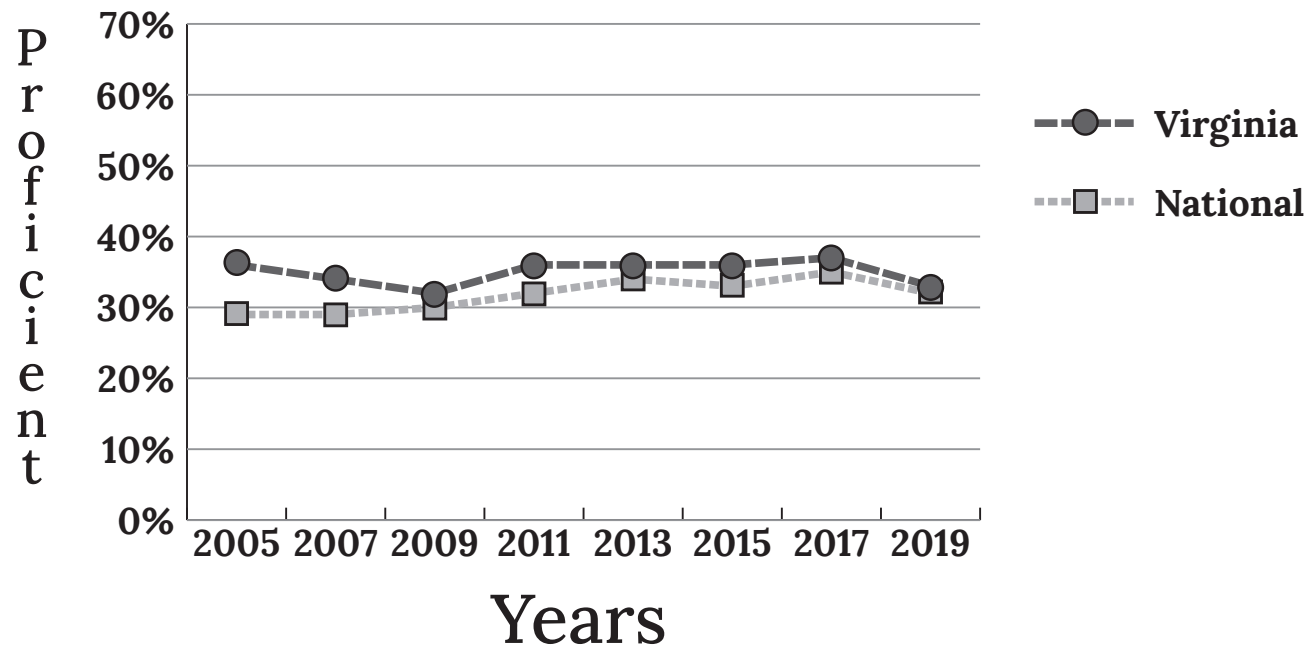
Location	2005	2007	2009	2011	2013	2015	2017	2019
National	30%	32%	32%	32%	34%	35%	35%	34%
Virginia	37%	38%	38%	39%	43%	43%	43%	38%

Source: [National Assessment of Educational Progress \(NAEP\), Reading Assessment.](#)

APPENDIX F: 8TH GRADE LITERACY DOWNWARD

Virginia NAEP Grade-8 Reading

Percent Proficient or Above



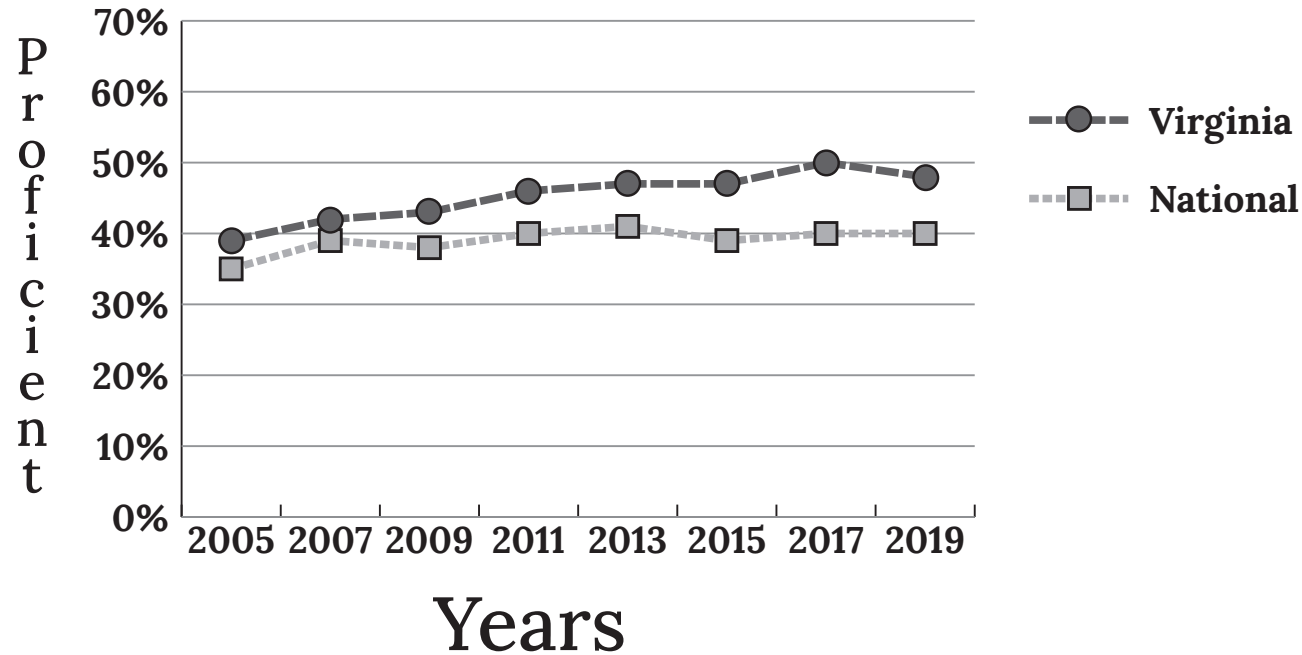
Location	2005	2007	2009	2011	2013	2015	2017	2019
National	29%	29%	30%	32%	34%	33%	35%	32%
Virginia	36%	34%	32%	36%	36%	36%	37%	33%

Source: [National Assessment of Educational Progress \(NAEP\), Reading Assessment](#)

APPENDIX G: 4TH GRADE MATH DOWNWARD

Virginia NAEP Grade-4 Mathematics

Percent Proficient or Above



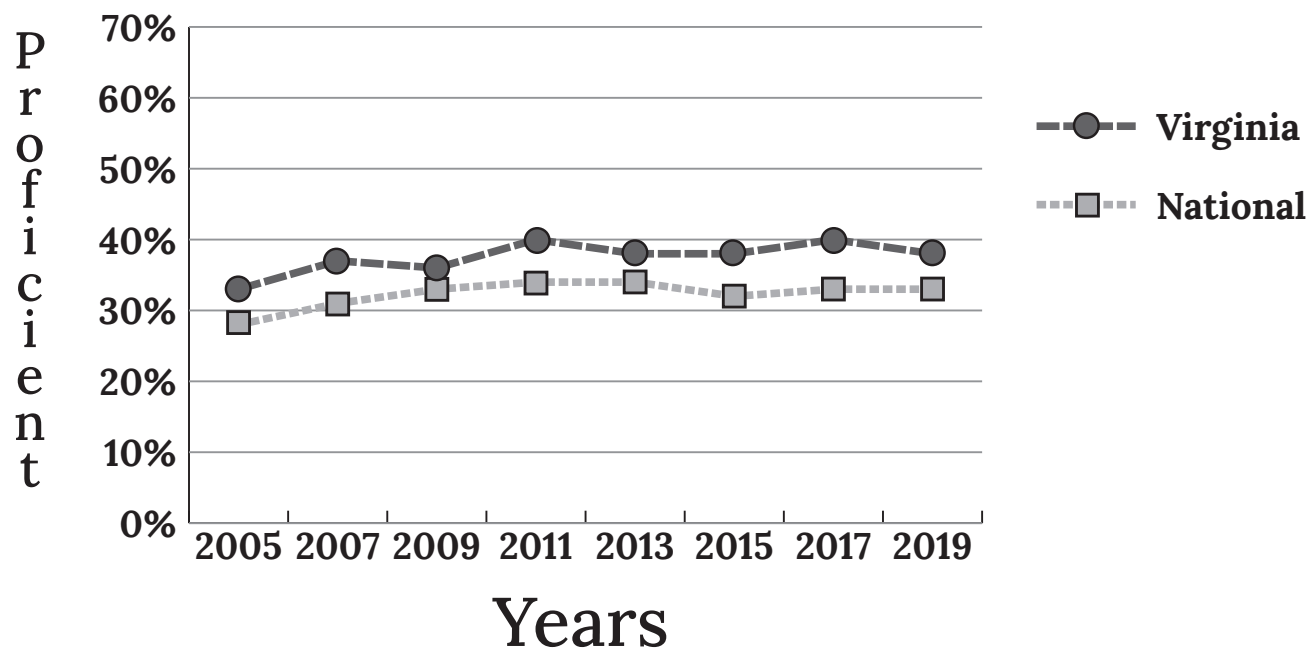
Location	2005	2007	2009	2011	2013	2015	2017	2019
National	35%	39%	38%	40%	41%	39%	40%	40%
Virginia	39%	42%	43%	46%	47%	47%	50%	48%

Source: [National Assessment of Educational Progress \(NAEP\), 2019 Mathematics Assessment](#)

APPENDIX H: 8TH GRADE MATH DOWNWARD

Virginia NAEP Grade-8 Mathematics

Percent Proficient or Above

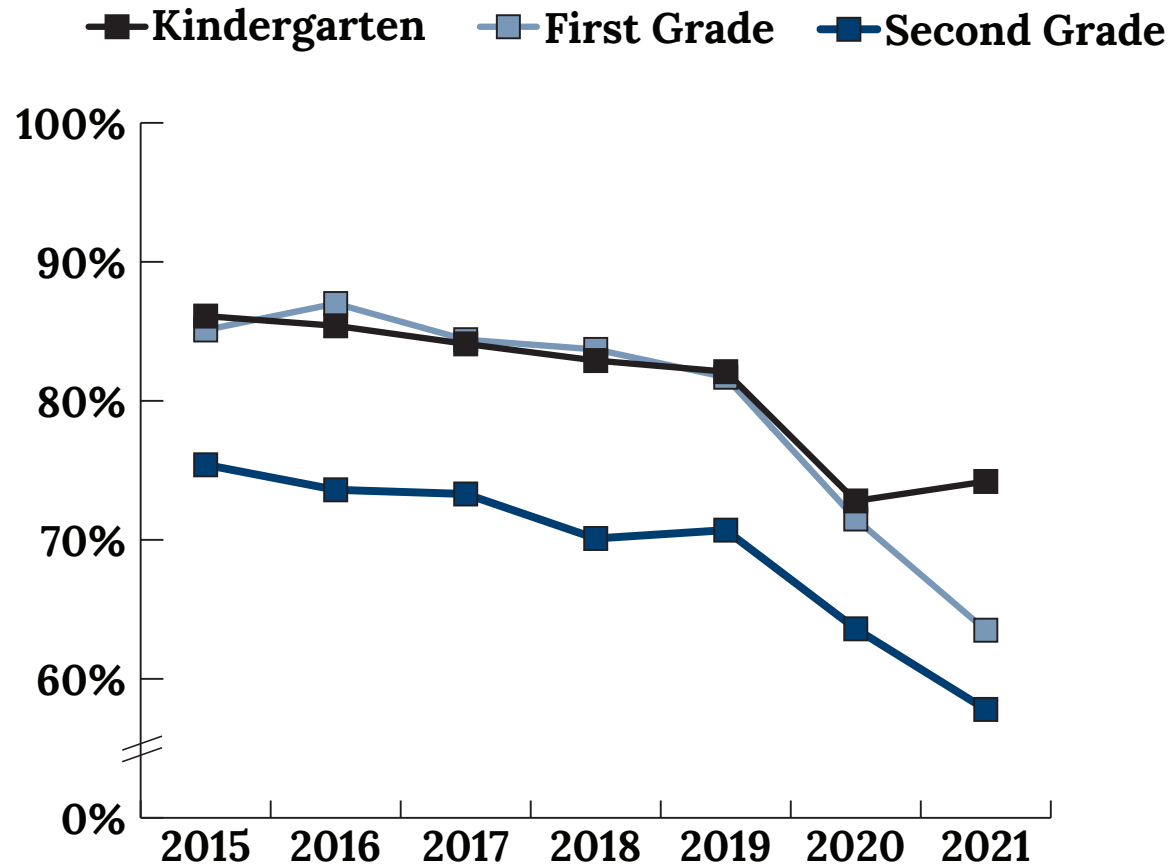


Location	2005	2007	2009	2011	2013	2015	2017	2019
National	28%	31%	33%	34%	34%	32%	33%	33%
Virginia	33%	37%	36%	40%	38%	38%	40%	38%

Source: [National Assessment of Educational Progress \(NAEP\), 2019 Mathematics Assessment](#)

APPENDIX I: PALS GRADE-LEVEL SCORES DECLINING

Percent of K-2 Students At or Above the PALS Benchmark *Fall 2015-2021*



Grade	2015	2016	2017	2018	2019	2020	2021
Kindergarten	86.1%	85.4%	84.1%	82.9%	82.1%	72.8%	74.2%
First Grade	85.1%	87.0%	84.4%	83.7%	81.7%	71.5%	63.5%
Second Grade	75.4%	73.6%	73.3%	70.1%	70.7%	63.6%	57.8%

Source: [Examining the Impact of COVID-19 on the Identification of At-Risk Students: Fall 2021 Literacy Screening Findings](#)

APPENDIX J: DECLINING READING PROFICIENCY

Declining SOL English/Reading Proficiency 2016-2021

Percent Proficient and Advanced

Grade	2016-2017	2017-2018	2018-2019	Point Percent Change from 2016-2017 and 2018-2019	Percent of Decrease from 2016-2017 and 2018-2019
3	75%	72%	71%	-4	-5%
4	79%	76%	75%	-4	-5%
5	81%	80%	78%	-3	-4%
6	78%	80%	77%	-1	-1%
7	82%	81%	79%	-3	-4%
8	76%	77%	76%	0	0

APPENDIX K: MATH LEARNING LOSS

MTSS Risk Categories for Math

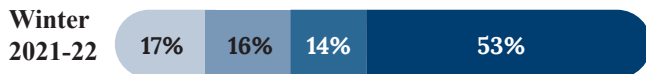
Winter comparison of the distribution of students by [Multi-Tiered Systems of Support \(MTSS\)](#) risk categories for Math, 2021–2022 school year compared to 2020–2021 school year



Virginia

↓ | -9%

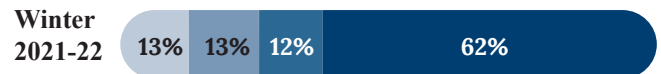
From Winter to Winter, the percentage of students at or above benchmark **decreased by 9%**.



Nationwide

↓ | -2%

From Winter to Winter, the percentage of students at or above benchmark **decreased by 2%**.



● Urgent intervention ● Intervention ● On watch ● At/above benchmark

Notes

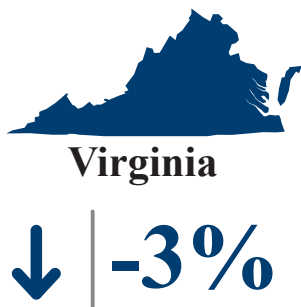
1. This presentation summarizes selected analyses by state and subject using Star assessment data through the end of January 2022. Refer to the national *How Kids Are Performing: A Snapshot of K–12 Academic Performance and Growth* for details on samples, methods, and limitations. The sample used for this *How Kids Are Performing* snapshot differs from our 2021 *How Kids Are Performing* report series, so we caution against directly comparing findings from this report with prior editions and presentations.
2. For more information about the Star Assessments, [start here](#).
3. Not all states have been included in this presentation due to small sample sizes. We excluded states if there were fewer than 10 schools and/or fewer than 2,500 students per subject. Please also note that the state-level results presented here may not be representative of any state's student population.
4. Percentages may not total 100 due to rounding.

Source: [Renaissance: How Kids Are Performing](#)

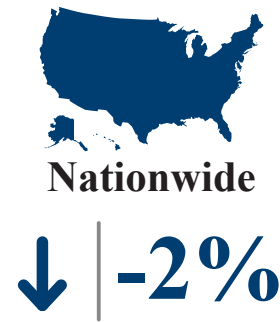
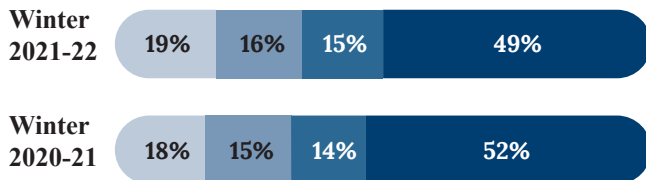
APPENDIX L: LITERACY LEARNING LOSS

MTSS Risk Categories for Literacy

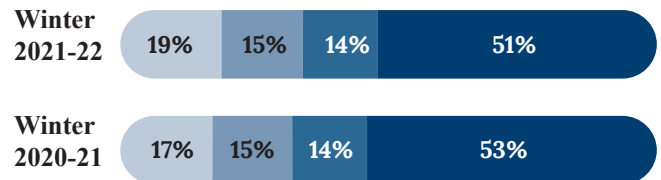
Winter comparison of the distribution of students by [Multi-Tiered Systems of Support \(MTSS\)](#) risk categories for Literacy, 2021–2022 school year compared to 2020–2021 school year



From Winter to Winter, the percentage of students at or above benchmark **decreased by 3%**.



From Winter to Winter, the percentage of students at or above benchmark **decreased by 2%**.



Notes

1. This presentation summarizes selected analyses by state and subject using Star assessment data through the end of January 2022. Refer to the national *How Kids Are Performing: A Snapshot of K–12 Academic Performance and Growth* for details on samples, methods, and limitations. The sample used for this *How Kids Are Performing* snapshot differs from our 2021 *How Kids Are Performing* report series, so we caution against directly comparing findings from this report with prior editions and presentations.
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4. Percentages may not total 100 due to rounding.

Source: [Renaissance: How Kids Are Performing](#).

APPENDIX M: SCHOOL ACCREDITATION IN BRIEF

In Brief: School Accreditation



June 2018

The Virginia Board of Education is revising its accreditation standards to provide a more comprehensive view of school quality while encouraging continuous improvement for all schools and placing increased emphasis on closing achievement gaps. School accreditation ratings for the 2018-2019 school year will be the first to reflect this new approach to accountability.

School Quality Indicators

The revised accreditation standards measure performance on multiple school-quality indicators, not just on overall student achievement on state tests.

Elementary and middle schools are evaluated on the following indicators:

- Overall proficiency and growth in English reading/writing achievement (including progress of English learners toward English-language proficiency)
- Overall proficiency and growth in mathematics
- Overall proficiency in science
- English achievement gaps among student groups
- Mathematics achievement gaps among student groups
- Absenteeism

High schools are evaluated on the following school-quality indicators:

- Overall proficiency in English reading/writing and progress of English learners toward English-language proficiency
- Overall proficiency in mathematics
- Overall proficiency in science
- English achievement gaps among student groups
- Mathematics achievement gaps among student groups
- Graduation and completion
- Dropout rate
- Absenteeism
- College, career and civic readiness (effective 2021-2022)

Performance Levels

Performance on each school-quality indicator is rated at one of three levels:

LEVEL ONE: Meets or exceeds standard or sufficient improvement

LEVEL TWO: Near standard or making sufficient improvement

LEVEL THREE: Below standard

All schools must develop a multi-year plan to support continuous improvement on all indicators. Specific local and state actions and interventions are required to improve performance on indicators rated at Level Two and Level Three.

Performance Level	Action or Intervention
LEVEL ONE: At or Above Standard - Performance at or above state standard for indicator - Sufficient improvement toward state standard for indicator from Level Two	Monitor performance on indicator and update multi-year school improvement plan as needed
LEVEL TWO: Near Standard or Improving - Below state standard for indicator but approaching Level One performance - Sufficient improvement on indicator from Level Three	Revise multi-year improvement plan and implement revisions to improve performance on indicator
LEVEL THREE: Below Standard - Performance on indicator below state standard - Performance on indicator at Level Two for more than four consecutive years	Implement state-approved corrective action plan following academic review conducted by Virginia Department of Education

Accreditation Ratings

Under the new system, schools earn one of the following three accreditation ratings:

Accredited — Schools with all school-quality indicators at either Level One or Level Two

Accredited with Conditions — Schools with one or more school-quality indicators at Level Three

Accreditation Denied — Schools that fail to adopt or fully implement required corrective actions to address Level Three school-quality indicators. A school rated as Accreditation Denied may regain state accreditation by demonstrating to the Board of Education that it is fully implementing all required corrective action plans.

SAMPLE SCHOOL: South Middle School		
Achievement	English Combined Rate	Level ONE
	Math Combined Rate	Level ONE
	Science Pass Rate	Level ONE
Achievement Gaps	English	Level TWO
	Math	Level TWO
Student Engagement	Chronic Absenteeism	Level TWO
OVERALL	ACCREDITED	

SAMPLE SCHOOL: North High School		
Achievement	English Combined Rate	Level ONE
	Math Pass Rate	Level ONE
	Science Pass Rate	Level ONE
Achievement Gaps	English	Level TWO
	Math	Level THREE
Student Engagement	Chronic Absenteeism	Level TWO
	Graduation & Completion	Level ONE
	Dropout Rate	Level TWO
	College, Career & Civic Readiness (2021-2022)	
OVERALL	ACCREDITED WITH CONDITIONS	

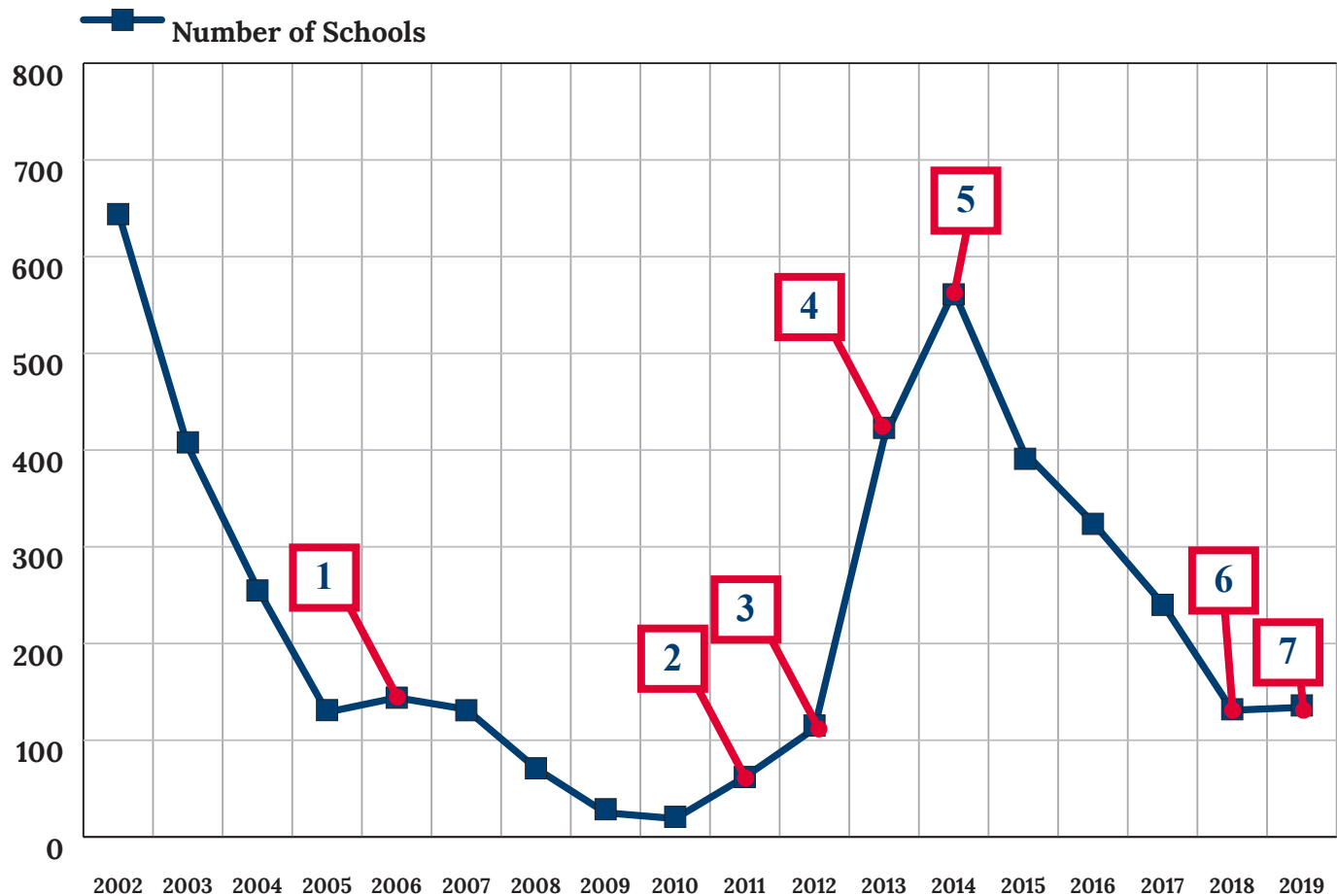
For more information, please visit www.doe.virginia.gov

APPENDIX N: ACCREDITATION VARIATION

Virginia School Accreditation

Schools in Virginia Not Fully Accredited

2002-2020



Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Schools Not Accredited	646	404	257	129	144	132	71	25	19	63	112	412	564	399	325	241	131	134

- 2006: To meet NCLB requirements for reading and mathematics: Assessments added for grades 4, 6, and 7; grades 5 and 8 tests no longer cumulative.
- 2011: New history/social science assessments; Board of Education adopted new cut scores.
- 2012: New mathematics assessments; Board of Education adopted new cut scores.
- 2013: New reading, writing, and science assessments; Board of Education adopted new cut scores; Accreditation benchmarks increased for Grade-3 Science and History from 50% to 70%, and for Grades 6-12 English from 70% to 75%.
- 2014: Board of Education allows expedited retakes of SOL tests by elementary and middle school students (previously only allowed on tests for high school credit).
- 2018: First year of new accreditation model under the Revised 2017 Standards of Accreditation.
- 2019: New mathematics tests; Board of Education lowered proficiency cut scores.



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CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 28, 2022	Councilmember Brenda Mead Maggie Ragon City Appointee Shenandoah Valley Airport
Item #	3	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Economic Development	
Subject:	Update on Shenandoah Valley Airport Master Plan and Air Service	

Background: At the request of Councilmember Brenda Mead, Shenandoah Valley Airport staff and commission appointee Maggie Ragon will provide an update on master plan activities, economic development initiatives and air service provision.

Attachment: Presentation by Lisa Botkin, Executive Director, Shenandoah Valley Airport

Interim City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

Interim City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 28, 2022	Councilmember Brenda Mead Leslie Beauregard Interim City Manager
Item #	4	
Department:	City Council City Manager’s Office	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government	
Subject:	Update on the American Rescue Plan Act Funds	

Background: At the request of Councilmember Mead, staff will provide an update on the American Rescue Plan Act (ARPA) Funds. This update will include discussion of a process to prioritize staff recommendations to Council going forward, and an overview of FY 2023 Budget Amendment Number One which includes three recommendations of the uses of ARPA funds at this time.

On May 25, 2021 the U.S. Department of the Treasury issued a notice to the City of Staunton that the first half of funding from American Rescue Plan Act (ARPA) funds had been issued in the amount of \$6,478,213. The City has since received the second allotment of funds. And to date, City Council has allocated \$2 M of these funds for the emergency regional radio project. This was approved by Council on June 9, 2022.

Interim City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

Interim City Manager: Leslie Beauregard

SPECIAL MEETING OF STAUNTON CITY COUNCIL
Rita S. Wilson Council Chambers
Wednesday, June 22, 2022
3:00 p.m.

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

ABSENT: **Amy G. Darby**

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 the meeting of Staunton City Council to order.

1. Closed Meeting for Consultation with Legal Counsel Concerning Contractual, Litigation, and Negotiation Matters Related to Staunton Circuit Court Case CL21-500 and Virginia Code Section 2.2-3711 (A)(7) to Consult with Legal Counsel Pertaining to Actual Litigation in the Matter of Staunton Circuit Court Case CL21-500.

Vice Mayor Robertson moved to enter a closed meeting pursuant to Virginia Code Section 2.2-3711(A)(8) for consultation with legal counsel concerning contractual, litigation, and negotiation matters related to Staunton Circuit Court case CL21-500 and Virginia Code Section 2.2-3711 (A)(7) to consult with legal counsel pertaining to actual litigation in the matter of Staunton Circuit Court case CL21-500.

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

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

Mr. Holmes arrived during the closed session.

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:

50	Ms. Mead	aye	Vice Mayor Robertson	aye
51	Ms. Dull	aye	Mr. Holmes	aye
52	Ms. Darby	absent	Mr. Claffey	aye
53	Mayor Oakes	aye		

54
55

56 The meeting adjourned at 4:03 p.m.

57
58
59
60

Kiley A. Kesecker
Clerk of Council

DRAFT

City Council
WORK SESSION
June 23, 2022
6:00 p.m.

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

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

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

Vice Mayor Robertson stated, “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Mead to remotely participate in the June 23, 2022 Staunton City Council meeting due to a family member’s temporary medical condition.”

With there being no second, the motion failed.

At the request of City Attorney John Blair, a recess was called by Mayor Oakes.

Mr. Holmes arrived at 6:46 p.m.

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

Vice Mayor Robertson stated, “Pursuant to Staunton City Council Procedural Memorandum Number Three, I move to allow Councilor Mead to remotely participate in the June 23, 2022 Staunton City Council meeting due to a family member’s temporary medical condition.”

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

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

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

50 **1. Consideration of Work Session and Regular Meeting Agendas**

51
52 Consistent with Procedural Memorandum No. 3, the agendas were presented for Council
53 consideration.

54
55 Vice Mayor Robertson moved to amend the regular meeting agenda to move item E to item C, to
56 include Item G, consideration of a resolution to rename the Equity and Diversity Commission, and
57 to move item 5, closed meeting for the evaluation of the Interim City Manager, to the end of the
58 regular meeting.

59
60 The amendment was seconded by Mr. Claffey and carried as follows:

61	Mr. Claffey	aye	Vice Mayor Robertson	aye
62	Ms. Dull	aye	Mr. Holmes	aye
63	Ms. Darby	absent	Ms. Mead	aye
64	Mayor Oakes	aye		

65
66
67 Ms. Mead moved to amend the work session agenda to remove item 3.

68
69 The amendment was seconded by Vice Mayor Robertson and carried as follows:

70	Mr. Claffey	aye	Vice Mayor Robertson	aye
71	Ms. Dull	aye	Mr. Holmes	aye
72	Ms. Darby	absent	Ms. Mead	aye
73	Mayor Oakes	aye		

74
75
76 Vice Mayor Robertson moved to approve the work session and regular meeting agendas as
77 amended.

78
79 The motion was seconded by Mr. Holmes and carried as follows:

80	Mr. Holmes	aye	Mayor Oakes	aye
81	Mr. Claffey	aye	Vice Mayor Robertson	aye
82	Ms. Dull	aye	Ms. Mead	aye
83	Ms. Darby	absent		

84
85
86 **2. Discussion of a Council Procedure to Notice Public Meetings of Boards and**
87 **Commissions where Three or More Councilmembers Plan to Attend**

88
89 At the request of Councilmember Mead, City Council had a discussion about a Council procedure
90 to provide public notice of meetings where three or more Councilmembers plan to attend. This
91 proposed amendment would permit more than two Councilmembers to attend a School Board or
92 other public meeting without violating the Freedom of Information Act.

93
94 Discussion ensued and it was decided that official notices would be changed to indicate that three
95 or more council members may be in attendance.

96
97
98

Kiley A. Kesecker
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, June 23, 2022****7:30 p.m.****Rita S. Wilson Council Chambers**

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

ABSENT: Amy G. Darby

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 Mr. Claffey

MAYOR'S REPORT

Mayor Oakes stated that she had attended the West End Business Association meeting, the SDDA meeting, the Equity and Diversity Commission meeting, a Jones Gardens grant award ceremony and the Community Foundation awards Ceremony.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Dull stated that she had attended the Virginia Commonwealth Criminal Justice Services Board meeting and the Committee on Training meeting.

Mr. Claffey stated that he had attended the Library Advisory Board meeting and the EDA meeting.

APPROVAL OF MINUTES

Mr. Claffey moved to approve the special called meeting minutes of June 7, 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	absent
Mr. Holmes	aye	Mr. Claffey	aye
Vice Mayor Robertson	aye		

Mr. Claffey moved to approve the work session and regular meeting minutes of June 9, 2022 as presented.

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

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

REGULAR MEETING

A. Public Hearing and Consideration of Stadium License Agreement Between the City and Mary Baldwin University

City Attorney John Blair stated that the item was a license agreement that would give Mary Baldwin University use of the baseball facility in Gypsy Hill Park. The license would run from September 1, 2022 through April 30, 2023. He stated that a lot of city teams use that field and the proposed agreement states that the schools and youth league teams have the priority to use the field during those dates. Mary Baldwin will provide at least will provide the schedule for both its fall and spring seasons at least 90 days in advance so that there aren't any conflicts between city functions, city schools or youth baseball activities and Mary Baldwin for use of the license.

Mr. Claffey expressed concerns with the condition of the baseball field and discussion ensued about making improvements the following year and how they could be paid for.

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.

Albino Fossa, 401 Bowling Street, stated that the groups using the ball field should also be helping to pay for it's upkeep and maintenance.

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

Vice Mayor Robertson moved that City Council authorize the license agreement between the City and Mary Baldwin University for the use of John Moxie Memorial Baseball Stadium as noted in the license agreement and further authorize and direct the City Manager to sign the license agreement with such modifications an in final form as approved by the City Attorney.

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

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

B. Public Hearing and Consideration of Ordinance to Grant an Easement for Fiber Optic Telecommunications Infrastructure on City-Owned Property in Augusta County

Mr. Blair stated that Shenandoah Valley Electric Cooperative has requested a utility easement to place fiber optic communications infrastructure across a parcel of land in Augusta County owned by the City. At that time, the request had been withdrawn, but Mr. Blair noted that they may be back with a modified easement at a later date.

Mayor Oakes asked if anyone in the audience would like to present a bid.

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

C. Discussion and Consideration of the Staunton Crossing Marketing Plan Strategy

Economic Development Specialist Amanda Dimeo stated that Tim Davey and Lee Downey presented the draft marketing plan to the EDA that morning, where it received unanimous approval. The \$100,000 for implementing the plan could be allocated from the ARPA funds with a budget amendment at the July 28 Council meeting.

Mr. Davian and Mr. Downey presented the Staunton Crossing marketing plan strategy to Council.

Mayor Oakes asked if Councilmembers had any questions or comments.

Ms. Mead asked questions about the diverse internal marketing team mentioned in the presentation and what that looks like. Mr. Downey stated that in that case, diverse meant private sector, public sector, the education field, nonprofit sector, etc. Ms. Mead asked if it was important that we integrate Staunton's allocades and achievements into the marketing plan, or if people are just looking for a piece of real estate. Mr. Downey replied that those things would be integrated into the marketing plan.

Mr. Holmes asked if the available workforce was being looked at, as there are lots of college students in the area that would make great employees for those businesses. Mr. Downey stated that it was a top tier item that businesses will be looking at.

Councilmembers did not have any further questions.

Ms. Dull moved that City Council approve the draft Staunton Crossing Marketing Plan Strategy.

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

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

Ms. Mead left the meeting at 9:00 p.m. due to the family member's temporary medical condition that prevented her physical attendance at the meeting.

D. Update on Centralized Recycling Center Pilot Program

Director of Public Works Jeff Johnston provided an update to Council on the centralized recycling center pilot program through March 31, 2022.

Mayor Oakes asked if Councilmembers had any questions or comments.

Ms. Mead asked if the fact that oil prices have gone up an incentive to other localities to begin plastics recycling. Mr. Johnston stated that it had not trickled down to the commodity prices they were seeing when turning in plastic.

Mr. Holmes asked there had been any progress with finding a different site for the recycling center. Mr. Johnston stated that they were continuing the search, but had not pursued anything at that time.

Ms. Dull asked if they were looking into solutions for the elderly, disabled, parents with young children and those without reliable transportation. Mr. Johnston stated that those items were among the criteria for the new site.

E. Presentation by Valley Community Services Board

Dr. Kimberley McClanahan, Executive Director of Valley Community Services Board, provided an update to Council on services VSCB has provided to Staunton clients, budget and finances, the strategic plan and other programs that impact Staunton stakeholders.

Mayor Oakes asked if Councilmembers had any questions or comments.

Ms. Dull asked if there was any data available on services being provided in the school system. Dr. McClanahan stated that such data exists, though she did not have it with her that evening. She stated she would send the requested information to Ms. Beauregard to be distributed.

Mr. Holmes stated that employee turnover and burnout must be a real issue. Dr. McClanahan agreed and stated that it is a big problem because understaffing leads to burnout sooner.

Mayor Oakes asked who was referring most of the cases they see. Dr. McClanahan stated that referrals can come from anyone, but often they come from the families themselves.

Councilmembers had no further questions or comments.

F. Consideration of Revised Shenandoah Valley Animal Services Center Memorandum of Understanding

Interim City Manager Leslie Beauregard stated that the Shenandoah Valley Animal Services Center memorandum of understanding (MOU) documents the relationship and responsibilities among the three member/owner jurisdictions (Waynesboro, Staunton, and Augusta County) at the animal shelter. The original MOU remains in place and has not been amended since its approval in September of 2011. In recent months, the member jurisdictions have worked to improve the operational stability at the shelter. On July 1, 2022, the responsibilities of fiscal agency would transfer from the City of Waynesboro to the County of Augusta. The owners and the Animal Services Center's legal counsel recommend updating the MOU to reflect current practice and governance as well as the approaching fiscal agency transfer. The owners' three chief administrative officers have worked collaboratively to develop and approve the proposed revisions and it is expected that each governing body will consider approving the revised MOU before the end of June 2022 and the transfer of fiscal agent responsibilities.

Mayor Oakes asked if Councilmembers had any questions or comments.

Mr. Holmes asked how many days per week a vet is needed at the shelter. Ms. Beauregard stated she believed they come in weekly for vaccinations and medication, but they have to actually take the animals to a vet clinic for other services.

Vice Mayor Robertson moved to approve the revised Shenandoah Valley Animal Services Center Memorandum of Understanding.

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

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

THIS AGREEMENT is made and entered into on this ___ day of _____ 2022, by and between the County of Augusta, a political subdivision of the Commonwealth of Virginia (“Augusta”); the City of Staunton, a municipal corporation of the Commonwealth of Virginia (“Staunton”); and the City of Waynesboro, a municipal corporation of the Commonwealth of Virginia (“Waynesboro”) (also individually referred to herein as a “Party” and collectively as the “Parties”).

WITNESSETH:

WHEREAS, § 3.2-6546 of the Code of Virginia requires the governing body of each county or city to maintain or cause a public animal shelter to be maintained;

WHEREAS, § 3.2-6546 of the Code of Virginia allows one or more local governing bodies to operate a single public animal shelter in conjunction with one another;

WHEREAS, the governing bodies of Augusta, Staunton, and Waynesboro have determined that it is in the best interest of each jurisdiction to operate a single animal shelter;

WHEREAS, the Parties entered into an Agreement dated September 1, 2011 relating to the operation of a single animal shelter;

WHEREAS, the Parties now wish to update their arrangement and enter a new agreement; and

NOW, THEREFORE, the Board of Supervisors of the County of Augusta, Virginia; the Council of the City of Staunton, Virginia; and the Council of the City of Waynesboro, Virginia, in consideration of the mutual obligations and mutual benefits accruing to their respective localities from this Agreement, have agreed upon the terms herein among themselves as follows:

ARTICLE I. REAL ESTATE

Sec. 1-1. Description of Real Estate. The joint animal shelter (the “Animal Shelter”) is located on a 4.608-acre parcel of property, which contains improvements thereon, described as tax map parcel 85-86D, and with a street address of 1001 Mount Torrey Road, Lyndhurst, Virginia (the “Property”).

Sec. 1-2. Land Trust. The Property is owned by a land trust established by Augusta County and the Cities of Waynesboro and Staunton. There are three (3) trustees (the “Trustees”) of the land trust, the County Administrator of Augusta, the City Manager of Staunton, and the City Manager of Waynesboro, whose actions shall be strictly governed by this Agreement, as it may be amended from time to time by the Parties.

Sec. 1-3. Ownership Percentage of Real Estate by Municipalities. The Parties’ percentages of the beneficial interest in the Property and associated chattel shall be calculated and adjusted based on each Party’s cumulative usage of the Animal Shelter.

Sec. 1-4. Management of Property. The portions of the Property used for the Animal Shelter (the “Animal Shelter Property”) shall be managed by the Director of the Animal Shelter, under the supervision of the Trustees, as set forth in Article IV below. Portions of the Property not related to the animal shelter (“Leasable Property”) shall be under the management and supervision of the Trustees. Management and supervision shall include the power to lease the Leasable Property to third parties under the terms of the land trust. However, no lease or expenditure (other than routine expenses necessary to their holding of the Leasable Property) shall be undertaken or incurred by the Trustees without the prior consent of the governing bodies of the Parties.

Sec. 1-5. Proceeds of Property. The net proceeds of the sale or rental of the Property, or any portion thereof or any product therefrom, to any of the Parties or any outside party shall be shared in the same proportions as the ownership of the Animal Shelter Property under the terms

of the land trust and Section 1-3 above at the time of the sale or the time rental proceeds are due and payable under the terms of the sale or rental agreement.

ARTICLE II. SHARING COSTS

Sec. 2-2. Annual Calculation of Cost Shares. The costs in excess of all revenues from all other sources shall be shared by the Parties on the basis of the respective usage by each Party in the Animal Shelter for the just concluded calendar year. Each Party's usage shall include the number of dogs, cats, or other animals brought to the Animal Shelter from each locality.

ARTICLE III. BUDGET AND FISCAL MATTERS

Sec. 3-1. Fiscal Agent. The fiscal agent will maintain a program account for the receipt of funds paid by each Party and fees paid by the general public and for payment expenses for the operation, maintenance, repairs, and capital improvements to the Animal Shelter. The fiscal agent shall be chosen by the Trustees. The fiscal agent on the Effective Date shall be Augusta County. The fiscal agent shall maintain the office unless and until a different fiscal agent is chosen by the Trustees.

Sec. 3-2. Budget. The Trustees will adopt an annual budget for the operations, maintenance and repair of the Animal Shelter in each ensuing fiscal year. The budget shall be approved in sufficient time to be included in each Party's budget proposal. At the option of the Trustees, the budget request in any year may include components for future construction or other capital improvements.

Sec. 3-3. Debt. The Trustees have no authority to incur debt obligations or approve expenditures in excess of the funds appropriated to it by the governing bodies of each Party.

Sec. 3-4. Indemnification and Insurance. Each Party will maintain its own workers' compensation and public officials' liability insurance coverage, and will retain its full legal responsibility for injuries or property damage arising from its employees' use of the Animal Shelter. Nothing in this Agreement shall be interpreted as an assumption of joint and several liability, or as an indemnification of any Party, by any of the Parties.

ARTICLE IV. OPERATIONS AND DISPUTE RESOLUTION

Sec. 4-1. Operations of Animal Shelter Property. The day-to-day operation of the Animal Shelter shall be performed by full-time and part-time employees appointed by the Trustees. The Trustees shall designate one such employee to be the Animal Shelter Director. Employees will receive pay and other compensation from the fiscal agent for the Animal Shelter. Employees shall be subject to the fiscal agent's employment policies and procedures. The Animal Shelter Director shall be excluded from the fiscal agent's grievance policy.

Sec. 4-2. Trustees. The overall operation of the Animal Shelter shall be the responsibility of the Trustees.

(a) The Trustees, or his or her designee, will meet at least quarterly. Special meetings may be called by any two Trustees by actual notice delivered to all Trustees at least 48 hours prior to the meeting date, or may be held at any time upon attendance at meetings by all Trustees.

(b) A quorum necessary to take action at any meeting shall be three (3) Trustees, or their designees. All issues presented require a majority vote of those in attendance to be adopted.

(c) The Trustees will ensure that the operation of the Animal Shelter meets all requirements of state and federal laws and regulations pertaining to such facilities; ensure that all operations and staffing of the Animal Shelter meet the requirements of any state or federally-issued permit; ensure that the use, care, and maintenance of the equipment in the Animal Shelter meet the manufacturer's recommendations; ensure that the building and grounds are properly maintained and that repairs, when needed, are promptly done; and generally give direction to the Animal Shelter Director with respect to the above.

(d) The chair of the Trustees shall alternate between the Augusta County Administrator and the Staunton and Waynesboro City Manager for a term of two years. On the Effective Date, the chair shall be _____.

(e) The meetings of the Trustees shall be conducted pursuant to the requirements set forth in the Virginia Freedom of Information Act, Va. Code § 2.2-3700, *et seq.*, and the parliamentary procedures as set forth in “Roberts Rules of Order.”

(f) The Animal Shelter Director shall make available to the Trustees all records, work sheets, financial records, and documents or instruments of any nature, regarding and pertaining to the operation, maintenance, or fiscal affairs of the Animal Shelter, and the Animal Shelter Director shall follow and adhere to decisions made by the Trustees.

Sec. 4-3. Dispute Resolution. Any dispute, disagreement, or controversy arising among the Parties as to the operation of the Animal Shelter, if not resolved by the Parties within thirty (30) days of the date of such dispute, disagreement, or controversy arose, shall be submitted to binding arbitration by the parties pursuant to the Uniform Arbitration Act of the Commonwealth of Virginia, Va. Code § 8.01-581.01 *et seq.*, as may be amended from time to time.

(a) Binding Upon the Parties. The arbitration award made by the arbitrators and/or Court shall be binding upon the Parties hereto.

(b) Expenses. The Parties agree to share equally all expenses of arbitration incurred, including any court costs, but exclusive to each Party’s attorney’s fees.

(c) Modification. If all Parties agree in writing, the above procedure or any portion thereof may be modified.

ARTICLE V. MISCELLANEOUS

Sec. 5-1. Effective Date. The effective date (“Effective Date”) of this Agreement shall be the final date set forth below in the notarized signatures of the Parties, after all three Parties’ governing bodies approve this Agreement and authorizing its execution by their respective chief executive officer. The September 1, 2011 Agreement shall automatically terminate on the Effective Date of this Agreement.

Sec. 5-2. Notices. Notices hereunder shall be sent by email and regular mail to the following chief executive officer or their successors:

Timothy K. Fitzgerald, County Administrator
COUNTY OF AUGUSTA, VIRGINIA
P.O. Box 590
Verona, VA 24482

Leslie M. Beauregard, City Manager
CITY OF STAUNTON, VIRGINIA
P.O. Box 58
Staunton, VA 24402

Michael G. Hamp, II, City Manager
CITY OF WAYNESBORO, VIRGINIA
P.O. Box 1028
Waynesboro, VA 22980
hampmg@ci.waynesboro.va.us

Sec. 5-3. Entire Agreement. This Agreement and the attachments hereto constitute the full agreement among the parties. This Agreement may only be amended by written amendment adopted by each of the participating governing bodies.

Sec. 5-4. Jurisdiction and Venue. The parties hereto agree that the Circuit Court of Augusta County, Virginia, shall have jurisdiction and venue as to any matters requiring court action hereunder.

IN WITNESS WHEREOF, the parties hereto have set their signatures and seals:

COUNTY OF AUGUSTA, VIRGINIA

By: _____ (SEAL)
Timothy K. Fitzgerald, County Administrator

STATE OF VIRGINIA, AT LARGE
COUNTY OF AUGUSTA, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Timothy K. Fitzgerald, County Administrator, Augusta County.

My commission expires: _____
Notary Public: _____

CITY OF STAUNTON, VIRGINIA

By: _____ (SEAL)
Leslie M. Beauregard, City Manager

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Leslie M. Beauregard, City Manager, City of Staunton, Virginia.

My commission expires: _____
Notary Public: _____

CITY OF WAYNESBORO, VIRGINIA

By: _____ (SEAL)
Michael G. Hamp, II, City Manager

STATE OF VIRGINIA, AT LARGE
CITY OF WAYNESBORO, to-wit:

The foregoing instrument was acknowledged before me this____day of _____,
2022, by Michael G. Hamp, II, City Manager, City of Waynesboro, Virginia.

My commission expires: _____

Notary Public: _____

G. Consideration of Request to Change the Name of the Equity and Diversity Commission

Ms. Beauregard stated that at its last meeting, the Equity and Diversity Commission approved the changing of its name to the Diversity, Equity and Inclusion Commission, and were seeking Council's approval to do so.

Vice Mayor Robertson moved to approve the name change of the Equity and Diversity Commission to the Diversity, Equity and Inclusion Commission.

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	absent	Ms. Mead	absent
Mayor Oakes	aye		

MATTERS FROM THE INTERIM CITY MANAGER

Ms. Beauregard stated that the City of Staunton had been named as one of "32 charming mountain towns to visit this fall" by Southern Living Magazing. She also stated that the Staunton Steam Laundry property was approved for inclusion in the Virginia landmarks register and recommended to the National Register of Historic Places, with the support of the Staunton Historic Preservation Commission.

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."

Albino Fossa, 401 Bowling Street, described issues with a property assessment and the courthouse.

Mary Miller, 471 Albemarle Avenue, discussed ethics and integrity.

Brad Arrowood, 236 Fillmore Street, stated that Council should consider allowing solar on the roof tops of houses within Historic Districts and downtown.

5. Closed Meeting for Interim City Manager Evaluation

Ms. Dull moved to enter a closed meeting pursuant to Virginia Code Section 2.2-3711(A)(1) to discuss and evaluate the performance of the City of Staunton's Interim City Manager.

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

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

Ms. Dull 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	absent	Mayor Oakes	aye
Ms. Mead	absent		

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 10:46 p.m.

Kiley A. Kesecker
Clerk of Council



CITY OF STAUNTON, VIRGINIA

Proclamation

In recognition of Jeff Ribman, Bonnie Huang and Berkeley House

- WHEREAS,** built between 1896 and 1897 by Richard Henry Catlett, the mansion located at 303 Berkeley Place, historically known as the Catlett House, is listed on the Virginia Landmarks Register and the National Register of Historic Places; and
- WHEREAS,** over the years, the mansion has been a home for the elderly, a private residence and most recently, the Berkeley House Bed and Breakfast owned and operated by Jeff Ribman and Bonnie Huang, who painstakingly restored the late nineteenth century home after purchasing it in 2013; and
- WHEREAS,** Jeff and Bonnie have given new life to one of the Staunton's most iconic homes by telling the story of this historically significant landmark while also providing a first-class lodging experience to those visiting our City; and
- WHEREAS,** as of July 4th 2022, Jeff and Bonnie have officially retired and are prepared to move on to their next endeavor.

NOW, THEREFORE, BE IT PROCLAIMED by Staunton City Council that the City of Staunton recognizes

Jeff Ribman and Bonnie Huang

for the legacy they are leaving in Staunton with the **Berkeley House**, and congratulates them on their well-deserved retirement.

Adopted this 28th day of July, 2022.

ANDREA W. OAKES, MAYOR

ATTEST: _____
CLERK OF COUNCIL

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 28, 2022	Leslie Beauregard Interim City Manager
Item #	A	
Department:	City Manager	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Responsive, Efficient Government	
Subject:	Resolution Consenting to and Confirming Declaration of Local Emergency Beginning July 6, 2022	

Background: In response to a significant weather event that occurred on July 6, 2022, and the effects from it, involving sudden, intense rain and hail and strong wind gusts, the Interim City Manager, in her capacity as Director of Local Emergency Management, retroactively declared a local emergency effective as of July 6, 2022.

The declaration positions the City to undertake measures in response to the significant weather event. Under state law, the City Council must consent to and confirm such a declaration within forty-five (45) days of the declaration.

Council is requested to consider and adopt the attached resolution (to which a copy of the declaration of local emergency will be attached) that recites the circumstances and declaration of the local emergency.

Attachments:

- Attachment 1— Declaration of Local Emergency by the City of Staunton Local Director of Emergency Management
- Attachment 2— Draft Resolution of the Council of the City of Staunton, Virginia Consenting to and Confirming Declaration of a Local Emergency Beginning July 6, 2022

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

Suggested Motion: I move to adopt the resolution consenting to and confirming the declaration of a local emergency beginning July 6, 2022, in the City of Staunton.

Interim City Manager: Leslie Beauregard

**DECLARATION OF LOCAL EMERGENCY
BY THE CITY OF STAUNTON
LOCAL DIRECTOR OF EMERGENCY MANAGEMENT**

WHEREAS, Virginia Code § 44-146.21 authorizes the declaration of a local emergency;

WHEREAS, retroactive to Wednesday, July 6, 2022, Leslie M. Beauregard, Interim City Manager and Emergency Management Director of the City of Staunton, Virginia did find and declares:

1. That due to a significant weather event (and necessarily the effects from it), involving sudden, intense rain and hail and strong wind gusts, the City of Staunton, Virginia faced dangerous conditions of sufficient scope, severity and magnitude to merit coordinated local government emergency management action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused; and

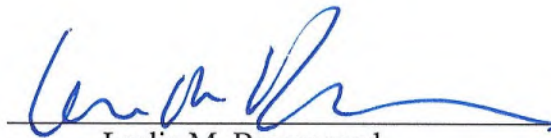
2. That due to the significant weather event a condition of extreme peril to life and property necessitated and merits such declaration or proclamation of the existence of a local emergency beginning July 6, 2022, and such circumstances continue, with conditions of sufficient severity and magnitude to merit coordinated local government emergency management action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused or being caused;

WHEREAS, such conditions necessitate the declaration of the existence of a local emergency, to the fullest extent permitted by law; and

WHEREAS, these recitals are an integral part of this declaration.

NOW, THEREFORE, pursuant to Virginia Code § 44-146.21, subject to confirmation of Council of the City of Staunton, Virginia, Leslie M. Beauregard, Interim City Manager and Emergency Management Director for the City of Staunton, Virginia, declares the existence and continuance of a local emergency in the City of Staunton, to the fullest extent permitted by law; and

IT IS FURTHER DECLARED AND ORDERED that, to the fullest extent permitted by law, during the existence of such emergency the powers, functions, and duties of the Local Emergency Management Director and local emergency services planning organization or committee and City staff shall be those prescribed by state law and the ordinances, resolutions, and authorized plans of the City of Staunton in order to mitigate the effects and otherwise address such emergency.



Leslie M. Beauregard,
Interim City Manager and
Emergency Management Director

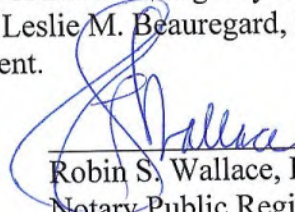
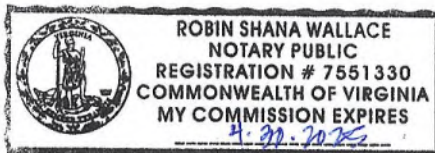
Date: 7/13/2022

Time: 3:55 p.m.

State of: Virginia

City of: Staunton, to wit:

The foregoing Declaration of Local Emergency was acknowledged before me
this 13th day of July, 2022, by Leslie M. Beauregard, Interim City Manager and
Director of Emergency Management.



Robin S. Wallace, Legal Manager & FOIA Officer
Notary Public Registration # 7551330
My commission expires: 4.30.2025

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
CONSENTING TO AND CONFIRMING DECLARATION OF A LOCAL
EMERGENCY BEGINNING JULY 6, 2022**

Recitals

- A.** Virginia Code § 44-146.21 authorizes the declaration of a local emergency;
- B.** Section 11 of the Charter of the City of Staunton also grants broad powers to City Council;
- C.** Retroactive to July 6 2022, Leslie M. Beauregard, Interim City Manager and Emergency Management Director of the City of Staunton, Virginia did find and declare:
- C.1.** That due to a significant weather event (and necessarily the effects from it), involving sudden, intense rain and hail and strong wind gusts, the City of Staunton, Virginia faced dangerous conditions of sufficient scope, severity and magnitude to merit coordinated local government emergency management action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused by the event; and
- C.2.** That due to the significant weather event a condition of extreme peril to life and property necessitated and merits such declaration or proclamation of the existence of a local emergency beginning July 6, 2022, and such circumstances continue, with conditions of sufficient severity and magnitude to merit coordinated local government emergency management action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused or being caused by the event;
- D.** These recitals are an integral part of this resolution.

NOW, THEREFORE, the Council of the City of Staunton, Virginia:

1. CONFIRMS, RESOLVES, AND DECLARES, pursuant to Virginia Code § 44-146.21 and such other applicable laws, including, but not limited to, the powers granted by the Charter of the City of Staunton, Virginia, that on July 6, 2022, the Council of the City of Staunton, Virginia, could not and did not convene due to the exigent circumstances and that a local emergency did exist throughout the City of Staunton, Virginia, and continues; and

2. CONFIRMS, RESOLVES, DECLARES AND ORDERS that during the existence of such emergency, the powers, functions, and duties of the Local Emergency Management Director and local emergency services planning organization or committee and City staff shall be those prescribed by Virginia law and the ordinances, resolutions, and approved plans of the City of Staunton in order to mitigate and otherwise address the effects of such emergency; and

47 **3. RESOLVES** that now and retroactively to and including July 6, 2022, Council
48 **CONSENTS** to and **CONFIRMS** such declaration of local emergency, and **RATIFIES** and
49 **AFFIRMS** that all City officials are granted such authority, pursuant to extant law, in such
50 circumstances to take all actions, to the fullest extent permitted by law, to prevent or alleviate the
51 damage, loss, hardship or suffering threatened or caused or being caused by such local emergency;
52 and
53

54 Introduced: July 28, 2022

55 Adopted: July 28, 2022

56 Effective: Retroactively as provided
57

58 _____
59 Andrea W. Oakes, Mayor
60

61
62 Attest: _____
63 Kiley A. Kesecker, Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 28, 2022	Staff Members: Rodney Rhodes Tim Hartless
Item #	B	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Built Environment	
Subject:	Public Hearing and Consideration of a Request by Barristers Row Staunton LLC., for Special Use Permits at 1, 5, 7, 9, and 11 Court Place under the provisions of Section 18.60.070(3)(a), Uses Permitted on Review, of Chapter 18.60, B-2, General Business District, of Title 18, Zoning, of the Staunton City Code	

Background: Oliver Dahl of Barristers Row Staunton, LLC, has requested Special Use Permits to utilize buildings located at 1, 5, 7, 9, 11 Court Place for residential use on the ground level. The properties are located at the intersection of Barristers Row (which is a public street) and South Augusta Street. The single-story building was originally constructed by Augusta County in 1843. The buildings were purposely constructed as law offices and served that function for 177 years. Barristers Row was originally platted as an alley but Council formally accepted Barristers Row as a public street in 2009.

In 2019, a Special Use Permit was approved for the neighboring property, 17 Barristers Row, to be used as a single-family dwelling with residential use on the ground level.

Analysis: Staff has considered the request and has identified no issues. A building permit would be required for a change of use from business to residential. The property is located in

the floodplain and floodplain regulations will have to be considered during the building permit review process. The property is also in the Beverley Historic District and any exterior changes to the building would require review and approval by the Staunton Historic Preservation Commission.

The *City of Staunton Comprehensive Plan, 2018-2040*, Future Land Use Map, designates this area as Commercial. Ordinarily staff would not be supportive of living and sleeping quarters on the ground or basement levels of buildings in B-2 districts; however, in this case, Barristers Row is an extremely narrow street and is unsuitable for any significant traffic or on-street parking. Also, South Augusta Street has no on-street parking. Visibility for a business use would be limited by the surrounding buildings as well as the peculiar traffic situation with Barristers Row. Frequently Augusta County Sheriff's Office personnel will block the street while they load/unload prisoners for court appearances. For these reasons, it is staff's opinion that residential use of this property is appropriate.

Planning Commission Recommendation:

At its June 16, 2022 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 4-0 vote, the Commission unanimously voted to recommend approval of the Special Use Permit.

Attachments:

Attachment 1—Application and Supporting Documents
Attachment 2—Vicinity Map: 1-11 Court Place
Attachment 3—Current Zoning Map: 1-11 Court Place
Attachment 4—Future Land Use Map: 1-11 Court Place
Attachment 5—Resolution

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

Interim City Manager: Leslie Beauregard



APPLICATION FOR SPECIAL USE PERMIT

DATE: 4/18/2022
NAME OF APPLICANT: Barristers Row Staunton LLC / Oliver Dahl
ADDRESS OF APPLICANT: 2903 1/2 Augusta Street Staunton VA 24401
PHONE #: 540 330 1966 E-MAIL ADDRESS: oliverpdahl@gmail.com
SIGNATURE: [Signature]

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

LOCATION OF PROPERTY:

1-11 Barristers Row (Alt. Court Place) Staunton VA 24401

MAP PROVIDED: YES ☐ NO ☐

SITE PLAN PROVIDED: YES ☐ NO ☐

FEE PAID: YES ☐ NO ☐

PRESENT ZONING OF THE PROPERTY: B-2 Gen bus district

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON
REVIEW: 8.60.070 (3)(9)

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

Yes

LEGAL DESCRIPTION OF PROPERTY:

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

See Attached





FRAZIER ASSOCIATES

ARCHITECTURE

April 14, 2022

HISTORIC
PRESERVATION

Mr. Rodney Rhodes
Senior Planner
City of Staunton - Community Development
City Hall, 3rd Floor
116 W. Beverley Street
Staunton, VA 24401

COMMUNITY
DESIGN

COMMUNITY
GRAPHICS

Re: 1-11 Court Place
Special Use Permit Application

Dear Mr. Rhodes,

Per the attached application, Barristers Row Staunton LLC requests a special use permit for the building located at 1-11 Court Place in Staunton. This building is in a B2 General Business District as shown on the attached City of Staunton Zoning Map.

The Owner is proposing to convert the building to 7 individual residential units that would be available for short and long term rental. A plan that illustrates the proposed apartment layout is attached.

According to section 18.60.70 of The City of Staunton Zoning Ordinance, "*Living and/or sleeping quarters ... on the ground and basement floors of main buildings*" may be permitted on review by the planning commission in accordance with the provisions contained in Chapter 18.210 SCC. *Per this section:*

A proposed use under this chapter is to be considered using the following factors as a guide:

- (i) The design of the existing building or the proposed building to be built.*
- (ii) The historical significance of the structure on the lot or the historical significance of structures in the immediate vicinity.*
- (iii) The amount of business usage that has at that time already developed in the immediate vicinity of the lot.*
- (iv) The anticipated immediate new business development expected in the vicinity.*
- (v) Lot size, topography conditions.*
- (vi) Compatibility of building design and residential use with nearby buildings and uses.*





PHOTO 1

DATE: May, 2022

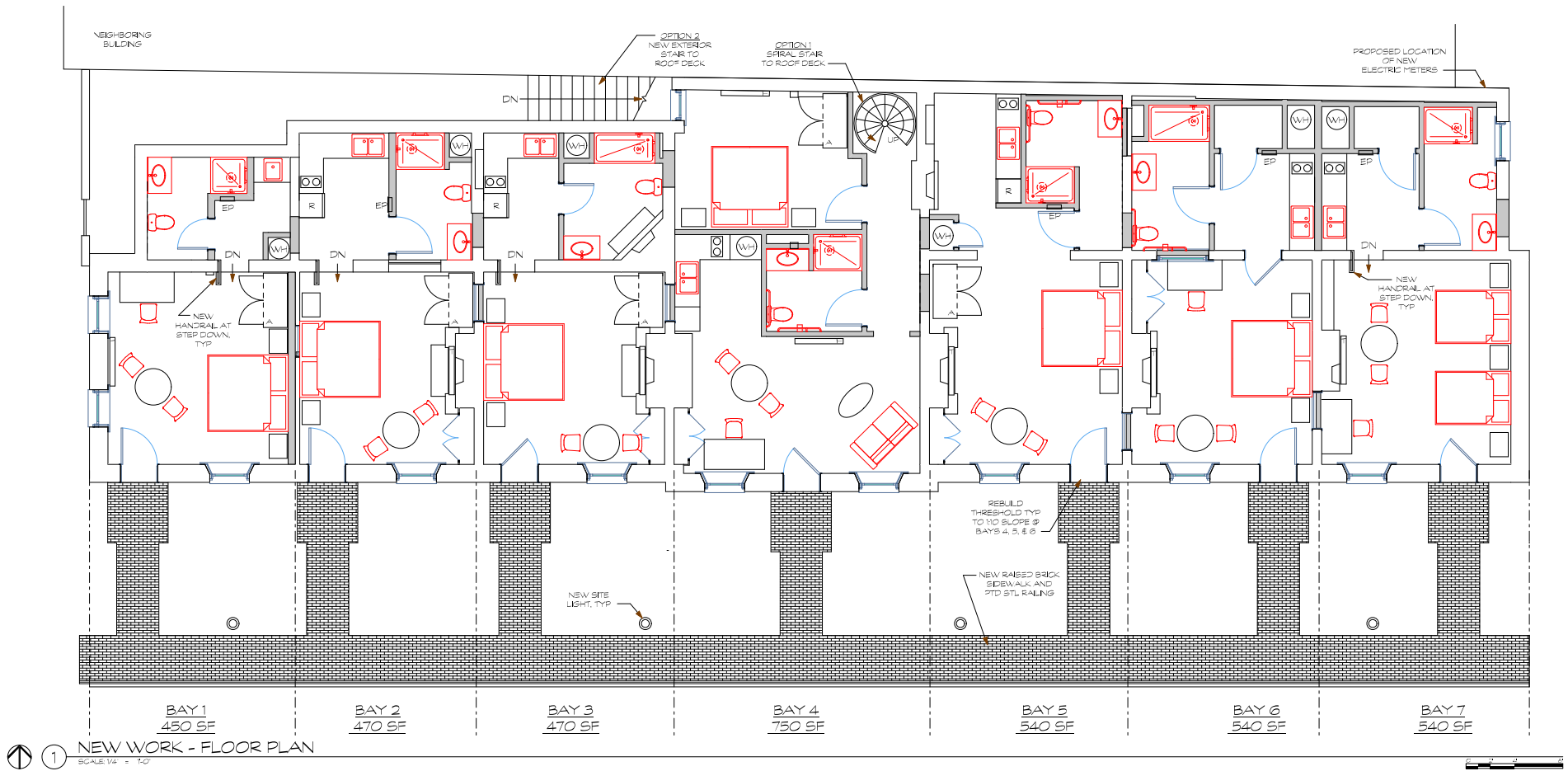
DESCRIPTION: Exterior - view of property from S. Augusta street



PHOTO 2

DATE: May, 2022

DESCRIPTION: Map/Location of property.



A1.1



FRAZIER ASSOCIATES
ARCHITECTURE • COMMUNITY DESIGN • WAYFINDING

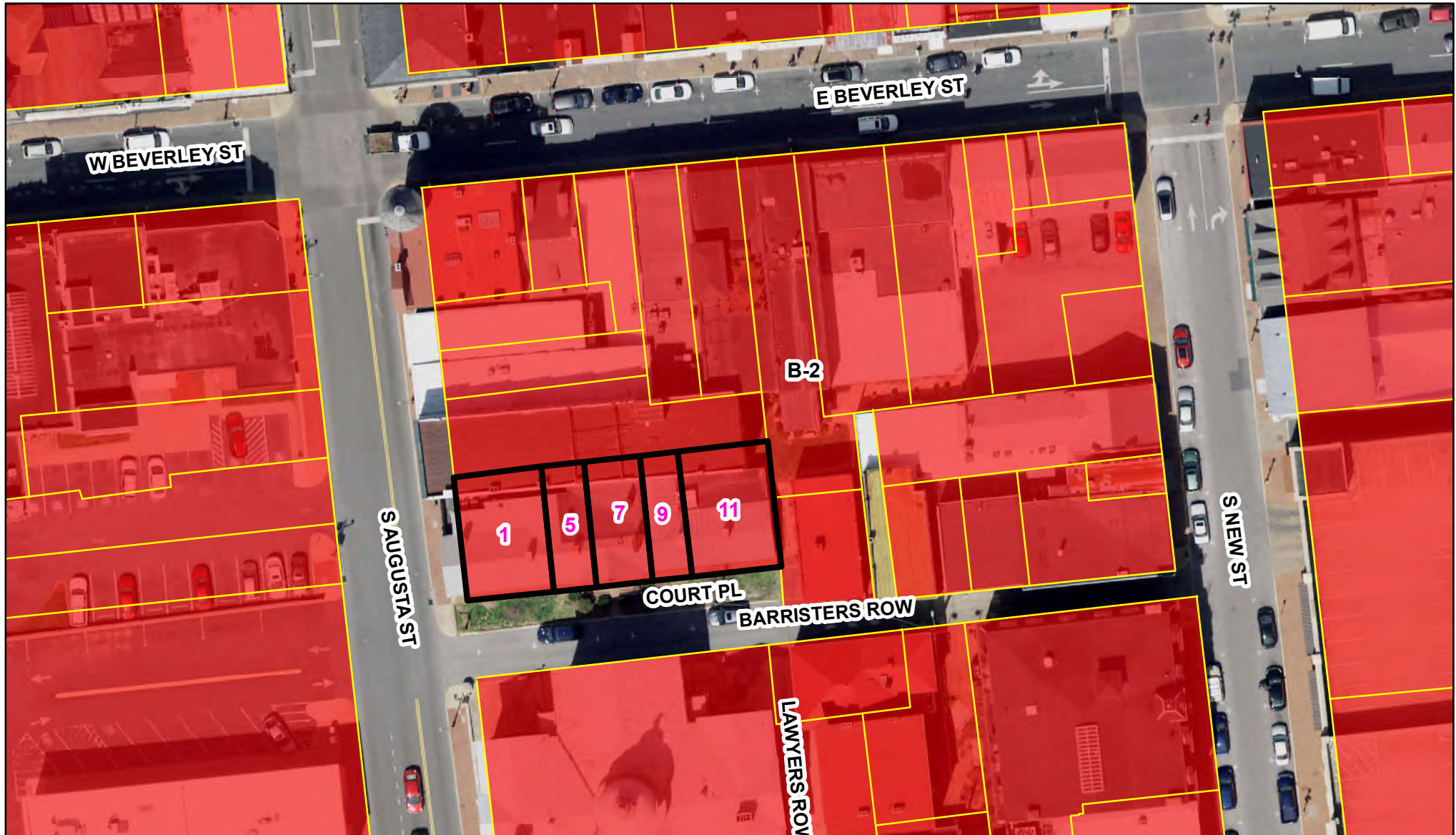
1-11 COURT PLACE
STAUNTON, VIRGINIA

Vicinity Map: 1-11 Court Pl

Attachment 2



Current Zoning: 1-11 Court Pl



0 25 50 100 ft

Zoning

B-1

B-1(conditional)

B-2

B-2(conditional)

B-3

B-5

HE-1

I-1

I-1(conditional)

I-2

I-2(conditional)

I-3(conditional)

P-1

P-1(conditional)

R-1

R-2

R-2(conditional)

R-3

R-3(conditional)

R-4

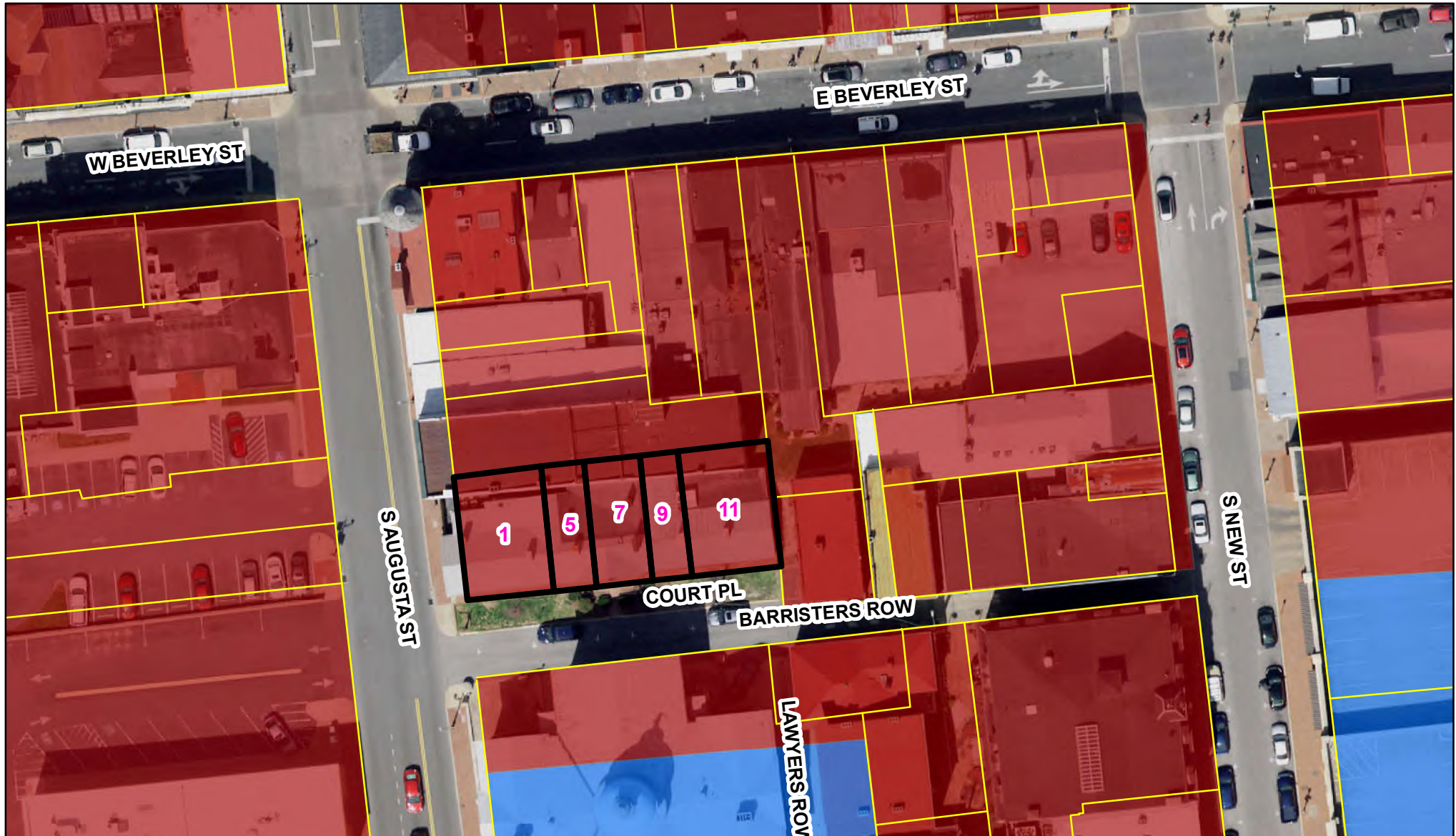
R-4(conditional)

Additional Layers

Selected Properties

Lots

Future Land Use: 1-11 Court Pl



0 25 50 100 ft

Future Land Use

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

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

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

Additional Layers

- Selected Properties
- Lots

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

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
GRANTING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT
1, 5, 7, 9, AND 11 COURT PLACE (PIDs: 1623, 1622, 9004, 5249, AND 4902,
RESPECTIVELY)**

Recitals

A. Barristers Row Staunton LLC (the Owner) is the owner of certain land identified as parcel IDs 1623, 1622, 9004, 5249, and 4902, currently addressed as 1, 5, 7, 9, and 11 Court Place, Staunton, respectively (the Property), and the Owner, through its authorized representative, is requesting a Special Use Permit to allow living and/or sleeping quarters on the ground floor of the building(s) (the Project);

B. The Owner seeks a Special Use Permit under Staunton City Code (SCC) Section 18.60.070 to convert the Property to seven individual residential units for short- and long-term rental;

C. The Property is located within a B-2 General Business District, which according to SCC provision 18.60.70, living and or sleeping quarters on the ground and basement floors may be permitted on review;

D. The Planning Commission conducted a public hearing, after notice and advertisement as required by law on June 16, 2022;

E. The Planning Commission considered and recommended approval of the Owner's application at its June 16, 2022 meeting;

F. Upon consideration of the Planning Commission's recommendation, the City Staff Briefing, comments received at the public hearing, as well as the factors set forth within Sections 18.60.70 and 18.210 of the SCC, Staunton City Council finds and determines that granting the proposed Special Use would serve the public necessity, convenience, general welfare or good zoning practice; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that a Special Use Permit is hereby granted to allow the Project to be established on the Property.

Introduced:

Adopted:

Effective:

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Andrea W. Oakes, Mayor

Attest: _____
Kiley A. Kesecker, Clerk of Council

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 28, 2022	Staff Members: Rodney Rhodes Tim Hartless
Item #	C	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Built Environment	
Subject:	Public Hearing and Consideration of a Request by Oikos Solar Systems Inc. to Amend Section 18.75.040, Uses Permitted on Review, of Chapter 18.75, I-1, Light Industrial District, and 18.80.040, Uses Permitted on Review, of Chapter 18.80, I-2, Heavy Industrial District of Title 18, Zoning, of the Staunton City Code to Allow Solar Energy Facilities as a Use Permitted on Review and to Amend Chapter 18.10, Definitions, to Add a definition for Solar Energy Facility	

Background: Oikos Solar Systems Inc. has applied for a zoning text amendment to Staunton City Code ("SCC") Chapter 18.75 that would make Solar Energy Facilities permitted by Special Use Permit in the I-1, Light Industrial District. They have also proposed an amendment to SCC Chapter 18.10 that would add a definition for Solar Energy Facility. Currently, the Staunton Zoning Code does not allow for utility scale solar facilities as a permitted use either by right or by granting of a Special Use Permit in any of the zoning districts. If approved, a solar energy utility provider could apply for a Special Use Permit to construct a utility scale solar facility in any area zoned I-1, Light Industrial District, or I-2, Heavy Industrial District.

Analysis: Staff has reviewed the request and generally is supportive of the concept. Industrial districts are the most logical place in the City for such a use to be located. The Special Use Permit review process will allow for specific conditions to be placed on the use to protect the viewshed and ensure that the use will not be detrimental to the surrounding area. The proposed amendment does not include any development standards that could be used by staff and the Planning Commission in the review process. Instead, staff would recommend specific conditions for each proposed Special Use Permit that specifically apply to a proposed site.

The *City of Staunton Comprehensive Plan, 2018-2040* supports green energy such as solar in several areas of the plan:

Open Space/Environment

Goal – Practice good stewardship of the environmental resources within and surrounding the City by protecting environmentally sensitive areas, preserving open space and natural habitat (including dark skies), minimizing pollution of all kinds, and encouraging sustainability and conservation practices.

Objective - Promote energy conservation practices and the potential use of alternative energy sources.

Public Services and Government

Goal - Ensure quality and effective public services that meet the needs of citizens and the business community that is balanced with the City's economic base and resources.

Utilities and Infrastructure

Objective - Encourage green and sustainable initiatives and integrate emerging technologies that promote use of efficient and renewable energy.

Planning Commission Recommendation:

At their June 16, 2022 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 4-0 vote, the Commission unanimously voted to recommend approval of the amendment.

The Staunton Planning Commission elected to recommend approval of the amendment without adding any development standards for review and to treat each application on a case-by-case basis. Staunton, as a small city, is unlikely to receive a significant number of requests for solar energy facilities. It is more likely that the majority of these facilities would locate in a more rural setting. Without development standards, each application would be reviewed on its own and if approved, conditions would need to be placed on the Special Use Permit that would regulate each site. Potential conditions would address issues such as:

Landscaping and screening,
Setbacks from property lines,
Lighting,
Access,
Development in general accord with a concept plan, and a
Decommissioning and site rehabilitation plan (including a secured guarantee sufficient to cover the cost of implementing the plan).

Attachments:

Attachment 1—Application and Letter from the Applicant

Attachment 2—Draft Amendment 18.75 and 18.10

Attachment 3—Draft Amendment 18.80

Attachment 4—Draft Ordinance

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

Interim City Manager: Leslie Beauregard



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

ZONING TEXT CHANGE REQUEST

Applicant: Valerie Long, Williams Mullen on behalf of Oikos Solar System Inc. **Date:** May 4, 2022
Address: 323 Second St. SE, Suite 900 Charlottesville, VA 22902
Phone #: 434-951-5700
Email Address: vlong@williamsmullen.com

Present Zoning Regulation:

n/a

Proposed Zoning Amendment:

See attached letter. Amend Section 18.75.040 to add Solar Energy Facility as a Use Permitted on Review in the I-1 Light Industrial District, and amend Section 18.10.200 to add a definition for Solar Energy Facility.

Purpose of Request:

See attached letter. To allow solar facilities to be located within the I-1 Light Industrial zoning district.

Ordinance Provided ☒ Yes ☐ No

**Please Provide An Electronic Copy of Proposed Ordinance to the Planning Department*

Fee Paid (\$250.00) ☒ Yes ☐ No **check or cash only*

Signature of Applicant: Valerie W. Long

WILLIAMS MULLEN

Direct Dial: 434.951.5709
vlong@williamsmullen.com

May 4, 2022

Via Email: rhodesrs@ci.staunton.va.us

Rodney S. Rhodes, CZA, CTM
Senior Planner/Zoning Administrator
City of Staunton Community Development Department
Planning and Zoning Division
City Hall, 3rd Floor
116 W. Beverley St.
Staunton, VA 24401

**Re: Justification for Proposed Zoning Text Amendment
Section 18.75.040 – Utility Solar Facility; Section 18.10.200 “S” definitions**

Dear Mr. Rhodes:

As we have discussed, our firm represents Oikos Solar System Inc., the contract purchaser and proposed developer of a solar energy facility on Parcels 10413, 10140, and 10418 along Commerce Road, as shown on the map below. Oikos Solar is a clean energy development company based in Richmond, Virginia, a minority owned solar developer focused on development of community solar projects and distributed photovoltaic solar energy generation plus battery energy storage system (“BESS”) with Dominion Energy Virginia territory in Virginia and PJM grid region. Our goal is shared a clean and renewable energy with local community specially with the low-moderate income group, and to participate in the renewable RPS goal by the State of Virginia. Furthermore, our C&I business will be focus on rooftop solar projects in the C&I buildings with a BESS system which will contribute the energy sustainability and stability of the local grid system.

Zoning Map:



Oikos proposes to develop the property with a utility-scale solar facility of approximately 13 MW + 4MW/16MWh Battery Energy Storage System and a 5 MW community solar component (the "Project"). The parcels are currently all zoned I-1 Light Industrial with Agricultural-Forestal District and Entrance Corridor Zoning Overlays. We understand that because the City's zoning ordinance does not recognize utility-scale solar facilities as a potential use, that a zoning text amendment (ZTA) will need to be approved. We attended the Planning Commission's meeting virtually on March 17th, and were pleased to see that the Commission voted to authorize you to proceed with an amendment to allow a Solar Energy Facility as a Use Permitted on Review.

Pursuant to your guidance, we are respectfully submitting a proposed Zoning Text Amendment in order to amend the City's Zoning Ordinance sections 18.75.040 to allow a Solar Energy Facility as a Use Permitted on Review, and section 18.10.200 "S" definitions to add a definition for Solar Energy Facility. Included in our application are the proposed changes to these sections.

If City Council approves the ZTA we acknowledge that a request to remove the Agricultural-Forestal District designation and a special use permit application for the Project will also need to be submitted and approved by the City. We anticipate submitting both applications either while the ZTA is being reviewed, or if approved, shortly after its approval.

We welcome any feedback or clarification on this request and look forward to working with the City of Staunton on this proposed Zoning Text Amendment.

Sincerely,

Valerie W. Long

Valerie W. Long

Attachment 1- Proposed Revisions to Zoning Ordinance

cc: Daniel Chung, Oikos Solar Systems, Inc.

Chapter 18.75 I-1 LIGHT INDUSTRIAL DISTRICT

Attachment 2

Sections:

18.75.010 General description.

18.75.020 Uses permitted.

18.75.030 Area regulations.

18.75.040 Uses permitted on review.

18.75.050 Height regulations.

18.75.060 Minimum off-street parking and loading requirements.

18.75.070 Landscaping and screening.

18.75.080 Minimum distance for building construction from any residential or professional district.

18.75.090 Uses permitted on review.

18.75.010 General description.

These districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts. (Ord. 2019-32. Zoning ordinance Art. 4, § 12).

18.75.020 Uses permitted.

Property and buildings in the I-1 light industrial district shall be used only for the following purposes:

(1) A retail or service use only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof or when it is an adult business, which use shall be permitted solely in an I-1 light industrial zoning district.

(2) No residential use, except sleeping facilities required by caretaker or night watchman employed on the premises shall be permitted in the I-1 light industrial district.

(3) Any of the following uses:

(a) Business sign as regulated in Chapter [18.140](#) SCC.

(b) Building material sales yard and lumber yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or a transit plant.

(c) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

(d) Freightling or trucking yard or terminal.

(e) Outdoor storage facilities for coal, coke, building materials, sand, gravel, stone, lumber; open storage of construction contractor's equipment and supplies shall be screened by seven foot obscuring fence, wall, or mass plantings, or otherwise so located as not to be obnoxious to the orderly appearance of the district.

(f) Public utility service yard or electrical receiving or transforming station.

(g) Auction house, except for sale of livestock.

(h) Tire recapping or retreading.

(i) Co-location of telecommunication antenna and related equipment as regulated in SCC [18.185.020](#)(4).

(4) Adult Businesses. In addition to all other requirements, any adult business shall be permitted solely in an I-1 light industrial zoning district and conform to the following requirements:

(a) The business shall be located at least 500 feet away from any residential or agricultural-forestal zoning district, and at least 500 feet from the property line of any land used for any of the following:

(i) A dwelling;

(ii) A nursing home, assisted living facility, or similar institution;

- (iii) An adult day care center;
- (iv) A child day care center;
- (v) A public or private school, college or university;
- (vi) A public park;
- (vii) A public or private library, museum or cultural center;
- (viii) A church or other place of worship;
- (ix) A hotel, motel or boardinghouse; and
- (x) Any other adult business.

(b) Adult merchandise shall not be visible from any point outside the establishment.

(c) Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in SCC [5.40.010](#).

(d) The business shall not begin service to the public or any outside activity before 7:00 a.m. local time. Hours of operation for any adult movie theater, adult nightclub or other business providing adult entertainment shall not extend after 1:00 a.m. local time. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store or any other adult business except an adult motel shall not extend after 12:00 midnight local time.

(e) In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices, Internet sites or files transmitted over the Internet, or similar media characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in SCC [5.40.010](#), while on the premises.

(f) Adult merchandise shall be located in a conspicuously marked separate room or other area inaccessible to persons under 18 years of age with the room configured so that it remains open to plain view at all times.

(g) The interior of the enclosed premises shall be equipped with overhead lighting fixtures that at all times illuminate every place patrons are permitted access with an illumination of not less than

two-foot candles measured at floor level.

(h) Wide angle mirrors must be used to provide the manager with continuous monitoring of all areas of the establishment.

(i) All owners, operators, managers, employees, associates and entertainers shall be at least 18 years of age.

(j) The owner or operator shall operate and maintain a security camera and videotape or digital file system designed and installed by a private security service business licensed by the commonwealth of Virginia. Surveillance cameras shall continuously monitor and record images of all entrances, exits, parking areas and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras shall provide clear imagery of the establishment's premises, patrons and their vehicles and of any vehicles otherwise entering the premises. Videotapes or digital file systems recording activities in the areas under surveillance shall be preserved for a period of not less than four months. Authorized representatives of the Staunton police or the Staunton planning department shall have prompt access to recovery and possession or a complete and accurate copy of such videotapes or digital files upon request.

(k) The owner or operator shall provide adequate lighting for all entrances, exits and off-street parking areas serving the adult business, and all areas of the establishment where the adult business is conducted, except for the private rooms of an adult motel or the movie viewing areas in an adult movie theater. "Adequate lighting" means sufficient lighting for clear visual and security camera surveillance and recording of all images on the premises at all times one hour before dusk and one hour after dawn.

Unless otherwise defined or required by the context, terms used in this section relating to adult businesses shall have the same meaning as defined in SCC [5.40.010](#).

If any of the provisions of any subsection, paragraph, subdivision or clause of this section shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision or clause of this section.

Nothing in the provisions of this subsection shall be applied, construed or interpreted in any way as prohibiting or limiting the prosecution of alleged violation of any obscenity or child pornography laws.

(5) The following uses when conducted within a completely enclosed building:

(a) The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.

(b) The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, rubber, textiles, tin, iron, steel, wood (excluding sawmill), yarn, and paint not involving a boiling process.

(c) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

(d) The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.

(e) The manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

(f) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

(g) The sale, storage, and sorting of junk, waste, discarded or salvaged materials, machinery or equipment, but not including processing.

(h) Blacksmith shop and machine shop.

(i) Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.

(j) Planing mill.

(k) Wholesale or warehouse enterprise.

(6) Buildings, structures, and uses accessory and customarily incidental to any of the above uses.

(7) Business and professional offices not involving on-premises retail or wholesale trade nor the maintenance of a stock of goods for display or sale. This use shall be limited to only fully enclosed buildings constructed prior to September 1, 2019. (Ord. 2019-32; Ord. 2007-31; Ord. 2007-29. Zoning ordinance Art. 4, § 12).

18.75.030 Area regulations.

The following requirements shall apply to all uses permitted in this district:

- (1) Front Yard. All buildings shall set back from all street right-of-way lines not less than 25 feet.
- (2) Side Yard. No building shall be located closer than 15 feet to a side lot line, unless said side lot line abuts a residential or professional district, in which case no building shall be located closer than 50 feet to that side lot line.
- (3) Rear Yard. No building shall be located closer than 30 feet to a rear lot line, unless such rear lot line abuts a residential or professional district, in which case no building shall be located closer than 50 feet to that rear lot line.
- (4) Coverage. Main and accessory buildings and off-street parking and loading facilities shall not cover more than 75 percent of the lot area. (Zoning ordinance Art. 4, § 12).

18.75.040 Uses permitted on review.

The following uses may be permitted on review by the planning commission in accordance with the provisions contained in Chapter [18.210](#) SCC:

(1) Other uses of the same general character and compatible with those uses permitted in SCC [18.75.020](#), Uses permitted, in this district. (Zoning ordinance Art. 4, § 12).

(2) Solar Energy Facility.

18.75.050 Height regulations.

No building or structure shall exceed four stories or 45 feet in height, except as hereinafter provided in Chapter [18.115](#) SCC. (Zoning ordinance Art. 4, § 12).

18.75.060 Minimum off-street parking and loading requirements.

Minimum off-street parking and loading requirements are as regulated in Chapters [18.125](#) and [18.135](#) SCC. (Zoning ordinance Art. 4, § 12).

18.75.070 Landscaping and screening.

Landscaping and screening are as regulated in Chapter [18.175](#) SCC, Landscaping and Screening. (Zoning ordinance Art. 4, § 12).

18.75.080 Minimum distance for building construction from any residential or professional district.

Notwithstanding any minimum setback, rear yard, or front yard requirements hereinabove set forth, no

building may be constructed in this district within 50 feet of any residential or professional district.

(Zoning ordinance Art. 4, § 12).

18.75.090 Uses permitted on review.

Other uses of the same general character as those listed as uses permitted in this district. (Zoning ordinance Art. 4, § 12).

The Staunton City Code is current through Ordinance 2022-08, passed February 24, 2022.

Disclaimer: The City Clerk's office has the official version of the Staunton City Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.ci.staunton.va.us/>

City Telephone: (540) 332-3810

[Code Publishing Company](#)

“Remote sign” means any sign advertising or indicating the location of or direction to a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed, other than the billboard, directional sign, real estate sign, ballpark sign or contractor or subcontractor sign.

“Roof line” means the line composed of the highest points of the roof of a building or structure not to include mechanical penthouses or other structures attached to or erected on such roof.

“Roof sign” means any sign erected on or affixed to a building or structure that extends, in whole or in part, above the roof line.

“Rooming house” means a dwelling in which, as a home occupation and for compensation, lodging only is furnished to three or more but not over nine guests. Such dwelling shall contain not over five guest rooms.

“Row dwelling” means one of a series of three or more attached one-family dwellings separated from one another by single partition walls without openings extending from basement to roof. (Zoning ordinance Art. 2).

18.10.200 “S” definitions.

“Sandwich board sign” means a freestanding sign consisting of two boards hinged at the top.

“School sign” means any bulletin board type of sign erected or displayed on the real property of a school for the display of messages.

“Shopping center” means a business development having a common ownership of real estate as well as improvements thereon where three or more retail establishments are located, having common parking for all commercial and professional establishments located within the business development complex.

“Side yard” means a yard between the main building on a lot and the side lot line, of the lot, extending from the front yard, or street line, if there is no required front yard, to the rear yard, or the rear lot line, if there is no required rear yard; or the horizontal distance between a side lot line and the side of the main building or any projection thereof.

“Sign, billboard, or other advertising device” means any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. Any letters, parts of letters, words, figures, numerals, emblems, devices, designs,

trademarks, posters, handbills or any other objects (i) which make known or designate, or attract attention to, any person or any thing (such as a place, event, product or business), (ii) which are visible to persons located outdoors, and (iii) which are capable of attracting the attention of such persons. Any supporting standard for a sign shall not itself be considered a sign if no letters, parts of letters, words, figures, numerals, emblems, devices, designs, trademarks, posters, handbills or other objects are affixed thereon.

The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. Types of signs are defined by the following categories:

- (1) "Animated sign" means any sign, the character or appearance of any element or part of which changes by any device, mechanical, electrical or otherwise.
- (2) "Apartment hotel sign" means any sign advertising or identifying an apartment hotel.
- (3) "Awning" means a covering attached to a building or structure, erected in or over a window or door, and usually supported by gravity and a metal frame.
- (4) "Ballpark sign" means any sign located on the inside of fencing in an enclosed ballfield in a public park.
- (5) "Banner" means any sign appended on or from a staff, pole, wire, frame or similar support, extending across the entire width of any street, road, highway or alley.
- (6) "Billboard" means any sign, in excess of 150 square feet, advertising a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed.
- (7) "Business sign" means any sign advertising a business conducted within the building or structure, or upon the real property, on which the sign is erected or displayed.
- (8) "Church sign" means any bulletin board type of sign erected or displayed on the real property of a church, chapel, temple, synagogue or other place of worship for the display of messages.
- (9) "Contractor" or "subcontractor sign" means any sign containing the name and type of work performed by a contractor or subcontractor and erected or displayed on the property upon which building operations are being conducted.

- (10) "Convenience sign" means any sign indicating the location of or direction to a place or object of public convenience, such as a restroom, telephone, bus stop or public parking area.
- (11) "Curb sign" means any sign composed of one or more numerals painted on a curb located within a public right-of-way which designates the premises upon which it is located.
- (12) "Directional sign" means any sign indicating the location of or direction to a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed.
- (13) "Double-face sign" means any sign having two parallel planes or surfaces upon which advertising is displayed.
- (14) "Flag" means a piece of material, usually rectangular in shape, on which is imprinted, or into which is woven, a distinctive design which is or denotes the official symbol of a national, state or local government. A flag shall not be considered a sign. However, a piece of material on which is imprinted, or into which is woven, a design, business trademark or other pattern or symbol that does not constitute or denote an official government symbol shall be considered a sign.
- (15) "Flashing sign" means any sign consisting of, or illuminated by, flashing or intermittent lights or other lights of changing degrees of intensity, brightness or color, except a sign showing the date, time and/or temperature.
- (16) "Freestanding sign" means any sign permanently affixed into the ground, erected on its own foundation or placed on a pole which is independent of but on the same lot or parcel as the building or structure in which the person, place, event, product, business or other matter noted on the sign is located.
- (17) "Home occupation sign" means any sign erected or displayed on the exterior wall of a private dwelling which states only the name of a person occupying the dwelling and the name of a product or service offered in or from the dwelling by that person.
- (18) "Identification sign" means any sign stating the use and name given to the use of a building, structure or area, when such use is permitted in the zone in which the sign is located.
- (19) "Marquee" means a fixed covering erected over a sidewalk as a protection to an entrance of a building or structure.

(20) "Mobile sign" means any sign mounted on wheels or built with axles to which wheels may be attached. A sign attached to a motor vehicle shall not be considered a mobile sign. A parking permit sticker, inspection sticker, regulatory permit or bumper sticker attached to a motor vehicle shall not be considered a sign.

(21) "Motor vehicle sign" means any sign on or attached to a motor vehicle which is being used primarily for the purpose of displaying advertising and is not being utilized in the normal business or work of the vehicle owner.

(22) "Moving or windblown sign" means any sign, any element or part of which (such as a pennant, streamer, moored blimp or propeller) moves by means of a mechanized, electrical or other device or is set in motion by movement of the atmosphere.

(23) "Multifamily dwelling sign" means any sign identifying or advertising a multifamily dwelling.

(24) "Off-street parking sign" means any sign identifying an off-street parking area or lot.

(25) "Person" means any natural person, firm, partnership, association, corporation, company, trust or other group or combination of persons operating as a unit.

(26) "Political sign" means any sign addressing the candidacy of one or more persons for elective office.

(27) "Portable sign" means any sign which is not permanently affixed into the ground or to a building or structure and which can easily be picked up and moved to another location.

(28) "Real estate sign" means any sign advertising the sale, lease or further use of real estate which is placed upon the property so advertised.

(29) "Remote sign" means any sign advertising or indicating the location of or direction to a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed, other than the billboard, directional sign, real estate sign, ballpark sign or contractor or subcontractor sign.

(30) "Roof line" means the line composed of the highest points of the roof of a building or structure not to include mechanical penthouses or other structures attached to or erected on such roof.

(31) "Roof sign" means any sign erected on or affixed to a building or structure which extends, in whole or in part, above the roof line.

- (32) "School sign" means any bulletin board type of sign erected or displayed on the real property of a school for the display of messages.
- (33) "Special advertising" means advertisement of a product or service which constitutes less than 50 percent of the gross business conducted by the person erecting or displaying the sign either in the building or structure or on the property to which the sign containing the advertisement is affixed.
- (34) "Street median" means a defined area of the public right-of-way located between traffic lanes, usually elevated and narrow, which follows the course of the roadway to separate traffic moving in the same or opposite directions.
- (35) "Subdivision sign" means any sign erected or displayed for the purpose of identifying or advertising a residential development or subdivision.
- (36) "Temporary signs" shall include any sign, banner, pennant, valance, or advertising display made of cloth, canvas, or other light fabric, without frames. Sandwich board signs and real estate signs shall be exempt from these restrictions as to materials.
- (37) "Erect," when used in connection with signs, shall mean to build, construct, attach, hang, place, suspend, or affix and shall also include the painting of wall signs.
- (38) "Traffic channelization island" means a defined area of the public right-of-way located in a roadway to confine specific movements of traffic, usually turning movements at an intersection, to definite channels.
- (39) "Warning sign" means any sign stating that solicitation, trespassing or parking is prohibited on the premises upon which the sign is erected or displayed, and any sign stating that dogs are present, that the building or structure to which it is affixed is protected by a security or alarm system, or other similar statements of caution.
- (40) "Window sign" means any sign affixed to, or visible from the outdoors through, any window in a building or structure; provided, however, that any object which is sold or available for purchase on the premises of the property upon which it is erected or displayed shall not be considered a window sign.
- (41) "Yard sale sign" means any sign stating the date and time of a yard sale or garage sale to be conducted on the premises of the property upon which it is erected or displayed.

'Solar Energy Facility' means an energy conversion system consisting of photovoltaic panels, support structures, battery energy storage systems, and associated control, conversion, and transmission hardware. Including substations, generation ties, and appurtenances for the distribution of power.

Story means that portion of a building included between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, then the space between such floor and ceiling next above it.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Street line means a dividing line between a lot, tract, or parcel of land and a contiguous street.

Structural alteration means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

Structure means anything constructed or erected which requires location on the ground or attached to something having a location on the ground; provided, however, that utility poles shall not be considered to be structures.

Student activity building means a building used for a variety of student co-curricular functions and events, including, but not limited to, student government, social functions, cultural events and meetings.

Student housing means any building designed to provide living quarters for more than one student. (Ord. 2010-05; Ord. 2009-20. Zoning ordinance Art. 2).

18.10.210 "T" definitions.

Through lot means a lot having frontage on two parallel or approximately parallel streets.

Tourist court means a group of attached or detached buildings which are provided for transient guests, including auto courts, motels, and motor lodges.

Tourist home means a dwelling in which boarding or rooming or both are offered to the traveling public for compensation; open to transient guests in contradistinction to a boardinghouse or rooming house.

Tourist or trailer camp means premises available to the public used to supply parking areas accommodating two or more trailers for a period not exceeding 90 days, including all buildings, structures, tents, vehicles, accessories, and appurtenances used or intended as equipment of such tourist or trailer camp.

Two-Family Dwelling. See "Dwelling, two-family." (Zoning ordinance Art. 2).

18.10.220 "U" definitions.

Use means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained. (Zoning ordinance Art. 2)

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Solar Energy Facility

Chapter 18.80

I-2 HEAVY INDUSTRIAL DISTRICT

Sections:

- 18.80.010 General description.
- 18.80.020 Uses permitted.
- 18.80.030 Uses prohibited.
- 18.80.040 Uses permitted on review.
- 18.80.050 Area regulations.
- 18.80.060 Height regulations.
- 18.80.070 Minimum off-street parking and loading requirements.
- 18.80.080 Screening and landscaping.
- 18.80.090 Minimum distance for building construction from any residential or professional district.

18.80.010 General description.

These districts are composed of land and structures used for heavy manufacturing and related activities or suitable for such uses. Located for convenient access from existing and future arterial thoroughfares and railway lines, these districts are in many instances separated from industrial areas by business or light industrial areas or some type of artificial separation may be required. The district regulations are designed to permit the development of the district for almost any industrial uses, subject to the minimum regulations necessary for the mutual protection of the uses. (Zoning ordinance Art. 4, § 13).

18.80.020 Uses permitted.

Property and buildings in the I-2 heavy industrial district shall be used only for the following purposes:

(1) Any uses permitted in the I-1 light industrial district.

(2) Any of the following uses:

(a) Emery cloth or sand paper manufacture.

(b) Gas (illuminating or heating) manufacture (power plant).

(c) Oiled rubber or leather goods manufacture.

(d) Petroleum, storage of.

(e) Sauerkraut or pickles, etc., manufacture.

(f) Sausage manufacture.

(g) Soda manufacture.

(h) Automobile wrecking and junk yards.

(i) Vinegar manufacture.

(j) Mining, extracting, filling or soil-stripping; provided, that standards for the treatment of the site during and after operations be designated by the planning commission.

(k) Co-location of telecommunication antenna and related equipment as regulated in SCC 18.185.020(4).

(3) Buildings, structures, and uses accessory and customarily incidental to any of the above uses. (Zoning ordinance Art. 4, § 13).

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Solar Energy Facility

38 18.80.030 Uses prohibited.

39 The following uses are prohibited:

- 40 (1) Abattoirs or slaughterhouses.
- 41 (2) Acid manufacture.
- 42 (3) Ammonia, bleaching powder, or chlorine manufacture.
- 43 (4) Apartment houses, except when adjoining a residential zone.
- 44 (5) Bag cleaning.
- 45 (6) Blast furnace.
- 46 (7) Boiler works.
- 47 (8) Brick, tile or terra cotta manufacture not requiring ovens.
- 48 (9) Candle manufacture.
- 49 (10) Celluloid manufacture.
- 50 (11) Coke ovens.
- 51 (12) Crematory or reduction plant.
- 52 (13) Creosote treatment or manufacture.
- 53 (14) Dextrin, glucose, and starch manufacture.
- 54 (15) Disinfectants, cattle dips, exterminators and insecticides manufacture, not including the compounding of the
55 same.
- 56 (16) Distillation of bones.
- 57 (17) Dyestuff manufacture.
- 58 (18) Fat rendering.
- 59 (19) Fertilizer manufacture, not including compounding.
- 60 (20) Fireworks or explosives manufacture or storage, or the loading of explosives.
- 61 (21) Fish smoke or curing.
- 62 (22) Forge plant.
- 63 (23) Fuel manufacture.
- 64 (24) Gas (illumination or heating) manufacture or storage in excess of 1,000 cubic feet.
- 65 (25) Gelatin, glue, or size manufacture or process involving recovery from fish or animal material.
- 66 (26) Glass manufacture.
- 67 (27) Gunpowder manufacture or storage.
- 68 (28) Hotels and similar inhabitable places.

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Solar Energy Facility

- 69 (29) Incineration or reduction of garbage, dead animals, outfall, or refuse other than by an authorized public agency.
- 70 (30) Iron, steel, brass, or copper works or foundry.
- 71 (31) Lampblack manufacture.
- 72 (32) Lime, gypsum, plaster of paris manufacture.
- 73 (33) Match manufacture.
- 74 (34) Oil, paint, turpentine, or varnish manufacture.
- 75 (35) Ore reduction.
- 76 (36) Potash or washing soda manufacture.
- 77 (37) Pulp mills.
- 78 (38) Petroleum products, refining, or storage.
- 79 (39) Printing ink manufacture.
- 80 (40) Pyroxylin plastics or celluloid manufacture, or explosive or inflammable cellulose or pyroxylin products
81 manufacture.
- 82 (41) Rendering plant or other comparable processing of fish or animal material.
- 83 (42) Rolling manufacture.
- 84 (43) Salt works.
- 85 (44) Sawmill.
- 86 (45) Smelting or refining of metals.
- 87 (46) Soap manufacture.
- 88 (47) Sulphurous, sulfuric, nitric, or hydrochloric, or other corrosive or offensive acid manufacture or their use except
89 as accessory to a permitted industry.
- 90 (48) Stockyards.
- 91 (49) Shoe polish manufacture.
- 92 (50) Tanning, curing, or storage of raw hides or skins, or leather dressing or coloring.
- 93 (51) Tar distillation or manufacture.
- 94 (52) Tar roofing or waterproofing manufacture.
- 95 (53) Wool pulling or scouring. (Zoning ordinance Art. 4, § 13).
- 96 **18.80.040 Uses permitted on review.**
- 97 (1) Batching plants for asphalt and Portland cement concrete.
- 98 (2) Livestock market and sales pavilions.
- 99 (3) Manufacture of cement, asphalt, lime, plaster, and plaster of paris.

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(4) Feed mills.

(5) Solar Energy Facility

~~(56)~~ Other uses of the same general character as those uses listed as uses permitted in this I-2 heavy industrial district and those uses listed as uses permitted in the I-1 light industrial district. (Zoning ordinance Art. 4, § 13).

18.80.050 Area regulations.

The following requirements shall apply to all uses permitted in this district:

(1) Front Yard. All buildings shall set back from all street right-of-way lines not less than 35 feet.

(2) Side Yard. No building shall be located closer than 15 feet to a side lot line, unless said side lot line abuts a residential or professional district, in which case no building shall be located closer than 75 feet to that side lot line.

(3) Rear Yard. No building shall be located closer than 30 feet to a rear lot line, unless said rear lot line abuts a residential or professional district, in which case no building shall be located closer than 75 feet to the rear lot line.

(4) Coverage. Main and accessory buildings and off-street parking and loading facilities shall not cover more than 80 percent of the lot area. (Zoning ordinance Art. 4, § 13).

18.80.060 Height regulations.

No building or structure shall exceed four stories or 45 feet in height, except as hereinafter provided in Chapter 18.115 SCC. (Zoning ordinance Art. 4, § 13).

18.80.070 Minimum off-street parking and loading requirements.

Minimum off-street parking and loading requirements are as regulated in Chapters 18.125 and 18.135 SCC. (Zoning ordinance Art. 4, § 13).

18.80.080 Screening and landscaping.

Screening and landscaping are as regulated in Chapter 18.175 SCC, Landscaping and Screening. (Zoning ordinance Art. 4, § 13).

18.80.090 Minimum distance for building construction from any residential or professional district.

Notwithstanding any minimum setback, rear yard, or front yard requirements hereinabove set forth, no building may be constructed in this district within 75 feet of any residential or professional district. (Zoning ordinance Art. 4, § 13).

Ordinance No. 2022-____

**AN ORDINANCE AMENDING SECTIONS 18.10.200, “S” DEFINITIONS, OF
CHAPTER 18.10, DEFINITIONS,
18.75.040, USES PERMITTED ON REVIEW, OF CHAPTER 18.75, I-1, LIGHT
INDUSTRIAL DISTRICT,
AND
18.80.040, USES PERMITTED ON REVIEW, OF CHAPTER 18.80, I-2, HEAVY
INDUSTRIAL DISTRICT,
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE
TO ALLOW SOLAR ENERGY FACILITY AS A USE PERMITTED ON REVIEW
IN THE I-1, LIGHT INDUSTRIAL AND I-2, HEAVY INDUSTRIAL, DISTRICTS**

Recitals

A. Currently, the Zoning Code of the City of Staunton does not include provisions to allow utility scale solar energy facilities;

B. Oikos Solar Systems Inc. has applied for an amendment to the Zoning Code to allow solar energy facilities as a use permitted on review in the I-1, Light Industrial District;

C. Staff has determined to expand the request to include utility scale solar facilities as a use permitted on review in the I-2, Heavy Industrial District;

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 18.10 Definitions, 18.75.040 Uses Permitted on Review, 18.80.040, Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code, is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

**Chapter 18.10
DEFINITIONS**

....

....

....

18.10.200 “S” definitions.

....

....

....

“Side yard” means a yard between the main building on a lot and the side lot line, of the lot, extending from the front yard, or street line, if there is no required front yard, to the rear yard, or the rear lot line, if there is no required rear yard; or the horizontal distance between a side lot line and the side of the main building or any projection thereof.

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

The word “sign” includes the word “billboard” or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. Types of signs are defined by the following categories:

(1) “Animated sign” means any sign, the character or appearance of any element or part of which changes by any device, mechanical, electrical or otherwise.

(2)

(3)

....

....

(41) “Yard sale sign” means any sign stating the date and time of a yard sale or garage sale to be conducted on the premises of the property upon which it is erected or displayed.

“Solar Energy Facility” means an energy conversion system consisting of photovoltaic panels, support structures, battery energy storage systems, and associated control, conversion' and transmission hardware. including substations, generation ties, and appurtenances for the distribution of power.

“Story” means that portion of a building included between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, then the space between such floor and ceiling next above it.

Chapter 18.75
I-1, LIGHT INDUSTRIAL DISTRICT

18.75.040 Uses Permitted on Review.

The following uses may be permitted on review by the planning commission in accordance with the provisions contained in Chapter [18.210](#) SCC:

- (1) Solar Energy Facility
- (2) Other uses of the same general character and compatible with those uses permitted in SCC 18.75.020, Uses permitted, in this district. (Zoning ordinance Art. 4, § 12).

Chapter 18.80
HEAVY INDUSTRIAL DISTRICT

18.80.040 Uses Permitted on Review.

- (1) Batching plants for asphalt and Portland cement concrete.
- (2) Livestock market and sales pavilions.
- (3) Manufacture of cement, asphalt, lime, plaster, and plaster of paris.
- (4) Feed mills.
- (5) Solar Energy Facility
- (6) Other uses of the same general character as those uses listed as uses permitted in this I-2 heavy industrial district and those uses listed as uses permitted in the I-1 light industrial district. (Zoning ordinance Art. 4, § 13).

In all other respects, the provisions of Title 18, Zoning, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:
Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____
Kiley A. Kesecker,
Clerk of Council

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 28, 2022	Staff Members: Billy Vaughn Amanda DiMeo
Item #	D	
Department:	Community Development	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Built Environment Value: Excellence, Environmentally Conscious	
Subject:	FY 2022 Annual Action Plan for the City of Staunton through the U.S. Department of Housing and Urban Development Community Development Block Grant Program Fund	

Background: On February 26, 2019, the City received official confirmation from the U.S. Department of Housing and Urban Development (HUD) of its designation as an entitlement community. Under this program designation, the City receives annual allocations from HUD. This is the City's third year of such designation. In accordance with the federal regulations, an annual action plan (AAP) must be prepared and adopted by City Council annually. The AAP is a prerequisite to receiving the annual allocation through HUD's Community Development Block Grant (CDBG) program. Any proposed changes to approved fund allocations requires approval of a substantial amendment.

Proposed FY2022 Annual Action Plan: The plan covers the period of October 1, 2022 through September 30, 2023. The City anticipates receiving \$317,340 in CDBG funds for the program year. In preparation of the draft AAP, the City utilized an approach that resulted in the prioritization of the needs for low- and moderate-income persons, and continued partnerships the private and not-for-profit sectors. In doing so, City staff sought input from local agencies concerning their potential utilization of HUD funds while achieving CDBG goals. Staff engaged M&L Associates, Inc., the housing consultant under contract with the City to provide technical support and guidance services, to vet the proposals to ensure compliance with HUD CDBG guidelines. Based on the findings, the following strategies are recommended for funding:

- Valley Mission, Inc Initial Housing Support program provides financial support to formerly homeless individuals who move into housing within the city after exiting Valley Mission. They will be assisted with approximately \$500 to \$1,000 each in initial housing support or other funds necessary to facilitate moving into safe, affordable, permanent, and appropriate housing for 5 persons with a total budget of \$5,000.
- Valley Program for Aging Service (VPAS) Transportation Assistance program provides transportation services to residents 60 years of age or older, and those under 60 years of age with a disability needing transportation to medical and other life necessary destinations when there is no other reliable or affordable transportation option available to them. Approximately 30 low-income residents will be assisted through this program with a budget of \$10,000.
- Valley Program for Aging Service (VPAS) Meals on Wheels program provides nutritious meals five days a week to frail, older Staunton residents who are at nutritional risk. Approximately 95 seniors will be assisted through this program with a budget of \$10,000.
- Blue Ridge Legal Services will provide free legal assistance to 12 low-income residents facing legal issues resulting from the COVID-19 pandemic and subsequent economic crisis with a total budget of \$8,000.
- Blue Ridge CASA provides advocacy for abused and neglected children. The proposed activities will directly benefit at least 60 low-income children living in unstable and inadequate housing conditions who have been victims of abuse or neglect and have special needs with a total budget of \$14,600.
- "A" Street Aging in Place Project improves public service and safety to existing and new homeowners at the end of A Street. Fifteen units will be built at the end of "A" Street for elderly/special needs housing. Street/curb/sidewalks for new housing units will be extended along A Street. This year's proposed funding for the multi-year project is \$151,272.
- Salvation Army Facilities Improvements project proposes improvements to the building, new paint, and new vents in the gymnasium which is used more as a community gathering space for programs. The project also includes renovation of kitchen space to make it more energy efficient, and the space will be more efficient for services to the community. With a budget of \$55,000, hundreds of clients who visit each year during seasonal activities, as well as residents of Staunton.
- CDBG Program Administration funding will be used to support the general administration and planning activities for the Community Development Block Grant Program. The maximum budget for administration is \$63,468.

As required by HUD, public hearings were held on May 12, 2022 and July 14, 2022 to solicit feedback on the draft FY2022 AAP.

At City Council's July 28, 2022 regular meeting, Tina Roseberry, AICP, Senior Project Manager with M&L Associates, the City's HUD consultant, will participate virtually to present an overview of the draft FY2022 Annual Action Plan.

Attachments:

Attachment 1—Draft FY2022 Annual Action Plan

Attachment 2—Draft Resolution Authorizing Adoption of FY2022 Annual Action Plan

Interim City Manager's Recommendation: Recommend City Council approve the attached resolution authorizing the adoption of the FY2022 Annual Action Plan, and provide authorization for the Interim City Manager to sign sub-recipient agreements and other associated documents with agencies recommended to receive HUD CDBG funds.

Suggested Motion: I move that City Council approve the attached resolution authorizing the adoption of the FY2022 Annual Action Plan, and authorize the Interim City Manager to execute the sub-recipient agreements and associated documents with agencies recommended to receive HUD CDBG funds.

Interim City Manager: Leslie Beauregard

ATTACHMENT 1



CITY OF STAUNTON,
VIRGINIA

2022 Annual Action Plan

Prepared for: Staunton Department of
Community and Economic Development



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EXECUTIVE SUMMARY

AP-05 EXECUTIVE SUMMARY - 24 CFR 91.200(C), 91.220(B)

1. Introduction

The City of Staunton is a federal entitlement community under the U.S. Department of Housing and Urban Development (HUD). As a HUD entitlement community, the City is required to prepare Annual Action Plans related to the most recent Five-Year Consolidated Plan (CP) in order to implement any federal programs that fund housing, community development and economic development within the community. The Staunton Annual Action Plan covers the period from FY 2022 (October 1, 2022 through September 30, 2023) and has a CDBG allocation of \$317,340.

This Annual Action Plan (AAP) outlines the planning and project requirements for CDBG funds. The primary objective of the CDBG Program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities, principally for persons of low- and moderate-income levels.

2. Summarize the objectives and outcomes identified in the Plan

Objectives. The Consolidated Plan three overarching objectives guiding proposed activities:

- Providing Decent Affordable Housing
- Creating Suitable Living Environments
- Creating Economic Opportunities

Goals. All future activities funding in the next three years of the Consolidated Plan will support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals:

- Provide Decent, Affordable Housing
- Provide a Suitable Living Environment
- Increase Homeownership

Anticipated Outcomes. Outcomes or accomplishments show how programs and activities benefit low- and moderate- income areas of a community or the people served. The three outcomes anticipated are:

- Improve Availability/Accessibility
- Improve Affordability
- Improve Sustainability

3. Evaluation of past performance

The following evaluation of past performance is from the Program Year 2020 (October 1, 2020 – September 30, 2021) Consolidated Annual Performance and Evaluation (CAPER) report.

CDBG funds were used to fund public services that are directed to seniors, youth, disabled populations and persons who are homeless and are presumed to serve low-income people.

During FY 2020 the City of Staunton completed the following high priority activities:

- Persons benefiting from Public Services: 207 persons served: Of those 120 were seniors or persons with disabilities who benefited from the Meals on Wheels program,
- 252 one-way rides were provided to 29 Staunton residents aged 62 or older who did not have access to other forms of transportation;
- 10 individuals experiencing homelessness were assisted with security deposits or first month's rent to move into permanent housing;
- 23 individuals experiencing significant financial hardship due to the impact of the COVID-19 were provide short-term rental and/or utility subsistence payments to low-moderate income, qualifying households, and 48 youth were assisted with advocacy service.
- Housing Units identified for rehabilitation: 4 homes identified
 - 2 Roofing work completed and inspected successfully
 - 2 homes pending contact award

During 2020, the City of Staunton received CARES Act funding for the prevention of, preparation for and response to coronavirus. Of the 988 persons served, 773 were served by activities designed to prepare, prevent and respond to coronavirus.

The City of Staunton expended CARES Act funds in 2020 to address the below objectives:

- Providing emergency payments for rental, mortgage and utility assistance to low-to-moderate income households.
- Provide funding for additional emergency shelter staffing due to the increased shelter space needs resulting from social distancing.
- Provide food assistance to low-to-moderate income households.
- Increase outreach and education to underserved populations to provide prevention messaging in socially vulnerable areas, as identified by CDC social vulnerability index maps, of the City.
- Providing legal aid services to persons at risk of homelessness as a result of COVID-19 to low-to-moderate income households facing evictions.
- CDBG CV Program Administration

4. Summary of Citizen Participation Process and consultation process

Public Hearings—A public hearing was held on May 12th, 2022, in Council Chambers 116 W Beverley St, Staunton VA 24401 at 2:00pm to solicit feedback on the Annual Action Plan development. This hearing was to solicit input from the public on the needs and priorities for the City.

A second public hearing was held on July 14, 2022. This hearing allowed for the public to review the proposed projects in the 2022 Annual Action Plan. Both hearings were advertised in the *News Leader* and on the City's website in accordance with the City's Citizen Participation Plan.

City staff presented the draft Annual Action Plan to City Council on July 28, 2022.

5. Summary of public comments

There were no comments from the public during the hearings.

6. Summary of comments or views not accepted and the reasons for not accepting them

There were no comments from the public during the hearings.

7. Summary

The City of Staunton continues to use CDBG funding to support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals: provide decent, affordable housing, provide a suitable living environment and/or increase homeownership.

PR-05 LEAD & RESPONSIBLE AGENCIES – 91.200(B)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

CDBG Administrator	City of Staunton, VA	Department of Community and Economic Development
--------------------	----------------------	--

Table 1 – Responsible Agencies

Narrative (optional)

The City, a relatively new designated HUD entitlement grantee, is required by HUD to prepare an Annual Action Plan that meets the Consolidated Plan regulations in order to receive grant program funds. The lead agency responsible for overseeing the development of these plans and reports is the City's Community and Economic Development Departments.

Consolidated Plan Public Contact Information

Mr. William L. Vaughn, Director
Community and Economic Development Departments
116 W. Beverley Street
Staunton, VA 24401
Office: 540.332.3869

AP-10 CONSULTATION – 91.100, 91.200(B), 91.215(L)

1. Introduction

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

As an Entitlement grantee, the City encouraged a high level of public communication and agency consultation when developing the 2019-2023 Consolidated Plan to demonstrate its commitment to identifying priority needs and engaging the participation of citizens, public agencies, and nonprofit organizations in a positive and collaborative manner. A list of stakeholders was developed for the purpose of developing the Plan, and included affordable housing providers, public agencies and private nonprofit organizations whose missions include the provision of affordable housing and human services to LMI households and persons. In line with the process during the Consolidated Plan, these stakeholders were invited to participate in scheduled public meetings held to develop the 2022 Annual Action Plan.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City participates in the Virginia Balance of State Continuum of Care (BoS CoC) and is a member of one of twelve local planning groups. This group encompasses the City of Staunton, Augusta County, the City of Waynesboro, Highland County, the City of Lexington, the City of Buena Vista, and Rockbridge County. Members of the CoC were consulted during the development of the Con Plan to understand how to best address the needs of homeless persons and persons at risk of homelessness. Through its cooperation with the CoC, the City will seek to identify ways to enhance coordination among the assisted housing providers and governmental health, mental health, and service agencies.

The City anticipates continuing its coordination of human service funding with other social service agencies and charitable organizations to better target the limited amount of human service dollars available in the community. The City continues to fund non-profit organizations that provide services to person's experiencing homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS.

The City does not receive ESG funds.

City staff will continue to work with the local planning group of the BoS CoC to undertake the establishment of performance measurements for homeless programs. Members of the CoC provided valuable input during public outreach, plan drafting, and project selection process of the Con Plan. The CoC administers the local HMIS.

The City's Citizen Participation Plan allows for citizens, community agencies, and the local CoC to provide input on the use of all funding. Notifications of the public hearings are published in Staunton's newspaper

of largest distribution, the *News Leader*. Information is also made available at the City's office of Community Development and is displayed on the City's website.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

1	Agency/Group/Organization	STAUNTON REDEVELOPMENT AND HOUSING AUTHORITY
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
2	Agency/Group/Organization	City of Staunton – Public Works-Engineering Office
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This municipal department was consulted through a one-on-one meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
3	Agency/Group/Organization	City of Staunton – Community and Economic Development
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This municipal department was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
4	Agency/Group/Organization	VPAS
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
5	Agency/Group/Organization	Community Foundation of Central Blue Ridge
	Agency/Group/Organization Type	Community Foundation
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
6	Agency/Group/Organization	Valley Supportive Housing
	Agency/Group/Organization Type	Homeless

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
7	Agency/Group/Organization	Blue Ridge CASA
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through a stakeholder meeting and brought several community needs to the attention of City staff that have been incorporated into the plan.
8	Agency/Group/Organization	Blue Ridge Legal Services
	Agency/Group/Organization Type	Services-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization was consulted through public meetings and brought several community needs to the attention of City staff that have been incorporated into the plan.

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

All entities were considered for consultation. Data was collected using Federal Communications Commission data and the Brookings Institute *Closing the digital and economic divides in rural America*. Hazard mitigation information was collected from the Central Shenandoah Planning District Commission's website.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Strategic Plan	BoS CoC	The CoC Strategic Plan goals were reviewed.
Capital Improvement Plan	City of Staunton	The City's Capital Improvement Plan, updated in 2021, informed the Strategic Plan sections aimed at public infrastructure improvements.
ALICE Report United Way	United Way Greater Augusta	The goals of the Strategic Plan are aligned with the goals of ALICE, to improve access to opportunity for Staunton residents.

Table 3 – Other local / regional / federal planning efforts

AP-12 PARTICIPATION – 91.105, 91.200(C)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

In April 2020, the City updated the Citizen Participation Plan to include information on how the City will collect citizen participation in the event of an emergency. Subsequently, public meetings associated with each Annual Action Plan have been held virtually. In 2022, the City held its public hearing both in-person and virtually, utilizing video conferencing software that had the ability to allow live questions to be asked and comments in real time.

Public Hearings—A public hearing was held on May 12th, 2022 to solicit community needs feedback on the Annual Action Plan development. This hearing was to solicit input from the public on the needs and priorities for the City. Several persons and council members were in attendance and no comments were made.

A second public hearing was held on July 14, 2022. This hearing presented the draft Annual Action Plan for public comment. Both hearings were advertised in the *News Leader* and on the City's website in accordance with the City's Citizen Participation Plan.

The City underwent extensive citizen participation in the development of its 2019-2023 Consolidated Plan, which included stakeholder meetings, public hearings and an online survey. Results from this process outlined the five-year strategic goals for the City of Staunton. The creation of the 2022 Annual Action Plan included a smaller engagement process including discussions with CDBG applicants, City department directors, attendance at CoC meetings, and two public hearings.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Non-targeted/broad community	0 participants	There were no attendees	All comments accepted.	https://www.ci.staunton.va.us/departments/community-development/hud-community-development-block-grant/notice-of-public-needs-hearing
2	Applicant Outreach	Non-targeted/broad community	Annual Action Plan was uploaded on the City's website during the 30-day public comment period.	Applicants provided program needs information	n/a	
3	Public Hearing	Non-targeted/broad community	0 participants	There were no attendees	All comments accepted.	

Table 4 – Citizen Participation Outreach

EXPECTED RESOURCES

AP-15 EXPECTED RESOURCES – 91.220(C)(1,2)

Introduction

The City of Staunton will utilize the CDBG allocation for Program Year 2021 for Admin and Planning, Housing, Public Infrastructure Improvements, and/or Public Services

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-federal	Admin and Planning Housing Public Improvements Public Services	\$317,340	\$0	\$0	\$317,340	\$371,384	The estimated expected amount available for the remainder of the Con Plan is just over one times the 2022 annual allocation

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Over the next two years, Staunton will attempt to leverage its CDBG allocations with federal and other public resources, as well as private sector funding sources, to address the City's housing and community development needs. The City will continue to partner with other public agencies and non-profit organizations, when feasible, to leverage resources and maximize outcomes in providing the housing and supportive services needs of the community.

The City annually provides general fund dollars to organizations that provide housing and/or supportive services to area residents, including LMI households. The City will continue this practice to maximize its CDBG investments.

The non-profit organizations funded through the CDBG program have additional financial capacity through foundations, fundraising campaigns, and other grants. The City's allocation of federal funds provides these organizations with the opportunity to expand their services to benefit more low- and moderate-income persons.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be

used to address the needs identified in the plan

The Staunton Crossing redevelopment site is publicly owned and will be used as a catalyst for economic development in Staunton. In January 2022 additional funding from the VA Business Ready Sites Program from the VA Economic Development partnership were received. Some of the needs identified in the 2022 Action Plan consistent with this development, but also the City as a whole. Development outcomes include: improved infrastructure and focused workforce development programs for middle to high paying jobs.

ANNUAL GOALS AND OBJECTIVES

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Improve Access to and Quality of Housing	2022	2023	Affordable Housing	City Wide	Increase Access to Affordable Housing	CDBG: \$13,000	
2	Provide Public Services	2022	2023	Homeless Non-Homeless Special Needs	City Wide	Provide Public Services	CDBG: \$34,600	Public Service activities other than Low/Moderate Income Housing Benefit: 197 persons. Public Service activities Low/Moderate Income Housing Benefit: 5 households
3	Improve Public Facilities and Infrastructure	2022	2023	Non-Housing Community Development	City Wide	Improve Public Facilities and Infrastructure	CDBG: \$206,272	Public Facility or Infrastructure other than Low/Moderate Income Housing Benefit: Hundreds of Staunton residents
4	Planning and Administration	2022	2023	Other	City Wide	Planning and Administration	CDBG: \$63,468	Other: 1 Other

Table 6 – Goals Summary

Goal Descriptions

Goal Name	Improve access to and quality of housing
Goal Description	Includes the rehabilitation and preservation of quality affordable housing as well as increasing access to homeownership through City initiatives and partnerships with SR&HA.

	Goal Name	Provide public services
	Goal Description	Expand and continue non-housing community development supportive services, including services for the homeless, mental health, elderly, and other special needs populations.
	Goal Name	Improve public facilities and infrastructure
	Goal Description	Continue and expand public facility improvements and improve and maintain infrastructure servicing households in low-income areas.
	Goal Name	Economic Development
	Goal Description	Provide loan and technical assistance to small businesses to promote the creation and retention of jobs in the City of Staunton.
	Goal Name	Planning and Administration
	Goal Description	Includes administration of the CDBG program, planning activities and activities to affirmatively further fair housing choice.

PROJECTS

AP-35 PROJECTS – 91.220(D)

Introduction

The following project information for the FY2022 provides a comprehensive overview of CDBG activities.

Projects

#	Project Name
1	CDBG Program Administration
2	Valley Mission, Inc Initial Housing Support Program
3	VPAS Senior Transportation Program (STP)
4	Blue Ridge Legal Services
5	Salvation Army Facilities Improvement
6	Blue Ridge CASA
7	A Street Aging in Place
8	VPAS Meals on Wheels

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of Staunton has directed its FY 2022 CDBG activities to low/moderate income neighborhoods where concentrations of poverty, deteriorated infrastructures and community facilities, and poor housing conditions are most prevalent.

The following are obstacles to meeting underserved needs in the City:

- Aging infrastructure and housing stock are a continued obstacle to overcome.
- City and non-profit organization staff capacity issues directly lead to low program performance and low program outcomes.
- As the population of Staunton grows, so will problems with affordable housing volumes and availability.

AP-38 PROJECT SUMMARY

Project Summary Information

1	Project Name	CDBG Program Administration
	Target Area	Citywide
	Goals Supported	Planning and administration
	Needs Addressed	Planning and Administration
	Funding	CDBG: \$63,468
	Description	This funding will be used to support the general administration and planning activities for the Community Development Block Grant Program.
	Target Date	9/30/22
	Estimate the number and type of families that will benefit from the proposed activities	Other
	Location Description	Citywide
2	Planned Activities	This funding is used to support the general administration and planning activities for the Community Development Block Grant Program.
	Project Name	Valley Mission Inc., Initial Housing Support Program
	Target Area	Citywide
	Goals Supported	Provide public services
	Needs Addressed	Public Services
	Funding	CDBG: \$5,000
	Description	Formally homeless individuals who move into housing within Staunton City limits after exiting Valley Mission will be assisted with approximately \$500 to \$1,000 each initial housing support or other funds necessary to facilitate moving into safe, affordable, permanent, and appropriate housing.
	Target Date	09/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	5 persons

	Location Description	City Wide
	Planned Activities	Subsistence payments to assist formally homeless individuals more into safe housing. Payments will be made to the landlord or utility company directly.
3	Project Name	VPAS Senior Transportation Program (STP)
	Target Area	Citywide
	Goals Supported	Provide Public Services
	Needs Addressed	Public services
	Funding	CDBG: \$10,000
	Description	VPAS' Senior Transportation Program (STP) provides elderly Staunton residents and those under 60 with a disability-transportation services to medical and other life necessary destinations when there is no other reliable or affordable transportation option available to them.
	Target Date	9/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	30 people
	Location Description	Citywide
	Planned Activities	Funding will pay for outreach activities, development multi-passenger ride scheduling, volunteer recruitment, and a full time driver to serve residents of the community.
4	Project Name	Salvation Army Facilities Improvements
	Target Area	Citywide
	Goals Supported	Provide Public Facilities
	Needs Addressed	Public Facilities
	Funding	CDBG: \$55,000
	Description	Rehabilitation of the Salvation Army facility. Improvements will be made to building, new paint and new vents in gymnasium which is used more as a community gathering space for programs and serviced and renovation of kitchen space to make it more energy efficient and space efficient for services to the community.
	Target Date	9/30/2023

	Estimate the number and type of families that will benefit from the proposed activities	Hundreds of clients who visit each year during seasonal activities and the residents of Staunton
	Location Description	1700 West Beverley Street
	Planned Activities	Infrastructure Improvements will be made to building, new paint and new vents in gymnasium which is used more as a community gathering space.
5	Project Name	Blue Ridge Legal Services
	Target Area	Citywide
	Goals Supported	Provide public services
	Needs Addressed	Public Services
	Funding	CDBG: \$8,000
	Description	Provide free legal assistance to low-income residents of Staunton in various types of civil legal matters. The project will focus on providing assistance to low-income residents facing eviction, foreclosure, and other critical housing matters. BRLS will also provide assistance on other legal issues such as domestic violence and other family disputes, access to affordable health care, eligibility for various governmental assistance programs for the poor, protecting the poor's meager possessions and wages, and issues involving the elderly poor.
	Target Date	09/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	We estimate that these funds will cover the costs of providing free civil legal assistance to approximately 12 additional residents of Staunton facing critical legal issues.
	Location Description	City Wide
	Planned Activities	The services provided over the project year will range from legal advice and performing a brief service, to direct representation and extensive services.
6	Project Name	Blue Ridge CASA
	Target Area	Citywide
	Goals Supported	Provide public services
	Needs Addressed	Public Services
	Funding	CDBG: \$14,600

	Description	Provide advocacy for abused and neglected children. The proposed activities will directly benefit low-income children living in unstable and inadequate housing conditions who have been victims of abuse or neglect and have special needs. Indirectly, these activities will benefit dozens of, if not more, community members; by working in direct collaboration with health care, mental health care, child welfare and safety institutions, this Program's impact reduces local expenditures related to child abuse and neglect
	Target Date	09/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	The proposed activities will directly benefit at least 60 low-income children
	Location Description	City Wide
	Planned Activities	Recruit, select, and train 5 new Advocates. Prepare mid-year evaluation of Advocate Manager's performance. Conduct measurement of retention rate. Perform annual performance assessment of advocates and the Advocate Manager.
7	Project Name	A Street Aging in Place Project
	Target Area	Citywide
	Goals Supported	Improve Public Facilities and Infrastructure
	Needs Addressed	Public Facilities and Infrastructure
	Funding	CDBG: \$151,272
	Description	These funds will help improve the service and safety of existing homeowners as well as new homeowners. We will be extending water access for new LMI units to be built at the end of A street.
	Target Date	09/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	15 households
	Location Description	A Street from Hickory SE
	Planned Activities	Infrastructure Improvements to A Street including curb and sidewalks for new housing units on extended A Street.
8	Project Name	VPAS Meals on Wheels

Target Area	Citywide
Goals Supported	Provide Public Services
Needs Addressed	Public Services
Funding	CDBG: \$10,000
Description	VPAS' Meals on Wheels (MOW) program provides a freshly prepared nutritious meal five days per week to frail, older Staunton residents who are at nutritional risk. The goal of the program is to help older persons obtain needed nutrition, maintain or improve their health, remain socially engaged, and remain living independently in their homes and community.
Target Date	9/30/2023
Estimate the number and type of families that will benefit from the proposed activities	VPAS estimates that at least 95 of Staunton residents receiving MOW are age 62 or older, falling into the CDBG presumed benefit "elderly" population.
Location Description	Citywide
Planned Activities	VPAS clients and new clients will receive Meals on Wheels services. VPAS Case Managers will follow standard procedures to determine need and eligibility for more contacts as they request service.

AP-50 GEOGRAPHIC DISTRIBUTION – 91.220(F)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City will use CDBG funds throughout the jurisdiction to serve low and moderate-income persons.

Geographic Distribution

Target Area	Percentage of Funds
Citywide	100%

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Staunton does not allocate funds by target areas. Rather, the City allocates funds based upon the priorities that have been identified by citizens participating in the public input process and through the regular planning contacts made with elected officials and staff. The City will use CDBG funds throughout the jurisdiction to serve low and moderate-income persons.

AFFORDABLE HOUSING

AP-55 AFFORDABLE HOUSING – 91.220(G)

Introduction

The City will use its federal funds to provide affordable housing by providing funds to rehabilitation existing units.

The special needs population will be served through grants to local service providers. The homeless population will be served through assistance grants to local service providers.

One Year Goals for the Number of Households to be Supported	
Homeless	5
Non-Homeless	3
Special-Needs	0
Total	8

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	5
The Production of New Units	0
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	8

Table 10 - One Year Goals for Affordable Housing by Support Type

Valley Mission will receive \$5,000 to provide subsistence payments to assist 5 formally homeless individuals more into safe housing.

AP-60 PUBLIC HOUSING – 91.220(H)

Introduction

As of 2016, Staunton Redevelopment and Housing Authority (SR&HA) converted all of its public housing units into project-based Section 8 units under the Rental Assistance Demonstration Program. SR&HA currently owns and manages a total of 150 residential units including 50 units for elderly and disabled. The units range from one bedroom to five-bedroom townhouses. Rent is based on income and utilities are included.

Actions planned during the next year to address the needs to public housing

SR&HA converted all of its public housing units into Section 8 units under the Rental Assistance Demonstration Program.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

SR&HA has a functioning resident council that participates in meetings and events. The Council was particularly active during the conversion of the units to project-based vouchers under the Rental Assistance Demonstration program in 2016.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

SR&HA is not designated as troubled.

AP-65 HOMELESS AND OTHER SPECIAL NEEDS ACTIVITIES – 91.220(I)

Introduction

As a participant in the Virginia Balance of State Continuum of Care (BoS CoC), the City is a partner in addressing homelessness and the priority needs of homeless individuals and families, including homeless subpopulations.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The BoS CoC has an established Coordinated Entry System, which offers a central point of entry for households experiencing homelessness or at-risk of homelessness. During an initial phone call, a housing counselor asks questions that will help determine eligibility for services with local agencies. The BoS CoC uses two assessment tools for prioritization of services. Prevention assessment: The BoS created a prevention prioritization tool that includes both homeless vulnerability and housing barriers. Once a household's housing crisis is triaged and it is determined that the household is at imminent risk of homeless (14 days or less), then the coordinated entry staff will conduct the prevention prioritization assessment. Based on eligibility and assessment score prevention providers are guided on service needs of households. The BoS CoC uses the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT) as the common standardized assessment tool for those who are literally homeless. This assessment is conducted no more than 3 to 5 days after the household has been referred to shelter or once an outreach worker is able to establish rapport with an unsheltered or un-engaged household.

Each January, the CoC conducts a Point-in-Time (PIT) count of the City's sheltered and unsheltered homeless to ascertain the number and characteristics of the homeless population and to assess their needs. Staunton's continued participation in the PIT study will give the City the ability to collect information to be used in setting priorities, written standards, and performance measures for the area.

In 2022, the City will continue to support Valley Mission, which offers emergency shelter and services for homeless individuals and families. In 2022, Valley Mission will receive \$5,000 to provide subsistence payments to assist 5 formally homeless individuals more into safe housing.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

The City will maintain coordination and collaboration with local non-profit agencies serving the homeless population. The City will continue will use its entitlement grant funds to assist non-profit organizations that serve homeless individuals and families in Staunton.

Valley Mission uses CDBG funds to assist formally homeless households' transition into safe, permanent housing. Blue Ridge Legal Services will also receive funding to assist households with free legal services to

reduce the threat of homelessness in the City by using the courts to prevent evictions or foreclosures and keep City residents in their homes.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City will maintain coordination and collaboration with local non-profit agencies serving the homeless population. The City will continue will use its entitlement grant funds to assist non-profit organizations that serve homeless individuals and families in Staunton.

The City utilized federal CARES Act funds support the following homeless shelter and prevention programs:

- Valley Mission
- Salvation Army Homeless Prevention
- Community Foundation of Blue Ridge Homeless Prevention

AP-75 BARRIERS TO AFFORDABLE HOUSING – 91.220(J)

Introduction:

The City of Staunton has prepared an Analysis of Impediments to Fair Housing Choice to satisfy requirements of the Housing and Community Development Act of 1974, as amended, in 2020. This act requires that any community receiving Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) funds affirmatively further fair housing.

A summary of the impediments to fair housing choice that emerged from the data analysis, public engagement initiatives, and policy review were identified. They are the results of primary and secondary research that define the underlying conditions, trends, and context for fair housing planning in Staunton. The impediments were assigned three priority levels based on the amount and strength of the supporting evidence that initially identified the factor:

- High – factors that limit or deny fair housing choice or access to opportunity, as well as other factors that are urgent or establish a foundation for future actions
- Medium – moderately urgent or building on prior actions
- Low – limited impact on fair housing issue

Factor	Priority	Responsible Parties	Discussion
Access to community assets and opportunities	High	City	Community assets such as public transit and jobs can improve access to opportunities, especially for lower income households and persons with disabilities. While the City has adequate coverage regarding public transit in R/ECAPs, these areas have poor access to the City's employment centers and higher performing schools. Expanding the public transit system to higher opportunity areas could increase opportunities for low- and moderate-income residents.
Location and type of affordable housing	High	City, SRHA, Private Sector	Providing more housing choices in more areas across the City could increase the accessibility and affordability of housing in Staunton. The majority of Staunton's housing stock is single-family housing (67.1%). Conversely, multi-family units comprised 32.8% of the total housing stock in Staunton. Multi-family housing can be a more affordable housing option that provides members of the protected classes access to other parts of the City that are otherwise unaffordable. Minority households are more likely to have four or more members in the household, requiring larger units. In order to house larger families, a sufficient supply of larger dwelling units consisting of three or more bedrooms is necessary. There has been a decrease in the number of 4-and 5-bedroom units in Staunton since 2010. Homeownership is also lower among non-white residents in Staunton.

Land use and zoning	Medium	City	The City of Staunton's zoning ordinance is at moderate risk relative to discriminatory provisions for housing members of the protected class. One concern with Staunton's zoning ordinance is the lack of a Reasonable Accommodations provision. Reasonable accommodation is a change in rules, policies and practices that enables persons with disabilities an equal opportunity to use and enjoy a dwelling.
Creation of Policy and Procedures related to Fair Housing	High	City	The City of Staunton is a new CDBG entitlement community and should develop several policies and procedures to support initiatives to affirmatively further fair housing.
Fair Housing Education and Outreach	High	City	There are many strategies that local governments can employ to increase fair housing choice for residents in their jurisdictions. Several best practices can help to ensure that residents are educated about their fair housing rights and that municipal officials and staff are aware of their fair housing responsibilities. Municipalities should make consumer information regarding fair housing rights available to their constituents.

Actions are planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment.

Impediment: Location and type of affordable housing

The City and other local organizations should address the diverse housing needs for the City's various subpopulations, including low-and moderate-income households, persons with disabilities, and large families. They will do so by Continuing to invest in housing in a wide geographic area throughout the City. This will be measured by the number of affordable units created/rehabilitated by location and unit type. The City should expand affordable housing in areas of higher opportunities.

During FY2020, the City's federal funds supported A Street Aging In Place to develop infrastructure that benefited 25 households. The City continued to fund this project in FY2021 and develop infrastructure for a minimum of 23 new homes. In FY2022 the project will be funded again to extend water access for an addition 15 new units to be built at the end of A street and to create street/curb/sidewalks for new housing units extended from A street. The A Street project is located in Census Tract 3, which is within one of the Lowest Opportunity tracks, however it is directly bordering Census Track 4, which is the only "Higher Opportunity" track in the City.

Impediment: Lack of policies and procedures related to fair housing.

During FY2020, the City created an Anti-Displacement and Relocation Plan in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325.

Impediment: Fair housing education, outreach, and enforcement

In FY2021, the City designated a Fair Housing liaison and intends to add a new fair housing page to the City's website.

AP-85 OTHER ACTIONS – 91.220(K)

Introduction:

The following information illustrates other actions that Staunton will take to address its priority needs.

Actions planned to address obstacles to meeting underserved needs

The primary impediment to the City's ability to meet underserved needs is the limited amount of funding to address identified priorities. The City will continue to seek public and private resources to leverage its entitlement funds in assisting with implementation of policies and programs.

Programs funded through the CDBG program will assist the elderly and children living in unstable and inadequate housing conditions, who have been victims of abuse or neglect.

Actions planned to foster and maintain affordable housing

The City will continue to support its goals of maintaining and expanding affordable housing. In FY 2022, the City has 5 low income housing apartment complexes within its boundaries. These apartments are funded from a variety of sources including HUD, Section 8, VA Housing Authority, local public housing, non-profit senior and family low income apartments, as well as apartments funded through Low Income Housing Tax Credit programs.

As needed, the City will utilize CDBG funds to complete the necessary infrastructure to accommodate the construction of affordable units in partnership with Habitat for Humanity, DHCD and VHDA.

In 2021, the Staunton Redevelopment and Housing Authority (SRHA) accepted proposals from developers to provide affordable, permanent new construction housing for families within the City of Staunton. SRHA anticipates the construction of possibly 23 housing projects by one or more developers.

Actions planned to reduce lead-based paint hazards

The City will work with other parties to achieve cost effective methods for controlling these hazards through the following:

- As part of its code enforcement efforts, Staunton's building code department will continue to educate City residents about lead paint hazards.
- Properties will be made lead safe during renovation of older residential units.
- The City will continue to monitor Virginia Department of Health reports regarding Staunton children with elevated blood lead levels.

Actions planned to reduce the number of poverty-level families

The City will collaborate with human service, social service, and economic development agencies and organizations to facilitate their efforts and maximize their resources to provide quality services to low-income residents to help them improve their incomes.

The Community Action Partnership of Staunton, Augusta, and Waynesboro (CAPSAW) is the community action agency designated in July 2009 by Virginia's governor to serve the citizens of Augusta County, the

City of Staunton, and the City of Waynesboro. CAPSAW administers funds made available annually to designated community action agencies through the Federal Community Services Block Grant, the State Community Services Block Grant, and Federal Temporary Assistance to Needy Families (TANF) funds, along with required match funds provided by each of three localities.

Actions planned to develop institutional structure

Although the City feels that the existing institutional structure is sufficient for carrying out activities to address identified community development needs, the City Manager's Office plans to continue to strengthen its working relationships with local social service agencies. Public and non-profit agencies that are critical to the institutional structure must work cooperatively, and agency staff have the ability and expertise to deliver services efficiently and effectively, often with years of expertise in their respective fields.

Actions planned to enhance coordination between public and private housing and social service agencies

The City plans to improve coordination among its partners to promote a broadly shared understanding of community needs, collaborative, and complementary approaches to addressing needs, and responsiveness to changes in conditions.

The City anticipates coordination of human service funding with other social service agencies and charitable organizations to better target the limited amount of human service dollars available in the community. The City will also continue to coordinate its housing efforts with SR&HA.

PROGRAM SPECIFIC REQUIREMENTS

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(l)(1)

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0.00
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0.00
3. The amount of surplus funds from urban renewal settlements	0.00
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0.00
5. The amount of income from float-funded activities	0.00
Total Program Income	0.00

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.	100%

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
AUTHORIZING THE ADOPTION OF THE FY2022 ANNUAL ACTION PLAN
FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FOR THE CITY OF STAUNTON AS A HUD ENTITLEMENT COMMUNITY**

Recitals

A. Under Title I of the Housing and Community Development Act of 1974, as Amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low- and moderate-income persons, or other urgent community development needs;

B. On February 26, 2019, the City of Staunton (City) received official confirmation from the U.S. Department of Housing and Urban Development (HUD) that it had been designated as a new entitlement community, and under this designation the City receives annual allocations from HUD, starting with the federal fiscal year 2019;

C. HUD has advised the City that the FY 2022 Entitlement amount for CDBG funds will be \$317,340; and

D. This is the City's fourth year of such designation and in accordance with the federal regulations at 24 CFR Part 91, an Annual Action Plan must be prepared and adopted by City Council;

E. The City of Staunton has prepared an Annual Action Plan for the FY 2022 funding year, which assesses the housing and community development needs in Staunton;

F. The draft FY2022 Annual Action Plan was on public display and the City held two public hearings on CDBG eligible activities and the draft plan. Various agencies, groups, and citizens were provided the opportunity to comments and input in the preparation of the final documents.

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

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

1. The FY2022 Annual Action Plan for the Community Development Block Grant Program of the U.S. Department of Housing and Urban Development for the City of Staunton as a HUD Entitlement Community is hereby **APPROVED** and **ADOPTED**.

46 2. City Council **AUTHORIZES** and **DIRECTS** the Interim City Manager to
47 execute any sub-recipient agreements and associated documents with agencies
48 recommended to receive HUD Community Development Block Grant Program funds.
49

50 Adopted this 28th day of July, 2022.
51
52
53

Andrea W. Oakes, Mayor

54
55
56
57 Attest: _____
58 Kiley A. Kesecker, Clerk of Council
59
60

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 28, 2022	Staff Member: Jessie Moyers
Item #	E	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsible, Efficient Government	
Subject:	Ordinance to Amend the FY2022 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number Five	

Background: The fifth budget amendment for fiscal year 2022 has been prepared for review and discussion. The total budget amendment equals \$318,280 and represents additional Virginia Community Ready Sites Program grant funds. Consideration of the ordinance is scheduled for August 25, 2022.

City Budget Amendment—\$318,280

1. General Fund appropriation of \$7,280 for Virginia Community Ready Sites Program grants to support a Traffic Impact Study.
2. CIP Fund appropriation of \$85,000 for Virginia Community Ready Sites Program grants to support Land Survey Services.
3. Water Fund appropriation of an additional \$21,750 for Virginia Community Ready Sites Program grants to support enhanced water system design work for the eastern sector of the city Staunton Crossing.
4. Sewer Fund appropriation of an additional \$135,750 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.
5. Storm Water Fund appropriation of \$34,000 for Virginia Community Ready Sites Program grant to support Preliminary Stormwater and Floodplain Studies.

6. Environmental Fund appropriation of \$34,500 for Virginia Community Ready Sites Program grant to support Phase I Environmental Services.

Attachment: Budget Amendment Number Five

Interim City Manager's Recommendation: Recommend the ordinance be introduced as presented.

Suggested Motion: I move to introduce an ordinance amending the fiscal year 2022 budget by adding Budget Amendment Number Five, totaling \$318,280.

Interim City Manager: Leslie Beauregard

Ordinance No. 2022-
AN ORDINANCE TO AMEND
THE FY2022 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER FIVE

Attachment #1

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

Capital Grants and Contributions	\$ 7,280
Total Revenue	\$ 7,280

Appropriations

General Government	\$ 7,280
Total Appropriations	\$ 7,280

CITY CAPITAL IMPROVEMENTS FUND

Anticipated Revenue

Capital Grants and Contributions	\$ 85,000
Total Revenue	\$ 85,000

Appropriations

Capital Projects	\$ 85,000
Total Appropriations	\$ 85,000

WATER FUND

Anticipated Revenue

Capital Grants and Contributions	\$ 21,750
Total Revenue	\$ 21,750

Appropriations

Capital Projects	\$ 21,750
Total Appropriations	\$ 21,750

SEWER FUND

Anticipated Revenue

Capital Grants and Contributions	\$ 135,750
Total Revenue	\$ 135,750

Appropriations

Capital Projects	\$ 135,750
Total Appropriations	\$ 135,750

STORMWATER FUND

Anticipated Revenue

Capital Grants and Contributions	\$	34,000
Total Revenue	\$	34,000

Appropriations

Capital Projects	\$	34,000
Total Appropriations	\$	34,000

ENVIRONMENTAL FUND

Anticipated Revenue

Capital Grants and Contributions		34,500
Total Revenue	\$	34,500

Appropriations

Capital Projects	\$	34,500
Total Appropriations	\$	34,500

GRAND TOTAL BUDGET AMENDMENT NO 5	\$	318,280
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INTRODUCED: July 28, 2022

PUBLIC HEARING: NA

Public Hearing Advertisement Date:

Approved this _____ day of _____ 2022

Effective Date: _____

CERTIFIED: _____

ATTEST: _____

Kiley Kesecker

Clerk of Council

Andrea Oakes

Mayor of Council

FY 2022 BUDGET AMENDMENT NO. 5

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
GENERAL FUND			
GENERAL GOVERNMENTAL ADMINISTRATION			
PUBLIC WORKS			
Miscellaneous State Aid		\$ 7,280	
Transportation Cost work			\$ 7,280
TOTAL GENERAL FUND		\$ 7,280	\$ 7,280
CITY CAPITAL IMPROVEMENTS FUND			
Miscellaneous State Aid	39084-45560-45005	\$ 85,000	
Staunton Crossing VDEP work	39008150-58470-45005		\$ 85,000
TOTAL CAPITAL IMPROVEMENTS FUND		\$ 85,000	\$ 85,000
WATER FUND			
Miscellaneous State Aid	53004-45560-45005	\$ 21,750	
Water Lines	53004321-58365-45005		\$ 21,750
To appropriate Virginia Community Readiness funding for design work			
TOTAL WATER FUND		\$ 21,750	\$ 21,750
SEWER FUND			
Miscellaneous State Aid	54004-45560-45005	\$ 135,750	
Sewer line replacement	54004420-45560-45005		\$ 135,750
To appropriate Virginia Community Readiness funding for design work			
TOTAL SEWER FUND		\$ 135,750	\$ 135,750
STORMWATER FUND			
Miscellaneous State Aid	57004-45560-45505	\$ 34,000	
Professional Services	57004725-53010-45005		\$ 34,000
To appropriate Virginia Community Readiness funding for design work			
TOTAL STORMWATER FUND		\$ 34,000	\$ 34,000
ENVIRONMENTAL FUND			
Miscellaneous State Aid	58004-45560-45005	\$ 34,500	
Professional Services	58004818-53010-45005		\$ 34,500
To appropriate Virginia Community Readiness funding for design work			
TOTAL ENVIRONMENTAL FUND		\$ 34,500	\$ 34,500

FY 2022 BUDGET AMENDMENT NO. 5

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE

FY 2022 BUDGET AMENDMENT NO. 5 SUMMARY

CITY GOVERNMENT FUNDS			
GENERAL FUND		\$	7,280
CAPITAL IMPROVEMENTS FUND		\$	85,000
WATER FUND		\$	21,750
SEWER FUND		\$	135,750
STORMWATER FUND		\$	34,000
ENVIRONMENTAL FUND		\$	34,500
TOTAL CITY GOVERNMENT FUNDS		\$	318,280
TOTAL FY2022 BUDGET AMENDMENT NO. 5		\$	318,280

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	July 28, 2022	Staff Member: Jessie Moyers
Item #	F	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsible, Efficient Government	
Subject:	Ordinance to Amend the FY2023 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number One	

Background: The first budget amendment for fiscal year 2023 has been prepared for review and discussion. The total budget amendment equals \$282,500. This budget amendment does not require a public hearing. Consideration of the ordinance is scheduled for August 25, 2022.

City Budget Amendment—\$282,500

1. General Fund appropriation of \$100,000 for the West End Small Area Plan via American Rescue Plan Act, (ARPA) proceeds.
2. CIP Fund appropriation of \$107,500 for the Staunton Crossing marketing plan via American Rescue Plan Act, (ARPA) proceeds.
3. Water Fund appropriation of \$75,000 for the Uniontown Comprehensive Plan/Small Area Study via American Rescue Pan Act, (ARPA) proceeds.

Attachments: Budget Amendment Number One

Interim City Manager's Recommendation: Recommend the ordinance be introduced as presented.

Suggested Motion: I move to introduce an ordinance amending the fiscal year 2023 budget by adding Budget Amendment Number One, totaling \$282,500.

Interim City Manager: Leslie M. Beauregard

**Ordinance No. 2022-
AN ORDINANCE TO AMEND
THE FY2023 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON**

Attachment #2

BY ADDING BUDGET AMENDMENT NUMBER ONE

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2023 Budget is amended as follows:

GENERAL FUND

Anticipated Revenue

General Revenue	\$	-
Charges for Services		-
Recovered Costs		-
Miscellaneous Revenue		-
Capital Grants and Contributions		100,000
Total Revenue	\$	100,000

Appropriations

General Government	\$	-
Judicial Administration		-
Public Safety		-
Public Works		-
Parks, Recreation, Cultural		-
Community Development		100,000
Safety Net Reserve		-
Transfers to Other Funds		-
Total Appropriations	\$	100,000

CITY CAPITAL IMPROVEMENTS FUND

Anticipated Revenue

Misc Federal Aid	\$	107,500
Total Revenue	\$	107,500

Appropriations

Capital Projects	\$	107,500
Total Appropriations	\$	107,500

WATER FUND

Anticipated Revenue

General Revenues	\$	75,000
Total Revenue	\$	75,000

Appropriations

Capital	\$	75,000
Total Appropriations	\$	75,000

GRAND TOTAL BUDGET AMENDMENT NO 1	\$	282,500
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INTRODUCED: July 28, 2022

PUBLIC HEARING: n/a

Approved this _____ day of _____ 2022

Effective Date: _____

CERTIFIED: _____

ATTEST: _____

Kiley A. Kesecker

Clerk of Council

Andrea Oakes

Mayor of Council

FY 2023 BUDGET AMENDMENT NO. 1

		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
GENERAL FUND			
COMMUNITY DEVELOPMENT			
Misc Federal Aid	11001-46250-ARPA	\$ 100,000	
Professional Services	11088120-53010-ARPA		\$ 100,000
To appropriate ARPA funds for the West End Small Area Plan			
TOTAL GENERAL FUND		\$ 100,000	\$ 100,000

BUDGET AMENDMENT NO. 1 GENERAL FUND SUMMARY

GENERAL FUND REVENUE SUMMARY

<u>Non-Capital Grants and Contributions</u>	100,000
Community Development	100,000

Total General Fund Revenues **\$ 100,000**

GENERAL FUND EXPENDITURE SUMMARY

Community Development	100,000
Total General Fund Expenditures	\$ 100,000

CITY CAPITAL IMPROVEMENTS FUND

Misc Federal Aid	39083-46250-ARPA	\$ 107,500	
Staunton Crossing	39088150-58470-ARPA		\$ 107,500
To appropriate ARPA funds transferred from the General Fund			
TOTAL CAPITAL IMPROVEMENTS FUND		\$ 107,500	\$ 107,500

WATER FUND

Misc Federal Aid	53003-46250-ARPA	\$ 75,000	
Water Lines	53004321-58365-ARPA		\$ 75,000
To appropriate ARPA funds for Uniontown comprehensive study			
TOTAL WATER FUND		\$ 75,000	\$ 75,000

FY 2023 BUDGET AMENDMENT NO. 1 SUMMARY

CITY GOVERNMENT FUNDS

GENERAL FUND	\$ 100,000
CAPITAL IMPROVEMENTS FUND	\$ 107,500
WATER FUND	\$ 75,000

TOTAL CITY GOVERNMENT FUNDS **\$ 282,500**

TOTAL FY2023 BUDGET AMENDMENT NO. 1 **\$ 282,500**

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 28, 2022	Staff Member: Jessie Moyers
Item #	G	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsible, Efficient Government	
Subject:	Authorize the 2022 VRA Fall Application and the Exploration of Bank Financing Application for Gardner Springs Project	

Background: The Gardner Springs Project includes all work necessary to construct a new raw water pumping station. The pump station building is approximately 1,490 square feet. The project also includes demolition of the existing pump station, construction of a platform and the installation and integration of a 1,500-kW generator. Early cost estimates are \$7,152,100 for the project. The City has applied for a Virginia Department of Health (VDH) American Rescue Plan grant to fund this project and is still currently awaiting a decision by VDH.

The deadline for the Fall 2022 Virginia Pooled Financing Program (VPFP) is Friday, August 5, 2022. The VPFP is a program administered by the Virginia Resources Authority. Finance staff would like Council's approval to submit the application for the Fall 2022 pooled funding. Submitting the application does not obligate the City to use of the debt funds and there is no cost for applying. Upon recommendation from Davenport & Company LLC, City staff would also like to explore bank financing options. This dual track approach will ensure the City has explored all financing options and may pursue the optimal rates and terms to finance the Gardner Springs Project.

Attachment: Not applicable.

Interim City Manager's Recommendation: Authorize the City to submit an application to the Virginia Pooled Financing Program for the Gardner Springs Project.

Suggestion Motion: I move that Council authorize the City Manager and other staff members to submit an application to the Virginia Pooled Financing Program for the Gardner Springs Project.

Interim City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	July 28, 2022	John C. Blair, II City Attorney
Item #	H	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government	
Subject:	Amendments to Chapter 2.75 of the Staunton City Code	

Background: In 1987, the Staunton City Council transferred the supervision, management, and control of the Staunton Public Library from a Library Board to the City Manager. At the time, the Staunton City Council established a Library Advisory Board to advise the librarian. The Council's ordinance also authorized the Library Advisory Board to accept donations, gifts, and bequests and to use those gifts and any income they generated for the benefit of the library.

The Library Advisory Board met in June and inquired with the City Attorney's Office concerning its ability to accept and use gifts on behalf of the Staunton Public Library. The Board believed that as an advisory body, it should not be accepting and using gifts on behalf of the Staunton Public Library.

As the Library Advisory Board is an advisory board, it can only exercise those powers granted to it by the Commonwealth. The Commonwealth only empowers advisory boards and commissions to serve in a consultative capacity. Therefore, the proposed amendment reflects that the Library Advisory Board will advise the Director of Library Services about the acceptance and usage of gifts on behalf of the Staunton Public Library.

The proposed amendments also use the term "Director of Library Services" in place of "librarian" and "library director." "Director of Library Services" is the term used by the City of Staunton to describe the individual who performs the duties of individuals who formerly held the title of "librarian" and "library director."

The Library Advisory Board is in favor of the proposed ordinance amendments.

Attachment: Proposed Ordinance Revisions

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

Suggested Motion: I move that Council adopt the proposed amendments to Staunton City Code Chapter 2.75, as presented.

Interim City Manager: Leslie Beauregard

Ordinance No. 2022 - __

**AN ORDINANCE AMENDING CHAPTER 2.75, LIBRARIES,
OF TITLE 2, ADMINISTRATION, OF THE STAUNTON CITY CODE**

**TO
CORRECT REFERENCES FROM “LIBRARIAN” TO “DIRECTOR OF LIBRARY
SERVICES”
AND TO
CLARIFY THE ADVISORY ROLE OF THE LIBRARY BOARD REGARDING GIFTS,
BEQUESTS, ETC.**

Recitals

A. Virginia Code § 42.1-33 authorizes governing bodies to establish a free public library for the use and benefit of its residents.

B. The management and control of the public library system is vested in a board appointed by the governing body, pursuant to Virginia Code § 42.1-35.

C. Consistent with the Code of Virginia, Section Eleven of the Staunton City Charter, and Chapter 2.75 of the Staunton City Code (SCC), the City established a public library as well as a library board that serves in an advisory capacity.

D. City staff has determined that Chapter 2.75, Libraries, of the SCC, merits updating to correctly reflect the position title of Director of Library Services (Director) and to clarify the library board’s role in advising the Director regarding the acceptance of donations, gifts, demises and bequests of money, tangible personal property and real estate and the use of such, or the income therefrom for the benefit of the library.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Chapter 2.75, Libraries, of Title 2, Administration, of the Staunton City Code is hereby amended as follows:

**Chapter 2.75
LIBRARIES**

Sections:

Article I. In General

2.75.010 Supervision, management and control of public library – Functions of library board.

2.75.020 Right of library board to accept and use gifts, bequests, etc.

2.75.030 Supervision of public library program.

Article II. Staunton-Augusta Law Library

2.75.040 Established – Use by public.

2.75.050 Contribution of books and periodicals accepted.

2.75.060 Special assessment for library as part of costs in civil actions.

Article I. In General

2.75.010 Supervision, management and control of public library – Functions of library board.

The general supervision, management and control of the city's public library is hereby transferred to the city manager, with the library board being retained in an advisory capacity to the Director of Library Services. The library board shall serve in an advisory capacity to the Director of Library Services on the development and revision of policies, the selection of reading and recorded materials, evaluation of priorities which should be given to different library materials and programs and the encouragement of optimum utilization of the library programs by the citizens of the city.

2.75.020 Right of library board to accept and use gifts, bequests, etc.

The library board shall advise the Director of Library Services about acceptance of donations, gifts, demises and bequests of money, tangible and intangible personal property and real estate and the use of such, or the income therefrom, for the benefit of the public library.

2.75.030 Supervision of public library program.

The Director of Library Services who shall be appointed by and report to the city manager, shall supervise the city's public library program.

2.75.040 Established – Use by public

A law library is hereby established under the name of "Staunton-Augusta Law Library" and the same shall be open for the use of the public under such rules and regulations as may be established by the judge of the circuit court of Augusta County, by order, from time to time; provided, however, that the use of the books owned by the Supreme Court of Virginia shall conform to such rules and regulations as the Supreme Court of Virginia may prescribe, from time to time, for the use of such library and the times it shall be kept opened.

2.75.050 Contribution of books and periodicals accepted.

The contribution of the Augusta County Bar Association of all the law books and law periodicals owned by such association and located within the Supreme Court of Virginia Law Library on the third floor of the Masonic Building is hereby accepted.

(1) There is hereby assessed as part of the costs incident to each civil action filed in the circuit court of the city and the general district court of the city the sum of \$2.00. Such assessment shall be collected by the clerk of the court in which the action is filed and remitted to the treasurer of the city and held by such treasurer in a separate fund, subject to disbursements by the judge of the circuit court of Augusta County for the acquisition of law books and law periodicals and other lawful disbursements for the use and maintenance of the law library established by this article.

(2) The assessment provided for in this section shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which costs are assessed against the commonwealth, any such political subdivision or the federal government.

In all other respects, the provisions of Chapter 2.75, Libraries, of Title 2, Administration, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:

Adopted:

Effective Date:

Andrea W. Oakes, Mayor

ATTEST: _____

Kiley A. Kesecker,
Clerk of Council