

**Staunton City Council  
WORK SESSION  
Caucus Room  
September 24, 2009**

- |                |                |   |
|----------------|----------------|---|
| <b>6:10 PM</b> | <b>1&amp;C</b> | <b>Discussion of energy and environmental initiatives associated with the Virginia Municipal League's Go Green Virginia Program</b>   |
| <b>6:25 PM</b> | <b>2&amp;A</b> | <b>Discussion of an ordinance amending, restating and reordaining Section 18.140.040, Business District Regulations, of Chapter 18.140, Signs, Billboards, and other advertising structures, of Title 18, Zoning for the purpose of allowing sandwich board and portable signs in the Downtown Business Area.</b>   |
| <b>6:35 PM</b> | <b>3&amp;D</b> | <b>Discussion of a proposed application for a Virginia Enterprise Zone due to the Virginia Department of Housing and Community Development due on October 1<sup>st</sup>.</b>   |
| <b>6:45 PM</b> | <b>4.</b>      | <b>Closed session for the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code Section 2.2-3711A.3; discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Virginia Code Section 2.2-3711A.29.</b> |
| <b>7:15 PM</b> |                | <b>Break</b>  |

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, VA

<b>Meeting Date:</b>	<b>September 24, 2009</b>	<b>Staff Members:</b>  <b>Jim Halasz</b> <b>Tom Sliwoski</b>
<b>Item #</b>	<b>1 &amp; C</b>	
<b>Ordinance #</b>		
<b>Department:</b>	<b>City Manager/Public Works</b>	
<b>Subject:</b>	<b>Environmental Initiatives</b>	

**Background:** Council has expressed a desire to continue to emphasize and strengthen our environmental initiatives. Staff has continued to explore programs that offer ways to reduce energy consumption and promote sustainability. At this time staff believes that the Virginia Municipal League's 'Go Green Virginia' initiative offers the best approach to keep us headed in this direction and to promote our efforts throughout the community.

'Go Green Virginia' covers a wide range of activities and programs that are essential to sustainability, including government policy, energy efficiency, green buildings, waste management, vehicles, land use/transportation, water/air quality, employee incentives, education/community participation, schools and innovation.

Staff believes that participation in this program encompasses a broad range of efforts that truly exemplify sustainable communities. The policies and practical actions that are encouraged under this program will help reduce the carbon emissions not only generated by government but by the community as a whole, and provide for a more balanced approach to environmental sustainability.

While a total of 200 points are required for a local government to be fully vested in the Green Government Challenge, staff has calculated that we already have 125 points, which classifies Staunton as a "Green Government". Based on this analysis we intend to submit our application for inclusion in the 'Go Green Virginia' and Green Government Challenge programs prior to the end of this month.

During subsequent months we will continue to explore means of reducing costs, energy consumption and the use of resources in all City programs and activities. From time to time it may be necessary for us to bring items before City Council to further these goals. Included with this briefing are several policies that are intended to be implemented to further the City's efforts toward sustainability.

**City Manager's Recommendation:** Submit application package for participation in the VML Green Government Challenge.

**Suggested Motion:** I move that City Council authorize the City Manager to have prepared and submit an application in the VML Go Green Virginia, Green Government Challenge Program.

**City Manager:** *Stephen F. Owen*

## **City of Staunton Policy Vehicle Idling**

### **Purpose:**

In an effort to reduce carbon emissions and the volume of fuel consumed by City vehicles and equipment, the following policy will provide straightforward guidelines to reduce unnecessary vehicle idling. Vehicle idling gets zero miles per gallon, unnecessary idling wastes fuel and pollutes. Running an engine at low speed (idling) also causes twice the wear on internal parts compared to driving at regular speeds. A vehicle engine is only about 11% efficient when used at idle. The break-even point for shutting off and restarting gasoline engines or leaving it to idle is 30 seconds – from the point of view of both emissions and fuel consumption.

It is the responsibility of all city personnel to operate fleet equipment in an environmentally and economically sound manner. City fleet vehicles and equipment shall not be parked with their engine operating for more than five minutes unless it is essential for performance of work. When engines must be left operating, for any reason the operator must remain with the vehicle/equipment. Operators of vehicle/equipment and supervisors will be judicious in the idling of units at emergency scenes and job sites. Violators are subject to disciplinary action under personnel and administrative policy guidelines.

### **Provisions:**

#### Authorized Vehicle Use:

- a. Only employees authorized by the City Manager, the Department Head or their designee are eligible to use City vehicles and equipment.
- b. Essential driving positions are defined by each Department Head. Essential driving positions are positions where there is a need to use a vehicle in the course of and to accomplish the job duties.
- c. All drivers are responsible for the safe operation of equipment and vehicles and for obeying all traffic rules and regulations prescribed by law.
- e. All employees operating vehicles and equipment must have a valid driver's license with the proper endorsements and a good driving record.

#### Idling:

- a. City fleet vehicles and equipment shall not be parked with their engines idling for more than five (5) minutes unless it is essential for performance of work
- b. When the engine must be left idling, for any reason, the operator must remain with the vehicle/equipment.
- c. Operators of vehicles/equipment will be judicious in the idling of units at emergency scenes and job sites.

#### Exemptions:

- a. When the vehicle must remain motionless due to traffic conditions.
- b. When Department of Public Works vehicles/equipment are at scenes where lights, PTOs, and/or other accessories are needed to accomplish the task.
- c. When the vehicle is idling to defrost a windshield. The vehicle shall be allowed to idle only long enough to defrost the windshield and provide a safe driver view.
- d. Police, Fire and Rescue vehicles are exempt while supporting or sustaining emergency operations and services.

## **City of Staunton Policy Green Building Standards**

### **Purpose:**

The goal of this policy is to provide environmentally friendly buildings and facilities that meet the provisions of the Leadership in Energy and Environmental Design (LEED) program. The City of Staunton will strive to ensure that all buildings and facilities reflect environmentally and fiscally responsible standards.

### **Definitions:**

**LEED:** The Leadership in Energy and Environmental is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies aimed at improving performance across all the metrics that matter most: energy savings, water efficiency, CO<sub>2</sub> emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. It was developed by the U.S. Green Building Council (USGBC)

**Green Building:** A building which minimizes energy consumption and environmental impact while remaining at peak functional performance.

**Low Emission:** Term used to describe paints, stains, carpets, and other coverings that release fewer noxious or toxic fumes when applied and as they age.

**FF&E:** Furniture, Fixtures & Equipment as related to facilities interiors consisting of fixed (built-in) and movable furniture and fixtures including seating, desks, tables, office floor and panel systems, decorative lighting, plants, signage, art, equipments to facilitate program efforts, and artifacts

### **Provisions:**

#### 1. New Construction:

- a. The City of Staunton will design and plan all new municipal buildings and facilities using the guidelines provided by the USGBC.
- b. Initial design, architectural and engineering work should optimize building performance, while minimizing negative environmental impacts, to include site location, and mechanical, plumbing and electrical systems.
- c. During construction, all reasonable efforts will be used to obtain materials that are renewable, regionally obtainable, and/or the use of recycled products where determined to be practical and economically sound.

#### 2. Existing Buildings/Facilities:

- a. The City of Staunton will begin exploring participation in the USGBC LEED program for existing facilities and buildings. Future facility upgrades will be reviewed for possible inclusion in the LEED existing buildings program. Any proposed improvements shall first weigh the

financial and environmental gains versus the costs of adopting green policies before a recommendation is made.

- b. The City of Staunton will inspect existing buildings and attempt to determine any renovations or changes to current or proposed FF&E that will provide for a greener work environment and reduce the current environmental impact. Any proposed changes or improvements to current FF&E shall first weigh the financial and environmental gains versus the costs of the changes or improvements to be made before a recommendation is made.
- c. The City of Staunton will work with designers and contractors to ensure that in removing or demolishing existing products and materials, that consideration is given to converting, recycling, or re-use of the materials.

## **City of Staunton Policy Employee Transportation Benefits**

### **Purpose:**

The goal of this policy is to encourage employees to try to reduce their environmental impact and to share transportation, use public transportation or to use alternative transportation methods. Options that fall within this category include carpooling, use of trolleys and bicycling to work.

### **Carpooling:**

In order to promote carpooling for employees, the City of Staunton will identify parking spaces in public parking facilities for employees who choose to carpool. These spaces will be discounted so that employees who do carpool will receive a \$5 reduction in the cost of a monthly parking place for each additional person they transport to work. Employees in the same carpool will each be given a placard for their assigned space so that employees may rotate vehicles used in their carpool. The benefits will be as follows:

- 2 people (driver and 1 rider): \$10
- 3 people (driver and 2 riders): \$15
- 4 people: \$20
- 5 people: \$25

### **Public Transport:**

Employees who choose to take public transportation (Staunton Trolley System) will be given a card and have their card stamped by the driver. The stamp will be a time stamp, stamped between certain hours, during weekdays. An employee who receives 30 stamps will be eligible to receive a Downtown Staunton Gift Certificate.

### **Biking:**

In order to provide additional transportation options to employees, the City of Staunton will provide public bike racks at key places in the City for employees who wish to bike to and/or from work.

**CITY COUNCIL**



**AGENDA BRIEFING**

Staunton, VA

<b>Meeting Date:</b>	<b>September 24, 2009</b>	<b>Staff Members:</b>  <b>Sharon Angle</b> <b>John Glover</b>
<b>Item #</b>	<b>2 &amp; A</b>	
<b>Ordinance #</b>		
<b>Department:</b>	<b>Planning and Inspection</b>	
<b>Subject:</b>	Public Hearing: Consideration of an ordinance amending, restating and reordaining Section 18.140.040, Business District Regulations, of Chapter 18.140, Signs, Billboards, and other advertising structures, of Title 18, Zoning for the purpose of allowing sandwich board and portable signs in the Downtown Business Area.	

**Background:** At City Council’s August 13, 2009 meeting, Council heard from fourteen (14) business owners who wanted to have the City’s regulations on sandwich boards in the downtown amended in order to allow them. Currently, the ordinance specifically prohibits sandwich boards. These are defined in Section 18.10.200 as: “Sandwich board sign” means a freestanding sign consisting of two boards hinged at the top.” The current downtown sign regulations were adopted in 2002, after a two year process which included merchants, Historic Staunton Foundation, the Historic Preservation Commission, Staunton Downtown Development Association, and the Planning Commission. City Council directed the Planning Commission to review the ordinance as it pertains to sandwich boards and to have a recommendation to them in no more than two (2) months.

At the August 17<sup>th</sup> Planning Commission meeting, members reviewed the current sign ordinance and the ordinance that the City of Charlottesville recently adopted. This was recommended by SDDA at the City Council meeting. The members were given a draft ordinance that allows portable signs, as well as sandwich board signs. Portable signs are defined in the City Code as: “ ...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.” The Director of Planning noted that there are possible problems with the defined portable signs, as some retailers have flower pots or other types of signs in front of their businesses, that are not sandwich board signs but serve the same purpose. The draft ordinance provides for one portable or sandwich board sign to be permitted per storefront – not just per parcel – noting that some parcels have multiple storefronts. There is no Certificate Of Appropriateness or sign permit requirement for the sandwich board signs or portable signs.

Staff did recommend a maximum height and width of the signs. Ms. Angle noted the importance for 36” clearance for wheelchair access. (Americans With Disability Act compliance) The signs cannot be illuminated and must be located in front of the business they advertise. In the past, there was an issue with putting signs at the corner for the best “spot.” This will not be permitted. There is no requirement on the distance of the sign from building.

Planning Commission agreed to these concepts and directed staff to advertise this draft ordinance for a public hearing in September. A copy of the draft ordinance is attached. To summarize the changes considered at the Planning Commission Public Hearing:

1. Delete item 18.140.040(ix) Prohibited Signs in Business District (N) Sandwich Board Signs
2. Add item 18.140.040 (M) Portable and Sandwich Board Signs. One (1) portable or sandwich board sign shall be permitted per storefront if the following conditions are met :
  - (1) Maximum height: four (4) feet.
  - (2) Maximum width: two (2) feet.
  - (3) Such sign shall allow for at least a thirty-six (36) inch wide clearance if placed within any public pedestrian right-of-way. (ADA compliance)
  - (4) Can not be illuminated and may be displayed only during daylight hours.
3. No Certificate of Appropriateness or sign permit is required for a Sandwich Board or Portable Sign.
4. There is no requirement for distance of these signs from buildings.

At the Planning Commission Public Hearing on September 17, 2009, seven (7) individuals spoke in favor of the proposed amendments, but asked that the provision for only allowing the signs during daylight hours be deleted, as businesses were open later in the evening hours and needed the exposure. The City Attorney noted that this provision was placed in the ordinance because of concern with limited visibility during evening hours and liability, as the signs would be in a public right-of-way. The issue of where the signs should be placed was also raised with the concern being that a sign could be placed in the middle of the sidewalk. In light of that concern staff has added an amendment that speaks to the placement of the signs. For sidewalks with adjacent on-street parking the sign must be placed in contact with the building. For signs without adjacent on-street parking the signs could be placed either in contact with the building or the back of the curb.

**Recommendation: Planning Commission on a unanimous vote, recommends approval of the proposed changes dealing with sandwich board and portable signs with the deletion of the words “during daylight hours” in item (M) Portable and Sandwich Board Signs.**

**Number (3) from the draft ordinance.**

**Suggested Motion: “ I move to approve an ordinance amending, restating and reordaining Section 18.140.040, Business District Regulations, of Chapter 18.140, Signs, Billboards, and other advertising structures, of Title 18, Zoning for the purpose of allowing sandwich board and portable signs in the Downtown Business Area with the deletion of the words “during daylight hours in item (M) Portable and Sandwich Board Signs. Number (3).”**

**City Manager *Stephen F. Owen***

Ordinance No. 2009 - \_\_

AN ORDINANCE AMENDING, RESTATING AND REORDAINING SECTION 18.140.040, BUSINESS DISTRICT REGULATIONS, OF CHAPTER 18.140, SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES, OF TITLE 18, ZONING OF THE STAUNTON CITY CODE

WHEREAS, by vote of August 13, 2009, Council referred to the Planning Commission for review, study and recommendation the matter of sandwich board signs in the Downtown Business Area;

WHEREAS, the Planning Commission, with the assistance of City staff, has reviewed, studied and recommended that Council adopt a proposed ordinance that would conditionally permit sandwich board signs in the Downtown Business Area;

WHEREAS, Council finds that the public necessity, convenience, general welfare, or good zoning practice requires amendment of Section 18.140.040 of the Staunton City Code, to conditionally permit sandwich board signs in the Downtown Business Area; and

WHEREAS, this matter has been properly advertised, heard and considered;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 18.140.040, Business District Regulations, of Chapter 18.140, Signs, Billboards, and Other Advertising Structures, of Title 18, Zoning, of the Staunton City Code be amended as follows:

18.140.040 Business district regulations.

....

(3) For other permitted principal uses, business signs shall be permitted as incidental uses, not to exceed the number of signs nor to exceed the net area for all such signs permitted as follows:

....

(d) Special Regulations for the Downtown Business Area.

....

44 (vii) General Regulations.

45 (A) Size.

46 (1) The total sign area for the face of any building, however allocated  
47 among sign types (flat wall, projecting, freestanding, awning, window, and/or marquee),  
48 shall be computed on the ratio of one square foot of sign for each lineal foot of building  
49 face not to exceed 75 feet, except that no sign attached to a building face shall exceed 30  
50 square feet in area.

51 (2) Projecting or freestanding signs shall have no more than two sides  
52 and shall have a maximum size per side of nine square feet for building faces with fewer  
53 than 30 lineal feet of frontage, and a maximum of 15 square feet per sign face for  
54 building faces with 30 or more lineal feet of frontage. The larger sign size is restricted to  
55 buildings with single occupants or, for buildings with multiple occupancy, to one  
56 projecting sign shared by all. The size of freestanding signs to be keyed on the size of the  
57 lot: smaller than 50 lineal feet equal no more than six square feet. Lots between 50 and  
58 100 lineal feet equal nine square feet and greater than 100 equal 30 square feet.

59 (3) The total area of window signs, including those advertising sales,  
60 in any one window shall not exceed 20 percent of the area of the window. The total area  
61 of window signs shall be included in determining the total area of signs erected or  
62 displayed.

63 (4) In the absence of a building, the total sign area shall not exceed  
64 nine square feet per side.

65 (5) Freestanding signs shall be mounted on bases a maximum of three  
66 feet high. No freestanding sign shall exceed 12 feet in height from grade.

67 (B) Number.

68 (1) Two signs shall be allowed per building face, with not more than  
69 one projecting, freestanding, or marquee sign shall be allowed per face.

70 (2) More than one projecting sign may be hung per bracket, provided  
71 other requirements relating to height are met.

72 (C) Location.

73 (1) Flat wall signs may be located anywhere on the surface of the  
74 building. No portion of a wall sign shall project above the cornice, roofline, or coping.

75 (2) Signage shall not conceal or obstruct significant architectural  
76 features of a building.

77 (3) Projecting signs, which shall all be approved by the historic  
78 preservation commission, shall extend no closer than one foot to the curb line and a  
79 minimum clearance of eight feet above a public sidewalk, and shall not project over a  
80 public street or vehicular alley. Projecting signs shall have no more than one bracket for  
81 every full 15 feet of building frontage. Neither the bracket nor any portion of a projecting  
82 sign may be placed more than 20 feet above the front sidewalk, or in the absence of a  
83 sidewalk, above the street. Liability insurance policy shall be maintained in accordance  
84 with subsection (3)(d)(iv)(E) of this section. Sign placement shall take into consideration  
85 historical placement of signs. Historic signs whether they are flat, freestanding, or  
86 projecting may be approved; provided, that the application presents evidence of a local  
87 historical precedent. Any sign projecting over city right-of-way must be approved by the  
88 city manager.

89 (4) Freestanding signs shall be placed behind the property line. No  
90 freestanding sign shall be located within 50 feet of another freestanding sign, measured  
91 from the nearest point of each sign to the other. More than one business may be identified  
92 on each freestanding sign.

93 (5) Signs may be on the faces of a marquee or awning and may not  
94 project below the lower edge of the marquee or awning. The bottoms of marquee signs  
95 shall be not less than eight feet above the sidewalk or grade at any point.

96 (D) Content. Signs allowed shall be identification signs only for  
97 businesses on the premises, except as otherwise permitted herein. At the closing of a  
98 business, all related signage shall be removed.

99 (E) Illumination. Only external illumination of signs is permitted, but  
100 in accordance with the restrictions set forth below:

101 (1) The light from any illuminated sign shall be so shaded, shielded, or  
102 directed that the light intensity or brightness will not be objectionable to the surrounding  
103 area.

104 (2) No sign shall have blinking, flashing, or fluttering lights or any  
105 other illumination device that has a changing light intensity, brightness, or color. Beacon  
106 lights shall not be permitted.

107 (3) No colored lights shall be used at any location or in any manner so  
108 as to be confused with or construed as traffic control devices.

109 (4) Neither direct nor reflected light from primary light sources shall  
110 create a traffic hazard to operators or motor vehicles on public thoroughfares.

111 (5) No exposed reflective bulb, strobe light, or incandescent lamp that  
112 exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face  
113 of the bulb, light, or lamp to any public street or adjacent property.

114 (6) Awnings must not be illuminated.

115 (F) Decorative Flags. Wall-mounted decorative flags, each shall not  
116 exceed 15 square feet in area. Decorative flags shall display only the logo of a business or  
117 a decorative design related to the business and shall not display the words or phrases  
118 related to business activity on the premises. A national, state, or local government flag  
119 shall also be limited to 15 square feet, one per building. All flags shall not project above  
120 the highest point of the roof of the building, nor shall it be attached to or mounted on top  
121 of a roof. The area of the decorative flags shall be deducted from the building-mounted  
122 sign area allowed by subsection (3)(d)(vii)(A)(1) of this section.

123 (G) Gasoline Pump Island Signs. Nonilluminated gasoline pump island  
124 signs shall be permitted subject to the following restrictions:

125 (1) Two “self serve” or “full serve” signs per pump island not to  
126 exceed two and one-half square feet each (no historic preservation commission approval  
127 or sign permit shall be required).

128 (2) One fuel price or promotional information sign  
129 mounted/incorporated into each fuel pump not to exceed one square foot (no historic  
130 preservation commission approval or sign permit shall be required).

131 (3) Any other signs on the canopy or pump islands shall be subject to  
132 the requirements for building-mounted signage in subsection (3)(d)(vii) of this section.

133 (H) State Inspection Center Signs. Official state inspection center signs  
134 for certified state inspection stations shall be permitted for service stations and

135 automobile dealerships. These signs shall be nonilluminated and located on the building.  
136 The maximum sign area shall be six square feet. One such sign shall be permitted. No  
137 historic preservation commission approval shall be required.

138 (I) Menu Boards. Portable signs displaying menu items for a restaurant  
139 on the premises shall be permitted if the following conditions are met (no historic  
140 preservation commission approval or sign permit shall be required):

141 (1) Number of signs permitted: one sign for the main entrance to the  
142 restaurant; but where a restaurant has a rear entrance from an adjacent parking lot, one  
143 additional menu board may be placed at the rear entrance.

144 (2) Maximum sign area: four square feet.

145 (3) Maximum height: four feet.

146 (4) Maximum distance of menu board from restaurant or outdoor  
147 dining area entrance: four feet.

148 (5) Projection over a city right-of-way: prohibited.

149 (6) Location on a city right-of-way: prohibited.

150 (7) Illumination: prohibited.

151 (J) Directory Signs. Freestanding or building-mounted directory signs  
152 shall be permitted for shopping centers if the following conditions are met:

153 (1) Number of signs permitted: one directory sign for each 10  
154 businesses in the shopping center.

155 (2) Maximum sign area: seven and one-half square feet.

156 (3) Maximum height for freestanding signs: seven and one-half feet.

157 (4) Projection over a city right-of-way: prohibited.

158 (5) Location on a city right-of-way: prohibited.

159 (6) Illumination: prohibited.

160 (K) Shopping Centers. One freestanding or building-mounted sign  
161 shall be permitted for each city block occupied by the shopping center. Said signs shall  
162 display only the name and/or logo of the shopping center, or of a parking facility for the  
163 shopping center, and shall be in addition to the sign allowed for individual businesses by  
164 subsection (3)(d)(vii) of this section.

165 (1) Sign area shall not exceed 20 square feet.

166 (2) Sign height shall not exceed 12 feet, except for decorative bar-iron  
167 cresting above the sign which may extend above the 12-foot height; provided, that the  
168 bar-iron is no larger than three-quarters of an inch by one and one-half inches in cross  
169 section.

170 (3) Location on a city right-of-way is prohibited.

171 (4) Freestanding signs shall be mounted on bases a maximum of three  
172 feet in height and shall not exceed 12 feet in height from grade.

173 (5) Separate signs attached to a freestanding sign or its supporting  
174 structure, advertising services such as, but not limited to, automobile travel clubs and  
175 credit cards, shall be prohibited.

176 (6) Multiple frontage signs must have a minimum separation of one-  
177 third of the facade length from any corner of the facade.

178 (L) Canopy Signs. Signs mounted under a canopy or covered walkway  
179 and designed to be viewed primarily by pedestrians shall be permitted for shopping  
180 centers if the following conditions are met:

181 (1) One canopy sign for each business in the shopping center. This  
182 sign shall not count toward the maximum sign area permitted by subsection (3)(d)(vii) of  
183 this section.

184 (2) Maximum sign area: three square feet.

185 (3) Projection over a city right-of-way: prohibited.

186 (M) Portable and Sandwich Board Signs. One (1) portable or  
187 sandwich board sign shall be permitted per storefront upon the following conditions and  
188 shall be exempt from the provisions of SCC Chapter 18.85 and require no permit:

189 (1) Such sign shall be located immediately in front of the storefront  
190 for which it advertises, with at least a thirty-six (36) inch-wide clearance when placed  
191 within any public pedestrian right of way, signs located on any public pedestrian right of  
192 way shall be placed with the base of the sign perpendicular to and in full contact with the  
193 building face; where any public pedestrian right of way is not adjacent to on-street  
194 parking, signs may also be placed perpendicular to and in full contact with the back of  
195 curb;

Deleted: ;



196 (2) Such sign shall be no larger overall than four (4) feet in height  
197 and two (2) feet in width;

198 (3) Such sign shall have no illumination of any kind and may be  
199 displayed only during the time when the business is open to the public.

Deleted: during daylight hours.

200

201 (viii) Exemptions from Historic District Sign Regulations. The following  
202 types of signs are exempted from all the provisions of this chapter, except for  
203 construction and safety regulations and the following requirements:

204 (A) Public Signs. Signs of a noncommercial nature and in the public  
205 interest, erected by or on the order of a public officer in the performance of his public  
206 duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial  
207 plaques, signs of historical interest, etc.

208 (B) Institutional Signs. Signs setting forth the name or any simple  
209 announcement for any public, charitable, educational, or religious institution, located  
210 entirely within the premises of that institution, up to an area of 24 square feet. Such signs  
211 may be illuminated in accordance with the regulations shown above. If building-  
212 mounted, these signs shall be flat wall signs and shall not project above the roof line. If  
213 ground-mounted, the top shall be not more than eight feet above ground level.

214 (C) Integral Signs. Names of buildings, dates of erection, monumental  
215 citations, commemorative tablets, etc., when carved into stone, concrete, or similar  
216 material or made of bronze, aluminum, or other permanent construction and made an  
217 integral part of the structure.

218 (D) Private Traffic Movement Signs. Signs directing movement onto a  
219 premise or within a premise, not exceeding three square feet in area for each sign.  
220 Illumination of these signs shall be permitted in accordance with the regulations above.

221 (E) Menu Signs. Menus affixed directly to the inside of a door or  
222 window, or an exterior glass-fronted display case not exceeding four square feet in area  
223 and not protruding more than four inches from the surface on which it is mounted,  
224 stationary, and attached flat against a building, fence, or wall, in which is posted menu(s)  
225 for a restaurant.

226 (F) Rental or Sales Signs. Signs on a premises announcing rooms for  
227 rent, table board, apartment or house for rent, and not exceeding four square feet in area.

228 (G) Vehicle Signs. Signs on trucks, buses, trailers, or other vehicles,  
229 while such vehicles are in use in the normal course of business. This subsection is not to  
230 be interpreted to permit the parking, for display purposes, of any vehicle or trailer, to  
231 which signs or portable signs are attached, in a district or on a lot of land where such  
232 signs are not permitted.

233 (H) Signs located more than four feet behind the plane of a storefront  
234 window.

235 (I) Governmental flags, or the flags of any nonprofit organization  
236 headquartered in the city of Staunton. The height of a flagpole shall not exceed 25 feet in  
237 the residential districts; and for all other zoning districts the height of a flagpole shall not  
238 exceed the maximum building height allowed for the zoning district in which it is  
239 located. The maximum size of a flag shall not exceed 45 square feet when attached to a  
240 flagpole with a height of 35 feet or less, and shall not exceed 65 feet when attached to a  
241 flagpole with a height greater than 35 feet. All flags shall be maintained in good  
242 condition so as to present a neat and orderly appearance. The zoning administrator may  
243 give written notice to remove or replace, within 48 hours, any flag that becomes faded or  
244 tattered. Failure to comply will be considered a violation of this chapter.

245 (J) Temporary Signs. Temporary signs shall be nonilluminated and  
246 limited to the following types:

247 (1) Construction signs, which identify the architects, engineers,  
248 contractors, and other individuals of firms involved with the construction. Such signs  
249 shall be removed upon issuance of a certificate of occupancy. The maximum area of such  
250 signs shall be 32 square feet, and no more than one sign shall be permitted for each street  
251 frontage.

252 (2) Real estate signs, advertising the sale, rental, or lease of the  
253 premises or part of the premises on which the signs are displayed. The maximum sign  
254 area shall be eight square feet in residential districts, and 30 square feet in nonresidential  
255 districts.

256 (3) Political campaign signs announcing the candidates seeking public  
257 political office and other information pertinent thereto. These signs shall be removed  
258 within seven days after the occurrence of the event to which they pertain.

259 (4) Signs advertising only the name, time, and place of any bona fide  
260 fair, festival, bazaar, horse show, or similar event, when conducted by a public agency or  
261 for the benefit of any civic, fraternal, religious, or charitable cause; provided, that all such  
262 signs shall be removed within 24 hours after the last day of the event to which they  
263 pertain. The maximum sign area shall be 32 square feet.

264 (5) Building-mounted grand opening signs, not exceeding 30 square  
265 feet shall be permitted provided that such sign or signs shall not be displayed for more  
266 than 30 days. A sign permit shall be required.

267 (6) Seasonal or holiday decorations except that seasonal banners not  
268 exceeding 10 square feet in area shall be allowed. Such banners shall not display the  
269 name of a business or shopping center, nor the words "open," "sale," "vacancy," or other  
270 similar words or phrases related to the business activity on the premises. These  
271 decorations shall be removed within seven days after the holiday or seasonal event.

272 (7) Change of business name banners/hoods/covers over existing  
273 building-mounted and freestanding signs shall be allowed, while new signs are being  
274 manufactured; provided, that such sign or signs shall not be displayed for more than eight  
275 weeks and shall not exceed the permitted sign area for that site.

276 (8) Special exhibition signs. A building used primarily as a museum or  
277 art gallery shall be permitted to erect a building-mounted banner announcing special  
278 exhibitions, special shows, or special displays in process within the building if a sign  
279 permit is obtained and the following conditions are met:

280 (a) Number of Banners Permitted. One building-mounted banner for  
281 each building used primarily as a museum or art gallery; provided, that the banner shall  
282 be placed on the building no earlier than three days before and removed within 24 hours  
283 after the last day of the exhibition to which it pertains. Limit for 30 days without a new  
284 permit.

285 (b) Maximum Banner Area. 15 square feet for a building with a  
286 setback of less than 100 feet, and 200 square feet for a building with a setback of 100 feet

287 or more. Setback shall be measured perpendicular from the property line at the street to  
288 the center of the banner.

289 (ix) Prohibited Signs in Business District.

290 (A) Signs that contain or are imitations of “warning,” or similar words,  
291 and that are so located as to be visible and similar to official traffic signs or signals or  
292 contain the words “stop,” “go slow,” “caution,” “danger,” applicable to operators of  
293 motor vehicles on a public street.

294 (B) Signs that are of a size, location, movement, content, coloring, or  
295 manner of illumination that may be confused with or construed as traffic control devices  
296 or that hide from view any traffic or street sign or signal.

297 (C) Signs that visually interfere with traffic.

298 (D) Flashing or animated signs.

299 (E) Signs that advertise any activity, business, product, or service no  
300 longer conducted on the premises upon which such sign is located.

301 (F) Signs that move in any manner or have a moving part.

302 (G) Signs that contain or consist of banners (except under subsection  
303 (3)(d)(viii)(J), Temporary Signs, of this section), posters, pennants, ribbons, streamers,  
304 strings of light bulbs, spinners, or other similarly moving devices and festoons. These  
305 devices, when not part of any sign, are similarly prohibited, unless they are permitted  
306 specifically by other legislation.

307 (H) Any sign, except official notices and advertisements, which is  
308 nailed, tacked, posted, or in any other manner attached to any utility pole or structure or  
309 supporting wire, cable, or pipe, or to any tree on any street or sidewalk or to public  
310 property of any description.

311 (I) Separate signs attached to a freestanding sign or its supporting  
312 structure, advertising services such as, but not limited to, automobile travel clubs and  
313 credit cards.

314 (J) Any sign that is attached to or mounted on a roof or projects above  
315 the plane of the building facade. This shall include decorative roofs such as mansard  
316 roofs.

317 (K) Moored balloons or other floating signs that are tethered to the  
318 ground or to a structure.

319 (L) Time and temperature signs consisting of flashing or intermittent  
320 lights or an intermittent display that is indirectly illuminated.

321 (M) Any permanent or temporary sign affixed to, painted on, or placed  
322 in or upon any parked vehicle, parked trailer, or other parked device capable of being  
323 towed, which is obviously and conspicuously parked so as to advertise the business to the  
324 passing motorist or pedestrian; and whose primary function is to provide additional on-  
325 site signage or is to serve the function of an outdoor advertising sign. Excluded from this  
326 subsection are: vehicles/equipment in operating condition, currently registered and  
327 licensed to operate on public streets with a valid inspection sticker, and actively used in  
328 the daily function of the business to which such signs relate; vehicles/equipment engaged  
329 in active construction projects; vehicle/equipment offered for rent to the general public  
330 and stored on-premises.

Deleted: (N) Sandwich

Deleted: Board Signs

331

332

333

334 In all other respects, the provisions of Section 18.140.040 of the Staunton City Code  
335 remain the same and are hereby restated, confirmed and reordained.

336

337 Introduced:

338 Adopted:

339 Effective Date:

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\_\_\_\_\_  
Lacy B. King, Jr., Mayor

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ATTEST:

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\_\_\_\_\_  
Deborah A. Lane, MMC

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Clerk of Council

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**NOTICE OF INTENT AND  
PUBLIC HEARING  
ON A JOINT  
RESOLUTION TO ADOPT  
A PROPOSED  
AGREEMENT TO T  
RANSFER OWNERSHIP  
OF GRAND CAVERNS  
AND NATURAL  
CHIMNEYS AND TO  
DISSOLVE THE  
UPPER VALLEY  
REGIONAL PARK  
AUTHORITY**

A public hearing will be held during the regular meeting of Staunton City Council at 7:30 p.m. on Thursday, September 24, 2009, on whether or not to adopt a joint resolution to authorize the disposition of Grand Caverns and Natural Chimneys and to dissolve the Upper Valley Regional Park Authority. The agreement contemplates the transfer of ownership of Grand Caverns to the town of Grottoes and Natural Chimneys to the County of Augusta and the complete dissolution of the Upper Valley Regional Park Authority, subject to various conditions.

The hearing will be held in Council Chambers, first floor of City Hall, 116 West Beverley Street, Staunton, Virginia.

A true and complete copy of the proposed resolution and agreement is available for inspection during normal working hours at the office of the Clerk of Council and at the office of the City Manager.

All persons wishing to be heard at the public hearings are invited to

attend. Hearing im-  
paired persons desiring  
to attend the public  
hearing should call the  
TDD at 332-3968 to re-  
quest an interpreter.

Deborah A. Lane, MMC  
Clerk of Council

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, VA

<b>Meeting Date:</b>	<b>September 24, 2009</b>	<b>Staff Members:</b>  <b>Amanda Huffman</b>
<b>Item #</b>	<b>3 &amp; D</b>	
<b>Ordinance #</b>		
<b>Department:</b>	<b>Economic Development</b>	
<b>Subject:</b>	<b>Consideration of a resolution authorizing the city manager to submit all information needed to apply for Virginia Enterprise Zone designation</b>	

**Background:** The Staunton enterprise zone was created in 1990 for a 20-year period by approval of the Virginia Department of Housing and Community Development and, therefore expires at the end of this year. Staff is recommending that City Council approve the submission of an application for a new enterprise zone in Staunton.

The enterprise zone application process involves determining the geographic area where the zone will be located (see attached map) and designing a set of local incentives that complement the state incentives. After meeting with city staff members and several Staunton businesses and attending a local enterprise zone administrator's workshop, we are recommending the following set of incentives:

### **Category 1: High Tech Business Location and Expansion**

- Capital Investment Incentive:
  - \$1 million investment in new machinery and tools = 50% reimbursement of increased machinery and tools tax for 3 years
  - \$500,000 investment in personal property = 50% reimbursement of increased personal property tax for 3 years
- Anticipated Budget Request for Category: No net cash cost.

### **Category 2: Professional Job Grant**

- For a company that locates in the Enterprise Zone with at least 15 jobs each earning 300% of the FMW and receiving health benefits
- \$1,000/job incentive grant
- 1-year operation to qualify
- Available on a first-come, first-serve basis
- Anticipated Budget Request for Category: \$30,000

### **Category 3: Premier Company Location Incentive**

The incentive's value will be equivalent to a portion of a 3 to 5 year return on investment for the City of



Staunton based on projected new tax revenue associated with the new location or expansion.

- Anticipated Budget Request for Category: No net cash cost.

#### **Category 4: Entrepreneurial/Creative Class**

- Entrepreneurs locating or significantly expanding a targeted industry defined below may access any combination of the following incentives up to a total value of \$3,000.
  1. Interest rate buy-down
  2. Broad band hook-up
  3. Job Grant - \$500/job for up to 5 employees
  4. Cultural amenity package
- Available on a first-come, first-serve basis
- Only available to target sectors within the Professional, Scientific, and Technical Services Sector (NAICS 54), including:
  - 5413 Architectural, Engineering, and Related Services
  - 5414 Specialized Design Services
  - 5415 Computer Systems Design and Related Services
  - 5416 Management, Scientific, and Technical Consulting Services
  - 5417 Scientific Research and Development Services
  - 5418 Advertising, Public Relations, and Related Services
  - 5419 Other Professional, Scientific, and Technical Services
- Anticipated Budget Request for Category: \$30,000

#### **Category 5: Destination Retail**

- Incentive is 50% reimbursement for marketing completed in the first 6 months of location up to \$5,000 along with 2-year free membership to SDDA
- If marketing is conducted with a Staunton-based company, reimbursement is available at 100%, but the cap is still \$5,000
- Available on a first-come, first-serve basis
- Only available to the following target sectors locating within the Central Business District and Newtown Historic District
  - 4421 Furniture Stores
  - 44511 Supermarkets and Other Grocery (except Convenience) Stores
  - 4481 Clothing Stores
  - 4411 Automobile Dealers
  - 45114 Musical Instrument and Supplies Stores
  - 4512 Book, Periodical, and Music Stores
- Anticipated Budget Request for Category: \$10,000

#### **Category 6: Property Tax Deferral**

- Any property owner who makes repairs, renovations, or other structural or interior improvements to the industrial or commercial property owned by it in the enterprise zone, by increasing the assessed value of the property by at least 40 percent, shall receive a five-year deferral of increased assessment of property value for real estate tax purposes with respect to such improvements.
- Anticipated Budget Request for Category: No net cash cost.

#### **Category 7: Increased Property Tax Deferral for Low Impact Development**

- Any property owner who qualifies for Category 6 above and as part of a new development or redevelopment has 50% pervious surface area shall receive one additional year of property tax deferral (this can be accomplished through pervious pavers, plantings, etc).
- Anticipated Budget Request for Category: No net cash cost.

#### **Category 8: Minority Business Incentive**

Minority entrepreneurs considering locating or expanding a new or existing business in the Staunton Enterprise Zone will receive a \$200 scholarship to the Staunton Creative Community Fund Inc.'s Business Plan Development Course. Although not a guarantee of financing, this business plan development course assists entrepreneurs in creating an economically viable business plan and is often

the first step in obtaining microloan financing for business start-up or expansion.

- Anticipated Budget Request for Category: \$2,000

### **Category 9: Leverage Funding**

The City of Staunton has been and intends to remain a leader in providing comprehensive business development services and resources to local entrepreneurs, developers, and growing business interests. This includes but is not limited to the following:

- Staunton Creative Community Fund
  - Small Business Administration loan funds
  - U.S. Department of Agriculture loan funds
  - Community Development Block Grant loan funds
- Staunton Downtown Development Association / Main Street designation
- Historic Tax Credits
  - State Tax Credits
  - Federal Tax Credits
- New Market Tax Credits
- Virginia Housing Development Authority
  - Mixed-use redevelopment and new construction financing

As a service to EZ businesses, the Staunton Economic Development Office will assist businesses in locating and accessing these outside funding opportunities as part of a comprehensive incentive and project enhancement strategy.

### **Category 10: Business Retention Event / Enterprise Zone Workshop**

Once a year the Staunton Economic Development Office will provide at least one Business Retention Event and/or Enterprise Zone Workshop.

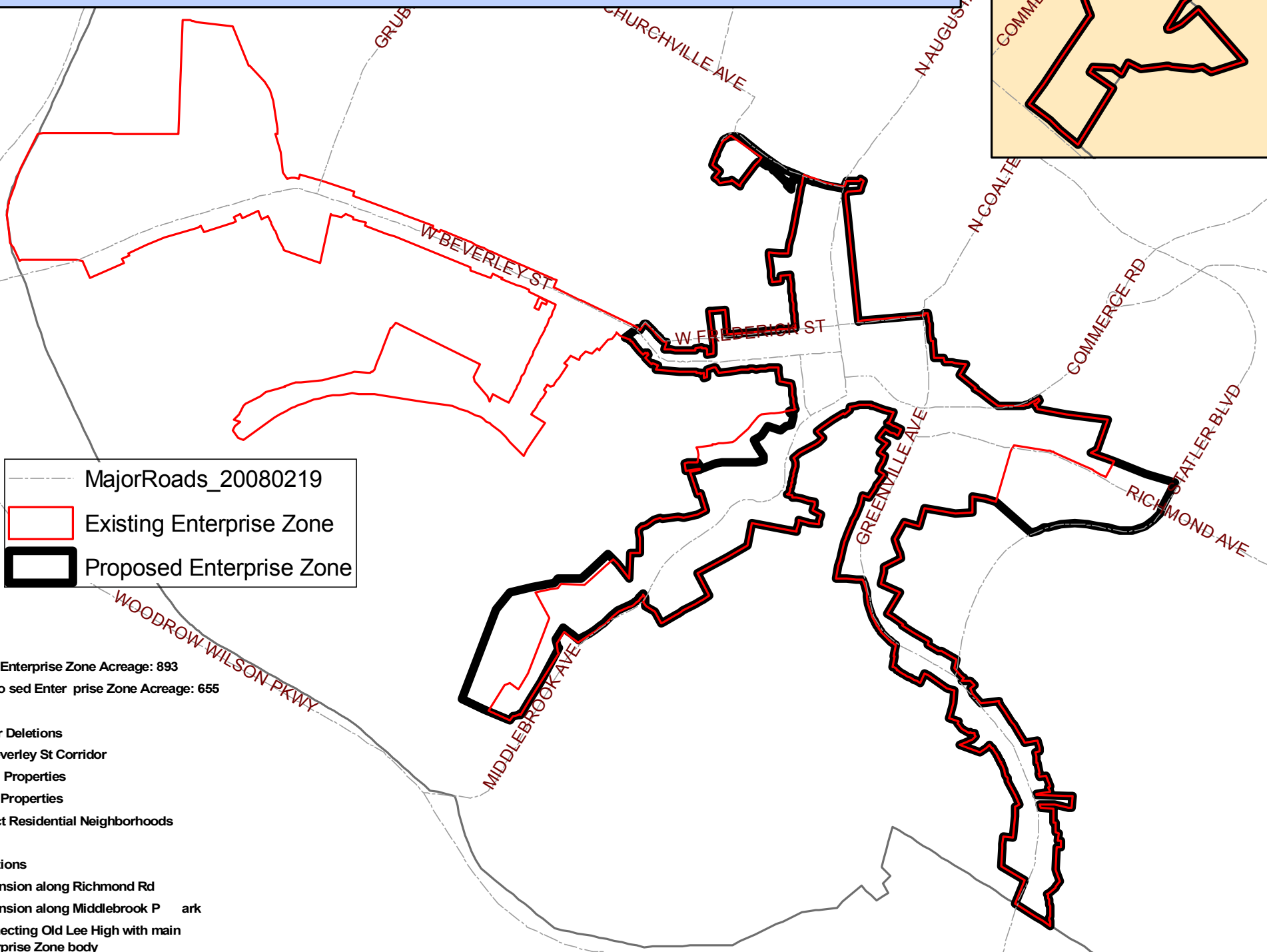
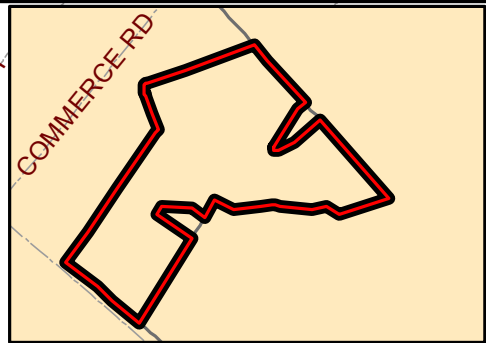
We held the required public hearing on September 10, 2009 and recommend passing the attached resolution which authorizes the city manager to submit all information need to apply for Virginia Enterprise Zone designation before the October 1, 2009 deadline.

**City Manager's Recommendation:** Approve attached resolution.

**Suggested Motion(s):** I move to approve the attached resolution and authorize the city manager to submit all information needed to apply for Virginia Enterprise Zone designation.

**City Manager:** *Stephen F. Owen*

# Proposed Enterprise Zone with Existing Enterprise Zone



MajorRoads\_20080219

Existing Enterprise Zone

Proposed Enterprise Zone

2008 Enterprise Zone Acreage: 893  
 Proposed Enterprise Zone Acreage: 655

- Major Deletions**
- W Beverley St Corridor
  - Unifi Properties
  - Livia Properties
  - Select Residential Neighborhoods

- Additions**
- Expansion along Richmond Rd
  - Expansion along Middlebrook Park
  - Connecting Old Lee High with main Enterprise Zone body

**RESOLUTION OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA, TO  
AUTHORIZE THE SUBMISSION OF AN APPLICATION FOR ENTERPRISE ZONE  
DESIGNATION TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT**

**WHEREAS**, the City of Staunton has an enterprise zone that is expiring at the end of calendar year 2009; and

**WHEREAS**, the Commonwealth of Virginia is accepting applications for new enterprise zones and for re-designation of expiring enterprise zones; and

**WHEREAS**, Staunton's enterprise zone has been an important economic development tool over the past 20 years, helping to create jobs, induce capital investment, and leverage other funding sources; and

**WHEREAS**, the City of Staunton strongly supports the need for the enterprise zone and desires to apply for a new enterprise zone designation;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Staunton, Virginia on this twenty-fourth day of September, 2009 that the City of Staunton is applying for enterprise zone designation; and

**BE IT FURTHER RESOLVED** that the City of Staunton authorizes the City Manager to submit all information needed to apply for enterprise zone designation; and

**BE IT FURTHER RESOLVED** that the City of Staunton authorizes the City Manager (or his designee) acting as program administrator to carry out all program administrative and reporting requirements on its behalf, as defined by the Enterprise Zone Regulations, throughout the life of the zone.

City of Staunton

\_\_\_\_\_  
Lacy B. King, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

**CITY COUNCIL**



**AGENDA BRIEFING**

Staunton, VA

<b>Meeting Date:</b>	<b>September 24, 2009</b>	<b>Staff Members:</b>  <b>Bill Hamilton</b>
<b>Item #</b>	<b>4</b>	
<b>Ordinance #</b>		
<b>Department:</b>	<b>Economic Development and City Attorney</b>	
<b>Subject:</b>	<b>Closed Session</b>	

**City Manager’s Recommendation:** Move into closed session.

**Suggested Motion(s):** Closed meeting convened:

I move that Council enter a closed meeting session for :

**Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code Section 2.2-3711A.3; discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Virginia Code Section 2.2-3711A.29.**

Second.

Discussion.

Vote – Clerk of Council to poll members of Council.

Open Meeting Reconvened:

I move that Council reconvene in an open meeting and certify to the best of each member’s knowledge that:

Only lawfully exempted public business matters were discussed and

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

Second.

Discussion.

Vote – Ask the Clerk of Council to poll members.

**City Manager:** *Stephen F. Owen*

**Regular Agenda  
Staunton City Council  
Council Chambers  
September 24, 2009  
7:30 pm**

**Call to Order**

**Invocation & Pledge of Allegiance**

**Mayor's Report**

**Additional Items by Members of Council**

**Approval of Minutes**

**Work Session and Regular Meeting of September 10, 2009**

**REGULAR MEETING**

- A. Public hearing and consideration of an ordinance amending, restating and reordaining Section 18.140.040, Business District Regulations, of Chapter 18.140, Signs, Billboards and other advertising structures, of Title 18, Zoning. The purpose of these amendments is to allow sandwich board and portable signs in the Downtown Business Area.**
  
- B. Public hearing and consideration of approval for the dissolution of the Upper Valley Park Authority and an agreement to transfer ownership of Grand Caverns and Natural Chimneys Parks.**
  
- C. Consideration of energy and environmental initiatives associated with participation in the Virginia Municipal League's Go Green Virginia Program.**
  
- D. Consideration of the adoption of a resolution authorizing the City Manager to submit all information needed to apply for Virginia Enterprise Zone designation.**
  
- E. Consideration of the adoption of an ordinance making a technical modification to Section 18.120.010 of the City Code.**

**Matters from the City Manager**

**Matters from the Public**

**Adjournment**

**City Council  
WORK SESSION  
September 10, 2009  
5:10 p.m.**

All members of Council present.

**1. Discussion of a proposed application for a Virginia Enterprise Zone due to the Virginia Department of Housing and Community Development on October 1<sup>st</sup>.**

The Director of Economic Development briefed Council on this topic. He noted that a public hearing to be conducted during the regular Council meeting has been advertised once a week for two successive weeks as required by state code. Following the public hearing, staff will continue to refine the enterprise zone application and bring it back to City Council for review on September 24, at which time Council will have the opportunity to consider a resolution authorizing the City Manager to submit the application to the Virginia Department of Housing and Community development before October 1, 2009.

**2. VCSB Performance Contract – Dr. Don Lewis**

The Deputy City Manager advised that the state requires localities served by community service boards to receive a presentation on the performance contract submitted to the Department of Mental Health, Mental Retardation and Substance Abuse Services. The contract must be approved by Council.

Dr. Don Lewis, VCSB Executive Director, provided a presentation and answered questions.

**3. Presentation by Waynesboro City Council Member Lorie Smith on a Pharmaceutical Drug Disposal Program.**

Councilwoman Smith briefed Council on a program that would provide a venue for the proper disposal of medications. The local jurisdictions are being asked to participate in the promotion and endorsement of an event to be held November 7<sup>th</sup> from 9 am to 1 pm at Augusta Health. The City of Waynesboro is circulating a resolution that will hopefully be adopted by each governing body and presented to Mary Mannix, CEO, Augusta Health, in October. This multi-jurisdictional effort can be used as a model throughout the Commonwealth.



**4. Discussion of Surplus Property.**

The Supervisor of Purchasing and Utilities briefed Council on two lists of items for sale. She recommended that a 2002 Chevy Malibu be transferred to Staunton City Schools and that all other items on the lists be declared surplus and authorized for sale.

**5. Discussion of Upper Valley Park Authority agreement to transfer ownership of Grand Caverns and Natural Chimneys Park.**

The City Manager advised that the Upper Valley Regional Park Authority has taken steps to dissolve and dispose of the Grand Caverns and Natural Chimneys properties. The Town of Grottoes is taking and will operate Grand Caverns, and Augusta County will receive and operate the Natural Chimneys Park.

Mr. Owen stated that Augusta County has already approved this and it is on Council's regular agenda for consideration.

**6. Discussion of a resolution recommending the Personal Property Tax Relief Act (PPTEA) percentage to be allocated on motor vehicles.**

The Commissioner of Revenue noted that on April 13, 2006 City Council adopted an ordinance that defined procedures and responsibilities for implementing the changes to the PPTRA of 1998, including the method of computing the tax relief, allocation of tax relief, plus transitional provisions. The ordinance requires that Council shall set the percentage of tax relief at such a level that is anticipated to fully exhaust PPTEA relief funds provided to the City by the Commonwealth. For the current year, the Commission of Revenue recommended the rate of 65 percent. This matter is on the regular agenda for disposition.

The work session adjourned at 7:00 p.m.

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Deborah A. Lane, MMC  
Clerk of Council

**REGULAR MEETING OF STAUNTON CITY COUNCIL**  
**Thursday, September 10, 2009**  
**7:30 p.m.**  
**Council Chambers**

**PRESENT:**            **Lacy B. King, Jr., Mayor**  
                         **David R. Metz, Vice Mayor**  
                         **Richard P. Bell**  
                         **Carolyn W. Dull**  
                         **Bruce A. Elder**  
                         **Ophie A. Kier**  
                         **Andrea W. Oakes**

**ABSENT:**

**STAFF PRESENT:** **Stephen F. Owen, City Manager**  
                         **Douglas L. Guynn, City Attorney**  
                         **Deborah A. Lane, Clerk of Council**

Mayor King called the meeting to order. Councilman Bell called for a moment of silence in memory of those lost at the Twin Towers attack on September 11, 2001. The Pledge of Allegiance was recited in unison.

**MAYOR'S REPORT**

A proclamation was presented to Ms. Jeanne Wilkins proclaiming the week of September 17 through 23 as Constitution Week.

A proclamation was presented to Mr. John Savides recognizing the month of September 2009 as National Alcohol and Drug Addiction Recovery Month in Staunton.

**ADDITIONAL ITEMS BY COUNCIL**

Mrs. Oakes moved to place Items B & C on the consent agenda for approval. Seconded by Ms. Dull, the motion carried unanimously by roll call vote.

- B.      Consideration of the adoption of the Valley Community Services Board Performance Contract.**
  
- C.      Consideration of the Declaration of Surplus Property.**

### **APPROVAL OF MINUTES**

Mrs. Oakes moved that the minutes of the work session and regular meeting of August 27, 2009 be approved. Seconded by Mr. Bell, the motion carried unanimously.

Ms. Dull announced that the Central Shenandoah Planning District Commission is celebrating its 40<sup>th</sup> anniversary this month. Ms. Dull praised the work the Commission has performed for the community. An open house will be held on September 21, 2009 from 4-6 p.m.

### **AGENDA**

**A. Public hearing regarding the proposed application for a Virginia Enterprise Zone due to the Virginia Department of Housing and Community Development on October 1<sup>st</sup>.**

Mr. William W. Hamilton, Director of Economic Development, provided a briefing on this matter, outlining the history of the current zone and describing how it functions.

He noted that the annual cost to the City for this program over the past three years has been \$60,000. In the same three years, local businesses have secured over \$360,000 in State incentives.

Mrs. Oakes asked if the main focus of the application will be on incentives. Mr. Hamilton responded that this was correct.

The public hearing was opened. Speaking to this matter was Mr. Baldwin Jennings, 332 Sharon Lane, Staunton. Mr. Jennings stated that he supports anything that will help the City. He asked for a few examples of success in the past twenty years.

Mr. Hamilton responded that a number of businesses in the Central Business District were able to utilize the program to help revitalize the downtown. He also noted that Specialty Blades has also used the program on two occasions. Gypsy Hill Place, the former Robert E. Lee High School, was also able to qualify for grants under this program. Atlantic Research was also able to benefit.

The public hearing was closed.

This matter will be on the Council agenda of September 24<sup>th</sup> for Council's consideration.

**D. Consideration of a resolution recommending the Personal Property Tax Relief Act (PPTRA) percentage to be allocated on motor vehicles.**

The City Manager advised that on April 13, 2006 City Council adopted an ordinance that defined procedures and responsibilities for implementing the changes to the PPTRA of 1998, including the method of computing the tax relief, allocation of tax relief, plus

transitional provisions. The ordinance requires that Council shall set the percentage of tax relief at such a level that is anticipated to fully exhaust PPTEA relief funds provided to the City by the Commonwealth. For the current year, the Commissioner of Revenue recommends the rate of sixty-five percent (65%).

Mayor King asked if this is an increase over last year. Mr. Owen noted that last year, the percentage was sixty percent (60%).

Ms. Dull moved that a resolution, as proposed, be adopted, establishing the Personal Property Tax Relief Act (PPTRA) percentage at sixty-five percent (65%). Seconded by Vice Mayor Metz, the motion carried unanimously by roll call vote.

**RESOLUTION**  
**IMPLEMENTING ORDINANCE 2006-05, CODIFIED AS SECTION 3.10.015 OF**  
**THE STAUNTON CITY CODE,**  
**TO FURTHER IMPLEMENT THE 2004-2005 CHANGES**  
**TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998**

**WHEREAS**, by Ordinance 2006-05, adopted April 13, 2006 and codified as Section 3.10.015 of the Staunton City Code, the Council of the City of Staunton fashioned a local program of tax relief that serves the best interests of the citizenry regarding personal property tax on qualifying use vehicles, pursuant to modifications made by the General Assembly of Virginia to the Personal Property Tax Relief Act of 1998 (PPTRA);

**WHEREAS**, the City's program of tax relief contemplates the allocation of PPTRA relief provided by the Commonwealth of Virginia pursuant to the provisions of Ordinance 2006-05, codified as Section 3.10.015 of the Staunton City Code, as further implemented by resolution adopted annually after the personal property tax book is certified by the Commissioner of Revenue and delivered to the Treasurer;

**WHEREAS**, on September 1st, the Commissioner of Revenue delivered to the Treasurer a certified personal property tax book; and

**WHEREAS**, the Commissioner of Revenue has recommended to the Council of the City of Staunton, Virginia, that with respect to qualifying vehicles with assessed values of more than \$1,000 the percentage of relief to be applied to the first \$20,000 in value of each such qualifying vehicle should be 65%, which the Commissioner of Revenue estimates will fully use all available state PPTRA relief.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Staunton, Virginia, that 65 shall be the percentage of relief to be applied to the first \$20,000 in value of each qualifying vehicle with an assessed value of more than \$1,000, pursuant to and in accordance with the provisions of Section 3.10.015 of the Staunton City Code.

Adopted this 10th day of September, 2009

Approved: /s/ Lacy B. King, Jr.  
Lacy B King, Jr.  
Mayor

Attest: /s/ Deborah A. Lane, MMC  
Clerk of Council

**MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager

**MATTERS FROM THE PUBLIC**

Mr. John Huggins, Shenandoah Pizza, asked for an update on the sandwich board sign ordinance.

Mr. Bell advised that this is scheduled for a Planning Commission public hearing on September 17<sup>th</sup>.

Mr. Huggins offered the use of his restaurant for Council members to meet with shop owners.

**ADJOURNMENT**

Upon a motion made by Mrs. Oakes and seconded by Mr. Elder, the meeting adjourned at 8:01 p.m.

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Deborah A. Lane, MMC  
Clerk of Council

# CITY COUNCIL



# AGENDA BRIEFING

Staunton, VA

<b>Meeting Date:</b>	<b>September 24, 2009</b>	<b>Staff Members: Steve Owen</b>
<b>Item #</b>	<b>B</b>	
<b>Ordinance #</b>		
<b>Department:</b>	<b>City Manager</b>	
<b>Subject:</b>	<b>PUBLIC HEARING Dissolution of Upper Valley Regional Park Authority and Disposition of Assets</b>	

**Background:** The Upper Valley Regional Park Authority has taken steps to dissolve and dispose of the Grand Caverns and Natural Chimneys properties. The Town of Grottoes has agreed to take the Grand Caverns and operate it and Augusta County will receive and operate the Natural Chimneys park. The documents presented this evening for approval will permit these steps to occur. Augusta County has approved this at a previous meeting.

**City Manager's Recommendation:** I recommend the Council approve and authorize the Vice Mayor to sign the documents as presented.

**Suggested Motion(s):** I move to approve the attached agreement to dissolve and transfer assets of the Upper Valley Regional Park Authority, and further to authorize the Vice Mayor to execute any and all documents on behalf of the City of Staunton, provided final review and approval by the City Attorney.

**City Manager:** *Stephen F. Owen*

**NOTICE OF INTENT AND PUBLIC HEARING  
ON A JOINT RESOLUTION TO ADOPT A PROPOSED AGREEMENT TO  
TRANSFER OWNERSHIP OF GRAND CAVERNS AND NATURAL CHIMNEYS  
AND TO DISSOLVE THE UPPER VALLEY REGIONAL PARK AUTHORITY**

A public hearing will be held during the regular meeting of Staunton City Council at 7:30 p.m. on Thursday, September 24, 2009, on whether or not to adopt a joint resolution to authorize the disposition of Grand Caverns and Natural Chimneys and to dissolve the Upper Valley Regional Park Authority. The agreement contemplates the transfer of ownership of Grand Caverns to the town of Grottoes and Natural Chimneys to the County of Augusta and the complete dissolution of the Upper Valley Regional Park Authority, subject to various conditions.

The hearing will be held in Council Chambers, first floor of City Hall, 116 West Beverley Street, Staunton, Virginia.

A true and complete copy of the proposed resolution and agreement is available for inspection during normal working hours at the office of the Clerk of Council and at the office of the City Manager.

All persons wishing to be heard at the public hearings are invited to attend. Hearing impaired persons desiring to attend the public hearing should call the TDD at 332-3968 to request an interpreter.

Deborah A. Lane, MMC  
Clerk of Council

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Please publish on Thursday, September 17, 2009 as a boxed ad in the "Legal Notice" section of the paper.

**AGREEMENT TO TRANSFER OWNERSHIP  
OF  
GRAND CAVERNS AND NATURAL CHIMNEYS PARK**

This Agreement (Agreement), dated \_\_\_\_\_, 2009 for identification, is made by and between the City of Harrisonburg (Harrisonburg), the City of Staunton (Staunton), the Town of Grottoes (Grottoes), a municipal corporations of the Commonwealth of Virginia (Town), and the County of Augusta (Augusta), the County of Rockingham (Rockingham), political subdivisions of the Commonwealth of Virginia, and Upper Valley Regional Park Authority (Authority), a political subdivision of the Commonwealth of Virginia.

**RECITALS:**

WHEREAS, the Cities of Harrisonburg and Staunton, and the Counties of Rockingham and Augusta caused the formation of the Upper Valley Regional Park Authority; and

WHEREAS, the Authority owns and operates certain parcels of property known as Grand Caverns Park and Natural Chimneys Park; and

WHEREAS, the Authority and the political subdivisions who participate in it are desirous of dissolving the Authority and transferring ownership and operation of the Grand Caverns Park and Natural Chimneys Park to the Commonwealth of Virginia or to another political subdivision thereof; and

WHEREAS, in 2002 an Eight Million Dollar (\$8,000,000.00) bond referendum was approved by the voters of the Commonwealth of Virginia to acquire property for new State Parks; and

WHEREAS, The State Department of Conservation and Recreation considered acquiring Grand Caverns Park, but not Natural Chimneys Park; and

WHEREAS, to date, the Commonwealth has not actively sought to acquire either Grand Caverns Park or Natural Chimneys Park; and

WHEREAS, the Grottoes has expressed an interest in acquiring ownership of and operations rights to the Grand Caverns Park; and

WHEREAS, to insure safe and orderly operation of the Grand Caverns, Grottoes has requested that the caverns and appurtenant land be annexed into its Town limits; and

WHEREAS, the Board of Supervisors of Augusta County agree to and will actively support and pursue annexation; and

WHEREAS, the Augusta County Department of Parks and Recreation has developed a program for the operation of Natural Chimneys as a local park;

NOW THEREFORE, in consideration of the mutual covenants the parties agree as follows:



1. The Recitals are made a part of this Agreement.
2. Within one hundred eighty (180) days of the execution of this Agreement, the Authority shall transfer Grand Caverns Park, including real estate, the name, inventory, equipment, rolling stock and records to the Town of Grottoes. The transfer shall include Augusta County assigning the Town all County administrative and regulatory functions, including but not limited to zoning, land use and taxes; relieving the Town from any requirements to seek Augusta County approval for the use, management, development, operations or sale of Grand Caverns.
3. Within one hundred eighty (180) days of the execution of this Agreement, the Authority shall transfer Natural Chimneys Park to the County of Augusta.
4. After the Authority transfers all of its real property, disposes of all of its personal property, and distributes any fund balance to the County of Augusta and the Town of Grottoes in the manner agreed to below, all jurisdictions participating in the Authority shall take such actions as are legally necessary to dissolve the Authority.
5. Within two hundred seventy (270) days of the execution of this agreement, the County of Augusta and the Town of Grottoes shall execute all documents and hold all public hearings necessary to petition the Virginia Commission on Local Government to approve the annexation of the Grand Caverns Park and related real estate by the Town of Grottoes pursuant to Virginia Code Section 15.2-3400, as amended.
5. For a period of ten (10) years after the effective date of the annexation between the Town of Grottoes and the County of Augusta, Grottoes agrees that it will not attempt forced annexation of any other real property within the limits of Augusta County. Should the annexation proposed not be consummated this provision shall be null and void *abinitio*.

#### REAL PROPERTY

6. Commencing on the date the execution of this agreement, the County of Augusta and the Town of Grottoes, and their agents, representatives and contractors, at their cost and expense, shall have complete access to the Parks for the purpose of conducting such surveys, soil borings, soil analyses, engineering tests and studies, environmental tests and studies, economic and/or topographic tests, studies, and/or investigations with respect to the Parks they may deem necessary in order to determine whether the Parks are suitable for their intended use thereof. In the event that County of Augusta and/or the Town of Grottoes determine, in their sole discretion, that the Parks are not suitable for their intended use thereof, then they may terminate this agreement by delivery of written notice thereof to the Parties hereto on or before the expiration of sixty (60) days after the date of execution hereof, and thereupon the parties hereto shall have no further rights or obligations hereunder.
7. The Parks are to be conveyed to the County of Augusta and to the Town of Grottoes by General Warranty Deed with English Covenants of Title free and clear of all liens and encumbrances except those set out on Exhibit A attached hereto. The personal property conveyed pursuant to the terms of this agreement shall be a Bill of Sale, a copy of which is attached to and made a part of this agreement, as Exhibit B.

8. After the date of execution hereof, the Authority shall not (A) grant any easements and/or rights-of-way and/or other encumbrances over or through the Parks, (B) enter into any agreements or other commitments affecting the Parks, (C) further encumber the Parks, or (D) construct or install any improvements or allow any existing improvements or natural deposits to be wasted, removed, sold or in any way encumbered on the Parks, without the prior written consent of the County of Augusta or the Town of Grottoes, which consent may be withheld in their sole discretion.

9. The Authority has not received notice of any violations of laws, statutes, ordinances, orders, or requirements noted or issued by any governmental department or authority having jurisdiction over or affecting the Parks, nor does the Authority have any knowledge of any such violations. The Authority shall be required to comply with any such notices, orders or requirements noted or issued prior to the date of closing.

10. All bills and claims for labor performed and materials furnished to or for the benefit of the Parks for all periods prior to the date of closing have been (or prior to the date of closing will be) paid in full, and on the date of closing there shall be no mechanics' liens or materialmen's liens, whether or not perfected, on or affecting any portion of the Parks, and if there shall be any such liens, the Authority shall obtain the release of the same on or before the date of closing.

#### PERSONALITY

11. One 2001 GMC pickup truck and one 2001 Ford Car shall be transferred to the County of Augusta as part of the transfer of Natural Chimneys Park.

12. Within ninety days of the execution of this agreement, the Authority shall produce an inventory of any additional personal property it owns and, upon request of the Town or the County shall transfer such additional personal property as the two jurisdictions need to each jurisdiction.

13. Any personal property not needed by either jurisdiction above, shall be disposed of in accordance with Section 15.2-951 of the Code of Virginia. Proceeds of the sale of the property shall be distributed as provided for below.

#### DISSOLUTION OF AUTHORITY

14. Upon transfer of the Parks and personal property set forth above, the Authority shall be dissolved by ordinance or resolution of the governing bodies of all of the jurisdictions who created or became members of the Authority.

15. Any funds remaining on hand at the time of the dissolution of the Park Authority shall be distributed to Augusta for the purpose of continued operation of Natural Chimneys and to establish a capital depreciation account for the continued maintenance of facilities.

#### OPERATIONS OF THE PARKS

16. For a minimum period of twenty (20) years, the Town of Grottoes shall operate or cause the Grand Caverns Park to be operated as a facility opened to the public. In the event that the Town finds it fiscally unfeasible to continue operation of Grand Caverns, it may transfer

ownership of the Caverns to another political subdivision of the Commonwealth of Virginia, to the Commonwealth of Virginia, or to private ownership. Provided, however, that if the property is transferred to private hands, it shall be transferred with the condition that the property continue to be operated as a public park until the minimum period of operation set forth above has been completed. Provided, further, that if the transfer to private ownership occurs within five (5) years of the execution of this agreement, proceeds from the sale of the property shall be divided proportionally among the signatories hereto in shares equal to their contributions to the purchase and operation of the Park. The proportions shall be eighty percent (80%) if the sale occurs in the first year after the execution of this agreement, sixty percent (60%) in the second year, forty percent (40%) in the third year, twenty percent (20%) in the fourth year and zero percent (0%) if the sale occurs in the fifth year.

17. Unless the Secretary of the US Department of the Interior approves otherwise, under the provisions of 16 USC 4601-8, the Natural Chimneys Park shall be operated as a public park in perpetuity. In the event that the County of Augusta finds it fiscally unfeasible to continue the operation of Natural Chimneys, it may transfer ownership of the Park to another political subdivision of the Commonwealth of Virginia, to the Commonwealth of Virginia, or to private ownership. Provided, however, that if the property is transferred to private hands, it shall be transferred with the condition that the property continue to be operated as a public park in perpetuity. Provided, further, that if the transfer to private ownership occurs within five (5) years of the execution of this agreement, proceeds from the sale of the property shall be divided proportionally among the signatories hereto in shares equal to their contributions to the purchase and operation of the Park. The proportions shall be eighty percent (80%) if the sale occurs in the first year after the execution of this agreement, sixty percent (60%) in the second year, forty percent (40%) in the third year, twenty percent (20%) in the fourth year and zero percent (0%) if the sale occurs in the fifth year.

#### GENERAL PROVISIONS

18. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

19. This Agreement is executed in six (6) duplicate originals, each of which is deemed to be an original.

20. This Agreement, and the exhibits attached hereto, may be amended only by the mutual consent of the Cities, the Counties, the Town, and the Authority and by the authorized execution of the amendment by the parties or their successors in interest.

21. If any provision, or portion of this Agreement or its application to any person, entity or property is held invalid, such invalidity shall not affect the application or validity of any other portions of this Agreement, and to that end, all terms, covenants, and portions of this Agreement are declared to be severable. If for any reason any provision of this Agreement is ruled invalid or unenforceable, in whole or in part, the City and County shall, as soon as possible, take such actions (including the holding of such public hearings and the adoption of such ordinances and resolutions) as may be necessary to give effect to their intent as reflected in the terms of this Agreement.

22. This Agreement sets forth all agreements, understandings and covenants between and among the parties hereto regarding the transfer of the Parks and the disposition of the Authority. This Agreement supersedes all prior agreements, negotiations and understandings, written and oral, and is a full integration of the entire agreement of the parties hereto.

23. This Agreement shall inure to the benefit of, and shall be binding upon, successors of the any of the parties hereto.

24. Any notice, request, demand, instruction or other document required or permitted by the terms of this Agreement to be given shall be in writing and sent by certified mail, return receipt requested, personally delivered (with evidence of receipt), sent by a recognized overnight courier service (with evidence of receipt), or sent by facsimile transmission at the following addresses, or at such other addresses as the parties hereto, by notice, may designate:

If to Staunton: City of Staunton  
Attention: City Manager  
P. O. Box 58  
Staunton, VA 24402-0058  
Facsimile: (540) 851-4000

With a copy to: City Attorney  
P. O. Box 58  
Staunton, VA 24402-0058  
Facsimile: (540) 851-4001

If to Harrisonburg: City of Harrisonburg  
Attention: City Manager  
345 S. Main Street  
Harrisonburg, VA 22801  
Facsimile: (540) 432-7778

With a copy to: City Attorney  
345 S. Main Street  
Harrisonburg, VA 22801  
Facsimile: (540) 432-7778

If to the Grottoes: Town of Grottoes  
Attention: Town Superintendent  
P. O. Box 146  
Grottoes, VA 24441  
Facsimile: (540) 249-5726

With a copy to: Town Attorney  
P. O. Box 511  
Harrisonburg, VA 22803  
Facsimile: (540) 434-7832

If to Augusta: County of Augusta

Attention: County Administrator  
P. O. Box 590  
Verona, VA 24482  
Facsimile: (540) 245-5621

With a copy to: County Attorney  
P. O. Box 590  
Verona, VA 24482  
Facsimile: (540) 245-5096

If to Rockingham: County of Rockingham  
Attention: County Administrator  
P. O. Box 1252  
Harrisonburg, VA 22803  
Facsimile: (540) 564-3017

With a copy to: County Attorney  
P. O. Box 1252  
Harrisonburg, VA 22803  
Facsimile: (540) 564-3017

Notices, requests, demands, instructions or other documents required or permitted by the terms of this Agreement shall be deemed given on the fifth (5th) business day following deposit in the U.S. Mail, if given by certified mail; upon receipt, if personally delivered; on the next business day following deposit with a recognized overnight courier, if delivered by overnight courier, and on the date shown on the confirmation receipt of the facsimile transmission, if sent by such transmission

25. This Agreement has been executed by each party's authorized representative.

Witness the following signatures and seals.  
(SIGNATURE PAGES FOLLOW):

CITY OF STAUNTON, VIRGINIA

,

By \_\_\_\_\_,  
Mayor

COMMONWEALTH OF VIRGINIA

In the City of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2009 by \_\_\_\_\_, Mayor of the City of Staunton, Virginia.

\_\_\_\_\_  
Notary Public  
Registration No.: \_\_\_\_\_

My commission expires: \_\_\_\_\_

CITY OF HARRISONBURG, VIRGINIA

By: \_\_\_\_\_,  
Mayor

COMMONWEALTH OF VIRGINIA

In the City of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2009 by \_\_\_\_\_, Mayor of the City of Harrisonburg, Virginia.

\_\_\_\_\_  
Notary Public  
Registration No.: \_\_\_\_\_

My commission expires: \_\_\_\_\_

TOWN OF GROTTTOES, VIRGINIA,

By \_\_\_\_\_,  
Mayor

COMMONWEALTH OF VIRGINIA

In the City of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2009 by \_\_\_\_\_, Mayor of the Town of Grottoes, Virginia.

\_\_\_\_\_  
Notary Public  
Registration No.: \_\_\_\_\_

My commission expires: \_\_\_\_\_



COUNTY OF AUGUSTA, VIRGINIA

By \_\_\_\_\_  
Chairman of the Board of Supervisors

COMMONWEALTH OF VIRGINIA

In the City/County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2009 by \_\_\_\_\_, Chairman of the Board of Supervisors of the County of  
Augusta.

\_\_\_\_\_  
Notary Public  
Registration No.: \_\_\_\_\_

My commission expires: \_\_\_\_\_

COUNTY OF ROCKINGHAM, VIRGINIA

By \_\_\_\_\_  
Chairman of the Board of Supervisors

COMMONWEALTH OF VIRGINIA

In the City/County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2009 by \_\_\_\_\_, Chairman of the Board of Supervisors of the County of  
Rockingham, Virginia.

\_\_\_\_\_  
Notary Public  
Registration No.: \_\_\_\_\_

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Upper Valley Regional Park Authority

By \_\_\_\_\_,

Chairman

COMMONWEALTH OF VIRGINIA

In the City/County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2009 by \_\_\_\_\_, Chairman of the Upper Valley Regional Park Authority.

\_\_\_\_\_  
Notary Public

Registration No.: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**EXHIBIT A**

**(1) Permitted Encumbrances**

**See – Attachment 1**

REPORT OF TITLE

TM# 29-6 7 6A

FILE# 09-101H BTL# \_\_\_\_\_

COUNTY/CITY Augusta

TITLE VESTED: Upper Valley Regional Park Authority, Inc

FROM Bladys E Kellow - no record of death found -

DATED: <sup>①</sup> June 28, 1974 DB/PG <sup>①</sup> 626/125 <sup>②</sup> 743/406  
<sup>②</sup> May 16, 1980

IF ESTATE: WB/PG & DATE / TESTATE/ INTESTATE \_\_\_\_\_

LEGAL DESCRIPTION: <sup>①</sup> 99.338 acres 1250 5 acre parcel retained  
<sup>②</sup> 5 acre parcel 1250 parcels conveyed @ 754/49 and 668/54  
PHYSICAL ADDRESS South River Rd, Cottons VA

DEEDS OF TRUST: DB/PG 626/125 & Mod/Sub/Asn/Cor @ DB/PG \_\_\_\_\_

DB/PG \_\_\_\_\_ & Mod/Sub/Asn/Cor @ DB/PG \_\_\_\_\_

FINANCING STATEMENTS NONE

JUDGEMENTS NONE

OTHER LIENS \_\_\_\_\_

BANKRUPTCY \_\_\_\_\_

EXCEPTIONS / RIGHTS OF WAYS:

RC'S

ROAD MAINTENANCE

EASEMENT TO VERCO 2/25/1977 DB/PG 675/424

EASEMENT TO VERCO 2/25/1977 DB/PG 674/15

EASEMENT TO \_\_\_\_\_ DB/PG \_\_\_\_\_

EASEMENT TO \_\_\_\_\_ DB/PG \_\_\_\_\_

PLAT RECORDED: DB/PG 626/125

ADDITION INFORMATION: \_\_\_\_\_

763/626 Dedications of wells for water supply use only

\* FYI - Bladys Kellow also conveyed 1.73 acre parcel to Valley Regional Park Authority @ 947/296 - confirmed @ 1005/332 - shown on plat @ 626/125

EFFECTIVE DATE 9/20/1943 TO 8:00AM 7/27/2009 BY Jasper B. Bluffe

**THIS BILL OF SALE** is made this \_\_\_ day of July, 2009, by and between **CITY OF HARRISONBURG, the CITY OF STAUNTON, COUNTY OF AUGUSTA, the COUNTY OF ROCKINGHAM, and UPPER VALLEY REGIONAL PARK AUTHORITY** (Seller) and **the TOWN OF GROTTUES, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, (Buyer).

**WITNESSETH:**

That for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid by Buyer to Seller, the receipt whereof is hereby acknowledged, Seller does hereby sell, transfer and assign to Buyer all those assets ("Assets") set out as follows: Attachment 1 property conveyed to Augusta County; and Attachment 2 property conveyed to the Town of Grottoes.

Seller hereby covenants and agrees that it is the lawful owner of the Assets; including liens and encumbrances; that it has the right to sell the same; and that it will warrant and defend the same against the lawful claims and demands of all persons.

Seller further agrees to indemnify and hold Buyer harmless from any claim on any of the Assets hereby sold and transferred by any creditor of Seller.

The Assets are being sold in their present condition without any warranties; either express or implied, and is being accepted by Buyer "as is".

**IN WITNESS WHEREOF**, Seller has caused this Bill of Sale to be signed in its name and on its behalf by its duly authorized officer.

**SELLER:**

**CITY OF HARRISONBURG**

By: \_\_\_\_\_  
Mayor

**CITY OF STAUNTON**

By: \_\_\_\_\_  
Mayor

**COUNTY OF AUGUSTA**

By: \_\_\_\_\_  
Chairman of the Board of Supervisors

**COUNTY OF ROCKINGHAM**

By: \_\_\_\_\_  
Chairman of the Board of Supervisors

**UPPER VALLEY REGIONAL  
PARK AUTHORITY**

By: \_\_\_\_\_  
Chairman

**BUYER:**

**TOWN OF GROTTUES**

By: \_\_\_\_\_  
Mayor

# BILL OF SALE ITEMS

## STONE LODGE INVENTORY

All contents including but not limited to:

### Receptionist Office:

Samsung Computer  
BrotherMFC 7720  
Brother SX-4000 typewriter  
Fedders Shredder  
Konica 7022 copier  
Large flip door file cabinet  
2-desks  
5 drawer file cabinet  
2-office chairs  
4-audiovox walkie talkies (with 2 chargers)  
Sharp EL1750 adding machine

### Administrative Assistant's Office:

Dell Computer  
HPF4140 printer/scanner/copier  
2-4 drawer file cabinets  
1-2 drawer file cabinet  
Fellows shredder  
HP battery back-up  
1-rival portable heater  
2-computer tables  
1-office desk  
2-office chairs  
1-Cannon P23-DHV adding machine

### Director's Office:

Dell Computer  
Lexmark 1150 printer  
1-Holmes portable heater  
1-2 drawer file cabinet  
1-wooden bookcase  
1-Royal TA1123 adding machine  
1-office desk  
1-office chair



# BILL OF SALE ITEMS

## STONE LODGE INVENTORY All contents including but not limited to:

### Receptionist Office:

Samsung Computer  
BrotherMFC 7720  
Brother SX-4000 typewriter  
Fedders Shredder  
Konica 7022 copier  
Large flip door file cabinet  
2-desks  
5 drawer file cabinet  
2-office chairs  
4-audiovox walkie talkies (with 2 chargers)  
Sharp EL1750 adding machine

### Administrative Assistant's Office:

Dell Computer  
HPF4140 printer/scanner/copier  
2-4 drawer file cabinets  
1-2 drawer file cabinet  
Fellows shredder  
HP battery back-up  
1-rival portable heater  
2-computer tables  
1-office desk  
2-office chairs  
1-Cannon P23-DHV adding machine

### Director's Office:

Dell Computer  
Lexmark 1150 printer  
1-Holmes portable heater  
1-2 drawer file cabinet  
1-wooden bookcase  
1-Royal TA1123 adding machine  
1-office desk  
1-office chair

**Conference Room:**

Sharp TV

Sharp VCR

Samsung Computer

Brother MFC printer

Conference table

16 conference chairs

1-wooden podium

1-Royal TC 1000 timeclock

All educational documents and supplies

**Gift Shop:**

2-Dimension Computers

1-Okidata Printer

1-Titan portable heater

1-Honeywell portable heater

1-Dehumidifier

2-Monarch 1136 price guns and various sales supplies

1-Box fan

All Giftshop Inventory (with exception of commission items) and display units

**Kitchen Area:**

2 door cabinet with office supplies

Refrigerator

Microwave

Coffee pot

Woods Dehumidifier

Holmes Air Purifier

2-4 door file cabinets

Vacuum Cleaner

Various office supplies

**Middle Room:**

Cannon P23-DHV adding machine

Computer desk

2 Key Safe

**Telecommunications Room:**

Fireproof safe

Linkeys hub

Westell modem

Cyberpower battery backup

All misc. supplies, including but not limited to:

Receipt paper rolls

Envelopes

File and hanging folders

Armbands

Specialty paper

Base unit for Walkie Talkies

**Upstairs Stonelodge:**

Old walkie talkies

Royal 101 Cash Register

Glass Shelving

Misc. Gift shop supplies

11-folding tables

Misc. display materials on loan from Cave Conservancy of Virginia

Desk

File room with all records pertaining to Grand Caverns

4 drawer file cabinet

Metal shelves

**MAINTENANCE MATERIALS**

All contents including but not limited to:

**Caverns Entrance Area:**

Wheel Barrel

40' Extension ladder

Echo leaf blower

Plastic gas can

6' step ladder

Janitorial supplies: including cleaning supplies, brooms, mops, etc.

**Pool Area:**

Flowtec gasoline water pump

Bucket of 3" chlorine tabs

Box 33 gallon trash bags

Water test kit

Skimmer net  
Skimmer brush  
2 - Extension poles  
Water hose  
4 - Old fire hoses  
Broom  
2 - Vacuum hoses  
2 - Pair rubber boots  
Miscellaneous pool parts, screws, O-rings, silicone, floats, etc.

**Maintenance Yard Area / Storage Shed:**

1994 GMC Pickup 2x4 with tool box  
Jumper cables  
Fire extinguisher  
Safety flares  
Windshield scraper  
Portable tool box with miscellaneous hand tools  
Plunger  
2 - DeWalt 18V cordless drill with cases, drill bits, and drivers  
Tow strap  
Partial roll of wire  
Various gloves, safety glasses, electrical tape  
2 - Blue floor mount commodes  
2 - Brown floor mount commodes  
Electric switch junction box  
Green drop in sink  
Blue drop in sink  
White floor mount commode  
2 - Wheel chair lavatories  
Hawes stainless steel fountain  
Steel storage tank 4'x14'  
3 - Point hitch fiberglass water tank  
Steel storage tank 5'x12'  
18 - Rolls old chain link fence  
Steel and concrete lawn roller  
2 - 220V spot lights  
Pile of lead covered wire  
Old chipper  
14 - Old aluminum spot lights  
2 - Old Woods C-80 state finish mowers  
Various amount of chain link fence corner posts, top rail, and line posts

18 - Rolls used 4' chain link fence  
Various sizes and lengths of PVC pipe  
Old diving boards  
Various pieces of stainless steel scrap metal removed from pool  
12 - 55 gallon metal barrels  
Approximately 670 12" concrete block

**Maintenance Shop Office Area:**

All files maintained in maintenance shop  
Desk  
NEC Phone  
Computer (built by Harrisonburg ITT)  
Pair Dell computer speakers  
Envision Monitor  
HP DeskJet 3845 printer  
Cleansafe dust remover  
Okidata OL810E printer  
Stapler  
Tape dispenser  
Mouse pad  
3 - Grand Caverns padlocks  
Various minor computer cables and parts  
Safety glasses  
Band-aids and cold packs  
Respirator cartridges  
D-Cell batteries  
AA batteries  
3 - hole punch  
Various books, clipboards, reference materials  
4 - Drawer filing cabinet  
Equipment manuals  
Personnel forms  
Equipment catalogs  
Table  
6 - Stackable filing drawers  
APC battery backup and surge protector  
2 - DeWalt 18V battery chargers, 2 - batteries  
DeWalt 12V battery charger 1 - battery  
2 - Respirators  
ExMark mower drive belt  
12V DeWalt Cordless drill

Makita Reciprocation saw with box and assorted blades  
Makita 4" grinder with box  
Bosch Hammer Drill with box and assorted bits  
Halogen work lights in box  
Fire Extinguisher  
First aid kit  
Refrigerator  
65w flood light bulbs  
4' Florescent bulbs  
4 - Mercury Vapor light bulbs  
4 - Electric hand dryers  
2 - paint roller extensions  
Roll of chicken wire  
2 - Tubes all purpose caulk  
3 - Tubes roofing caulk  
Large caulk gun  
Shop vac pre filters  
Back pack garden sprayer  
Old fireman's water bladder sprayer  
Garden sprayer  
Coca-cola electric clock  
Water test kit  
Small cork information board  
Large cork information board  
6 - clipboards (holding maintenance records)  
Bosch jack hammer  
4 - Carpenter hammers  
Makita skill saw

**Maintenance Shop Janitorial Supplies:**

All janitorial supplies on hand

**Tool Bin:**

All items including but not limited to:

¼ " Ratchet and sockets  
3/8 " Ratchet and sockets  
½ " Ratchet and sockets  
Set of box end SAE wrenches  
3 - Pipe wrenches  
2 - Wood hand saws  
PVC saw

Hacksaw  
T - Square sheetrock  
Carpenters square  
4 - putty knives  
Level  
3.5" Belt sander  
Black and Decker jig saw  
2-Makita ½ " drill  
Skill Saw  
Black and Decker router with few bits  
Air ratchet  
Tank of Mapp Gas  
Propane torch in box  
Hatchet  
Rubber mallet  
Bolt cutter  
Rivet gun with assorted rivets  
9 - assorted saw blades  
Crow bar

**Key Cabinet:**

5 - Rolls duct tape  
3 - Rolls flagging  
Partial roll caution tape  
Multi-meter  
3 - Rolls plumbing tape  
Box of concrete anchors  
Various keys (marked or tagged)  
Letter stencils  
Fuel filter for mower  
Electrical tap

**Maintenance Shop Area:**

Hoes  
4 - Spade shovels  
5 - Square head shovels  
3 - Snow shovels  
2 - Post hole diggers  
2 - Brush axes  
Short splitting mall  
Axe

Double blade axe  
Sledgehammer  
2 - Pruners  
Leaf rake  
Rake  
Digging bar  
6 - Brooms  
Mop bucket, squeegee, and mops  
Metal dust pan  
2 - Pitchforks  
Pickaxe  
Swing blade  
Marking paint wheel  
2 - Squeegees  
2 - Long handled brushes  
Garden planter  
2 - Shingle shovels (short handled)  
Doerr electric motor  
U.S. Electric motor  
ITT portable air compressor  
Porter Cable air compressor

**Maintenance Shop Paint Cabinet:**

All items including cabinetry

**Maintenance Automotive Cabinet:**

All items including cabinetry

**Maintenance Electrical Cabinet Area:**

7 - Extension cords  
Small amounts of various electrical wire  
Telephone wire  
3 - Dusk to dawn light fixtures  
8 - Rolls of colored tape  
3 - Phone jacks  
Can of cable ties  
Various amount of used electrical boxes and plates  
Various amount and type of switches  
Various amount and type of outlets  
Wire nuts various sizes  
Miscellaneous electrical box connectors etc.



2 - Husqvarna gas hedge trimmers  
Husqvarna 350 chain saw  
Echo PB-251 leaf blower  
Weed eater GBI leaf blower  
McCulloch Timber Bear chain saw  
Echo 440EVL chain saw  
Echo Pole Saw  
3 - Echo weed eaters  
4 - Weed eater safety straps  
6 - Used weed eater heads  
Partial reel of weed eater line

**Maintenance Plumbing Bin Area:**

All items including but not limited to:  
Various amount and sizes PVC Fittings  
Water supply lines  
Hose bibs  
Various amount and sizes copper fittings  
Flush masters  
Wax rings  
50ft. Sewer snake  
25ft. Sewer snake  
Sewer hose bladders  
Various amounts and sizes of nails and screws

**Maintenance Work Bench Area:**

Bin with various amounts and sizes of bolts, nuts and washers  
Delta bench grinder  
Metal vice  
Measuring wheel  
Miscellaneous amount of wood and metal screws  
Metal box with various sizes of machine screws and nuts  
Kobalt Miter saw  
Small Schumacher battery charger  
12 - mower blades  
Tarp  
Plastic sheeting  
Painting drop cover canvas  
3 - Lawn water sprinklers  
Roll of weed guard  
Electric heater

**Maintenance Shop Area:**

33 Bags 80lb. Quikrete  
24 - Pieces 24" rebar  
Delta table saw  
Hose reel cart  
8ft. stepladder  
6ft. stepladder  
32 - T-Posts  
Post driver  
Plastic watering can  
12 - Gas cans  
Various amount of horseshoes and posts  
2 - Tractor chains  
3 - Garden sprayers  
ExMark Lazer riding mower  
Toro Groundmaster 220 riding mower  
International 234 tractor/mower  
2 - Grease guns  
Safety fencing  
Craftsman snow blower  
2 door wood stove  
Task Force push mower  
Two wheel dolly  
Devil bliss Air Compressor  
Lawn Boy space heater  
7 - Safety cones  
11 - Sheets ½ " OSB board  
30 - 2"x6"x10' pine boards  
2 - 2"x12"x10' treated boards  
2 - 2"x8"x10' pine boards  
7 - 6"x6"x10' treated posts  
12 - ¾ " Metal electrical conduit  
Bag of hydrated lime  
2 - Bags cold patch asphalt  
2 - wheel barrels  
Line marker roller  
Fertilizer spreader  
Air conditioner / heater  
2 - pole saws

## PICNIC SHELTER INVENTORY

### Shelter #1:

10-metal frame tables  
1-triple grill  
1-Frost Free hydrant

### Shelter #2:

25-metal frame tables (including the 7 tables in the BBQ pit)  
2-triple grills  
1-Frost Free hydrant

### Shelter #3:

10-metal frame tables  
1-triple grill  
1-Frost Free hydrant

### Shelter #4:

10-metal frame tables  
1-triple grill  
1-Frost Free hydrant

### Shelter #5:

8-metal frame tables  
1-single grill  
1-water fountain

### Other Grounds Items:

34-wooden picnic tables  
2-single grills

## LIVING RIVER DISPLAY INVENTORY

Display Items with understanding that some items belong to Soil and Conservation and Inland Game and Fisheries :

All items including but not limited to:

Groundwater Model

Watershed Model

Macroinvertebrate "Waterfall" and equipment

Aquarium (450 gallon) and equipment

Chemistry Wagon  
Soils Wagon  
Alternative Energy Wagon

## POOL INVENTORY

### Pool Booth:

1-stool  
Educational signs  
2-dozen putters  
Small rotation fan

### Lifeguard Office:

Wall hanging first-aid kit  
Water chemistry wagon and supplies (understanding that some items belong to Soil and Conservation in Verona)  
Percolation wagon & supplies (understanding that some items belong to Soil and Conservation in Verona)  
Alternative energy wagon & supplies (understanding that some items belong to Soil and Conservation in Verona)  
120-gallon water heater  
Shade umbrellas  
Wooden rescue backboard  
Plastic orange backboard  
2-rescue tubes  
4-neck braces  
2-life rings  
1-floor fan  
Fire extinguisher  
Bin of pool ropes and buoys  
1-rolling desk chair  
ADA swim lift

### Pool House:

6 foot stepladder  
Fire extinguisher  
2-mop buckets  
Mop  
Push broom  
Skimmer net & pole  
Scrub brush & pole  
Scooper net & pole  
Vacuum & pole  
Pole extension pieces

2-lifeguard stand seats  
4-pool ladders/steps  
Squeegee  
Shepherds crook  
1-office chair

### EDUCATIONAL BUILDING INVENTORY

9-Maglite flashlights  
3-D Cell Chargers  
1-Phone  
2-Desks  
1-Small TV  
1-VCR  
1-Large display case with gift shop & misc. memorabilia  
2-Glass display case with gift shop & misc. memorabilia  
4-Open display case with various displays  
1-Antique display case with Watershed display  
2-Glass display cases with cave formations  
2-Rocking chairs  
8-Benches (cubbies) (CCV display items)  
1-Large Map (new section)  
Misc. Antique Electrical Items  
Misc. Radio Equipment  
Additional equipment and materials on loan from Cave Conservancy of Virginia, the Virginia  
Department of Game and Inland Fisheries, and Soil and Conservation

### TOUR GUIDE BREAK ROOM INVENTORY

1-sunbeam microwave  
1-small micro table  
1-wood table  
1-folding table  
1-large safe  
1-small refrigerator  
Misc. P.A. speakers/equipment

## KITCHEN INVENTORY

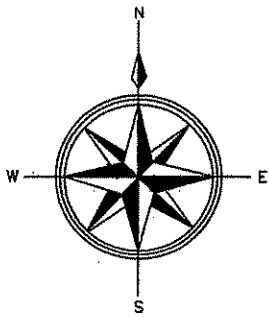
Echo leaf blower  
Antique refrigerator  
Misc. janitorial supplies and light bulbs

## OTHER INVENTORY TO NOTE

2001 GMC Truck with tool box and all contents  
IH/Case Tractor  
Toro Riding Mower  
Exmark Mower  
Massey Ferguson Tractor w/ Front End Loader and Rear Scraper Blade  
All current land improvements  
All records maintained for Grand Caverns  
All available historical documents  
All surplus items currently stored at Grand Caverns  
All photographs and art work with copyrights transferred to the Town of Grottoes  
All items in staircase storage area  
All Grand Caverns rack cards in stock

## **EXHIBIT B**

- (1) Attachment 1 property conveyed to Augusta County**
- (2) Attachment 2 property conveyed to the Town of Grottoes**



- 1 = BEARINGS ARE MAGNETIC
- 2 = SCALE 1" = 400'
- 3 = TAX MAP = 29-A-6,6A, 6C
- 4 = DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS NOT A CURRENT FIELD SURVEY.
- 5 = NO TITLE REPORT FURNISHED
- 6 = OTHER RIGHTS OF WAY AND EASEMENTS IF ANY, ARE NOT SHOWN

29-A-5  
CAVE HILL LLC  
#19990014621

29-A-5C  
CAVE HILL LLC  
#19990014621

N 88°42'01" E 740.28'

N 88°33'39" E 1345.41'

N 06°33'26" E 873.84'  
N 01°33'39" E 479.25'  
W 63°39'39" E 479.25'

29-A-6,6A  
99.338 ACRES

0.151 ACRES  
29-A-6C

STATE ROUTE 825 L8  
SOUTH RIVER ROAD  
DOGWOOD AVENUE  
709.55'

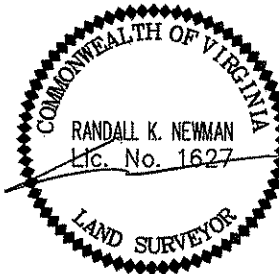
29-A-7  
LEON H.  
GREENE  
419/31

N 03°56'50" E 1708.14'  
W 73°06'14" W 63.00'

S 27°03'42" W 150.49'  
S 45°50'41" W 182.73'  
S 19°05'07" W 279.68'  
S 37°45'00" W 327.33'  
S 79°56'35" W 339.35'  
S 29°05'38" W 211.93'

N 83°09'56" E 238.07'  
29-A-8C  
DWAYNE  
WOLTERS  
#20050008653

LINE	BEARING	DISTANCE
L1	N 73°06'14" W	63.00'
L2	S 08°47'56" W	150.49'
L3	S 45°50'41" W	182.73'
L4	S 19°05'07" W	279.68'
L5	S 37°45'00" W	327.33'
L6	S 79°56'35" W	339.35'
L7	S 29°05'38" W	211.93'



COMPILED PLAT OF THE GRAND CAVERNS PROPERTY

LOCATED NEAR GROTTOS,  
AUGUSTA COUNTY, VIRGINIA.

OWNER: UPPER VALLEY REGIONAL PARK AUTHORITY INC.  
REFERENCE: DEED BOOK 626. PAGE 125  
REFERENCE: DEED BOOK 743. PAGE 406  
JOB NO. A29-A-6 JULY 14, 2009

**NEWMAN SURVEYING**  
Licensed Land Surveyor  
Mt. Jackson, Virginia 22842  
(540) 477-3730



EXHIBIT 3  
DESCRIPTION OF GRAND CAVERNS PARK

Beginning at a stone pile on top of a high ridge corner of the Cave tract and L. O. Steger, Jr. (formerly Cates); thence with the line of the Cave tract and Steger N 88° 42' 01" E, 740.28 feet to an iron pipe at the base of the ridge set in the fence line; thence continuing N 88° 33' 39" E, 1345.41 feet crossing the South River to an iron pipe on the east bank of the stream near Steger's corner; thence with the east bank of the River and making a new line through Kellow S 6° 40' 46" W, 709.55 feet to an iron pipe in Reynolds Metal line on the west side of Rt. 825; thence with said line N 73° 06' 14" W, 63.00 feet to a point in the middle of the River; thence up the middle of the River S 8° 47' 56" W, 150.49 feet to a point in the middle of the River; thence leaving the middle of the River S 45° 50' 41" W, 182.73 feet crossing to the west bank; thence with the west bank (3) calls S 19° 05' 07" W, 279.68 feet; thence S 31° 13' 30" W, 512.15 feet; thence S 31° 21' 47" W, 404.41 feet to a point in the west edge of the River; thence S 37° 45' W, 327.33 feet to a point in the middle of the River near the Tail Race; thence S 79° 56' 35" W, 339.35 feet crossing a point of land and the River to an iron pin on the west bank; thence with the west bank S 29° 05' 38" W, 211.93 feet to an iron pin, thence S 27° 03' 42" W, 692.73 feet to an iron pin at foot of a steep ridge adjoining the lands of Wonderly and Cosby; thence up the ridge along an old fence N 83° 09' 56" W, 238.07 feet to a found iron axle corner of Wonderly, Greene and Mohler and the Cave tract; thence with Mohler N 3° 56' 37" W, 1708.14 feet to a large cedar post, corner of Mohler, Steger and the cave; thence with Steger N 1° 39' 39" W, 479.25 feet crossing a large sink hole to a black oak; thence N 6° 33' 26" E, 873.84 feet to the beginning.

This area contains 99.338 acres more or less.

**A JOINT RESOLUTION TO ADOPT THE PROPOSED  
AGREEMENT TO TRANSFER OWNERSHIP OF  
GRAND CAVERNS AND NATURAL CHIMNEYS PARK  
BETWEEN THE CITY OF HARRISONBURG, THE CITY OF STAUNTON,  
TOWN OF GROTTOS, COUNTY OF AUGUSTA,  
COUNTY OF ROCKINGHAM AND  
UPPER VALLEY REGIONAL PARK AUTHORITY**

**Recitals:**

**WHEREAS**, the parties have entered into an Agreement to Transfer Ownership of Grand Caverns and Natural Chimneys Park (Agreement) by which they intend to transfer the assets of the Upper Valley Regional Park Authority (Authority) as follows: to the County of Augusta, Natural Chimneys Park and to the Town of Grottoes, Grand Caverns.

**WHEREAS**, each party to the Agreement will take the appropriate actions required to approve the Agreement and the implementation of the terms and conditions set out therein.

**NOW THEREFORE BE IT RESOLVED** that the Council of the City of Staunton, Virginia finds it in the best interest of the City of Staunton to approve and adopt the Agreement which is attached hereto and further authorizes its Mayor to execute the Agreement on its behalf with such minor modifications as deemed advisable by the City Manager in consultation with the City Attorney.

**IT IS FURTHER RESOLVED** and authorized that all appropriate officers and employees take such other actions and execute such documents as may be necessary to implement this resolution and the terms of the Agreement.

**ADOPTED** this 24th day of September, 2009.

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Lacy B. King, Jr., Mayor

ATTEST:

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Deborah A. Lane, MMC  
Clerk of Council

**CITY COUNCIL**



**AGENDA BRIEFING**

Staunton, VA

<b>Meeting Date:</b>	<b>September 24, 2009</b>	<b>Douglas L. Gynn</b>
<b>Item #</b>	<b>E</b>	
<b>Ordinance #</b>		
<b>Department:</b>	<b>City Attorney</b>	
<b>Subject:</b>	<b>Consider adoption of an ordinance making a technical modification to Section 18.120.010 of the City Code</b>	

**Background:** On August 13, 2009, Council unanimously voted to adopt Ordinance No. 2009-20, which amended various provisions of Section 18.120.010 of the City Code related to restrictions on fences and walls on certain lots in residential districts. Upon further review, a determination has been made that a technical modification is required. This modification includes the addition of a phrase that appears to have been inadvertently omitted from the original ordinance. The insertion of this phrase is clearly consistent with the recommendation of the Planning Commission and the intent of Council.

**City Manager's Recommendation:** Council consider and adopt the ordinance making the technical modification.

**Suggested Motion(s):** I move to adopt the proposed ordinance making a technical modification by amending, restating and reordaining section 18.120.010, Setback Exceptions of Chapter 18.120 of Title 18 of the Staunton City Code.

**City Manager:** *Stephen F. Owen*



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

37 ....

38

39 (e) On any through lot, as to any secondary front yard(s), as established in  
40 subsection (3)(d) of this section, no fence or wall shall be permitted above the height of 3  
41 and ½ feet unless the fence or wall is set back the full front setback required for the lot, or  
42 the average setback established by the adjacent existing dwellings or structures in the  
43 block, whichever is greater.

44

45 | ....

46

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

49

50 Introduced:

51 Adopted:

52 Effective Date:

53

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55

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57

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ATTEST:

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Deborah A. Lane, MMC

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Clerk of Council

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Lacy B. King, Jr., Mayor