

**Staunton City Council
WORK SESSION AGENDA
Caucus Room
October 25, 2012**

- | | | |
|----------------|------------------|---|
| 5:30 PM | 1 & B | Discussion of the \$5 Million General Obligation Bond Resolution |
| 5:35 PM | 2. | Discussion of VDOT Revenue Sharing |
| 5:50 PM | 3 & C | Discussion of the MPO Memo of Understanding |
| 6:00 PM | 4. | Presentation on the Everbridge Public Notification System |
| 6:10 PM | 5 & E | Discussion of a resolution of support for the Augusta County Board of Supervisors' request for additional State funding for the Route 636 Relocation project |
| 6:15 PM | | Break |
| 6:35 PM | 6. | Closed session to consult with legal counsel on matters requiring the provision of legal advice, pursuant to Virginia Code Section 2.2-3711(A)(7), regarding potential and pending claims or litigation involving City interests; and to discuss and consider, pursuant to Virginia Code Section 2.2-3711(A)(1), the possible future appointment by Council for a position that involves specific existing or new staff or restructuring related to one or more particular positions |
| 7:15 PM | | Break |

**Regular Meeting Agenda
Staunton City Council
Council Chambers
October 25, 2012
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 27, 2012

REGULAR MEETING

- A. Transportation Planning presentation by Bob Holton**
- B. Consideration of the adoption of a resolution to issue \$5 Million General Obligation Bonds**
- C. Consideration of the adoption of MPO Memo of Understanding**
- D. Declaration of Surplus Property**
- E. Consideration of a Resolution of support for the Route 636 Relocation Project**

Matters from the City Manager

Matters from the Public


Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 25, 2012	Staff Members: Jeanne Colvin
Item #	1 & B	
Ordinance #		
Department:	Finance	
Subject:	General Obligation Bond Resolution- \$5 Million Union First Market Bank Attachment: Bond Resolution \$5 Million General Obligation Bond- Union First Market Bank  BOND RESOLUTION UNION FIRST MARKET	

Background:

The City issued a Request for Proposal for a \$15 million taxable or tax-exempt bank qualified general obligation bond financing to fund the City's commitment to the Commonwealth for a replacement hospital facility for the Western State Hospital project. As a result of the proposals and negotiations, the City issued a \$10 million general obligation bond to SunTrust Bank on October 4, 2012, and intends to award and provide for the issuance and sale of a general obligation public improvement bond in the amount of \$5 million to Union First Market Bank in January 2013. The bond issue is divided between calendar years because of the federal limitation of only \$10 million can be issued in a calendar year to qualify for tax-exempt bank qualified debt.

City Council adopted an Ordinance on July 23, 2009, Ordinance No. 2009-15 authorizing the issuance of general obligation bonds in a maximum principal amount not to exceed \$15,000,000.

The bond resolution attached provides for the terms of the \$5 million general obligation bond to be issued to Union First Market Bank. The basic terms provide for the interest rate at 2.58% for fifteen years. The terms also give the City the option to pre-pay the debt without penalty at any time during the term of the bond. The annual debt payment for this \$5 million will not exceed \$410,000 based on a 2.58% interest rate. The annual debt payment for the total \$15 million in bonds to be issued to SunTrust and Union First Market Bank will not exceed \$1,249,000.

The City expects to officially close on this bond by January 5, 2013.

The \$15 million payment to the Commonwealth is divided into three equal \$5 million payments due October 1, 2012, January 1, 2013, and April 1, 2013. The City paid the first payment due of \$5 million on October 1, 2012.

City Manager's Recommendation: I recommend Council adopt the Resolution as presented.

Suggested Motion(s): I move to adopt a Resolution providing for the issuance, sale and award of a \$5,000,000 General Obligation Public Improvement Bond, Series 2013.

City Manager: *Stephen F. Owen*

RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF A \$5,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2013, OF THE CITY OF STAUNTON, VIRGINIA, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, pursuant to the proposed terms of a development agreement with the Commonwealth of Virginia, acting through one or more of its agencies or departments (the “Commonwealth”), the City Council (the “Council”) of the City of Staunton, Virginia (the “City”), has determined to contribute \$15,000,000 toward the costs to be incurred by the Commonwealth in acquiring, designing, constructing and equipping a replacement facility for the existing Western State Hospital located in the City (the “Project”), and has determined to borrow money for such purpose; and

WHEREAS, by Ordinance No. 2009-15 adopted on July 23, 2009, the Council authorized the issuance of general obligation bonds of the City in a maximum principal amount not to exceed \$15,000,000 to provide funds, together with other available funds, to finance the City’s share of the Project costs and to pay costs incurred in connection with issuing such bonds; and

WHEREAS, at the request of the Commonwealth, the City obtained from Stellar One Bank a standby letter of credit facility as additional security for the City’s agreement to contribute to the Project costs and in connection therewith the City issued to Stellar One Bank a letter of credit note; and

WHEREAS, no funds have been drawn under the standby letter of credit or advanced under the letter of credit note, and the City now desires to replace such short-term interim financing with one or more long-term financings to fund the City’s share of the Project costs; and

WHEREAS, on October 4, 2012 the City issued a general obligation public improvement bond in the original principal amount of \$10,000,000 to finance a portion of the Project costs; and

WHEREAS, the City desires now to provide for the issuance of the remaining \$5,000,000 principal amount of authorized but unissued bonds for the Project; and

WHEREAS, the City administration, in collaboration with Davenport & Company LLC, serving as the City’s financial advisor (the “Financial Advisor”), has solicited proposals from banking institutions for a long-term financing; and

WHEREAS, from the bids received, the City Administration in collaboration with the Financial Advisor, recommends that the City undertake a long-term financing with Union First Market Bank (the “Bank”), in accordance with the terms of its bid attached hereto as Exhibit A, to fund the remaining \$5,000,000 of the City’s share of the Project costs.

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

1. Issuance and Sale of the Bond. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 but without regard to the provisions of the City Charter, the City Council hereby provides for the issuance and sale of a general obligation public improvement bond in the original principal amount of \$5,000,000 to finance the City's remaining share of the Project costs and to pay the costs of issuing the Bond. The Bond shall be sold to the Bank in accordance with the terms of its bid and this Resolution.

2. Bond Details. The Bond shall be issued as a single, registered bond, designated "General Obligation Public Improvement Bond, Series 2013," shall be dated the date of its delivery, shall be numbered R-1 and shall be sold to the Bank at a price not less than 99.5% of the aggregate principal amount thereof. The Bond may not be issued until on or after January 1, 2013. The Bond shall bear interest at the rate of 2.58% per year (as described in the Bank bid), payable semiannually on dates determined by the City Manager and calculated on the basis of a 360-day year of twelve 30-day months. Principal shall be payable annually on dates and in installment amounts determined by the City Manager to be in the best interest of the City; provided that the final maturity shall be no later than January 5, 2028.

If the date on which any payment is due with respect to the Bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day. "Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday or legal holiday, or any other day on which banking institutions are authorized by law to close in the Commonwealth of Virginia. Principal and interest shall be payable by check or draft mailed, or wire transferred, to the registered owner of the Bond at the address that appears on the registration books kept by the Registrar (as hereinafter defined) in lawful money of the United States of America.

3. Prepayment of the Bond. The Bond will be subject to prepayment, in whole or in part, prior to maturity at the option of the City at any time, upon payment of 100% of the principal amount to be prepaid plus interest accrued and unpaid to the date fixed for prepayment.

4. Execution of the Bond. The Bond shall be signed by the manual signature of the Mayor or Vice Mayor, and the City's seal shall be affixed thereto and attested by the manual signature of the Clerk of the Council or any Deputy Clerk.

5. Bond Form. The Bond shall be in substantially the form of Exhibit B, which is attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bond, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

6. Preparation and Delivery of the Bond. The Mayor, Vice Mayor, Clerk of the Council and Deputy Clerk are authorized to take all proper steps to have the Bond prepared and executed in accordance with the terms of this Resolution and to deliver the Bond to the Bank upon payment therefor.

7. Pledge of Full Faith and Credit. The full faith and credit of the City are irrevocably pledged for the payment of principal of and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the City Council shall levy and collect an annual *ad valorem* tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and interest on the Bond.

8. Registration, Transfer and Owner of the Bond. The Bond shall be issued in registered form without coupons, payable to the registered holder or registered assign. The Director of Finance is appointed paying agent and registrar for the Bond (the "Registrar"). The City Manager may at any time appoint a qualified bank or trust company as successor Registrar. The Registrar shall maintain registration books for the registration and exchange of the Bond. Upon surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate and registered in the name as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person or entity shown as owner on the registration books on the last Business Day preceding each interest payment date.

9. Arbitrage Covenants. The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bond to be includable in the gross income of the registered owners thereof under existing laws. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being includable in the gross income of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

10. Non-Arbitrage Certificate and Elections. Such officers of the City as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bond in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and regulations issued pursuant thereto and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the City.

11. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Bond or the facilities financed with the proceeds of the Bond to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bond from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenant.

12. SNAP Investment Authorization. The Council has previously received and reviewed the Information Statement (the "Information Statement"), describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the Council hereby authorizes the Director of Finance in her discretion to utilize SNAP in connection with the investment of the proceeds of the Bond. The Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

13. Qualified Tax-Exempt Obligation. The City designates the Bond as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code. The City represents and covenants as follows:

(a) The City will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in calendar year 2013, including the Bond, for the purpose of such Section 265(b)(3);

(b) The City, all its "subordinate entities," within the meaning of such Section 265(b)(3), and all entities which issue tax-exempt obligations on behalf of the City and its subordinate entities have not authorized, in the aggregate, more than \$10,000,000 of tax-exempt obligations to be issued in calendar year 2013 (not including "private activity bonds," within the meaning of Section 141 of the Code, other than "qualified 501(c)(3) bonds," within the meaning of Section 145 of the Code), including the Bond;

(c) Barring circumstances unforeseen as of the date of delivery of the Bond, the City will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the City and such other entities in calendar year 2013, result in the City and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in calendar year 2013 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Bond; and

(d) The City has no reason to believe that the City and such other entities will issue tax-exempt obligations in calendar year 2013 in an aggregate amount that will exceed such \$10,000,000 limit;

provided, however, that if the City receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (a) or (c) above is not required for the Bond to be a qualified tax-exempt obligation, the City need not comply with such covenant.

14. Other Actions. All other actions of officers of the City and the City Council in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond are hereby ratified, approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all action necessary or desirable in connection with the issuance, sale and delivery of the Bond.

15. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

16. Effective Date. This Resolution shall take effect immediately.

[City to attach bid from Union First Market Bank]

REGISTERED

REGISTERED

No. R-1

January __, 2013

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF STAUNTON

General Obligation Public Improvement Bond, Series 2013

The City of Staunton, Virginia (the “City”), for value received, promises to pay to Union First Market Bank (the “Bank”), Fishersville, Virginia, or its registered assigns or legal representative, the principal sum of **FIVE MILLION DOLLARS (\$5,000,000)**, together with interest on the unpaid principal at the annual rate of 2.58% calculated on the basis of a 360-day year of twelve 30-day months, payable semi-annually on each January 5 and July 5, commencing July 5, 2013, until final payment. Principal of this bond shall be payable in annual installments commencing January 5, 2014, in the amounts and on the dates set forth below:

Year Amount Year Amount

If the date any payment is due with respect to this bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day. “Business Day” shall mean a day on which banking business is transacted, but not including a Saturday, Sunday or legal holiday, or any other day on which banking institutions are authorized by law to close in the Commonwealth of Virginia. Principal and interest shall be payable in lawful money of the United States of America by check or draft to the registered owner of this bond at its address as it appears in the records of the Director of Finance, who is hereby appointed the registrar and paying agent, or any successor registrar and paying agent (the “Registrar”), except that the final payment due under this bond is payable upon surrender and presentation of this bond at the office of the Registrar.

This bond has been authorized by an ordinance duly adopted by the Council of the City on July 23, 2009, is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 but without regard to the provisions of the City Charter, and a resolution adopted by the Council of the City on October 25, 2012, to provide funds to finance a portion of the City’s share of costs to be incurred by the Commonwealth in acquiring, designing, constructing and equipping a replacement facility for the existing Western State Hospital located in the City.

This bond shall be subject to prepayment, in whole or in part, prior to maturity at the option of the City at any time or from time to time, upon payment of 100% of the principal

amount to be prepaid plus interest accrued and unpaid to the date fixed for prepayment. If prepaying this bond in part, the City shall have the right to select the principal installments (or portions thereof) to which such prepayment is to be applied, and the Bank shall apply and credit such selected prepayment(s) accordingly. If this bond is prepaid in part, the Bank shall have the right to surrender this bond in return for the issuance by the City of a new bond amended and restated to reflect the principal installments (or portions thereof) remaining unpaid after such prepayment.

The City has designated this bond as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The full faith and credit of the City are irrevocably pledged for the payment of principal of and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Council of the City shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all taxable property within the City sufficient to pay when due the principal of and interest on this bond.

The Registrar shall treat the registered owner of this bond as the person or entity exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the registered owner.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and this bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City of Staunton, Virginia, has caused this bond to be signed by its Mayor, its seal to be affixed hereto and attested by the Clerk of the Council, and this bond to be dated the date first above written.

(SEAL)

ATTEST:

Clerk of the Council, City of Staunton,
Virginia

Mayor, City of Staunton, Virginia

TRANSFER OF BOND

Transfer of this bond may be registered by the registered owner or its duly authorized attorney upon presentation hereof to the Registrar who shall make note of such transfer in books kept by the Registrar for that purpose and in the registration blank below.

<u>Date of Registration</u>	<u>Name of Registered Owner</u>	<u>Signature of Registrar</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 25, 2012	Staff Members: James Davis Tom Sliwoski Jeanne Colvin Sharon Angle Bill Hamilton
Item #	2	
Ordinance #		
Department:	Engineering/Public Works/Finance/Economic Development	
Subject:	Discussion about potential VDOT revenue sharing application	

Background: VDOT has issued a call for applications for the FY 2014 Revenue Sharing Program. Applications are due November 1, 2012. The program provides up to \$10,000,000 in matching funds to localities for qualified projects. The City has used this program to help fund the Bowling St and Haile St Box Culvert Replacement project (\$300,000 each, VDOT and City) and the Montgomery Ave to Middlebrook Ave (Business Way) Connector Road (\$375,000 each, VDOT and City). This is typically an annual program provided by VDOT. The City has not made application the last two years.

Staff Recommendation: The Department of Economic Development is requesting that City Council approve application to the Revenue Sharing Program for funds to construct the first section of entrance street into the Staunton Gateway property - a realignment and improvement to commercial street standard of State Route 1426, the existing institutional street providing access from US 250 to the Western State Hospital campus. This street construction project will provide much better access from US 250 and open the front of the property to development. This project would be Phase 1 of a plan to construct a "spine road" through the property from US 250 to North Frontier Drive/National Avenue/Valley Center Drive to support development of the 295 acres.

The department expects to recommend a project budget in the range of \$1,500,000 to \$1,900,000. This would require a local funding of \$750,000 to \$950,000 with the other \$750,000 - \$950,000 coming from VDOT. The department will have prior to the October 25th meeting updated information from our civil engineers regarding the street layout and preliminary cost estimates. Projects requesting under \$1,000,000 as the VDOT share of funding receive priority under the latest Revenue Sharing guidelines. The department is suggesting that the source of the local match would be money from the funds held at this time for future investment in Staunton Gateway. The City Manager and Director of Finance will review this request and advise City Council.

Staff is suggesting that this item be scheduled for an information briefing at the October 25th meeting to get guidance from City Council.

City Manager's Recommendation: Council is being asked for general direction as to their desire to proceed with applying for Revenue Sharing Program funding. If Council wants to proceed staff will prepare the application for submittal as required by November 1, 2012 and we will return to Council at the November 8th meeting for the Resolution required in support of the application. Resolutions in support must be submitted no later than December 3, 2012.

Suggested Motions: No motion required

City Manager: *Stephen F. Owen*



RESOLUTION

WHEREAS, the City of Staunton desires to submit an application for an allocation of funds up to \$_____ from the Virginia Department of Transportation FY 2014 Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund design, right-of-way acquisition and construction of Phase 1 of the realignment and re-construction of State Route 1426 from its intersection with US 250 north toward National Avenue; and,

NOW, THEREFORE, BE IT RESOLVED that the City of Staunton supports this application for an allocation of \$_____ from the Virginia Department of Transportation Revenue Sharing Program.

Adopted this 8th day of November, 2012.

Approved: _____
Lacy B. King, Jr.
Mayor

Attest: _____
Deborah Lane
Clerk

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 25, 2012	Staff Members: Stephen F. Owen Sharon E. Angle
Item #	3 & C	
Ordinance #		
Department:	City Manager and Planning Dept.	
Subject:	Consideration of Staunton-Augusta-Waynesboro Metropolitan Planning Organization's Memo of Understanding	

Background:

On August 13, 2012, the Virginia Department of Transportation held the official kick-off meeting of the Staunton- Augusta -Waynesboro (SAW) Metropolitan Planning Organization (MPO). Metropolitan Planning Organizations are responsible for planning, programming, and coordination of federal highway and transit investments in urbanized areas. Representatives from VDOT, the Department of Rail and Public Transportation, and the Federal Highway Administration were on-hand to provide an overview of the roles and responsibilities of the newly organizing SAW-MPO. In addition to this overview, each locality appointed two committee members (voting representatives) to the Policy Board and two members (voting representatives) to a Technical Advisory Committee. Representing Staunton on the MPO Policy Board will be Mayor Lacy King and City Manager Steve Owen with Councilman Bruce Elder as an alternate. City staffs selected to the Technical Advisory Committee are Director of Planning, Sharon Angle and Director of Public Works, Tom Sliwoski. (Please see attached City Council Agenda Briefing dated August 23, 2012).

Subsequent to the August 13th MPO meeting, a Memorandum of Understanding titled "Continuing, Cooperative, And Comprehensive Multimodal Transportation Planning and Programming Process for the Cities of Staunton and Waynesboro and the County of Augusta Urbanized Areas" was generated outlining duties and functions of each locality within the MPO in carrying out the 3-C Process. This Memo of Understanding is essentially a letter of intent or agreement expressing the City's interest in participating in the Metropolitan Planning Organization but does not legally obligate the City in that the MOU allows the agreement to terminate when "Staunton, Augusta, and Waynesboro or the State withdraw from the 3-C process with not less than ninety (90) days written notice to the other parties" (per Article II #2 of

the MOU). Additionally, the MOU outlines the geographic scope, the time frame of the 3-C Process, financing the 3-C Process, potential amendments to the MOU, composition of the organization, planning responsibilities, state and federal requirements, and air quality regulations.

Noteworthy is the fact that funding sources from Highway and Transit Funds, with a local match of 10% split between the three localities. Therefore 80% of the grant funds are federal, 10% come from the state and the final 10% is split between Staunton, Augusta County and Waynesboro. The local amount is estimated somewhere between \$7,000 - \$10,000 (per Central Shenandoah Planning District). The role of the organizing SAW- MPO is solely to direct the allocation of these federal funds in line with the SAW-MPO's comprehensive planning in the 3-C Process. Any of the concerned parties executing the MOU may amend the agreement, though each locality's participation is ultimately federally mandated.

City Manager's Recommendation:

I recommend that City Council approve the City's participation and agreement to the outlined roles and responsibilities within the Staunton-Augusta County- Waynesboro Metropolitan Planning Organization by entering into the MOU agreement titled "Continuing, Cooperative, And Comprehensive Multimodal Transportation Planning and Programming Process for the Cities of Staunton and Waynesboro and the County of Augusta Urbanized Areas."

Suggested Motion(s):

I move to approve the City of Staunton's participation in the Staunton- Augusta – Waynesboro Metropolitan Planning Organization by entering into the Memo of Understanding entitled "Continuing, Cooperative, And Comprehensive Multimodal Transportation Planning and Programming Process for the Cities of Staunton and Waynesboro and the County of Augusta Urbanized Areas."

City Manager: *Stephen F. Owen*

MEMORANDUM OF UNDERSTANDING

Continuing, Cooperative, And Comprehensive Multimodal Transportation Planning and Programming Process for the Cities of Staunton and Waynesboro and the County of Augusta Urbanized Area

This AGREEMENT, made and entered into as of this ____ day of _____, 20__, by and between the Commonwealth of Virginia - Secretary of Transportation, hereinafter referred to as the "STATE"; the City of STAUNTON, acting as a local unit of government, hereinafter referred to as "STAUNTON"; the County of AUGUSTA, acting as a local unit of government, hereinafter referred to as the "AUGUSTA"; and the City of WAYNESBORO, acting as a local unit of government, hereinafter referred to as "WAYNESBORO"; establishes the STAUNTON AUGUSTA WAYNESBORO Metropolitan Planning Organization, and identifies the roles and responsibilities in order to carry out a Continuing, Cooperative, and Comprehensive Multimodal Transportation Planning and Programming Process in the Staunton-Augusta-Waynesboro Urbanized Area of Virginia.

The STATE, STAUNTON, AUGUSTA, and WAYNESBORO shall participate in a Continuing, Cooperative, and Comprehensive metropolitan transportation planning and programming process, hereinafter referred to as the 3-C PROCESS, as defined in United States Department of Transportation regulations 23 CFR 450 (Federal Highway Laws) and 49 CFR 613 (Federal Transit Laws); and in accordance with the constitution and statutes of the Commonwealth of Virginia to form the Metropolitan Planning Organization, hereinafter referred to as the MPO.

NOW, THEREFORE, the STATE, STAUNTON, AUGUSTA, and WAYNESBORO agree as follows:

ARTICLE I – GEOGRAPHIC SCOPE OF THE 3-C PROCESS

The boundaries of the Metropolitan Planning Area, hereinafter referred to as the MPA, shall be determined by agreement between the MPO and the STATE. The transportation planning process shall, at a minimum, cover the existing urbanized area as designated by the U.S. Bureau of the Census, and the contiguous geographic area expected to become urbanized

within a 20 year forecast period for the metropolitan transportation plan. The MPA shall include the City of Staunton, the City of Waynesboro, and portions of the County of Augusta. The MPA boundaries shall be reviewed after each Census by the MPO, in cooperation with the STATE, to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area, and shall be adjusted as necessary. The MPO, in cooperation with the STATE, may also examine the boundaries of the MPA at any time to insure those boundaries properly reflect the necessary bounds to efficiently conduct the transportation planning process for the urbanized area and may adjust the MPA boundary as necessary.

ARTICLE II – TIME FRAME OF THE 3-C PROCESS

The 3-C PROCESS shall occur on a continuing basis, effective the date of the execution of this AGREEMENT by all participants. The AGREEMENT shall terminate when:

1. 23 CFR 450 (Federal Highway Laws) and 49 CFR 613 (Federal Transit Laws), previously cited herein, are repealed or amended by the Congress of the United States to no longer require the 3-C PROCESS, or
2. STAUNTON, AUGUSTA, and, WAYNESBORO or the STATE withdraw from the 3-C PROCESS with not less than ninety (90) days written notice to the other parties, or
3. There is a re-designation of the MPO by the local jurisdictions and the Governor of the Commonwealth of Virginia.

ARTICLE III – FINANCING THE 3-C PROCESS

The responsibilities and work activities performed by the MPO shall be supported by planning funds authorized by 23 CFR 450 (Federal Highway Laws) and 49 CFR 613 (Federal Transit Laws); these funds shall be allocated in accordance with the direction of the MPO. The use of these Highway and Transit Funds and other funding sources shall continue as additional monies are appropriated. Should all such funds be discontinued, this AGREEMENT shall be terminated.

ARTICLE IV – AMENDMENTS

Amendments to this AGREEMENT may be made by written agreement among all parties to this AGREEMENT.

ARTICLE V – METROPOLITAN PLANNING ORGANIZATION

The MPO Policy Board represents the MPO and has final authority in carrying out the 3-C PROCESS. The MPO Policy Board shall be composed of the following voting representatives, or their alternates, designated by and representing their respective jurisdictions or agencies.

1. City of STAUNTON—Two (2) representatives
2. City of WAYNESBORO —Two (2) representatives
3. County of AUGUSTA—Two (2) representatives
4. A STATE representative from the Virginia Department of Transportation designated by and empowered to participate on behalf of the Secretary of Transportation.
5. Any other agencies or groups as may be agreed upon by a majority of all voting representatives of the MPO, consistent with 23 CFR 450.310.

There shall also be one non-voting representative designated by and representing each of the following agencies.

1. Federal Highway Administration
2. Federal Transit Administration
3. Virginia Department of Rail and Public Transit
4. Virginia Regional Transit
5. Virginia Department of Aviation
6. Any other agencies or groups as may be agreed upon by a majority of all voting representatives of the MPO, consistent with 23 CFR 450.310.

The MPO shall elect a chairman and other officers as deemed appropriate. The MPO shall establish and follow rules of order and record. The MPO constituted herein shall remain in effect until such time the local jurisdictions and the Governor of the Commonwealth of Virginia designate another MPO or until the MPO is terminated in accordance with the provisions of this AGREEMENT.

ARTICLE VI – FINANCIAL PLANS AND OTHER RESPONSIBILITIES

Financial Plans – The MPO and the STATE are responsible for cooperatively developing and sharing information related to the development of financial plans that support the 3-C PROCESS. These Financial Plans shall demonstrate consistency between reasonably available and projected future revenues, and projected costs of implementing proposed transportation improvements, using inflation rates to reflect “year of expenditure dollars”. These financial plans will support the MPO’s Transportation Improvement Program, Long Range Transportation Plan, and Annual Listing of Obligated Projects.

Unified Planning Work Program – The MPO, in cooperation with the STATE and the Public Transportation Operator, shall annually develop a Unified Planning Work Program which outlines 3-C PROCESS activities and tasks anticipated within the region for the next fiscal year. The Unified Planning Work Program shall be subject to approval by the Federal Highway Administration, hereinafter referred to as the FHWA, and the Federal Transit Administration, hereinafter referred to as the FTA.

Public Participation Plan – The MPO shall develop, periodically review, and use a documented Public Participation Plan which defines a process for providing citizens and interested parties with reasonable opportunities to be involved in the 3-C PROCESS. The Public Participation Plan shall be developed by the MPO in consultation with all interested parties. The MPO will provide copies of this Public Participation Plan to FHWA and FTA.

Transportation Improvement Program – The MPO, in cooperation with the STATE and the Public Transportation Operator shall develop a Transportation Improvement Program, hereinafter referred to as the TIP, which is consistent with the Metropolitan Transportation Plan. The STATE and Public Transportation Operator shall provide to the MPO a list of project, program, or category obligations by year and/or phase for all STATE managed projects to facilitate the development of the TIP document as well as provide flexibility for modification purposes. The TIP shall cover a minimum of four years and shall be updated at least every four years. The TIP, and any revisions to the TIP, shall be approved by the MPO and the Governor. After the revisions, the STATE shall incorporate the MPO’s TIP into the Statewide

Transportation Improvement Program, which the STATE shall submit to FHWA and FTA for approval.

Long-Range Transportation Plan – The MPO’s 3-C PROCESS shall include development of a transportation plan addressing no less than a 20 year planning horizon. The transportation plan shall include long range and short range strategies / actions, and a fiscally Constrained Long Range Plan. The MPO, the Public Transportation Operator, and the STATE shall cooperatively develop Financial Plans to support transportation plan implementation. The MPO shall develop and approve transportation plan contents and supporting analysis and the MPO shall review and update the transportation plan at least every five years. The MPO will provide copies of the transportation plan to the Governor, FHWA and FTA.

Annual Listing of Obligated Projects – The MPO, the Public Transportation Operator, and the STATE shall cooperatively develop a listing of projects for which funds under 23 U.S.C. and 49 U.S.C. Chapter 53 were obligated in the preceding program year. The STATE will provide to the MPO an annual report with this project listing and required information, and the MPO shall publish and make this report available as outlined in the Public Participation Plan.

ARTICLE VII – STATE AND FEDERAL REQUIREMENTS

All parties to the agreement shall comply with all applicable state and federal requirements necessary to carry out provisions of agreement.

ARTICLE VIII - AIR QUALITY

All applicable federal and/or state regulations pertaining to air quality shall be adhered to in the 3-C Process.

✪✪

IN WITNESS WHEREOF, all concerned parties have executed this AGREEMENT on the day and year first written above.

ATTESTED: COMMONWEALTH OF VIRGINIA

By: _____

ATTESTED: CITY OF STAUNTON

By: _____

ATTESTED: COUNTY OF AUGUSTA

By: _____

ATTESTED: CITY OF WAYNESBORO

By: _____

Review by Commonwealth of Virginia Attorney General's Office

Date: _____

The MPO Policy Board considered and approved this Memorandum of Understanding at its regular meeting held on _____, 20__.

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 23, 2012	Staff Members: Stephen F. Owen Sharon E. Angle
Item #	3 & C	
Ordinance #		
Department:	City Manager and Planning Dept.	
Subject:	Consideration of appointments to the Staunton–Augusta-Waynesboro Metropolitan Planning Organization	

Background: In April, City Council was briefed on the coming designation of the Cities of Staunton and Waynesboro, along with the County of Augusta as Urbanized Areas based on the counts from the 2010 Census. Because of that designation, the City will now become a part of a metropolitan planning organization. A metropolitan planning organization (MPO) is a federally mandated and federally funded transportation policy-making organization in the United States that is made up of representatives from local government and governmental transportation authorities. The United States Congress passed the Federal-Aid Highway Act of 1962, which required the formation of an MPO for any urbanized area (UZA) with a population greater than 50,000. Federal funding for transportation projects and programs are channeled through this planning process. Congress created MPOs in order to ensure that existing and future expenditures of governmental funds for transportation projects and programs are based on a continuing, cooperative, and comprehensive planning process.

On August 13, 2012, the Virginia Department of Transportation held the official kick-off meeting of the Staunton Augusta Waynesboro (SAW) Metropolitan Planning Organization. Representatives from VDOT, the Department of Rail and Public Transportation, and the Federal Highway Administration were on-hand to provide an overview of the roles and responsibilities of the MPO.

One of the main items reviewed at this first meeting was the need to formalize the membership and organization of both the Policy Board and Technical Advisory Committee. The localities were asked to appoint alternates (elected or staff) for both the Policy Board and TAC.

The first meeting of the SAW MPO will be held in October. The following are the City's proposed representatives and alternatives:

Policy Board

- Lacy King, Mayor
- Steve Owen, City Manager

Alternate: Bruce Elder, Councilman

Technical Advisory Committee

- Sharon Angle, Director of Planning
- Tom Sliwoski, Director of Public Works

Alternates: Amy Arnold, City Planner
James Davis, City Engineer
Bill Hamilton, Director of Economic Development

City Manager's Recommendation: I recommend that City Council appoint the above listed representatives to the Policy Board and Technical Advisory Committee of the MPO.

Suggested Motion: I move to appoint the following representatives to the Staunton–Augusta–Waynesboro Metropolitan Planning Organization:

Policy Board

- Lacy King, Mayor
- Steve Owen, City Manager

Alternate: Bruce Elder, Councilman

Technical Advisory Committee

- Sharon Angle, Director of Planning
- Tom Sliwoski, Director of Public Works

Alternates: Amy Arnold, City Planner
James Davis, City Engineer
Bill Hamilton, Director of Economic Development

City Manager: *Stephen F. Owen*

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 25, 2012	Staff Members: R. Scott Garber Jason Ball Shawn Maddox
Item #	4	
Ordinance #		
Department:	Fire and Rescue	
Subject:	Citizen and Employee notification system	

Background: The ability to communicate effectively, and in a timely fashion, with our citizens, businesses, visitors and staff is an important function of local government. Fire and Rescue staff, along with many other city departments, has been evaluating mass communications systems to provide our customers with timely announcements that pertain to their day to day lives as well as during a wide spread emergency situation. Staff has selected Everbridge, <http://www.everbridge.com/>, as our mass communications provider due to their interactive features, outstanding references and the ability to interact with our customers through a multitude of communication options. Fire and Rescue staff will give a brief overview of the system and answer any questions City Council or citizens may have.

City Manager's Recommendation: *Not applicable*

Suggested Motion(s): *Not applicable*

City Manager: *Stephen F. Owen*

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 25, 2012	Staff Members: Steve Owen
Item #	5 & E	
Ordinance #		
Department:	City Manager	
Subject:	Resolution of support for the Augusta County Board of Supervisors' request for additional State funding for the Route 636 Relocation project	

Background: Route 636 is located in Augusta County in the vicinity of the Augusta Health Center. For more than a decade it has been a goal of the County to relocate and rebuild Route 636 in order to provide improved access between Route 250 to the west (at the Woodrow Wilson Rehabilitation Center signal light) and the hospital campus. The current project cost estimate is \$13 million and is proposed to be funded through a combination of tax increment financing, private developer initiative, County contribution and VDOT funding. Once completed, the road will provide improved access and traffic management to the hospital thereby providing a benefit to various constituents in the Staunton, Waynesboro and Augusta County region.

The Augusta County Board of Supervisors intends to seek additional funding through VDOT to complete the Route 636 project. Recognizing that the Augusta Health Center provides a significant benefit to residents throughout the region and that the road improvements will ultimately provide a benefit to patients, visitors, employees and service providers at the Augusta Health Center, the County has requested that the Cities of Staunton and Waynesboro support their funding request.

City Manager's Recommendation: The City staff believes that Augusta Health provides a crucial service to our residents and that the proposed road improvements will improve traffic management in the vicinity of the hospital. I recommend approval of the proposed resolution of support for this project.

Suggested Motion(s) I move to endorse the resolution of support for the Augusta County Board of Supervisors' request for additional State funding for the Route 636 Relocation project.

City Manager: *Stephen F. Owen*

RESOLUTION

Relocation of Route 636 between Route 250 and it's intersection with Goose Creek Road near and around Augusta Medical Center and Woodrow Wilson Rehabilitation Center

WHEREAS, Augusta County has prioritized the reconstruction of Secondary Route 636 between Route 250 and its intersection with Goose Creek Road near and around the Augusta Medical Center and Woodrow Wilson Rehabilitation Center; and

WHEREAS, this project has been included and partially funded through VDOT's Six Year Improvement Program (SYIP) and is of local and regional significance as indicated in the County's adopted Comprehensive Plan, the Fishersville Small Area Plan; and

WHEREAS, the relocation and reconstruction of this roadway will provide better access to medical facilities for residents in the City of Staunton, City of Waynesboro and County of Augusta; and

WHEREAS, the City of Staunton, City of Waynesboro and County of Augusta have recently become an Urbanized Area (UA) as designated by the 2010 United States Census and that such definition requires formation of a Metropolitan Planning Organization (MPO) in order to prioritize, manage, and deliver regional transportation projects; and

WHEREAS, the County of Augusta has received substantial funding through developer proffers, Revenue Sharing Funds, acquired all necessary rights of way for construction of the relocation of Route 636 and the County has utilized local and state funding to advance this project; and

WHEREAS, the County of Augusta seeks to receive supplemental funding through the Commonwealth of Virginia to complete construction of this important regional project.

NOW, THEREFORE BE IT RESOLVED, that on this 25th day of October, 2012, the Staunton City Council recognizes the regional significance of the Route 636 relocation project and supports the County of Augusta's request that the Commonwealth of Virginia fund the project no later than FY 2013.

Lacy B. King, Jr., Mayor
City of Staunton

ATTEST: _____
Deborah A. Lane, MMC

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 25, 2012	Douglas Guynn Council
Item #	6	
Ordinance #		
Department:	City Attorney, City Council	
Subject:	Closed Session	

City Manager's Recommendation: Move into closed session.

Suggested Motion(s): I move that Council enter a closed meeting session for the purpose of: **To consult with legal counsel on matters requiring the provision of legal advice, pursuant to Virginia Code Section 2.2-3711(A)(7), regarding potential and pending claims or litigation involving City interests; and to discuss and consider, pursuant to Virginia Code Section 2.2-3711(A)(1), the possible future appointment by Council for a position that involves specific existing or new staff or restructuring related to one or more particular positions.**

[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 that 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*

City Council
WORK SESSION
September 27, 2012
5:00 p.m.

Present: Mayor King, Vice Mayor Dull and Council Members Harrington, Kier, Curren, Elder and Oakes.

The Mayor called the work session to order.

1. Presentation by Councilman Erik Curren

Councilman Curren made a presentation to Council about possibly appointing a Food Task Force.

Dr. Curren proposed to convene a Food Summit of community leaders to assess interest in a Food Task Force. If affirmative, he will ask the City to appoint 12-15 task force members from a list to include citizen leaders from a variety of backgrounds and representing diverse communities.

In order to spur citizen participation, he plans to convene and coordinate Local Food Task Force meetings on a monthly or bi-weekly basis. The entire group will identify 4-6 areas of concern and break into working groups to collect and research ideas to deal with them. Experts on issues relating to local food from the public and private sectors to speak to the whole task force.

He stated that after approximately 12 months, the task force will produce a list of public policy proposals for the City to consider that would support local food in Staunton. Proposals could include such initiatives as replacing selected lawn areas on City property with edible landscaping, offering curbside composting to residents and businesses, and making local food and on-campus gardens a part of school feeding and nutrition education programs.

Dr. Curren reported that the Local Food Task Force would disband after submitting its proposals to the City. However, with sufficient citizen interest, this initiative could lead to an ongoing effort to coordinate a local food system in Staunton, either through the City or in the private sector.

When asked how much staff time would be involved, Dr. Curren responded that assistance from the Clerk would be needed to set up meetings and contact committee members. He also suggested that a representative from the Planning Department would be helpful.

Dr. Curren stressed the fact that people should have a choice in what they eat and that it's important that kids have some buy in to make this program successful.

Dr. Harrington asked Dr. Curren if he had considered a partnership with Staunton Fresh, which will be up and running soon.

2. Discussion of Valley Community Service Board’s FY 13 Performance Contract

The City Manager noted that the State requires localities served by community services boards to receive a presentation on the performance contract submitted to the Department of Mental Health, Mental Retardation and Substance Abuse Services. The contract may be approved by City Council, although if it is not, DMHMRSAS has indicated to Neysa Simmers, VCSB Executive Director that they will approve it anyway. Ms. Simmers already provided a presentation of the contract at a work session in June and will be available to answer any questions. The main purpose of the contract is to memorialize that VCSB is the official provider of mental health services for the City of Staunton, as well as Augusta and Waynesboro.

Acceptance of the contract is scheduled for the regular Council meeting.

3. Update by City Treasurer on Delinquent Taxes

The City Treasurer provided the following report to City Council:

Personal Property collection rates – 2007-98.95%, 2008-97.88%, 2009-97.31%, 2010-95.78%, and 2011-93.89%.

Real Estate collection rates – 2006-99.92%, 2007—99.82%, 2008-99.46%, 2009-98.58%, 2010-97.96%, and 2011-96.42%

Collection Efforts

Sale of properties for delinquent taxes netted \$95,561 as six parcels were redeemed and 21 parcels were sold. The last property finally closed in February. Expect the next set of properties to be turned over to Sands Anderson by Jan. 1, 2013, with an estimate of at least 38 properties to be turned over to Sands Anderson at that time. The judicial sale process can take up to a year to complete.

Currently, there are over 600 DMV stops in effect which prevent the delinquent taxpayers from renewing tags or conducting other business with DMV. This is an effective collection tool, but sometimes takes time as many people renew vehicles for 2 years at a time – and we have to reset these DMV stops each year. We are currently investigating use of software that may be able to set stops in bulk.

Mr. Johnson reported that his department has stopped 1,969 Virginia State Income tax refunds totaling \$212,763 so far since January through the Set Off Debt Program with the Virginia Department of Taxation with the final month of tax return filing yet to come. The majority of these payments are for personal property bills, but some are for real estate and utility bills as well.

His office has also set 300 wage liens. He noted that the Treasurer has the authority to lien 100% of a delinquent taxpayers take home pay. Determining where the delinquent taxpayer is currently employed is the time consuming aspect of this collection tool.

He stated that his department also engages in 3rd party “renter’s liens” to collect real estate tax. In this case, after the lien is set, the renter of the property is required to send the rental payments to the Treasurer instead of to the landlord until the tax debt is paid.

Working with Commissioner of Revenue, City Attorney and outside council, Mr. Johnson reported that they are in litigation on a significant personal property tax account.

He stated that in today’s mobile community, sometimes the toughest obstacle to collection is locating the delinquent taxpayer. If they are located in Virginia, collection by the aforementioned methods, although not instant, is effective. His office currently uses Virginia DMV records and the Virginia Department of Taxation to help locate individuals.

Collection of delinquent taxes continues to challenge all Treasurers, especially in these tough economic times. He stated that his office has achieved these collection rates with 25% less staff than when he took office and with a budget that is about equal to the 2006 numbers.

Vice Mayor Dull asked why the percentage of taxes collected is higher for real estate than personal property. The Treasurer responded that it is higher because owners don’t want to risk losing their homes, and it is easier to collect real estate taxes.

4. Discussion of Deferred Compensation Project

The Director of Human Resources briefed Council on this matter. He reported that the City budgeted \$25,000 in FY2012 to contract with a consultant to review the City’s 457(b) deferred compensation program. Currently, the City has three companies that service the City’s plan with participants and plan assets spread among all three. He noted that to the best of staff’s knowledge, the City has never conducted an RFP process for deferred compensation services. As a result, the City has contracted with Captrust Financial Advisors, Inc. to review its plan, consult and negotiate through the RFP process, and make final plan recommendations. The City’s goal is to work with Captrust to select vendor(s) that will:

- Offer competitive fee structures
- Offer diverse, appropriate, and market-leading investment options to employees
- Provide employees with a high level of service when seeking to enroll and/or make changes
- Engage employees and be a partner for financial and retirement planning

Mr. Didawick noted that once the City began speaking with Captrust, it became clear that City Schools may benefit from this project, as well. As a result, City and Schools staff will be working together to bring about the best options for our respective employees.

He stated that in short, staff is hoping to save employees money, receive better services for employees, and have providers that will be a partner in educating the City’s workforce about saving for retirement. This process could result in a change in companies providing services, but the intent is for this to be transparent and to keep all stakeholders informed.

There will be opportunities for employees to be involved in the RFP process and any plan design and/or vendor changes will require authorization from Council.

Vice Mayor Dull opined that an RFP is a great idea and that this is a good benefit for the employees.

5. Discussion of a \$10 Million Bond Resolution

The Director of Finance reported that the City issued a Request for Proposal for a \$15 million taxable or tax-exempt bank qualified financing to fund the City's commitment to the Commonwealth for a replacement hospital facility for the Western State Hospital project. As a result of the proposals and negotiations, the City intends to award and provide for the issuance and sale of a general obligation public improvement bond in the amount of \$10 million to SunTrust Bank in September 2012 and \$5 million to Union First Market Bank in January 2013. The bond issue is divided between calendar years because of the federal limitation of only \$10 million can be issued in a calendar year to qualify for tax-exempt bank qualified debt.

City Council adopted an Ordinance on July 23, 2009, Ordinance No. 2009-15, authorizing the issuance of general obligation bonds in a maximum principal amount not to exceed \$15,000,000.

The bond resolution provides for the terms of the \$10 million general obligation bond to be issued to SunTrust Bank. The basic terms provide for the interest rate at 2.21%, not to exceed 2.31%, for fifteen years. The terms also give the City the option to pre-pay the debt without penalty at any time during the term of the bond. The annual debt payment for this \$10 million will not exceed \$784,000 based on a 2.21% interest rate or not exceed \$793,500 based on a 2.31% adjusted interest rate. The annual debt payment for the total \$15 million in bonds to be issued will not exceed \$1,249,000.

The City expects to officially close on this bond by October 5, 2012. The \$15 million payment to the Commonwealth is divided into three equal \$5 million payments due October 1, 2012, January 1, 2013, and April 1, 2013.

Councilman Elder noted that receiving 8 bids from banks speaks well of the City's finances. He and Mr. Kier complimented Mrs. Colvin on her work.

Mrs. Colvin reminded Council that this loan can be prepaid at any time. She also noted that it is necessary for the Mayor and the Clerk to sign the documents following the regular meeting.

5a. Declaration of Surplus Property

The City Manager stated that the Streets Department intends to complete the purchase of a new Street Sweeper. The vendor had offered a trade in credit for our 2003 Whirlwind Street Sweeper, which seemed reasonable to accept, especially given the challenges of marketing a 9 year old vehicle with fuel delivery problems, continued downtime, and broom switching issues. Although this kind of transaction, involving an exchange of property as part of an acquisition, may not necessarily involve "surplus" property, Council is asked to declare it as such.

This matter has been placed on the regular meeting agenda for Council's consideration.

- 6. Closed session: 1) Pursuant to Virginia Code Section 2.2-3711(A)(1), the possible future appointment by Council for a position that involves specific existing or new staff or restructuring related to one or more particular positions; and**
- 2) To consult with legal counsel on matters requiring the provision of legal advice, pursuant to Virginia Code Section 2.2-3711(A)(7), regarding potential and pending claims or litigation involving City interests**

Vice Mayor Dull moved that Council go into the above stated closed sessions. Seconded by Dr. Curren, the motion carried unanimously.

Harrington	aye		
Curren	aye	Elder	aye
Oakes	aye	King	aye
Kier	aye	Dull	aye

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

Seconded by Dr. Harrington, the motion carried as follows:

Curren	aye		
Elder	aye	Oakes	aye
King	aye	Dull	aye
Kier	aye	Harrington	aye

The work session adjourned at 7:23 p.m.

Deborah A. Lane, MMC
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, September 27, 2012
7:30 p.m.
Council Chambers

PRESENT: **Lacy B. King, Jr., Mayor**
 Carolyn W. Dull, Vice Mayor
 Erik D. Curren
 Bruce A. Elder
 James J. Harrington
 Ophie A. Kier
 Andrea W. Oakes

ABSENT:

ALSO PRESENT: **Stephen F. Owen, City Manager**
 James M. Halasz, Deputy City Manager
 Douglas L. Guynn, City Attorney
 Deborah A. Lane, Clerk of Council

Mayor King called the meeting to order.

The invocation was given by Councilwoman Oakes, followed by the Pledge of Allegiance recited in unison.

MAYOR'S REPORT

Mayor King reported that he, Councilman Elder and Councilwoman Oakes, attended the Sentimental Journey fund raiser this past Saturday night for the Senior Center. He stated that it was very successful.

ADDITIONAL ITEMS BY COUNCIL

Mr. Kier moved that the following appointments and reappointments be made:

Tourism Advisory Board – to add the appointment of a representative of the Heifetz International Music Institute, effective immediately – and to reappoint Michael Organ, Doug Sheridan and Carol Simon, effective immediately and to expire 2/28/2015.

CAPSAW – to reappoint Andrea Oakes and Janet Ewing, effective immediately and to expire 5/13/2015.

Historic Preservation Commission – to reappoint David Brown, effective immediately and to expire 6/30/15.

Recreation Advisory Board – to reappoint Vivian Jones, William J. O'Donnell, Jr. and Bruce Rupert, effective immediately and to expire 6/30/15.

Seconded by Dr. Harrington, the motion carried unanimously.

Dr. Curren announced that September is National Hunger Awareness Month, and that Blue Ridge Area Food Bank has opened their offices for tours. He recognized Ms. Ruth Jones, the Director of the Food Bank.

Mr. Kier announced that he, the Mayor and Mrs. Oakes were privileged to recently attend a naturalization ceremony at the Frontier Culture Museum.

Councilman Elder reported that he and other members of Council, along with the City Manager, had recently attended the VML Conference in Williamsburg, VA. He noted that the City's Assistance Economic Development Director, Mrs. Amanda Glover, was there teaching at the Conference.

Mrs. Oakes noted that beginning October 1st, the downtown area of Staunton will be celebrating fall. She encouraged everyone to come and enjoy the activities.

Vice Mayor Dull stated that she had the privilege of welcoming the participants of the African American Heritage Festival participants.

APPROVAL OF MINUTES

Mrs. Oakes moved that the minutes of the work session and the City Council meeting of September 13, 2012 be approved as presented. The motion was seconded by Dr. Harrington and carried unanimously as follows:

Dr. Curren	aye
Dr. Harrington	aye
Mr. Elder	aye
Mrs. Oakes	aye
Vice Mayor Dull	aye
Mayor King	aye
Mr. Kier	aye

AGENDA

A. Consideration of the Valley Community Service Board's FY 13 Performance Contract

Noting that Council was briefed on this matter during the work session, the City Manager recommended that Council approve the Performance Contract as submitted by the Valley Community Services Board. Mr. Owen advised that traditionally, local governments have approved the contract. The contract primarily states that the CSB will be the provider of mental health services for Staunton, and also for Augusta and Waynesboro.

Staff has only recently learned that the State will approve this contract (or is likely to approve it) whether or not the City Council endorses the contract or not. He advised that Council may or may not choose to endorse. The contract is between the State and the CSB, which is empowered to enter into the contract. He stated that there will be some issues coming up in the next budget

cycle about funding levels between Augusta, Staunton and Waynesboro, and those will be worked out a later time. There is no commitment for any specific level of funding for FY 14.

Dr. Harrington moved to approve the annual Performance Contract as submitted by the Valley Community Services Board.

Seconded by Mrs. Oakes, the motion carried unanimously as follows:

Dr. Harrington	aye
Mr. Elder	aye
Mrs. Oakes	aye
Vice Mayor Dull	aye
Mayor King	aye
Mr. Kier	aye
Dr. Curren	aye

B. Consideration of Adoption of a Resolution Authorizing the Issuance and Award of a \$10 Million General Obligation Bond

The Director of Finance reported that the City issued a Request for Proposal for a \$15 million taxable or tax-exempt bank qualified financing to fund the City's commitment to the Commonwealth for a replacement hospital facility for the Western State Hospital project. As a result of the proposals and negotiations, the City intends to award and provide for the issuance and sale of a general obligation public improvement bond in the amount of \$10 million to SunTrust Bank in September 2012 and \$5 million to Union First Market Bank in January 2013. The bond issue is divided between calendar years because of the federal limitation of only \$10 million can be issued in a calendar year to qualify for tax-exempt bank qualified debt.

The City expects to officially close on this bond by October 5, 2012. The \$15 million payment to the Commonwealth is divided into three equal \$5 million payments due October 1, 2012, January 1, 2013, and April 1, 2013.

Mr. Kier moved to adopt a Resolution providing for the issuance, sale and award of a \$10,000,000 General Obligation Public Improvement Bond, Series 2012, with full authorization, as provided in the Resolution, for officers signing the Bond to approve any completions, omissions, insertions and changes not inconsistent with the Resolution.

Seconded by Mr. Elder, the motion carried as follows:

Mr. Elder	aye
Mrs. Oakes	aye
Vice Mayor Dull	aye
Mayor King	aye
Mr. Kier	aye
Dr. Curren	aye
Dr. Harrington	aye

C. Declaration of Surplus Property

The City Manager advised that the Streets Department intends to complete the purchase of a new Street Sweeper. The vendor had offered a trade in credit for the City's 2003 Whirlwind Street Sweeper, which seemed reasonable to accept, especially given the challenges of marketing a 9 year old vehicle with fuel delivery problems, continued downtime, and broom switching issues. Although this kind of transaction, involving an exchange of property as part of an acquisition, may not necessarily involve "surplus" property, Council is asked to declare it as such.

Vice Mayor Dull moved that the 2003 Elgin Whirlwind Street Sweeper be declared surplus and used as trade-in for a new sweeper.

Seconded by Dr. Curren, the motion carried as follows:

Mrs. Oakes	aye
Vice Mayor Dull	aye
Mayor King	aye
Mr. Kier	aye
Dr. Curren	aye
Dr. Harrington	aye
Mr. Elder	aye

Matters from the City Manager

The City Manager read a letter from Mrs. Leah Pack about the excellent service she receives from the City's refuse crew.

He also mentioned that Jim Gallaher has been with the City Manager's office since late July, serving as the Acting Interim Deputy Assistant Manager. Noting that this is Mr. Gallaher's last Council meeting serving in this capacity, he thanked him for his excellent service handling difficult issues.

Matters from the Public

Mr. Baldwin Jennings, 332 Sharon Lane, asked if the Sears Hill bridge is still on target for October. The City Manager advised that he's been informed that the bridge has been painted. The wood decking still needs to be installed before the bridge can be put back in place. The steps have also been assembled and are waiting for the wood treads.

Mr. Jennings also asked if the Montgomery Hall connector road is still on track. The City Manager assured him that it is.

Ms. Ruth Jones thanked Dr. Curren for coming to the Food Bank, and thanked members of Council for their interest and support. She invited everyone to come to the Food Bank for a tour to learn more about what's going on the community. She noted that the needs have doubled over the past five years.

Dr. Harrington reminded everyone that on December 3, there will be a benefit concert at Augusta Stone Church, with the proceeds going to the Food Bank.

Mr. Carl Hensley, 226 Meadowbrook Road, stated that he is seeing a lot of political signs on the City's rights of way. He stated that he also has a problem with the Stormwater Engineer, noting that his property has been reclassified as a Tier 1 property versus a Tier 2 property. He has written a letter to the City Engineer.

The City Manager advised that the City Engineer has received the letter and staff will be responding.

Mr. Clinton Davis of Sunnyside Street distributed handouts to City Council regarding a commemoration of the Pawtucket Red Sox. His father had been one of the members.

D. Closed Session pursuant to Virginia Code Section 2.2-3711(A)(5), for the discussion of a prospective business where no previous announcement has been made of the business' interest in locating particular facilities in the community and to discuss or consider, pursuant to Virginia Code Section 2.2-3711(A)(3), the disposition of publicly held property involving such business, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy.

Mrs. Oakes moved that Council go into the subject closed session. Seconded by Dr. Harrington, the motion carried as follows:

Vice Mayor Dull	aye
Mayor King	aye
Mr. Kier	aye
Dr. Curren	aye
Dr. Harrington	aye
Mr. Elder	aye
Mrs. Oakes	aye

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

Seconded by Dr. Harrington, the motion carried as follows:

Mayor King	aye
Mr. Kier	aye
Dr. Curren	aye
Dr. Harrington	aye
Mr. Elder	aye
Mrs. Oakes	aye
Vice Mayor Dull	aye

Adjournment

There being no further business to come before Council, the meeting adjourned at 8:55 p.m.

Deborah A. Lane, MMC
Clerk of Council

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 25, 2012	Staff Members: Steve Owen
Item #	A	
Ordinance #		
Department:	City Manager	
Subject:	Transportation Planning Presentation	

Background: Earlier this year Bridgewater Town Manager Bob Holton provided a transportation planning presentation to the Central Shenandoah Planning District Commission that was very well received. Vice Mayor Dull asked that he share it with City Council at this meeting.

City Manager's Recommendation: N/A

Suggested Motion(s) N/A

City Manager: *Stephen F. Owen*

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	October 25, 2012	Staff Members: Chief Williams Jeanne Colvin
Item #	D	
Ordinance #		
Department:	Police Department	
Subject:	Surplus Property	

Background: The Police Department is requesting City Council declare one Sig Sauer P226 .40 caliber semi-automatic service weapon, serial number U718335 surplus from City property. The property will be sold to retired Sergeant Mark Diehl for \$1.00, as according to the Code of Virginia Section 59.1 – 148.3.

The Police Department staff would like to present the service weapon to Sergeant Diehl as a gift for his 20 years of service to the City of Staunton Police Department.

An affirmative vote of six members of Council will be required at the regular meeting in order for this matter to be approved.

City Manager’s Recommendation: I recommend Council declare this service weapon as surplus, to be sold for the price of \$1.00.

Suggested Motion(s): I make a motion to declare this service weapon surplus property and to be sold to retired Sergeant Mark Diehl for the price of \$1.00.

City Manager: *Stephen F. Owen*