

**Staunton City Council
WORK SESSION
Caucus Room
August 12, 2010**

- | | | |
|----------------|-------------------|--|
| 6:00 PM | 1. & B | Discussion of property at 711 Stuart Street |
| 6:05 PM | 2. | Discussion of City/County Boundary issues |
| 6:20 PM | 3. | Update on Stormwater Utility Program |
| 6:30 PM | 4. | Closed session to receive legal advice and updates regarding specific pending and potential legal claims involving the City pursuant to Va. Code Section 2.2-3711 (7) ; and to consider and discuss specifically the evaluation of one or more Council appointee(s) as it relates to responsibilities, goals and performance, pursuant to Virginia Code Section 2.2-3711(A)(1). |
| 7:15 PM | | Break |

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

| | | |
|----------------------|--|--|
| Meeting Date: | August 12, 2010 | Staff Members: Steve Owen |
| Item # | 1 & B | |
| Resolution # | | |
| Department: | City Manager | |
| Subject: | Consideration of a resolution declaring 711 Stuart Street surplus and authorizing competitive process for its proposed sale | |

Background: The City of Staunton owns a vacant lot at 711 Stuart Street. It was acquired by quitclaim deed dated January 9, 1997, as a nuisance property to be cleaned up and sold. The City still has no foreseeable use for this property and it may be declared surplus and sold. The City Manager should be authorized to undertake a competitive bid process for the proposed sale of the property. Once bids are received, a separate ordinance can be prepared for a public hearing and adoption to actually approve the sale.

City Manager's Recommendation: I recommend approval of the resolution to initiate sale of the property.

Suggested Motion(s): I move approval of the resolution declaring 711 Stuart Street surplus and authorizing a competitive process for its proposed sale.

City Manager: *Stephen F. Owen*

JULY 30, 2010 DRAFT

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**RESOLUTION
OF
THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA,
DECLARING 711 STUART STREET SURPLUS AND AUTHORIZING
COMPETITIVE PROCESS FOR ITS PROPOSED SALE**

WHEREAS, the City of Staunton currently owns certain real estate (the “Property”) known as 711 Stuart Street, identified as Property No. 7315, as acquired by the City of Staunton from Jeffrey D. Gaines, Administrator, C.T.A. of the Estate of Matie J. Smith, deceased, and Nellie G. Jones, by and through her attorney-in-fact, Virginia F. Evans, by quitclaim deed dated January 9, 1997 and recorded in Deed Book 383, Page 383, in the Clerk’s Office of the Circuit Court of the City of Staunton, Virginia, a copy of which is annexed to this resolution;

WHEREAS, according to available information, the Property is vacant and has no foreseeable use by the City of Staunton;

WHEREAS, Council finds that the Property is not needed by the City of Staunton and should be declared surplus and the City Manager should be authorized to undertake a competitive process for the proposed sale of the Property in such a way that it serves the best interests of the City; and

WHEREAS, pursuant to Section 11 of the City Charter, and other considerations, Council has the authority to manage the property of the City and to declare the Property surplus.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that it hereby determines, finds, deems and declares that the property identified as Property No. 7315, 711 Stuart Street, Staunton, Virginia, is deemed and declared surplus for all purposes and the City Manager or designee is authorized and directed to undertake a competitive process for the proposed sale of the Property, in the best interests of the City, subject to Council’s adoption of an ordinance authorizing a contract of sale to a bonafide purchaser consistent with Section 2.10.180 of the Staunton City Code.

Adopted the ____ day of August 2010.

Lacy B. King., Jr., Mayor

ATTEST: _____
Clerk

CLR970000585

This Quitclaim Deed is exempt from the recordation taxes imposed by §58.1-801 of the Code of Virginia, 1950, as amended, pursuant to §58.1-811 A.

THIS QUITCLAIM DEED, made and entered into this 9th day of January, 1997, by and between Jeffrey D. Gaines, Administrator C.T.A. of the Estate of Matie J. Smith, deceased, and Nellie G. Jones, by and through her attorney-in-fact, Virginia F. Evans, Grantors, and The City of Staunton, Grantee,

W I T N E S S E T H :

WHEREAS, the Estate of Matie J. Smith, deceased, has at least a one-half, undivided interest in the real estate known by present house numbering as 711 Stuart Street, Staunton, Virginia;

WHEREAS, Nellie G. Jones, as the sole heir-at-law of Charles Walker Smith, may have the other one-half, undivided interest in said real estate;

WHEREAS, Nellie G. Jones believes that Charles Walker Smith died testate, leaving and devising the other one-half, undivided interest in said real estate to his wife, Matie J. Smith;

WHEREAS, Nellie G. Jones believes that the Will of Charles Walker Smith has been inadvertently lost;

WHEREAS, Nellie G. Jones believes, therefore, that she has no interest in said real estate and that the Estate of Matie J. Smith, deceased, holds the whole title to said real estate;

WHEREAS, the building on said real estate is in such bad condition that it constitutes a potential hazard to the public and certainly constitutes a public eyesore;

WHEREAS, The City of Staunton has requested that the Estate of Matie J. Smith, deceased, demolish said building and clear said real estate;

WHEREAS, the Estate of Matie J. Smith, deceased, has no assets other than the one-half, undivided interest in said real estate from which to pay for the needed demolition and clearing;

WHEREAS, Jeffrey D. Gaines, Administrator C.T.A., has made several inquiries as to the costs of the needed demolition and clearing, and he has found that such costs exceed the total value of said real estate;

WHEREAS, The City of Staunton, aware of the costs of demolition and clearing, aware of the value of said real estate and wishing to avoid costs of condemnation, by resolution duly adopted by the City Council at the regularly scheduled public meeting held on January 14, 1997, has agreed to accept from Grantors this Quitclaim Deed to said real estate in lieu of further claims against the Estate of Matie J. Smith, deceased, and/or Nellie G. Jones; and

WHEREAS, the Estate of Matie J. Smith, deceased, cannot afford to do otherwise, and Nellie G. Jones does not believe

that she has any interest in said real estate in any event, Grantors have agreed to make this Quitclaim Deed.

NOW, THEREFORE, in consideration of the premises, Grantors hereby quitclaim, release and convey unto The City of Staunton, Grantee, any and all right, title and interest they may possess in and to the following described real estate, to wit:

All that certain lot or parcel of land, situate in the City of Staunton, Virginia, together with the improvements thereon and all appurtenances thereunto belonging, situated on and designated by present house numbering as 711 Stuart Street, Staunton, Virginia, further described by metes and bounds in the Deed dated May 31, 1945, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, in Deed Book 55, Page 226.

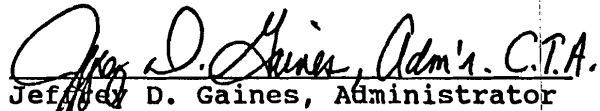
The real estate herein conveyed is the same real estate which John Flipping and Bettie Howard Flipping, husband and wife, conveyed to Charles W. Smith (also known as Charles Walker Smith) and Matie J. Smith, husband and wife, by the Deed dated August 6, 1946, and recorded in said Clerk's Office in Deed Book 57, Page 335. Charles W. Smith died on May 30, 1974, survived by his wife, Matie J. Smith, and his daughter, Nellie G. Jones, as attested by Affidavit made March 3, 1993, and of record in said Clerk's Office in Will Book 41, Page 568. Matie J. Smith died testate on April 29, 1986, as evidenced by her list of heirs of record in said Clerk's Office in Will Book 41, Page 573. Her Will was admitted to probate on March 3, 1993, and is of record in said Clerk's Office in ^{WILL} ~~Deed~~ Book 41, Page

LAW OFFICES
PYSSELL & GAINES
SUITE 309
THE PROFESSIONAL BUILDING
104 WEST FREDERICK STREET
STAUNTON, VIRGINIA 24401-3260
TELEPHONE (540) 885-7418
FACSIMILE (540) 888-8294

570. Article FOURTH of her Will authorizes and empowers her executor to sell and convey her residuary estate (of which the real estate herein conveyed is a part). Jeffrey D. Gaines qualified as personal representative of her Estate on March 3, 1993.

Reference is here made to said Deeds, Affidavit, list of heirs, Will, Power of Attorney and the references therein contained for further description of and derivation of title to the real estate herein conveyed.

IN WITNESS WHEREOF, Jeffrey D. Gaines, Administrator C.T.A. of the Estate of Matie J. Smith, deceased, has affixed his signature on behalf of the Estate.


Jeffrey D. Gaines, Administrator
C.T.A. of the Estate of Matie J.
Smith, deceased

IN WITNESS WHEREOF, pursuant to the authority of a General Power of Attorney, dated May 16, 1991, recorded in said Clerk's Office in Deed Book 318, Page 899, which Power of Attorney is valid and unrevoked, Virginia F. Evans has executed this Deed affixing her name hereto in the name of Nellie G. Jones as her attorney-in-fact.


Nellie G. Jones

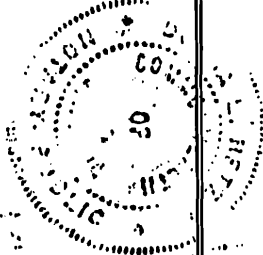
By Virginia F. Evans
Virginia F. Evans as attorney-in-fact of Nellie G. Jones

State of Virginia,
City of Staunton, to wit:

The foregoing instrument was acknowledged before me this 14th day of January, 1997, in the aforesaid jurisdiction by Jeffrey D. Gaines, Administrator C.T.A. of the Estate of Matie J. Smith, deceased.

My Commission Expires: February 28, 1997

Donna L. Hetzel
Notary Public, State of Virginia,
at-Large

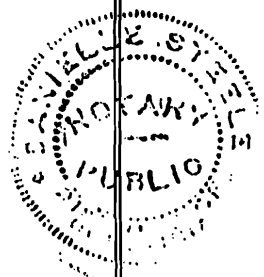


District of Columbia,
City of Washington, to wit:

21st The foregoing instrument was acknowledged before me this day of January, 1997, in the aforesaid jurisdiction by Virginia F. Evans, as attorney-in-fact on behalf of Nellie G. Jones.

My Commission Expires: June 18, 2000

Danielle Steele
Notary Public District of Columbia
My Commission Expires: June 18, 2000
[Signature]
Notary Public



LAW OFFICES
PYSELL & GAINES
SUITE 309
THE PROFESSIONAL BUILDING
101 WEST FREDERICK STREET
STAUNTON, VIRGINIA 24401-3380
TELEPHONE (540) 888-7412
FACSIMILE (540) 888-9284

| | | |
|--------------|-----|------------------|
| State Tax | 039 | \$ <u>Exempt</u> |
| Tech. Fee | 106 | <u>3.00</u> |
| City Tax | 214 | <u>Exempt</u> |
| Transfer Fee | 212 | <u>1.00</u> |
| Clerk's Fee | 301 | <u>1.00</u> |
| St. Library | 145 | <u>1.00</u> |
| State Tax | 038 | <u>2.25</u> |
| Local Tax | 220 | <u>2.25</u> |
| Total | \$ | <u>24.50</u> |

VIRGINIA: In the Clerks' Office of the Circuit Court of the City of Staunton, Virginia March 11, 1997 this writing was admitted to record at 12:21 o'clock P M. and the Tax imposed by Section 58.1-802 of the Code of Virginia in the amount of \$ 4.50 has been paid.
Teste: Thomas E. Roberts, Clerk
By: [Signature] Deputy Clerk

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

| | | |
|----------------------|--|--|
| Meeting Date: | August 12, 2010 | Staff Members: Sharon Angle James Davis |
| Item # | 2 | |
| Ordinance # | | |
| Department: | Planning and Inspection/Engineering | |
| Subject: | Discussion of City/County Boundary Issues | |

Background: In 2009, the City of Staunton and the County of Augusta received a request from Howard Vance, representing several property owners, for a boundary adjustment which would revert two parcels of property adjacent to the existing Baldwin Hill development to the County of Augusta. Finding consideration of only this request to be a piecemeal approach, no action was taken and the staffs of Augusta County and the City of Staunton were asked, by City Council and the Board of Supervisors, to do a comprehensive review of parcels along the boundary between the two jurisdictions and report on any recommendations for change.

The following staff have worked on this project:

Augusta County

Becky Earhart, Senior Planner
Doug Wolfe, County Engineer
Timothy Fitzgerald, Director of Community Development

City of Staunton

Sharon Angle, Director of Planning
James Davis, City Engineer
John Glover, Building Official and Zoning Administrator
Bill Hamilton, Director of Economic Development

Staff held numerous meetings to review the entire boundary of the City of Staunton. The City is 21 square miles in size. In reviewing the boundary, staff considered the following:

- Current land use
- Zoning
- Water
- Sewer
- Economic Development Potential
- Transportation Considerations
- Provision of Other Public Services

Staff also noted that the original boundary was planned to be Route 262, however, after Route 262 was constructed, the boundary shifted to its current configuration which does include split parcels and buildings that are built half in the County and half in the City. After review, staff developed a series of options that can be utilized in dealing with the boundary. These are summarized below. A map showing these options is found on the Augusta County site at <ftp://www.co.augusta.va.us/Staunton/>.

OPTION 1

In the area from Springhill Road to Old Greenville Road, amend the City/County boundary to make Route 262 the new boundary from Springhill Road to Old Greenville Road along the western side of the City. All costs would be split between the City and the County.

OPTION 2

Adjust the boundary line to more closely follow property lines.

OPTION 3

Amend the boundary incrementally by developer/citizen request. All costs would be borne by the individual making the request.

OPTION 4

Amend the boundary incrementally only when it impacts vacant properties and only when initiated by the governing bodies.

OPTION 5

Utilize a piecemeal approach, amending the boundary one lot at a time upon the owner's request. All costs would be borne by the individual making the request.

OPTION 6

Amend the boundary based on who is most likely to provide needed services. Consideration would be based on street access, police, fire/rescue, refuse collection, water, sewer and school bus service. This would need further study with the formation of a joint Board and Council committee and technical staff to do an in-depth study on the issue.

Please note that staff could not come to a consensus on the area surrounding the US Route 250 West intersection with Route 262.

The Augusta County Board of Supervisors has reviewed these findings and determined that they will take no action at this time, but will deal with individual requests as they are presented, using the analysis of staff as a general guideline. Staff would concur with this approach.

Staff Recommendation: I recommend that Council take no action at this time.

Suggested Motion(s): None.

City Manager: *Stephen F. Owen*

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

| | | |
|----------------------|---|--|
| Meeting Date: | August 12, 2010 | Staff Members: Steve Owen |
| Item # | 3 | |
| Ordinance # | | |
| Department: | City Manager | |
| Subject: | Update on Stormwater Utility Program | |

Background: The City Manager will provide an update on the City's stormwater utility program.

City Manager's Recommendation: N/A

Suggested Motion(s): N/A

City Manager: *Stephen F. Owen*

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

| | | |
|----------------------|---------------------------------------|--|
| Meeting Date: | August 12, 2010 | Douglas L. Guynn Steve Owen |
| Item # | 4 | |
| Ordinance # | | |
| Department: | City Attorney and City Manager | |
| Subject: | Closed Session | |

City Manager's Recommendation: Move into closed session.

Suggested Motion: I move that Council enter a closed meeting session for the following:

- A) to receive legal advice and updates regarding specific pending and potential legal claims involving the City pursuant to Virginia Code Section 2.2-3711 (7); and
- B) to consider and discuss specifically the evaluation of one or more Council appointee(s) as it relates to responsibilities, goals and performance pursuant to Virginia Code Section 2.2-3711(A)(1)

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*

**Regular Agenda
Staunton City Council
Council Chambers
August 12, 2010
7:30 pm**

Call to Order

Invocation & Pledge of Allegiance

Mayor's Report

Nominations Committee Report

Recognition of Officer Wayne Snodgrass – 30 years service

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of July 22, 2010

REGULAR MEETING

- A. Public hearing and consideration of the adoption of an ordinance amending the FY2010 Budget by adding Budget Amendment No. 5**

- B. Consideration of a resolution for 711 Stuart Street**

Matters from the City Manager

Matters from the Public

Adjournment

**City Council
WORK SESSION
July 22, 2010
5:40 p.m.**

Council members present: Lacy B. King, Jr., Mayor David R. Metz, Vice Mayor
Carolyn W. Dull James J. Harrington
Bruce A. Elder Ophie A. Kier
Andrea W. Oakes

The Mayor called the work session to order at 5:40 p.m.

1. Discussion of a request by Jeff Wood, Four Horsemen, LLC, for an entrance change and speed limit reduction on Statler Blvd.

The Director of Planning advised that staff has been working for some time with Mr. Jeff Wood, representative for the Four Horsemen, LLC, concerning relocating the entrance to their property on Statler Boulevard. Their site consists of 16.35 acres of land which is zoned I-1, Light Industrial. It is located on the west side of Statler Boulevard, north of Richmond Road, adjacent to Staunton Machine Works and the Villages at Staunton. The Four Horsemen have owned the property since 2004 and have been marketing it for development. Ms. Angle noted that Statler Boulevard is classified Limited Access Highway by VDOT. This means a highway especially designed for through traffic over which abutting properties have no easement or right of light, air, or access by reason of the fact that those properties abut upon the limited access highway. When Statler Boulevard was built by VDOT, it created limited access points along the road. For these to be changed, the City of Staunton must make a request, through a resolution to the Commonwealth Transportation Board. Staunton facilitated such a request with the development of the commercial area where Kroger and the former Lowe's and Wal-Mart located in the 1980's.

Mr. Wood is requesting that the City of Staunton ask VDOT to relocate an existing Statler Boulevard access point at Station 153+00 to Station 159+40 in order to facilitate development. This would move the entrance south adjacent to where this property borders The Villages at Staunton. He is also requesting a Speed Limit change from 45 MPH to 35MPH in order to have the new entrance be in compliance with the site distance limits required by VDOT. Mr. Allen Dahl who owns the property across Statler Blvd. from the Four Horsemen site, has submitted a letter endorsing the proposed relocation of this entrance.

City Council directed staff to prepare a resolution of endorsement for a reduction of speed limit on Statler Boulevard from Richmond Road to Greenville Avenue to 35 MPH

and of a relocated entrance on Statler Boulevard at Station 153+00 to Station 159+40 for consideration at the August 12, 2010 City Council meeting.

2. Discussion of an ordinance to amend the FY 2010 Budget by adding Budget Amendment No. 5.

The Director of Finance briefed Council on the proposed amendment. Mrs. Colvin noted that this amendment includes additional State revenue cuts, new grant appropriations, the appropriation of the Virginia Resources Authority 2010A Bond Proceeds for the water and sewer capital projects, and the loan and grant revenues for the Middle River Regional Wastewater Treatment Plan Upgrade Project. The total amendment is \$3,957,053 with an effective date of June 30, 2010.

This amendment will be introduced during the regular meeting.

3. Closed session pursuant to:

Section 2.2-3711A(3), 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, specifically regarding two matters: (1) the Sears Hill foot bridge property; and (2) property easements associated with the Rte. 262 water line project;

Section 2.2-3711A(7), consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body specifically to discuss a City strategy with regard to probable litigation; and

Section 2.2-3711(A)(1) to consider and discuss specifically the evaluation of one or more Council appointee(s) as it relates to responsibilities, goals and performance.

Vice Mayor Metz moved to go into the above state closed session. Seconded by Mr. Elder, the motion carried unanimously by roll call vote.

Vice Mayor Metz 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 Ms. Dull, the motion carried unanimously by roll call vote.

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

Deborah A. Lane, MMC
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, July 22, 2010
7:30 p.m.
Council Chambers

PRESENT: **Lacy B. King, Jr., Mayor**
 David R. Metz, Vice Mayor
 Carolyn W. Dull
 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 Mrs. Oakes, and the Pledge of Allegiance was recited in unison.

MAYOR'S REPORT

A proclamation was issued and presented to Ms. Gayl Brunk, Assistant Director of Valley Associates for Independent Living, recognizing the 20th anniversary of the Americans with Disabilities Act.

ADDITIONAL ITEMS BY COUNCIL

There were no additional items by Council.

APPROVAL OF MINUTES

Vice Mayor Metz moved for approval of the minutes of the July 1, 2010 organizational meeting and the July 12, 2010 special called meeting as presented. Seconded by Ms. Dull, the motion carried unanimously by roll call vote.

AGENDA**A. Introduction of an ordinance to amend the FY 2010 Budget by adding Budget Amendment No. 5.**

The Director of Finance briefed Council on the proposed amendment. Mrs. Colvin noted that this amendment includes additional State revenue cuts, new grant appropriations, the appropriation of the Virginia Resources Authority 2010A Bond Proceeds for the water and sewer capital projects, and the loan and grant revenues for the Middle River Regional Wastewater Treatment Plan Upgrade Project. The total amendment is \$3,957,053 with an effective date of June 30, 2010.

Mr. Elder moved to introduce an Ordinance amending the Fiscal Year 2010 Budget by adding Budget Amendment Number Five totaling \$3,957,053. Seconded by Mr. Kier, the motion carried as follows: Ms. Dull, aye; Dr. Harrington, aye; Mr. Elder, aye; Mrs. Oakes, aye; Vice Mayor Metz, aye; Mayor King, aye; Mr. Kier, aye.

B. Consideration of a Declaration of Surplus Property.

The City Manager noted that the Police Department is requesting that City Council declare one Sig Sauer P226 .40 caliber semi-automatic service weapon, serial number U718361 as surplus from City property. The property will be sold to retired Officer Wayne Snodgrass for \$1.00, as permitted by the Code of Virginia, Section 59.1-148.3. An affirmative vote of six members of Council will be required in order for the matter to be approved.

Dr. Harrington moved to declare this service weapon as surplus property to be sold to retired Office Wayne Snodgrass for the price of \$1.00. Seconded by Ms. Dull, the motion carried as follows: Dr. Harrington, aye; Mr. Elder, aye; Mrs. Oakes, aye; Vice Mayor Metz, aye; Mayor King, aye; Mr. Kier, aye; Ms. Dull, aye.

C. Consideration of the change of name of the “Industrial Development Authority” to the “Economic Development Authority.”

The Director of Economic Development noted that at Council’s June 24th meeting, it received a staff briefing regarding a request from the Staunton Industrial Development Authority to change their name to the Staunton Economic Development Authority.

Mr. Hamilton noted that the name change requires adoption of an ordinance by City Council to amend Staunton City Code Sections 2.60.010 and 2.60.020, the sections of the code under which the industrial development authority was created and named.

The public hearing was opened. There being no one to speak to this matter, the public hearing was closed.

Mrs. Oakes moved for adoption of an ordinance amending, restating and reordaining Sections 2.60.010, Created-Powers and 260.020, Name, of Chapter 2.60, of Title 2, of the Staunton City Code, to update various references and change the name of the Industrial Development Authority of the City of Staunton, Virginia to the Economic Development Authority of the City of Staunton, Virginia. Seconded by Dr. Harrington, the motion carried as follows: Mr. Elder, aye; Mrs. Oakes, aye; Vice Mayor Metz, aye; Mayor King, aye; Mr. Kier, aye; Ms. Dull, aye; Dr. Harrington, aye.

Ordinance No. 2010 – 18

AN ORDINANCE AMENDING, RESTATING AND REORDAINING SECTIONS 2.60.010, CREATED-POWERS AND 2.60.020, NAME, OF CHAPTER 2.60, OF TITLE 2, OF THE STAUNTON CITY CODE, TO UPDATE VARIOUS REFERENCES AND CHANGE THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA TO THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA

WHEREAS, by ordinance dated January 26, 1984 and now codified as Staunton City Code Section 2.60.020, the Council of the City of Staunton, Virginia, created a political subdivision in the nature of an authority and designated it as the “Industrial Development Authority of the City of Staunton, Virginia,” with such powers as permitted by the applicable law of the Commonwealth of Virginia;

WHEREAS, the Industrial Development Authority of the City of Staunton, Virginia, has requested that the Council of the City of Staunton, Virginia, consider changing the name of the authority to the “Economic Development Authority of the City of Staunton, Virginia,” to better reflect the nature and scope of the authority’s activities;

WHEREAS, Virginia Code Section 15.2-4903 authorizes the governing body of a locality to name such an authority the “Economic Development Authority of _____”;

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

WHEREAS, the Council of the City of Staunton, Virginia, finds that the requested name change would serve the best interests of the City of Staunton, Virginia; and

WHEREAS, it is necessary to modify the statutory references contained in Section 2.60.010 of the Staunton City Code because of amendments to the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Sections 2.60.010 and 2.60.020 of the Staunton City Code are hereby amended, restated and reordained as follows:

2.60.010 Created – Powers.

There is hereby created a political subdivision of the commonwealth of Virginia with such public and corporate powers as are set forth in the Industrial Development and Revenue Bond Act, constituting Chapter ~~33-49~~ of Title ~~15.1-15.2~~ (Section ~~15.1-137315.2-4900~~ et seq.) of the Code of Virginia.

2.60.020 Name.

The name of the political subdivision created by SCC 2.60.010 shall be the ~~industrial~~ economic development authority of the city of Staunton, Virginia.

In all other respects, the provisions of Chapter 2.60 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

The Clerk is directed to cause a copy of this ordinance to be spread on the records of the Circuit Court of the City of Staunton.

Introduced: June 24, 2010

Adopted: July 22, 2010

Effective Date: July 22, 2010

/s/ Lacy B. King, Jr.
Mayor

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

Matters from the City Manager

The City Manager announced that all the water line easements for the Route 262 project have now been obtained. He thanked staff for its hard work in negotiating these agreements and thanked the citizens for their cooperation.

He also noted that 17,581 man hours of inmate services have been used in the past year, saving the City of Staunton approximately \$158,000.

Matters from the Public

Mr. Carl Hensley, 226 Meadowbrook Road. Mr. Hensley asked how the \$15 MIL will be paid to the Commonwealth for the Western State property.

The City Manager responded that the City will pay the Commonwealth at the end of the construction period. He noted that when the hospital is 80% completed, the Commonwealth will invoice the city for the \$15 MIL. At that time, the City will borrow the amount of money needed to pay the remainder of the \$15 MIL owed by the City (minus whatever portions of the property that have been sold to developers.)

Mr. Hensley stated that he wants to make sure that the money is not wasted and that the City has some protection that this money is really going to be used for the purpose for which it was designed.

Mr. Hensley stated that he feels that the restoration of the Sears Hill Bridge is not a necessity, but rather a convenience, for the people on Sears Hill. He opined that this should not be a priority given the financial status of the City.

Mr. Hensley stated that he is still contacting attorneys regarding the stormwater management fee, and they have all been indisposed to discuss it without knowing Mr. Cuccinelli's decision on how that is going to be decided. He stated that until Mr. Cuccinelli decides how the City has conformed to the act, there is not much to be done.

Mr. Cal Thomas spoke on behalf of the Four Horsemen, LLC, who have filed for an additional entrance on Statler Blvd. Mr. Thomas stated that this matter has been well studied and provides an opportunity to develop almost seventeen acres of land. He offered to answer any questions Council might have.

The Mayor advised Mr. Thomas that the City Attorney has been asked to prepare the proper documentation to move this effort forward.

Mr. Dwayne Barron of 506 Winthrop Street stated that he appreciates Mr. Hensley's comments regarding the Sears Hill Bridge, but stated that residents of Sears Hill are interested in the bridge being repaired – it stated that it is certainly more than a convenience. He stated that he has observed some progress on a foot path. The City Manager advised that a foot path will be installed that leads down the hill and comes out on Middlebrook Avenue. Railing will be installed to make it accessible.

Ms. Marilyn Knopp of 416 Marquis Street, thanked Council for its efforts on the bridge and installing a footpath. She also thanked Council for installing the water spigot at the community garden.

Adjournment

Dr. Harrington moved to adjourn at 7:54 p.m. Seconded by Mrs. Oakes, the motion carried unanimously.

Deborah A. Lane, MMC
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

| | | |
|----------------------|--|---|
| Meeting Date: | August 12, 2010 | Staff Members: Jeanne Colvin |
| Item # | A | |
| Ordinance # | | |
| Department: | Finance | |
| Subject: | Public Hearing and Consideration of Adoption of an Ordinance Amending the FY2010 Budget by adding Budget Amendment No. 5 Attachment 1 : pdf Budget Amendment No 5 | |

Background:

Budget Amendment number five for FY2010 is attached for Council's review and consideration for adoption at the regular meeting after the public hearing is conducted. This amendment includes additional State revenue cuts, new grant appropriations, the appropriation of the Virginia Resources Authority 2010A Bond Proceeds for the water and sewer capital projects, and the loan and grant revenues for the Middle River Regional Wastewater Treatment Plant Upgrade Project. The total amendment is \$3,957,053 with an effective date of June 30, 2010.

The 2010A Bond Issue closed on June 16, 2010 with Virginia Resources Authority with a true interest cost of 3.9782%. The bonds were not issued as Build America Bonds but instead were issued with a net premium, meaning the City only has to repay \$7,080,000 in total debt for \$7,701,870 total project costs. The bonds were issued at a total par amount of \$7,080,000 with a net premium of \$621,870 for total available proceeds of \$7,701,870 to finance the water and sewer capital projects previously approved by Council:

1. Route 262 Water Line Project
2. College Park Water Pressure Zone Project
3. Staunton Dam Stabilization Project
4. Central Avenue Tunnel Sewer Line Project
5. West Beverley Street Sewer Line

The State revenue decreases include the additional reductions for constitutional offices, the electoral board, the Comprehensive Services Act, HB599 Law Enforcement revenue, and street maintenance funds.

New State and Federal grant funds include;

- Forfeited assets from drug seizures/operations,
- DMV grant for police overtime,
- American Recovery and Reinvestment Act (ARRA) Stimulus Funds for the City Horticulture Department for tree care and plantings,
- Rescue Squad Assistance Grant for vehicle computer equipment,
- Department of Health grant for the Fire Department for carbon monoxide detectors,
- Department of Homeland Security for a mobile license plate reader for the Police Dept,
- Department of Criminal Justice funds for Blue Ridge Court Service operations.

The Sewer Fund includes an amendment to adjust the capital project budget for the Middle River Regional Wastewater Treatment Plant. The amendment corrects the budget to include only the grant and loan revenues for the current fiscal year instead of the total project budget. The project is expected to be completed by September 1, 2010.

FY2010 Budget Amendment No. 5 (pdf attachment)



FY2010 Budget
Amendment No 5.pdf

City Manager's Recommendation: Adopt the Ordinance as presented.

Suggested Motion(s): Conduct the Public Hearing

I move to adopt an Ordinance amending the Fiscal Year 2010 Budget by adding Budget Amendment Number Five totaling \$3,957,053.00, effective June 30, 2010.

City Manager: *Stephen F. Owen*

**Ordinance No. 2010-19
AN ORDINANCE TO AMEND
THE FY 2010 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER FIVE**

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2010 Budget is amended as follows:

GENERAL FUND

Anticipated Revenue

| | | |
|------------------------------------|----|-----------|
| Operating Grants and Contributions | \$ | (162,244) |
| Total Revenue | \$ | (162,244) |

Appropriations

| | | |
|-------------------------|----|-----------|
| General Government | \$ | (3,532) |
| Judicial Administration | \$ | (54,440) |
| Public Safety | \$ | (40,789) |
| Public Works | \$ | (9,962) |
| Health and Welfare | \$ | (53,521) |
| Total Appropriations | \$ | (162,244) |

GRANTS FUND

Anticipated Revenue

| | | |
|------------------------------------|----|---------|
| Operating Grants and Contributions | \$ | 146,763 |
| Total Revenue | \$ | 146,763 |

Appropriations

| | | |
|----------------------|----|---------|
| Operations | \$ | 146,763 |
| Total Appropriations | \$ | 146,763 |

SEWER FUND

Anticipated Revenue

| | | |
|--|----|-------------|
| Capital Grants and Contributions | \$ | 1,774,353 |
| General Revenue - Loan Proceeds | \$ | 2,996,337 |
| General Revenue - Prior Year Encumbrance | \$ | (8,500,027) |
| Total Revenue | \$ | (3,729,337) |

Appropriations

| | | |
|----------------------|----|-------------|
| Capital Projects | \$ | (3,729,337) |
| Total Appropriations | \$ | (3,729,337) |

WATER CIP FUND

Anticipated Revenue

| | | |
|---------------------------------|----|-----------|
| General Revenue - Loan Proceeds | \$ | 5,418,266 |
| Total Revenue | \$ | 5,418,266 |

Appropriations

| | | |
|----------------------|----|-----------|
| Capital Projects | \$ | 5,418,266 |
| Total Appropriations | \$ | 5,418,266 |

Ordinance No. 2010-19
AN ORDINANCE TO AMEND
THE FY 2010 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER FIVE

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2010 Budget is amended as follows:

| SEWER CIP FUND | | |
|---|-----------|---------------------|
| <u>Anticipated Revenue</u> | | |
| General Revenue- Loan Proceeds | \$ | 2,283,605 |
| Total Revenue | \$ | 2,283,605 |
| <u>Appropriations</u> | | |
| Capital Projects | \$ | 2,283,605 |
| Total Appropriations | \$ | 2,283,605 |
| TOTAL FY 2010 BUDGET AMENDMENT NUMBER FIVE | \$ | 3,957,053.00 |

INTRODUCED: July 22, 2010

Approved this _____ day of _____ 2010

Effective Date: __June 30, 2010

CERTIFIED: _____

Lacy B. King
Mayor of Council

ATTEST: _____
Deborah A. Lane
Clerk of Council

FY 2010 BUDGET AMENDMENT NO. 5

| | LEDGER CODE | REVENUE | EXPENDITURE |
|---|----------------------|---------------------|---------------------|
| GENERAL FUND | | | |
| <u>COMMONWEALTH OF VA STATE REVENUE CUTS</u> | | | |
| HB599 Law Enforcement | 11001-45225 | \$ (111,271) | |
| Police Department Salaries | 11033110-51006 | | \$ (111,271) |
| Street Maintenance | 11043-45530 | \$ (9,962) | |
| Gas & Oil | 11044130-55481 | | \$ (9,962) |
| Commissioner of Revenue | 11013-45312 | \$ (1,107) | |
| Training | 11011330-55005 | | \$ (1,107) |
| City Treasurer | 11013-45313 | \$ (2,425) | |
| Training | 11011340-55005 | | \$ (2,425) |
| Electoral Board & Registrar | 11013-45315 | \$ (7,429) | |
| Circuit Court Clerk Record Books | 11022160-55420 | | \$ (7,429) |
| Commonwealth Attorney | 11023-45310 | \$ (22,260) | |
| Dues & Subscriptions | 11022210-55002 | | \$ (1,700) |
| Office Supplies | 11022210-55405 | | \$ (1,500) |
| Software License Fees | 11022210-55498 | | \$ (1,200) |
| Sheriff Salaries | 11022170-51007 | | \$ (10,000) |
| Sheriff- Courtroom Security | 11022170-55479 | | \$ (7,860) |
| Sheriff | 11023-45311 | \$ (20,400) | |
| ARRA Funds- Sheriff | 11023-46249 | \$ 10,313 | |
| Salaries | 11022170-51007 | | \$ (10,087) |
| Circuit Court Clerk | 11023-45317 | \$ (14,664) | |
| Salaries | 11022160-51007 | | \$ (14,664) |
| Comprehensive Services Act | 11053-45417 | \$ (53,521) | |
| CSA Services Reduction | 11055300-55530 | | \$ (53,521) |
| <u>Police Department</u> | | | |
| Federal DMV Grant | 11033-46206 | \$ 7,104 | |
| Appropriate Overtime Funds for Grant | 11033110-51530-52900 | | \$ 7,104 |
| State Asset Forfeiture Funds | 11033-45427 | \$ 21,767 | |
| Appropriate Additional Funds Received | 11033110-55472 | | \$ 21,767 |
| Federal Asset Forfeiture Funds | 11033-41920 | \$ 41,611 | |
| Appropriate Additional Funds Received | 11033110-55473 | | \$ 41,611 |
| TOTAL GENERAL FUND | | \$ (162,244) | \$ (162,244) |

FY 2010 BUDGET AMENDMENT NO. 5

| | LEDGER CODE | REVENUE | EXPENDITURE |
|--|----------------------|---------------------|---------------------|
| WATER CAPITAL IMPROVEMENT FUND | | | |
| Virginia Resources Authority 2010A Bond Proceeds | 31001-41746-70015 | \$ 4,980,780 | |
| Bond Premium | 31001-41747-70015 | \$ 437,486 | |
| Route 262 Water Line Loop Project | | | |
| Engineer Services | 31009301-58354-70015 | | \$ 36,116 |
| Easements | 31009301-58382-70015 | | \$ 116,776 |
| Construction | 31009301-58360-70015 | | \$ 2,732,350 |
| College Park Water Pressure Zone | | | |
| Engineer Services | 31009302-58354-70015 | | \$ 158,405 |
| Easements | 31009302-58382-70015 | | \$ 100,000 |
| Construction | 31009302-58360-70015 | | \$ 1,830,120 |
| Staunton Dam Stabilization Project | | | |
| Engineer Services | 31009303-58354-70015 | | \$ 50,000 |
| Construction | 31009303-58360-70015 | | \$ 304,027 |
| Bond Issuance Costs | 31099500-59521-70015 | | \$ 90,472 |
| TOTAL WATER CIP FUND | | \$ 5,418,266 | \$ 5,418,266 |

SEWER CAPITAL IMPROVEMENT FUND

| | | | |
|--|-----------------------|---------------------|---------------------|
| Virginia Resources Authority 2010A Bond Proceeds | 32001-41746-70015 | \$ 2,099,220 | |
| Bond Premium | 3200141747-70015 | \$ 184,385 | |
| Central Ave Tunnel Sewer Line | | | |
| Engineer Services | 32009401-58354-70015 | | \$ 176,000 |
| Construction | 32009401-58360-70015 | | \$ 1,508,000 |
| West Beverley St Sewer Line | | | |
| Engineer Services | 32009402-58354-70015 | | \$ 50,000 |
| Construction | 32009402-58360-70015 | | \$ 510,960 |
| Bond Issuance Costs | 320099500-59521-70015 | | \$ 38,645 |
| TOTAL SEWER CIP FUND | | \$ 2,283,605 | \$ 2,283,605 |

FY 2010 BUDGET AMENDMENT NO. 5

| | LEDGER CODE | REVENUE | EXPENDITURE |
|---|----------------------|-------------------|--------------------|
| GRANTS FUND | | | |
| Blue Ridge Court Services | 21033-45556 | \$ 56,998 | |
| To appropriate additional grant money | 21033340-51510 | | \$ 24,000 |
| for operations. | 21033340-55405 | | \$ 10,000 |
| | 21033340-52025 | | \$ 6,998 |
| | 21033340-53011 | | \$ 6,000 |
| | 21033340-55005 | | \$ 3,000 |
| | 21033340-58342 | | \$ 3,000 |
| | 21033340-51009 | | \$ 4,000 |
| Va Dept Emergency Management | 21034-46229-40222 | \$ 17,000 | |
| Police Department -To appropriate | | | |
| federal grant funds from the Department | | | |
| of Homeland Security for a mobile license | | | |
| plate reader | 21033110-54106-40222 | | \$ 17,000 |
| Rescue Squad Assistance Grant | 21033-46250-40220 | \$ 21,900 | |
| To appropriate federal grant funds for | | | |
| computer equipment purchased for the | | | |
| Staunton Augusta Rescue Squad | 21033290-54109-40220 | | \$ 21,900 |
| Va Department of Health Grant | 21033-45560-40221 | \$ 865 | |
| Fire Department- To appropriate state | | | |
| grant funds to purchase carbon monoxide | | | |
| detectors | 21033210-54117-40221 | | \$ 865 |
| ARRA Grant -Horticulture - To | 21033-46248-32600 | \$ 9,980 | |
| appropriate Federal STIMULUS Grant | 21033-46248-32700 | \$ 17,770 | |
| Funds for tree plantings as an economic | 21033-46248-32800 | \$ 8,750 | |
| initiative for hiring contractors | 21033-46248-32900 | \$ 13,500 | |
| Churchville Ave Tree Planting | 21077120-55207-32600 | | \$ 9,980 |
| Firehouse Lot Tree Planting | 21077120-55207-32700 | | \$ 17,770 |
| Urban Parks Tree Planting | 21077120-55207-32800 | | \$ 8,750 |
| Urban and Parks Tree Care | 21077120-55207-32900 | | \$ 13,500 |
| TOTAL GRANTS FUND | | \$ 146,763 | \$ 146,763 |

SEWER FUND

MIDDLE RIVER REGIONAL WASTEWATER TREATMENT PLANT

| | | | |
|---|----------------|-----------------------|-----------------------|
| Water Quality Improvement Grant | 54004-45430 | \$ 1,774,353 | |
| Virginia Revolving Loan Proceeds No 1 | 54001-41740 | \$ 1,922,874 | |
| Virginia Revolving Loan Proceeds No 2 | 54001-41740 | \$ 1,073,463 | |
| To correct carry forward appropriations | 54001-41931 | \$ (8,500,027) | |
| from encumbrance entries to adjust the | 54004499-58333 | | \$ (1,747,212) |
| actual expenditures and revenues for | 54004499-58333 | | \$ 1,073,463 |
| FY2010 instead of the total project | 54004499-58354 | | \$ (41,371) |
| | 54004499-58355 | | \$ (580,407) |
| | 54004499-58355 | | \$ 346,046 |
| | 54004499-58360 | | \$ (6,121,335) |
| | 54004499-58360 | | \$ 3,351,181 |
| | 54004499-58389 | | \$ (9,702) |
| TOTAL SEWER FUND | | \$ (3,729,337) | \$ (3,729,337) |