

**Work Session Agenda
Staunton City Council
Caucus Room
March 14, 2019
5:45 p.m.**

Invocation/Moment of Silence—Mead

- | | | |
|------------------|-------------------|--|
| 5:45 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:50 p.m. | 2. | Presentation of Staunton Crossing Business Plan |
| 6:05 p.m. | 3. & C | Discussion of 2019-20 Creative Communities Partnership Grant |
| 6:15 p.m. | 4. & D | Discussion of Resolution to Surrender and Disclaim Any Interest in or Right to Receive from the Estate of Michael Hayes Organ any Bequest Intended for the Benefit of the “Staunton Trolley Committee” Pursuant to the Organ Will in Favor of any Such Bequest Being Paid to the Central Shenandoah Planning District Commission |
| 6:20 p.m. | | Break |
| 6:30 p.m. | 5. | Closed Meeting for (a) Necessary Advice from Legal Counsel and Related Consideration and Discussion Regarding Aspects of an Initiative by the City Attorney in the Use of Outside Special Service Providers; and (b) Discussion and Consideration of the Retirement Resignation of a Public Official Within the Larger Context of the Implications of the Governance and Management of the City and Related Processes, Including Legal Advice |
| 7:15 p.m. | | Break |

**Regular Meeting Agenda
Staunton City Council
Council Chambers
March 14, 2019
7:30 p.m.**

Call to Order

Pledge of Allegiance

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of February 14, 2019

Special Called Meeting of February 21, 2019

REGULAR MEETING

- A. Public Hearing and Consideration of a Request by Maximiliano Nunez to Rezone 319 Kalorama Street from I-1, Light Industrial District, to R-3, Medium Density Residential District**
- B. Consideration of Resolution Approving the Issuance of Revenue Bonds by the Staunton Economic Development Authority for the Renovation of and Addition to The Legacy at North Augusta, Inc.**
- C. Consideration of 2019-20 Creative Communities Partnership Grant**
- D. Resolution to Surrender and Disclaim Any Interest in or Right to Receive from the Estate of Michael Hayes Organ any Bequest Intended for the Benefit of the "Staunton Trolley Committee" Pursuant to the Organ Will in Favor of any Such Bequest Being Paid to the Central Shenandoah Planning District Commission**

Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	March 14, 2019	City Council
Item #	1	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Work Session and Regular Meeting Agendas	

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

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

City Manager: Stephen F. Owen

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Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	March 14, 2019	Staff Member: Billy Vaughn
Item #	2	
Ordinance #		
Department:	Economic Development	
Council Vision:	Economic Development	
Subject:	Staunton Crossing Business Plan	

Background: As the City continues its efforts to make the remaining 275 acres of Staunton Crossing more marketable for economic development, the Timmons Group's Economic Development team was engaged to prepare a business plan to determine how to best capitalize on the City's recent momentum and recommend next steps for the development.

City leaders and staff participated in a dynamic stakeholders' meeting on November 8, to discuss business goals, alternative land use plans, infrastructure priorities and next steps. Timmons Group presented the consolidated results of that day at a second stakeholders' meeting on December 13. At this second meeting, which was expanded to include representatives of local colleges and universities, Staunton City Schools, Phase 1 developers and representatives of utility companies, Buckingham Branch Railroad and the Virginia Department of Transportation, Timmons Group presented the consolidated results of the first meeting and invited comments from the participants. During January, a survey was distributed to attendees of both meetings.

At Council's work session on February 28, Timmons Group presented the results and conclusions from the stakeholders' meetings and the survey, and provided recommendations for next steps.

On the morning of March 14, Timmons Group will present the final plan to the board of directors of the Staunton Economic Development Authority (EDA), and at Council's work session later that

same date, the final plan will be presented to Council. The plan will be scheduled for consideration by both bodies at a later date. A summary of the proposed final plan is attached to this briefing; the complete document will be distributed to Council at its work session.

Attachment:

Attachment 1—Summary of the Staunton Crossing Business Plan

City Manager's Recommendation: Receive final plan.

Suggested Motion: Not applicable.

City Manager: Stephen F. Owen

STAUNTON CROSSING

An Economic Development Business Plan

REPORT SUMMARY



MARCH 2019

PREPARED FOR:

City of Staunton
116 W Beverley St.
Staunton, VA 24401

PREPARED BY:

Timmons Group
1001 Boulders Parkway, Suite 300
Richmond, Virginia 23225

SUMMARY

Timmons Group has completed its report and findings for the Staunton Crossing Economic Development Business Plan. The full report describes a conceptual Master Plan for the City owned real estate and a Business Plan approach to ensuring that Staunton Crossing achieves its highest potential value to the City of Staunton.



Master Plan

Three important stakeholder sessions were conducted to solicit input for Staunton Crossing through a kickoff work session, an interim status/progress work session, and an on-line survey. The full Report shows the results of the input sessions and how Timmons Group combined that valuable input with land planning best practices to recommend a conceptual Master Plan. The full report describes the planning priorities important in crafting the final land use options to build the business plan around. The planning priorities included:

1. *Existing Projects already underway*
2. *Topography and Environmental Constraints*
3. *Land Use Alternatives to achieve highest potential value*
4. *Transportation/Traffic Constraints*
5. *Sewer, Water, Power, Natural Gas Infrastructure Efficiency*
6. *Extensive Stakeholder Feedback/Input*

The results of the Master Plan establish a vision that can potentially produce 1.9 million square feet of economic development and over 3,000 quality jobs in Staunton Crossing. More importantly, the Business Plan establishes targets of how much annual tax revenue and potential for jobs might result for the City.

Business Plan Recommendations

The report includes ten recommendations to make Staunton Crossing attractive to Economic Development prospects and improve the chances for landing target businesses within the development. The ten recommendations include important initiatives the City has already set in motion over the past few years. The full report builds on that momentum and recommends others that will capitalize on the City's investment and best position Staunton Crossing for success over the next 24 months. The ten recommendations are:

1. Demolish Existing Buildings

The City's plan to demolish the old Western State buildings is critically important. The City should employ consultants and contractors that can complete the work quickly and cost-effectively and capitalize on a public relations opportunity that provides better visibility for Staunton Crossing.

2. Build new VDOT Road

The City's efforts to secure grant funding for this road is exemplary, and staff should coordinate construction of central parkway through property in a way that opens every land bay to

development. The City should be proactive in ensuring completion of project in reasonable timeframes as delays in this stage could delay marketing and dealmaking for Staunton Crossing.

3. Brownfields Grant Funding

The City has recently secured grant funding from the Virginia Brownfields Restoration and Economic Redevelopment Fund. Timmons Group recommends completing this process and providing the matching funds necessary to assist with demolition proposed in #1 above.

4. Return On Investment Analysis

\$50,000-\$70,000

Timmons Group recommends completing an analysis that can be used to track the Return on Investment (ROI) through the life of this project. The report will help ensure that all investments proposed in securing economic development prospects provide an acceptable return to the City. The analysis can also take into consideration previous investments and timing expectations before any construction is commenced using City dollars.

5. Tier 4 Site Readiness Certification

(see below)

Tier 4 Site Readiness will ensure that the City's property is fully embraced by the Virginia Economic Development Partnership (VEDP) and other economic development marketing arms to reach worldwide prospects. Improvements for Tier 4 readiness generally need to be completed within 12 months of commitment, so at a minimum, construction plan approvals need to be in place and ready to implement when the opportunities dictate. Tier 4 site readiness is further detailed below.

6. Develop Marketing Plan

\$30,000-\$40,000

This Business Plan provides a roadmap for Staunton Crossing that ensures expansive and sustainable growth in the short term, with an eye to long-term opportunities. The City should develop a Marketing plan that identifies these value propositions and drives the message for the park to a wide and diverse audience.

7. Draft Design Guidelines and Agreements

\$15,000-\$20,000

Developer agreements and design guidelines need to be in place to control and protect the interests of both the City and the businesses that locate in Staunton Crossing.

8. Draft Covenants and Restrictions

\$25,000-\$30,000

The covenants and restrictions establish from an operational perspective what is and is not allowed in the development, and how future operational and maintenance responsibilities for open space, landscaping, stormwater ponds, etc. should be allocated.

9. Real Estate Strategies (Control)

The City should ensure they control the future use of any property needed to achieve the highest level of business plan success. This should be done in the early stages of the business plan.

10. Data Center Strategies

\$20,000-\$25,000

The City should consider investments unique to attracting data centers to Staunton Crossing. The plan should consider working closely with Dominion Energy to discuss electrical infrastructure and revenue strategies, including special data center tax rates, that will maximize the value to the city of designating some of Staunton Crossing as a Data Center site. Consideration should be given to achieving certification as a preferred data center site.

Getting to Tier 4 Certification

Several active steps should be taken to help Staunton Crossing achieve the Tier 4 designation by Virginia Business Ready Sites Program Standards. The significant steps that Staunton Crossing should take include the following:

Diligence - \$300,000 - \$330,000

- Rezone the Property for Industrial Use
- Conduct a Preliminary Geotechnical Report
- Complete necessary Land survey (ALTA/boundary/topo)
- Complete a Phase 1 ESA
- Traffic Impact Study (if necessary)
- Floodplain and Stormwater Study
- Cultural Resources Study
- Threatened and Endangered Species Study
- Wetland Delineation and COE Confirmation
- Natural Gas PER
- Electrical PER

Ready to Construct - \$600,000 - \$700,000

Several steps should be taken to assure that Construction plans are complete and/or permits for Infrastructure Improvements are secured

- Construction Plans Approved - Water system improvements
- Construction Plans Approved - Wastewater system improvements
- Construction Plans Approved - Transportation Improvements
- Construction Plans Approved - NG system design (if applicable)
- Construction Plans Approved - Stormwater design (if applicable)
- ALL off-site Easements Acquired for Infrastructure Improvements
- Wetlands & environmental permitting complete w/ mitigation

Timeline

The City of Staunton is in a position with current projects and additional recommendations outlined in this report to have a fully marketable site for the world stage by the end of calendar year 2020.



CITY COUNCIL**AGENDA BRIEFING**

Staunton, VA

Meeting Date:	March 14, 2019	Staff Member: Rodney S. Rhodes
Item #	3 & C	
Ordinance #		
Department:	Community Development—Planning and Zoning	
Council Vision:	Culture	
Subject:	2019-2020 Creative Communities Partnership Grant Application Approval	

Background: The Virginia Commission for the Arts (VCA) has operated the Creative Communities Partnership Grant (previously known as Local Government Challenge Grant) program for a number of years. In the past, the City has applied for and obtained grant funds to assist three local arts organizations: ShenanArts, the Stonewall Brigade Band and the Staunton Augusta Art Center. This year a fourth arts organization, Beverley Street Studio School, has requested to participate in the grant funding. A partnership grant requires an equal match payable to each arts organization by the local government. Local match funds will be included in the proposed City budget for City Council's consideration. The Creative Communities Partnership Grants will be available for 2019-2020, with a total maximum grant of \$4,500. Grant applications are due on April 1, 2019, and staff intends to submit an application that provides for funding for the four organizations: ShenanArts, Stonewall Brigade Band, Staunton Augusta Art Center and Beverley Street Studio School. Based on the maximum possible grant amount, staff recommends the following breakdown:

	City Share	VCA Share	Total
ShenanArts	\$1,125.00	\$1,125.00	\$2,250.00
Stonewall Brigade Band	\$1,125.00	\$1,125.00	\$2,250.00
Staunton Augusta Art Center	\$1,125.00	\$1,125.00	\$2,250.00
Beverley Street Studio School	\$1,125.00	\$1,125.00	\$2,250.00
Total	\$4,500.00	\$4,500.00	\$9,000.00

Should deliberations concerning the proposed FY 2019/2020 budget result in the removal of any matching funds, it is possible to rescind the request at a later date. By authorizing the City Manager to submit the grant application, the City is not irrevocably committed. It should also be noted that the City will be committed to match only those funds which are actually received from the state. If a grant of any amount less than the \$4,500 is received, then that amount will be matched by the City, if local funds are available, and divided among the four organizations in the same proportions as those outlined above.

Issues: None.

Fiscal Impact: \$4,500 in City funding.

City Manager's Recommendation: Recommend that City Council authorize the City Manager to execute and submit the 2019-2020 Creative Communities Partnership Grant application, with the understanding that acceptance will be determined by the availability of local funds to match the grant.

Suggested Motion: I move that the City Manager be authorized to execute and submit the 2019-2020 Creative Communities Partnership Grant application, with the understanding that acceptance will be determined by the availability of local funds to match the grant.

City Manager: Stephen F. Owen

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	March 14, 2019	Doug Guynn City Attorney
Item #	4 & D	
Ordinance #		
Department:	City Attorney	
Council Vision:	Responsive, Efficient Government	
Subject:	Resolution to Surrender and Disclaim Any Interest in or Right to Receive from the Estate of Michael Hayes Organ any Bequest Intended for the Benefit of the “Staunton Trolley Committee” Pursuant to the Organ Will in Favor of any Such Bequest Being Paid to the Central Shenandoah Planning District Commission	

Background: At Council's September 14, 2000 meeting, Council adopted a resolution establishing the Trolley Advisory Board to assist in the development of the City's trolley service operations. Since January 1, 2014, public transit services in the City, including the routes known as the Downtown Trolley and the Saturday Night Trolley, have been administered by the Central Shenandoah Planning District Commission (CSPDC). Given the CSPDC's administration of such services, the Trolley Advisory Board suspended its activities and the Trolley Advisory Board was dissolved by Council by resolution dated February 14, 2019.

Staunton citizen Michael Hayes Organ served on the Trolley Advisory Board. Mr. Organ died, testate, January 12, 2016, bequeathing a monetary sum of \$5,000 to the "Staunton Trolley Committee," pursuant to Article Three(a) of his Will dated November 1, 2012 (**Attachment A**). Attorney for Jane L. Finch, Personal Representative of the Estate of Michael Hayes Organ,

communicated to the City Attorney by letter dated December 26, 2018, indicating that there is a lack of liquidity in Mr. Organ's estate. As such, a Petition for Aid and Direction has been drafted proposing that the monetary gift be abated to \$1,000 (**Attachment B**). Given that the CSPDC now administers public transit services serving the City, it is the City Attorney's suggestion to adopt the attached proposed draft resolution disclaiming any interest in the proposed \$1,000 bequest so that it can, instead, be directed to the CSPDC (**Attachment C**).

Suggested Motion: I move that Council adopt the proposed resolution to surrender and disclaim any interest in or right to receive from the Estate of Michael Hayes Organ any bequest intended for the benefit of the "Staunton Trolley Committee" pursuant to the Organ Will in favor of any such bequest or portion thereof being paid to the Central Shenandoah Planning District Commission.

Last Will and Testament
OF
MICHAEL ORGAN

I, Michael Organ, of Staunton, Virginia, declare this to be my will, and I revoke all prior wills and codicils that I have made.

ARTICLE ONE

All estate, inheritance, and other death taxes including interest and penalties, all expenses of my last illness and all administrative expenses (including those taxes and expenses payable with respect to assets which do not pass under this will) shall be paid out of and charged generally against the principal of my residuary estate. I waive any right of reimbursement for or recovery of those death taxes and administration expenses.

ARTICLE TWO

I direct my Executor to look for a separate written statement or list which I may change from time to time describing items of tangible personal property that should be distributed to the beneficiaries set forth in such statement or list. I give the balance of my household personal property, including my antiques, automobiles, personal effects and any fire and casualty insurance policies thereon or proceeds to pass with the residue of my estate.

ARTICLE THREE

I direct my executor to divide the rest and residue of my estate in half, with one half to be paid to the estate of Kenneth Hicks to be distributed as directed in his will, and the balance to be distributed as follows:

a) Five Thousand Dollars (\$5000.00) to each of the following

- Susan Lazaer and Michael Lazaer, each to receive \$5000 (both can be contacted through Randy and Vicky Lazaer in Springfield, VA)
- Jane Long Finch (Marion, Indiana)
- Dawn Pryor, 519 Link Road, Waynesboro, VA 22980
- Gail G. Smith, 805 Crabtree Circle, Staunton, VA 24401
- Ronn Short (Coatesville, PA)
- Kaylee Campbell (daughter of Teddy Campbell)
- Sisters of Saint Joseph
- ShenAn Arts
- Staunton Trolley Committee
- Oak Grove Theater

In the event that there are insufficient funds in my estate to satisfy the gifts contained in this paragraph a), the gifts shall be distributed in the order listed above until all the funds are depleted.

b) To Craig and Shirley Peterson, my personal property at 9 North Jefferson Street, Staunton, VA, provided it does not need to be liquidated to satisfy the gifts in a) above. Additionally, Craig and Shirley Peterson shall have the right of first refusal to purchase the building which incorporates the shop at 711 W. Beverley, Staunton VA and a rental

above the shop at 709 W. Beverley Street, Staunton VA, and the parking lot at 705 W. Beverley St. Staunton VA, at the lesser of tax assessed value or the retail market value. If they exercise this right to purchase the listed properties, the proceeds are to be distributed in accordance with the directions in paragraphs a) and c) of this section.

c) and the balance of my estate to be paid to Jane Long Finch.

ARTICLE FOUR

I name Jane Long Finch, as Executor of this will. I request that no security be required on the bonds of my Executor.

ARTICLE FIVE

My Executor shall have, and I expressly confer upon her, all of the powers and authority enumerated in Section 64.1-57 of the Code of Virginia, 1950, as amended, which I expressly incorporate herein by reference as if fully written out herein.

Assets may be included in my estate that would not meet the prudent investor standard in Virginia as suitable legal investments. My Executor may nevertheless retain the assets for as long as my Executor considers appropriate even if the assets represent an overconcentration or do not meet the standard of prudence.

My Executor may borrow money for any purposed deemed in the best interest of my estate and may secure such borrowings with any assets of my estate (or trust created herein).

I hereby waive any self-dealing prohibitions that may exist under state law with respect to my spouse and any beneficiary while such person is acting as my Executor.

Where appropriate to the context, pronouns or other terms expressed in one number and gender shall be deemed to include the other number and gender.

IN WITNESS WHEREOF, I hereunto set my hand and seal to this my will, this 1st day of November, 2012.

Michael Organ
Michael Organ

We, the undersigned, do hereby certify that Michael Organ, has signed, sealed, acknowledged and declared the foregoing paper as and for his will in the presence of us, two competent witnesses who, in his presence, at his request, and in the presence of each other, all present together at the same time, have hereunto subscribed our names as attesting witnesses on the date last above written.

Anthony B. Chandler
Witness

CA
Witness

Augusta County, Virginia
Address

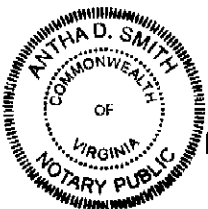
Augusta County, Virginia
Address

STATE OF VIRGINIA

CITY OF STAUNTON, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 1st day of November, 2012, by Michael Organ.

My commission expires



ANTHA D. SMITH
Notary Public
Commonwealth of Virginia
My Commission Expires 12-31-14
Commission ID# 7312185

Antha D. Smith
Notary Public
7312185 (Expires 12-31-14)

VIRGINIA
IN THE CLERK'S OFFICE OF
STAUNTON
MARCH 16, 2016 AT 11:19AM
WILLS/FIDUCIARY
INSTRUMENT #160000051 WAS RECORDED
UPON CERTIFICATION OF ACKNOWLEDGEMENT
THERETO ANNEXED; ADMITTED TO RECORD.
THE FEE AND TAX OF \$729.67 IMPOSED
BY LAW HAVE BEEN PAID (RCPT 16000001745)
TESTE: THOMAS E. ROBERTS, CLERK

RECORDED BY: RPM

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF STAUNTON

IN RE: ESTATE OF MICHAEL ORGAN a/k/a MICHAEL HAYES ORGAN

PETITION FOR AID AND DIRECTION

TO THE HONORABLE CHARLES L. RICKETTS, III, JUDGE:

Comes now, Jane L. Finch, Personal Representative of the Estate of Michael Organ, by counsel, and in support thereof does represent as follows:

1. This petition for aid and guidance is brought pursuant to §§64.2-443 and 64.2-553 of the Code of Virginia (1950, as amended).
2. Michael Organ, also known as Michael Hayes Organ ("Organ"), died testate in the City of Staunton January 12, 2016.
3. Jane L. Finch qualified as Personal Representative of the Organ Estate March 15, 2016, pursuant to Order of Probate of record in the Clerk's Office of this Court as WF160000051.
4. At the time of his death, Organ was indebted to United Bank in excess of \$100,000.00. United Bank docketed its Judgment against Organ in the Clerk's Office of this Court as Judgment Lien #JD1200726, November 2, 2012.
5. Also at the time of his death, Organ was indebted to the University of Virginia Medical Center in the amount of \$127,771.40, with interest from June 15, 2011, at the statutory rate which Judgment was docketed in the Clerk's Office of this Court November 5, 2014 at 4:00 p.m. as Judgment Lien #JD1400611.
6. After satisfying the costs to date of administering his Estate and marshalling the assets of the Estate, the balance of the Organ Estate is insufficient to satisfy both United Bank and the University of Virginia Medical Center. The current balance of total available funds on hand and held by the Personal Representative of the Organ Estate is \$128,946.77

7. United Bank and the University of Virginia Medical Center are in agreement with a proposed settlement to compromise the sums due to United Bank and the University of Virginia Medical Center, respectively, while also providing a nominal amount to be paid to some of the residuary beneficiaries under Article Three, Subparagraph A of the Organ Will.

8. Pursuant to his Will, Organ provided in Article Three, Subparagraph A to “divide the rest and residue of my estate in half with one-half to be paid to the Estate of Kenneth Hicks and the balance to be distributed as follows:

Five Thousand Dollars (\$5,000.00) to each of the following

- Susan Lazaer and Michael Lazaer, each to receive \$5000...
- Jane Long Finch...
- Dawn Pryor...
- Gail G. Smith...
- Ronn Short...
- Kaylee Campbell...
- Sisters of Saint Joseph
- ShenAn Arts
- Staunton Trolley Committee
- Oak Grove Theater”

9. To help effectuate the settlement between the Estate and its two primary creditors, the heirs, devisees or beneficiaries of Kenneth Hicks have waived, disclaimed and surrendered any interest that they might take under the Organ Estate with their disclaimers and waivers being attached hereto and incorporated herein as Exhibit 1.

10. The Organ Estate, United Bank and the University of Virginia Medical Center have agreed in principle and subject to this Court’s approval, to compromise and settle the amounts owed to both creditors and permit the Organ Estate to finalize its administration and ultimately close the Estate.

11. To effectuate the settlement arranged with primary creditors of the Organ Estate, Jane L. Finch, Personal Representative of the Estate proposes that:

(a) The monetary gifts to the eleven (11) individuals or organizations named in the Organ Will pursuant to Article Three, Subparagraph A receive an abated bequest of One Thousand Dollars (\$1,000.00) each;

(b) The administration of the Estate continue with a final Accounting, Order of Distribution and Order of Show Cause;

(c) The balance of the remaining proceeds of the Estate, after deducting for reasonable and necessary additional administrative costs, be paid to and divided among United Bank and the University of Virginia Medical Center with Forty-Six Thousand Dollars (\$46,000.00) to be paid to United Bank in full satisfaction for its claim and with the residue (after deducting administrative costs and the monetary gifts set forth in Paragraph 11(a) to be paid to the University of Virginia Medical Center in full satisfaction and for release of its claim.

12. Following the distribution of the abated bequest in the amount of Eleven Thousand Dollars (\$11,000.00) payment to the named beneficiaries and the anticipated cost of administration, this settlement and compromise would result in the balance of the Organ Estate being paid to United Bank and the University of Virginia Medical Center pursuant to the percentages set forth above.

13. Unfortunately, the Organ Will contains an ambiguous beneficiary and requires resolution before any such settlement can be finalized by the Organ Estate. The Organ Will included a beneficiary identified as "Staunton Trolley Committee" pursuant to Article Three, Subparagraph A, but such entity does not now exist.

14. Organ worked with the City of Staunton to help bring about or coordinate a trolley system which operates within the City of Staunton. However, the City of Staunton has no such committee as the "Staunton Trolley Committee."

15. The trolley system operating in the City of Staunton is controlled and maintained under the auspices of the Central Shenandoah Planning District Commission.

16. Your Petitioner believes the Central Shenandoah Planning District Commission is the appropriate beneficiary to receive any bequest pursuant to the Organ Will.

WHEREFORE, Jane L. Finch, Personal Representative of the Estate of Michael Organ requests the aid and guidance of this Court to effectuate such settlement, to confirm the correctness of paying the abated bequests as proposed pursuant to the suggested settlement, confirm the correctness of the intended beneficiaries, specifically that the "Staunton Trolley Committee" bequest be paid to the Central Shenandoah Planning District Commission, and asks for such other necessary and appropriate relief as may be necessary and deemed meet by this Court.

Respectfully submitted,

JANE L. FINCH, PERSONAL REPRESENTATIVE
OF THE ESTATE OF MICHAEL ORGAN a/k/a
MICHAEL HAYES ORGAN

By counsel

B. E. Brannock, Esquire
VSB No. 25090
TIMBERLAKESMITH
25 N. Central Avenue
P. O. Box 108
Staunton, VA 24402-0108
Telephone: (540) 885-1517
Facsimile: (540) 885-4537

TimberlakeSmith
Staunton, VA
540.885.1517

Certificate of Service

I certify that the original of the foregoing document was delivered, by first-class mail, postage prepaid, on December ___, 2018, to:

Susan Lazaer
c/o Randy Lazaer
6314 Hibbling Avenue
Springfield, VA 22150

Michael Lazaer
c/o Randy Lazaer
6314 Hibbling Avenue
Springfield, VA 22150

Jane Long Finch
721 W. Jeffras Avenue
Marion, IN 46952

Dawn Pryor
519 Link Road
Waynesboro, VA 22980

Gail G. Smith
805 Crabtree Circle
Staunton, VA 24401

Ronn Short
755 Barcrest Lane
Lancaster, PA 17603

Kaylee Campbell
c/o Teddy Campbell
58 Breezwood Drive
Staunton, VA 24401

Sisters of Saint Joseph
c/o Patricia Milenius
3430 Rocky River Drive
Cleveland, OH 44111

ShenAn Arts
300 Churchville Avenue
Staunton, VA 24401

Oak Grove Theater
P.O. Box 3040
Staunton, VA 24402

"Staunton Trolley Committee:
c/o Central Shenandoah
Planning District Commission
Attn: Jordan K. Bowman
Litten & Sipe, LLP
410 Neff Avenue
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City of Staunton
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**A RESOLUTION OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO SURRENDER AND DISCLAIM ANY INTEREST IN OR RIGHT TO RECEIVE
FROM THE ESTATE OF MICHAEL HAYES ORGAN ANY BEQUEST INTENDED
FOR THE BENEFIT OF THE “STAUNTON TROLLEY COMMITTEE” PURSUANT
TO THE ORGAN WILL IN FAVOR OF ANY SUCH BEQUEST BEING PAID TO THE
CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION**

Recitals

A. The Council of the City of Staunton established a Trolley Advisory Board by Resolution dated September 14, 2000, to assist and advise on matters related to the City’s trolley transit operations;

B. The trolley system operating in the City is currently controlled and maintained under the auspices of the Central Shenandoah Planning District Commission;

C. Michael Hayes Organ previously served on the Trolley Advisory Board and subsequently died, testate, January 12, 2016, bequeathing a monetary sum of \$5,000 to the “Staunton Trolley Committee” pursuant to Article Three(a) of his Will dated November 1, 2012, and recorded in the Clerk’s Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 160000051;

D. The Trolley Advisory Board for the City of Staunton suspended its activities several years ago;

E. The Council of the City of Staunton formally dissolved the Trolley Advisory Board by Resolution dated February 14, 2019;

F. A Petition for Aid and Guidance has been drafted and proposed to address several issues regarding the Organ Estate including, *inter alia*, which entity – the City of Staunton or the Central Shenandoah Planning District Commission – should receive the intended monetary bequest from the Organ Estate;

G. The anticipated monetary bequest will not exceed One Thousand Dollars (\$1,000.00) and the City of Staunton does not desire to incur unnecessary expenses or litigation regarding Mr. Organ’s thoughtful, kind bequest; and further,

H. To the extent there are funds available from the Organ Estate, the Council of the City of Staunton believes the monetary bequest from the Organ Estate would best serve the trolley system and the citizens it serves if directed to the Central Shenandoah Planning District Commission which now controls and administers the system;

I. This matter has been properly heard and considered; and

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

ATTACHMENT C

DRAFT 3.01.19

46
47 **NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Staunton,
48 Virginia, that it does hereby waive, surrender and disclaim any interest in or right to receive from
49 the Estate of Michael Hayes Organ any bequest intended for the benefit of the “Staunton Trolley
50 Committee” pursuant to the Organ Will in favor of any such bequest or portion thereof being paid
51 to the Central Shenandoah Planning District Commission in connection with its use and
52 maintenance of the trolley system in the City of Staunton.

53
54 Adopted:

55
56
57
58 _____
59 Carolyn W. Dull, Mayor
60

61 ATTEST: _____
62 Suzanne F. Simmons
63 Clerk of Council
64

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	March 14, 2019	Doug Guynn City Attorney
Item #	5	
Ordinance #		
Department:	City Attorney	
Subject:	Closed Meeting for (a) Necessary Advice from Legal Counsel and Related Consideration and Discussion Regarding Aspects of an Initiative by the City Attorney in the Use of Outside Special Service Providers; and (b) Discussion and Consideration of the Retirement Resignation of a Public Official Within the Larger Context of the Implications of the Governance and Management of the City and Related Processes, Including Legal Advice	

Suggested Motion:

Before the closed meeting: I move that Council enter a closed meeting for two purposes:

1. For necessary advice from legal counsel and related consideration and discussion regarding aspects of an initiative by the City Attorney in the use of outside special service providers, pursuant to Virginia Code Section 2.2-3711(A)(8); and
2. For discussion and consideration of the retirement resignation of a public official, within the larger context of implications for the governance and management of the City and related processes, pursuant to Virginia Code Section 2.2-3711(A)(1) including any necessary legal advice regarding the same, pursuant to Virginia Code Section 2.2-3711(A)(8).

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

After the closed meeting: I move that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public

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

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

City Council
WORK SESSION
February 14, 2019
5:30 p.m.

Council Members Present: Mayor Dull, Vice Mayor Kier, Council Members Curren, Harrington, Holmes, Oakes, and Mead.

School Board: Chairman Lobb, Vice Chair Boyle, Members McCurdy, Poulson, Venable, and Wratchford, and Dr. Smith

The Mayor called the meeting to order at 5:30 p.m. and the invocation/moment of silence was given by Mayor Dull.

Chairman Lobb called the School Board meeting to order.

1. Consideration of Work Session and Regular Meeting Agendas

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

Ms. Mead moved to approve the Work Session agenda and the Regular Meeting agenda as presented.

The motion was seconded by Dr. Harrington and carried unanimously as follows:

Mayor Dull	aye	Dr. Curren	aye
Vice Mayor Kier	aye	Dr. Harrington	aye
Ms. Mead	aye	Ms. Oakes	aye
Mr. Holmes	aye		

2. Joint Budget Work Session with Staunton School Board

Steve Rosenberg, Deputy City Manager, welcomed Dr. Garrett Smith, Superintendent of Staunton City Schools, and members of the Staunton School Board.

Staunton City Council and Staunton City School Board met in an informal joint work session to discuss general items of mutual interest. Dr. Smith shared a PowerPoint presentation of preliminary interior finishes of the high school project.

Discussion ensued regarding the high school renovation project. Ms. Oakes asked about security and access to the building. Dr. Curren questioned Dr. Smith about proposed building materials.

Dr. Smith stated the main budgetary priority is providing all school board employees with a 6% pay raise over a two-year period in hopes of remaining competitive with other localities. It was noted that the school system is fully staffed except for a math coach position.

Dr. Smith stated A.R. Ware Elementary School received a National Distinguished School Award from the National Association of ESEA. He noted only two schools in the state won the award.

Dr. Smith stated that the school division will be replicating the school's program at the City's other elementary schools. He noted they are proposing to add an assistant principal at Shelburne Middle School and the future Staunton High School and possibly counselors if the budget allows.

Mayor Dull commented on the national award that the elementary school received and noted that the City wants to hire the best teachers that are available. She asked if teachers are being provided with enough supplies for their classrooms. Jeanne Colvin, Budget Manager, stated she had increased school budget funds approximately 6-7 years ago. Ms. Colvin explained that meetings are held each year with the principals to see if instructional allotments are sufficient. Chairman Lobb stated all schools benefit from the "Stuff the Bus" program. Ms. McCurdy explained that the Ware PTA also assists teachers with supply requests.

Mayor Dull asked if a stipend had ever been considered for Staunton School Board members. Discussion ensued among the School Board and Council members.

Dr. Smith updated Council on the success rate of the in-school suspension program.

Ms. Mead asked Dr. Smith if he felt sufficient resources were available in the budget and whether the future is being addressed to meet the technology needs and the workplace needs of students. Dr. Smith stated he felt very good about where they were with technology. He noted a partnership with Amazon allows the ability to offer cloud computing certification for students as well as other possibilities in the future.

Mayor Dull asked for clarification regarding counselors and their duties assisting students.

Chairman Lobb asked for a motion to adjourn the meeting of the School Board. Such a motion was made, seconded and passed unanimously.

3. Discussion of an Ordinance to Authorize Extension of the Lease Agreement between the City of Staunton and TV6 Holdings LLC

Tom Sliwoski, Director of Public Works, stated on January 23, 2014, the City entered into a 5-year lease agreement with TV6-W, LLC, to operate and maintain wireless communications facilities on property owned by the City, including the Shutterlee Mill water tank at the Public Works compound. The City has been advised that TV6 Holdings LLC has succeeded by merger to the interests of TV6-W, LLC.

Mr. Sliwoski stated the initial term of the lease expired on January 22, 2019. The lease provides an option to extend its term for five 5-year periods, with each extension requiring a public hearing and authorization by City Council. TV6 Holdings LLC has communicated to the City its desire to renew the lease for the first 5-year extension period. Consistent with the terms of the lease, TV6 Holdings LLC will pay rent for the first year of the extension period lease in the amount of \$8,759.90, with such amount to be increased annually during the extension period at the rate of 4%.

Mr. Sliwoski stated the recommendation to Council that the ordinance be introduced, that City Council conduct a public hearing and that Council adopt the ordinance, as presented.

Steve Rosenberg, Deputy City Manager, notes that, procedurally, there are two motions to be made on this item.

This will be Item C on the Regular meeting agenda.

4. Discussion of Non-Exclusive Franchise Ordinance for Fiber Optic Telecommunications Equipment and Other Facilities in the City

Mr. Sliwoski stated the City has advertised and solicited bids for a potentially 20-year non-exclusive franchise to place fiber optic telecommunications equipment and other facilities on the public rights-of-way within the corporate limits of the City of Staunton.

Mr. Sliwoski stated there were representatives present from Lingo Networks who were interested in submitting a bid for the franchise.

Mr. Sliwoski stated the Mayor will open all bids, read them or a summary aloud, inquire if there are other bids to be offered, receive them, declare the bidding closed, and then conduct a public hearing. He noted if only one bid is received, Council may award the franchise at the regular meeting or, if more than one bid is received, Council could take the matter under advisement until the next meeting on February 28, 2019.

Craig Smith, representative for Lingo Networks, gave a presentation to Council about the history of the company and their plans for the future.

Mr. Holmes asked about offering 5G within the City. Doug Guynn, City Attorney, stated he needed to advise Council that the franchise proposal does not contemplate 5G, which would need to be addressed under a separate regimen and instrument. Mr. Smith stated that Mr. Guynn was correct.

Mr. Holmes asked about training plans being planned for the area which would include veterans. Mr. Smith explained they are in the planning stages for conducting training in the City.

This will be Item D on the Regular meeting agenda.

5. Discussion of Resolution Designating Gypsy Hill Place, LLC Property as Revitalization Area to Qualify Property for Virginia Housing Development Authority Workforce Housing Loan Program

Billy Vaughn, Director of Economic Development, stated Gypsy Hill Place, LLC, home of the former public high school at 300 Churchville Avenue, is working with the Virginia Housing Development Authority (VHDA) to refinance the project, with a loan through the VHDA Workforce Housing Loan Program.

Mr. Vaughn stated in order for Gypsy Hill Place, LLC to receive a more attractive package, the company needs a revitalization area designation for the project. He noted VHDA has confirmed that if the City did approve the designation, they did not see any hurdles regarding refinancing of the project. Mr. Vaughn stated the company has scheduled and advertised an auction of its property for next month, in the event it is unable to secure funding from VHDA.

Mr. Vaughn stated there is a resolution presented for Council's consideration at tonight's regular meeting.

Vice Mayor Kier asked for clarification on workforce housing regarding Gypsy Hill Place. Sean Dougherty, a representative of Octagon Partners, LLC, an affiliate of the company, stated the requirement for the loan is a minimum of 20% at the 80% median income level. He noted they are significantly higher than that currently. Mr. Dougherty stated they have been focusing on that demographic as well as non-profits including the Staunton Senior Center and ShenanArts. Mr. Dougherty stated the loan program allows them to not charge as much. He noted they had been operating at a loss since project commencement, and that the project was subsidized by tax credits. Mr. Dougherty stated the project is already in an Opportunity Zone and an Enterprise Zone.

Mr. Holmes asked whether the company would be able to refinance since they were operating at a loss. Mr. Dougherty stated the company had reserves which is a requirement for the loan.

Mr. Vaughn stated if Council decides to approve this designation, there are no expectations or requirements that the City of Staunton contribute financially to this project.

This will be Item E on the Regular meeting agenda.

6. Annual Report of Blue Ridge Court Services

Mr. Rosenberg introduced Dave Pastors, Director of Blue Ridge Court Services. Mr. Pastors will be retiring and this will be his final presentation of the annual report.

Mr. Pastors discussed the highlights of the Blue Ridge Court Services FY2018 Annual Report. He stated their focus is to provide alternative sentencing options to court systems of the Central Shenandoah Valley. Mr. Pastors stated the agency had assisted 2,300 new clients during the fiscal year. He stated expenses for FY 2018 are \$1,022,799. Mr. Pastors updated City Council on the agency's services and priorities for the coming year.

Mayor Dull and Council members thanked Mr. Pastors for his service.

7. Discussion of the Proposed Capital Improvement Plan FY 2019-FY2023

Mr. Rosenberg stated this item is on the Regular agenda for tonight's meeting for consideration. He noted Jeanne Colvin, Budget Manager, did not have any additional items that she wished to discuss with Council, but did want to include the CIP on the work session agenda in the event that Council members had any issues to discuss.

Mayor Dull referred to the briefing regarding the Stormwater Fund and inquired about a stormwater basin at Lee High School. Ms. Colvin stated that that basin has been in place because of the creek which runs at the base of the property. She noted, in the construction of the high school, a stormwater retention pond will be built to help alleviate water flow.

This will be Item F on the Regular meeting agenda.

8. Discussion of Resolution to Dissolve Trolley Advisory Board

Mr. Rosenberg stated this item is referred to as a housekeeping matter. He noted the continued existence of the Trolley Advisory Board, established by City Council in 2000, was discovered. Mr. Rosenberg stated all federal funding for transit services began to flow directly to the Central Shenandoah Planning District Commission (CSPDC). When that occurred, the CSPDC took over the operation of transit services in the region, as the BRITE system. Mr. Rosenberg stated all of the transit services, including the routes in the City designated as the trolley, are now operated on a regional basis by the CSPDC under contract with Virginia Regional Transit. He noted there is a transit advisory committee established by the CSPDC with representation from the participating localities on that advisory body and that the committee is effectively providing input to the CSPDC that was provided previously to the City by the Trolley Advisory Board. Mr. Rosenberg stated legal counsel's recommendation to the City Manager's office is that Council consider the proposed resolution to formally dissolve the Trolley Advisory Board.

This will be Item G on the Regular meeting agenda.

The work session adjourned at 7:16 p.m.

Suzanne F. Simmons
Clerk of Council

1 **REGULAR MEETING OF STAUNTON CITY COUNCIL**
2 **Thursday, February 14, 2019**
3 **7:30 p.m.**
4 **Council Chambers**

5
6 **PRESENT:** **Mayor Carolyn W. Dull**
7 **Ophie A. Kier, Vice Mayor**
8 **James L. Harrington**
9 **R. Terry Holmes**
10 **Erik D. Curren**
11 **Andrea Oakes**
12 **Brenda O. Mead**

13
14 **ABSENT:** **Stephen F. Owen, City Manager**

15
16
17 **ALSO PRESENT:** **Steven Rosenberg, Deputy City Manager**
18 **Douglas L. Guynn, City Attorney**
19 **Suzanne F. Simmons, Clerk of Council**
20

21 Mayor Dull called the meeting to order. The Pledge of Allegiance was recited in unison.

22
23 **MAYOR'S REPORT**

24
25 Mayor Dull stated Council members recently attended the NAACP Prayer Breakfast which was
26 very inspiring. She announced that the VITA Tax Assistance program is currently assisting
27 citizens at the Booker T. Washington Community Center. Mayor Dull commended the Mary
28 Baldwin University basketball team on their 114-108 overtime win and noted they now proceed
29 to the quarterfinals of their conference.

30
31 Mayor Dull then delivered the State of the City address:

32
33 I'm pleased to be here this evening with my fellow Council members to reflect on a busy 2018 and
34 look forward to what's in store for this year.

35 All of us here tonight, from Council members to City employees, are proud to serve this
36 community and share some of the accomplishments that we can all take pride in as a community.
37 After all, these are not just the accomplishments of elected officials and City employees. What
38 you'll hear tonight is a reflection of a collective effort. Ideas shared by our citizens, strategic
39 actions that have been taken by City leaders, and the many resources pooled from local
40 organizations and state and federal agencies to make good things happen.

41 Tonight, it's all about the "we." We strengthen this community together. We make this City shine
42 together. We thrive together.

43 And in that spirit, I am pleased to report that the state of the City is thriving.

44

The unemployment rate continues to decline, our local economy is growing, and entrepreneurship is flourishing in Staunton.

- Unemployment in Staunton is currently at 2.6%, which is a significant improvement over the rate at this time last year of 3.4%. It's also lower than the current state average.
- We issued nearly 2,400 business licenses in 2018, a 14% increase from the previous year.
- Visitors and residents alike enjoyed lots of leisure time in Staunton last year, providing more than \$5.1 million in revenue from meals and lodging taxes. That's up 21% from the previous year.
- Our financial standing is strong. While we could always use more funding to accomplish multiple projects, such as new police and fire facilities and a library expansion, we are working with what we've got and managing it well thanks to an outstanding Finance team.
- We adopted a \$113 million budget last April and maintained an Aa2 bond rating from Moody's Investors Service and an AA rating from Standard and Poors. These ratings show very strong creditworthiness.
- And we continue to save for a rainy day by increasing the percentage of funds placed in reserves.

As I reflect on 2018, several moments and events emerge as highlights of the year:

1. We were delighted to welcome several new businesses to the promising developments on Richmond Avenue. At Frontier Center, Aldi, Chick-fil-a, Bojangles and McDonald's opened in the first phase of development. And across the street, The Fairfield Inn and Tru Hotel opened at Staunton Crossing. We're looking forward to more new and exciting growth in both developments in the coming months and years, especially the addition of industries that bring good-paying job opportunities to our community.
2. We received an \$8.7 million grant from VDOT to further prepare Staunton Crossing for new development with a spine road that runs through the entire development, from the Richmond Avenue gateway to Valley Center Drive on the other side of the property. The construction of the road will be a vital and essential step in attracting investors to Staunton Crossing. Stay tuned: I'll share some more news about other steps underway to make the development more marketable a little later.
3. Revitalization of the City's historic treasures continues with the opening of The Blackburn Inn, a boutique hotel that was the former site of Western State Hospital. The hotel has been named an Historic Hotel of America by the National Trust for Historic Preservation for its

historical significance. It's dramatic architecture and unique features are charming visitors and residents alike and adding variety to the City's lodging options.

4. We held our first Staunton Citizen University in the fall, and nearly 20 residents graduated in December. In case you haven't heard, the Citizen University is a 12-week course that gives Staunton residents a behind-the-scenes look at how local government works. From a riding tour of Staunton's parks to an up-close look at our public safety departments, it's a real hands-on learning experience that makes government more accessible to citizens. Stay tuned to our website to find out how to enroll in the 2019 session. I highly recommend it!
5. The Staunton Innovation Hub opened its doors last year to fuel the City's entrepreneurs and provide a place where creativity and idea makers can thrive. It's already leaving an impression on our community, from the transformation underway at their location in the old News Leader building, to the provision of flexible coworking space that creatives and freelancers can use to work, collaborate and innovate.
6. The Shenandoah Valley Regional Airport expanded its jet service with direct flights to Washington D.C. and Chicago. This expanded service improves access to our area for businesses and residents and is yet another advantage we can add to the list for prospective companies and entrepreneurs. If you have yet to take a flight from Weyers Cave to Dulles, give it a try and spare yourself the hassle of fighting traffic on a drive to Dulles.
7. We made yet another improvement to our emergency services with Text-to-911. Staunton residents who are hearing impaired or unable to speak freely in a dangerous situation now have the option to text our emergency 911 center. This is the final feature added as part of a major upgrade to a digital, state-of-the-art E911 system that began in 2017.
8. Every year, we earn recognition on coveted national lists as a tourist destination, and the past year was no exception. We made seven of those lists last year — most notably, U.S. News and World Report named Staunton among "The 8 Small Southern Towns to Visit in 2018."

And it seems we were especially charming in 2018. We received two nods from Reader's Digest, first for being one of the "20 Most Beautiful Main Streets in America," and a second mention on their list of "The Most Charming Small Town in Every State." USA Today also put us on their list of "Charming Main Streets." And MSN agreed that we were charming. In case you doubted it, I think it's official: Staunton is indeed one of the most charming cities on the planet!

9. Last, but not least, if you made a New Year's resolution to learn to play a musical instrument, there's now a place to get an instrument free of charge. Last year, the library added musical instruments and equipment to its circulating collection. We have a ukulele, mandolin, and effects pedals for electric guitars in the collection, to name just a few. As a

singer and a musician, I have to say this ranks pretty high on my list of the many cool things about Staunton.

This year, there's much for us to look forward to and accomplish together. The work we plan to do won't only be accomplished by the seven members of City Council you see here tonight, or the City's employees. Your involvement is critical.

That's why we will be conducting a citywide citizen survey this spring. We want to get a better understanding of your needs and how we're meeting them. Be sure to watch for information on how to take the survey in upcoming utility bills over the next several months. Your input is valuable and much appreciated.

I want to take a moment to put a few other plans and activities on your radar for the coming weeks and months. These activities will play a vital role in the City's growth and direction over the next year:

- City Council is in the process of revisiting and updating its 10-year vision and establishing priorities for the next three years. These guiding documents set the tone for the City's future by providing direction for Council and staff, the framework for policy decisions, and a way to evaluate the City's progress on an ongoing basis. We'll be unveiling the updated vision and priorities in the coming weeks. In the meanwhile, I encourage you to visit City Council's page on the City website to learn more and share your thoughts.
- Our Economic Development team is formulating a business strategy to give us the best chance at getting the right types of commercial and industrial businesses on the remaining 275 acres at Staunton Crossing, especially those that offer good-paying jobs. Right now, we're focused on getting the land in prime shape for development. We were just notified by the state that we'll receive a grant for \$431,200 to remove and dispose of hazardous materials on the property, and demolition of the old buildings on site is scheduled to begin in the fall. All of these actions put together are setting us up for the successful development of a prime location.
- The school division will break ground on a major renovation of the high school this summer. There will be more new construction than renovated space, which will give students, faculty and staff the accommodations they need and deserve for a modern-day academic experience. City Council voted unanimously to finance the project two years ago. Our public schools are a direct reflection of a community's willingness to invest in its future, and we believe this is one of our most important investments as a Council. We look forward to the project's completion in the fall of 2020 and hope it will serve as a point of pride for our entire community.
- We'll continue to maintain and improve City infrastructure this year, including storm drains, water and sewer lines, roads and traffic signals. The bathrooms at Montgomery Hall and Gypsy Hill parks will get a facelift. And the main floor of the library will get some

much-needed reconfiguration to meet the expectations of today's patrons, including comfy reading chairs and an improved checkout experience.

- We'll begin a flood study on West Beverley Street and gather information that will help reduce the challenges some property owners on the West End encounter with flood insurance premiums. That study is possible thanks to a \$75,000 grant we received last year through the state.
- And finally, we're excited about several other downtown buildings that will soon get new life, including the old Joe's Steakhouse on Johnson Street which will become the off-campus site of Mary Baldwin University's School for the Performing Arts; the purchase of the long-empty Mockingbird restaurant on Beverley; the transformation of the old Pullman Restaurant into a banquet, wedding and meeting space called Stelle Rose at Staunton Station; and the rehabilitation of the historic Beverley Hotel at the intersection of New and Johnson streets. They'll add yet more vitality to an already vibrant downtown.

In closing, I want to honor the people who make extraordinary contributions to our City every day:

- Volunteers and event organizers like Sarah Lynch, who received the key to the City last year for organizing one of the most magical festivals we've ever had in Queen City Mischief and Magic;
- Wilson Fairchild and all the folks who make the Happy Birthday America celebration a success each summer;
- The devoted citizens on boards and commissions who volunteer their time to advise City Council, City departments and area agencies;
- The 450 dedicated City employees and first responders who keep this city going every day;
- The City employees who retired in 2018 after giving a combined 230 years of service;
- The departments that have earned the City awards and recognition for their ingenuity and dedication. Among them, our Finance, Parks and Recreation, Police and Public Works departments and staff.
- And finally, we honor the memories of those we lost in 2018:
 - Bob Moody, who shared the joy of music with us for 42 years in the Stonewall Brigade Band;
 - Former Temple House of Israel Rabbi Lynne Landsberg, a social justice activist who fought fiercely for the rights of all;
 - Lily Marino of the beloved Marino's Lunch restaurant;

- Tom Shields, a respected youth football coach and commissioner of the Staunton Quarterback Club;
- and Judy Hatcher, a devoted community volunteer and the wife of our high school's most celebrated basketball coach, Paul Hatcher.
- We are grateful for each of their contributions, and may their gifts never be forgotten.

I am encouraged by our future.

With many exciting things on the horizon, and so much accomplished together in the last year, I'm optimistic about all that 2019 has in store.

Most of all, I'm optimistic about the state of the people who call Staunton home. Ultimately, it is we, the people, who make or break this City.

As a community, we have survived differences of opinion and trying times — and more often than not, we come through it with civility and strength. That's what compassionate communities do.

I'm inspired by the civic pride and courage I've seen demonstrated by countless citizens in the last year, and I'm hopeful that Stauntonians of all persuasions and backgrounds will seek to grow closer, stronger and more courageous together in the months ahead.

Thank you for all you contribute to our charming and thriving community. May Staunton continue to be blessed in 2019.

230

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

232

Vice Mayor Kier stated on February 20, 2019, the 7th annual "Conversation on Race and Diversity" would be held speaking on the great things Staunton has to offer and how citizens make it through the adversities together locally and nationwide.

236

Vice Mayor Kier stated the Nominations Committee recently met, but there are still other Boards and Commissions openings for citizens to serve on. He moved to make the following appointments:

240

Board of Building Code Appeals – To appoint Matt Fitzgerald to a five-year term beginning February 15, 2019, and expiring February 14, 2024.

243

To appoint James Schnitzhofer to fill the unexpired term of Doug Roller, beginning February 15, 2019, and expiring December 31, 2019.

246

Blue Ridge Community College Board – To appoint Ronald Ramsey to fill the unexpired term of Joanie Eiland, beginning February 15, 2019, and expiring June 30, 2021.

249

Blue Ridge Criminal Justice Board – To appoint Susan Richardson to a two-year term beginning February 15, 2019, and expiring February 14, 2021.

251

Economic Development Authority – To reappoint Greg Campbell, William Sibert, and Bruce Elder to additional four-year terms, effective retroactively from February 1, 2019, and expiring January 31, 2023.

Lewis Creek Committee – To reappoint Mary Jo Kricorian to an additional three-year term beginning March 1, 2019, and expiring February 28, 2022.

Planning Commission – To reappoint Jessica Robinson to an additional four-year term beginning March 1, 2019, and expiring February 28, 2023.

Tourism Advisory Board – To reappoint Julie Markowitz to an additional three-year term beginning March 1, 2019, and expiring on February 28, 2022.

Bicycle and Pedestrian Advisory Committee – To reappoint Captain Brian Brown to a two-year term beginning April 1, 2019, and expiring March 31, 2021.

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

Mayor Dull	aye	Vice Mayor Kier	aye
Dr. Harrington	aye	Dr. Curren	aye
Mr. Holmes	aye	Ms. Oakes	aye
Ms. Mead	aye		

Dr. Curren stated he would need to recuse himself on Item A on the agenda as the property owner is the Chief Executive Officer of his employer.

APPROVAL OF MINUTES

Mr. Holmes noted he would abstain as he was not present at Council's meeting on January 24, 2019.

Ms. Oakes moved to approve the work session and regular meeting minutes of January 24, 2019.

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

Dr. Curren	aye	Vice Mayor Kier	aye
Dr. Harrington	aye	Ms. Oakes	aye
Mr. Holmes	abstain	Ms. Mead	aye
Mayor Dull	aye		

294 **REGULAR MEETING**

295
296 **A. Public Hearing and Consideration of a Request by Anthony and Karen Smith to Rezone**
297 **129 Middlebrook Avenue from I-2, Heavy Industrial District, to R-4, High Density**
298 **Residential District**
299

300 Dr. Curren stepped down from the dais.
301

302 Rodney Rhodes, Senior Planner, stated Anthony and Karen Smith reside at 219 Church Street and
303 wish to construct an addition to their property. In order to accomplish that, Mr. Rhodes noted the
304 owners needed to combine their adjoining lot at 129 Middlebrook Avenue, which is the subject
305 area of the rezoning, and to rezone the property from I-2, Heavy Industrial District, to R-4, High
306 Density Residential District. Mr. Rhodes stated this would allow single-family residential.
307

308 Mr. Rhodes stated the owners have gone through the process of combining the two lots and are
309 now proposing the rezoning. City staff conducted a review of the proposed rezoning, during which
310 it did not identify any issues.
311

312 Mr. Rhodes stated the “Generalized Land Use and Development Guide,” *Staunton, Virginia,*
313 *Comprehensive Plan 2010 – 2030*, designates this area as Neighborhood Residential. This land
314 use designation is characterized as large housing units located on small lots. The proposed
315 rezoning is consistent with the Neighborhood Residential land use designation of the property.
316

317 Mr. Rhodes stated at its meeting on January 17, 2019, the Planning Commission held a public
318 hearing on the matter. No one spoke in opposition to the request. On a 5-0 vote, the Commission
319 voted unanimously to recommend approval of the rezoning and adoption of the ordinance. Mr.
320 Rhodes stated the City Attorney has drafted the language in the ordinance to reflect that the two
321 lots have now been combined.
322

323 The Public Hearing was opened.
324

325 There being no one wishing to speak, the Public Hearing was closed.
326

327 Ms. Mead moved that Council approve the rezoning and adopt the ordinance, as presented,
328 rezoning 129 Middlebrook Avenue from I-2, Heavy Industrial District, to R-4, High Density
329 Residential District, as recommended by the Planning Commission.
330

331 The motion was seconded by Dr. Harrington and carried as follows:
332

333	Dr. Harrington	aye	Ms. Oakes	aye
334	Mr. Holmes	aye	Ms. Mead	aye
335	Mayor Dull	aye	Dr. Curren	aye
336	Vice Mayor Kier	aye		

337

338 Dr. Curren returned to the dais.
339
340

Ordinance No. 2019-10

AN ORDINANCE REZONING
FROM I-2, HEAVY INDUSTRIAL, TO R-4, HIGH DENSITY RESIDENTIAL,
A PORTION OF THAT CERTAIN TRACT OR PARCEL OF LAND
LOCATED AT 219 CHURCH STREET, STAUNTON, VIRGINIA
(PID 1311)

Recitals

A. It appears by deed dated February 16, 2009, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 090000525, that Anthony E. Smith and Karen Madison Smith acquired from Anthony E. Smith and Karen L. Madison two parcels: one located at 129 Middlebrook Avenue (PID 201) and the other located at 219 Church Street (PID 1311), with further description provided in the deed, a copy of which is annexed and incorporated by reference (**Exhibit A**);

B. The parcels are zoned as follows: 129 Middlebrook Avenue (PID 201) is zoned I-2, Heavy Industrial, and 219 Church Street (PID 1311) is zoned R-4, High-Density Residential;

C. Anthony and Karen Smith have applied to the City of Staunton and received approval of a minor subdivision, pursuant to Staunton City Code § 17.10.070 combining 129 Middlebrook Avenue and 219 Church Street into one parcel as shown on a plat prepared by Thomas W. Dorr, Licensed Land Surveyor for EGS & Associates, Inc., dated November 28, 2018, and recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 190000017, a copy of which is annexed and incorporated by reference (**Exhibit B**);

D. The resulting parcel from the combination of the two parcels (PID 1311), now has split zoning of R-4, High Density Residential and I-2, Heavy Industrial, and Anthony and Karen Smith wish to construct an addition to the existing single-family dwelling, however the current I-2 Heavy Industrial zoning does not allow for residential use;

E. Anthony and Karen Smith now have applied for a zoning classification change for the portion of the parcel known as 129 Middlebrook Avenue (PID 201), from I-2, Heavy Industrial to R-4, High Density Residential and a rezoning of the portion zoned I-2, Heavy Industrial, to residential zoning is required;

F. The *City of Staunton, Virginia, Comprehensive Plan 2010-2030*, "Generalized Land Use and Development Guide," designates this area as Neighborhood Residential and the proposed rezoning is consistent with this designation;

G. The Planning Commission of the City of Staunton has properly heard the matter and recommended the proposed rezoning;

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

388
389 I. These recitals are an integral part of this ordinance.

390
391 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of
392 Staunton, Virginia, that the above-described portion of the parcel referenced and known
393 with street address as 129 Middlebrook Avenue (PID 201), in the City of Staunton,
394 Virginia, is **HEREBY REZONED** from I-2, Heavy Industrial to R-4, High Density
395 Residential. The resulting parcel, referenced and known with street address 219 Church
396 Street (PID 1311), shall now have a uniform zoning of R-4, High Density Residential, as
397 provided in the Staunton City Code.

398
399 Introduced: February 14, 2019

400 Adopted: February 14, 2019

401 Effective Date: February 14, 2019

402
403
404 /s/ Carolyn W. Dull

405 Carolyn W. Dull, Mayor

406
407 ATTEST: /s/ Suzanne F. Simmons

408 Suzanne F. Simmons

409 Clerk of Council

410
411 **B. Public Hearing and Consideration of Ordinance Authorizing the Issuance of**
412 **General Obligation School Bonds of the City of Staunton, Virginia, in the**
413 **Maximum Principal Amount of \$46,000,000**
414

415 Jeanne Colvin, Budget Manager, stated before Council was a public hearing to consider an
416 ordinance for the City to borrow general obligation bonds to complete the high school renovation
417 project. She stated the ordinance is in the amount not to exceed \$46 million for the project.

418
419 Ms. Colvin stated Council approved funding two years ago for the project to move forward. She
420 noted architectural services were bid and a contract was awarded in February, 2018.

421
422 Ms. Colvin stated on February 22, 2018, Council adopted a Resolution of Official Intent to
423 Reimburse Expenditures with Proceeds of a Borrowing in an amount not expected to exceed \$2
424 million, to allow the City to incur expenses in connection with the high school project for
425 architectural fees, engineering fees, site surveys, geotechnical surveys and a traffic study. The
426 Virginia Public School Authority (VPSA) application for the pending bond issue requests that the
427 City be reimbursed for all expenses paid to date for the project from the proceeds of the general
428 obligation bonds, to be issued through VPSA. Ms. Colvin stated the closing will be held on May
429 19, 2019. She noted the School Board approved the resolution on February 11, 2019, and state
430 law requires that City Council adopt an Ordinance Authorizing the Issuance of General Obligation
431 School Bonds. State law also requires that Council conduct a public hearing prior to consideration
432 of the ordinance.

Ms. Colvin stated bids are expected to be received on March 26, 2019. She noted Council will hold a meeting on April 4, 2019, with a budget work session scheduled, at which the final bid amount for the high school project will be discussed. She stated Council will be able to give final approval for the total dollar amount of bond proceeds to be borrowed.

Ms. Colvin stated the architect has been very appreciative of the City's staff, including the Public Works and Community Development departments.

Ms. Oakes asked if the interest rate for the \$46 million would be a fixed rate. Ms. Colvin stated as the City moves through the process, the interest rate will be set. Ms. Colvin stated the VPSA issues bonds every six months and in November, 2018, the interest rate at that time was 3.32%. Ms. Colvin noted two weeks ago the interest rate with VPSA was 3.45%. She stated the project had initially been planned at 5%. Ms. Colvin stated there is \$1 million in the school's CIP fund which was approved in a budget amendment on January 24, 2019.

Ms. Oakes noted that at 5% and the \$40 million estimated originally, the City would end up in the long run spending more than the interest rate the City is looking at for \$46 million. Ms. Colvin concurred the debt payment would be lower because of the lower interest rate.

Ms. Oakes inquired whether, if the City were to move forward with the interest rate at \$46 million, there would be a tax increase. Ms. Colvin stated Council had set tax rates for real property and personal property, effective January 1, 2017, and for the meals tax, effective July 1, 2017, and none of that would change. Ms. Oakes clarified that there would be no additional tax increase and no request for an additional tax increase. Ms. Colvin responded affirmatively.

Ms. Oakes asked if the name change for the high school had any influence on this proposed ordinance. Ms. Colvin stated this was a separate issue. She noted the budget amendment in January, 2019, which Council approved, included \$250,000 to purchase new uniforms due to the name change and is completely separate from this item.

Ms. Oakes asked if the vote tonight for the \$46 million is allowing Council to potentially borrow at the lower interest rate and not actually borrowing \$46 million at this time. Ms. Colvin stated that was correct and that the City is waiting on bids. She noted great interest and competition from major general contractors has been received.

The Public Hearing was opened.

Charles Hildebrand, 11 Woodland Drive, stated he initially recalled the amount being \$40 million and questioned when the extra \$6 million authorization took place. Mayor Dull replied that the authorization has not taken place yet and that the \$46 million is just a maximum amount. She stated the City is not aware of what the bid amounts will be as they have not yet been received. Mayor Dull stated this is a maximum amount and explained the process depending on the bids that are received.

Tamia Baker-Johnson, 318 Prospect Street, is a Mary Baldwin University student, and asked for clarification on bids for a budget and what was actually spent on a budget. Mayor Dull explained that two years ago the city realized that the high school needed significant renovations. She noted a placeholder of \$40 million was established; however, with the current economy and rising construction costs, the amount could be higher.

There being no one else wishing to speak, the Public Hearing was closed.

Dr. Harrington moved that Council adopt the proposed Ordinance Authorizing the Issuance of General Obligation School Bonds of the City of Staunton, Virginia, in the Maximum Principal Amount of \$46,000,000, for capital improvements for school purposes.

The motion was seconded by Mr. Holmes.

Ms. Oakes stated at this point Council does not know what the bid amounts will be. She noted if the amount came in at \$40 million, with the interest rate the City would need to pay, in the long run more would be paid on a 5% interest rate compared to a fixed interest rate at \$46 million. She stated the City is being good stewards of the citizen's money because less is actually being spent.

Ms. Mead stated that moving forward is important to the project because the price of raw materials will continue to rise, the cost of labor will rise, and inflationary pressures will stay in play. She noted the tariffs on steel and aluminum made a significant difference on this project. Ms. Mead stated if the City continued to wait, then they lose in the end and get less than they what they want which is a 21st century educational facility for students.

The motion carried as follows:

Mr. Holmes	aye	Dr. Curren	aye
Ms. Mead	aye	Ms. Oakes	aye
Vice Mayor Kier	aye	Mayor Dull	aye
Dr. Harrington	aye		

Ordinance No. 2019-11

**ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL
OBLIGATION SCHOOL BONDS OF THE CITY OF STAUNTON,
VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF
\$46,000,000**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STAUNTON,
VIRGINIA:**

1. It is determined to be necessary and expedient for the City of Staunton, Virginia (the "City"), (a) to undertake capital improvements for public school purposes, including but not limited to renovation of the high school (collectively, the "Project"), (b) to borrow money for such purposes and (c) to issue the City's general obligation school bonds therefor.

2. 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, there are authorized to be issued general obligation school bonds of the City in the maximum principal amount of \$46,000,000 to finance the costs of the Project and to pay the costs of issuing such bonds.

3. The bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Council of the City may hereafter provide by appropriate resolution or resolutions.

4. The bonds shall be general obligations of the City, and its full faith and credit shall be irrevocably pledged to the payment of principal of and premium, if any, and interest on such bonds.

5. The Clerk of Council, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of the City of Staunton, Virginia.

6. This ordinance shall take effect immediately.

Introduced: February 14, 2019

Adopted: February 14, 2019

Effective Date: February 14, 2019

/s/ Carolyn W. Dull
Carolyn W. Dull, Mayor

ATTEST: /s/ Suzanne F. Simmons
Suzanne F. Simmons
Clerk of Council

C. Public Hearing and Consideration of an Ordinance to Authorize Extension of Lease Agreement between the City of Staunton and TV6 Holdings LLC

Steve Rosenberg, Deputy City Manager, stated Tom Sliwoski, Director of Public Works, would present this item. He reminded Council that on this item there will be two motions to made, one before the public hearing and one afterwards.

Tom Sliwoski, Director of Public Works, stated the City has a lease with TV6 Holdings, LLC which allows them to operate and maintain wireless communication equipment and facilities on property owned by the City, including the Shutterlee Mill water tank at the Public Works compound. He noted the initial five-year lease expired on January 22, 2019.

Mr. Sliwoski stated the lease provides for five extension periods with each period being five years. TV6 Holdings LLC has communicated to the City its desire to renew the lease for the first 5-year extension period. Consistent with the terms of the lease, TV6 Holdings LLC will pay rent for the first year of the extension period lease in the amount of \$8,759.90, with such amount to be increased annually during the extension period at the rate of 4%.

Mr. Sliwoski stated staff is recommending that an ordinance be introduced, that Council conduct a public hearing, and then Council adopt the ordinance as presented authorizing the lease between the City and TV6 Holdings, LLC.

Dr. Curren moved to introduce an ordinance authorizing an extension of the lease between the City and TV6 Holdings LLC, for the first 5-year extension period, and that Council conduct a public hearing of the ordinance.

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

Ms. Mead	aye	Dr. Curren	aye
Vice Mayor Kier	aye	Mayor Dull	aye
Dr. Harrington	aye	Mr. Holmes	aye
Ms. Oakes	aye		

The Public Hearing was opened.

There being no one wishing to speak, the Public Hearing was closed.

Dr. Curren moved to adopt an ordinance, as presented, authorizing an extension of the lease between the City and TV6 Holdings LLC, for the first 5-year extension period, as set forth in the ordinance.

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

Vice Mayor Kier	aye	Mayor Dull	aye
Dr. Harrington	aye	Mr. Holmes	aye
Ms. Oakes	aye	Ms. Mead	aye
Dr. Curren	aye		

Ordinance No. 2019 -12

AN ORDINANCE TO AUTHORIZE EXTENSION OF THE LEASE AGREEMENT BETWEEN THE CITY OF STAUNTON AND TV6 HOLDINGS LLC

WHEREAS, the Council of the City of Staunton, at its January 23, 2014 regular meeting, conducted a public hearing regarding the proposed Lease Agreement between the City of Staunton and TV6-W, LLC, and voted to approve the Lease Agreement for lease of City property at 1911 Craigmont Drive, Staunton, VA 24401, for "Antenna Facilities" and "Ground Facilities" (an excerpt of the meeting minutes is annexed and incorporated by reference);

609
610 **WHEREAS**, the Lease Agreement’s original term commenced on January 23, 2014 and
611 ended on January 22, 2019;

612
613 **WHEREAS**, the Lease Agreement allows for extensions of the lease term for five (5) five-
614 year periods;

615
616 **WHEREAS**, according to information provided to the City, TV6-W LLC has since merged
617 into TV6 Holdings LLC (a copy of the merger certificate is annexed and incorporated by
618 reference);

619
620 **WHEREAS**, TV6 Holdings LLC has requested an additional five-year term to the Lease
621 Agreement (a copy of the First Amendment to Lease Agreement is annexed and incorporated by
622 reference);

623
624 **WHEREAS**, this matter has been properly advertised, heard, and considered; and

625
626 **WHEREAS**, these recitals are an integral part of this ordinance.

627
628 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
629 **STAUNTON** that the term of the Lease Agreement term is extended for another five-year term
630 retroactively with the term to commence January 23, 2019 and end January 22, 2024, and the City
631 Manager is authorized to execute an amendment to the Lease Agreement for such new five-year
632 term in a final form approved by the City Attorney.

633
634 Introduced: February 14, 2019

635 Adopted: February 14, 2019

636 Effective Date: February 14, 2019

637 /s/ Carolyn W. Dull
638 Carolyn W. Dull, Mayor

639
640 ATTEST: /s/ Suzanne F. Simmons
641 Suzanne F. Simmons
642 Clerk of Council

643
644 **D. Public Hearing and Consideration of Non-Exclusive Franchise Ordinance for**
645 **Fiber Optic Telecommunications Equipment and Other Facilities in the City**

646
647 Tom Sliwoski stated as this is a non-exclusive franchise agreement, bids would need to be opened.
648 He noted at least one bid had been submitted.

649
650 Mr. Sliwoski stated the Mayor will open all bids, read them or a summary aloud, and inquire if
651 any other bids are being offered. If there are other bids, Council will receive those bids and then
652 declare the bidding officially closed. At that point, a public hearing will be conducted. He stated
653 if only one bid is received by Council this evening, then Council may award the franchise;

however, if more than one bid is received, then Council could take this matter under advisement until the next meeting on February 28, 2019.

Mayor Dull stated only one bid had been received, which was from Lingo Networks LLC. She read the company's proposed bid, which also included a check in the amount of \$100 as its bid amount.

Mayor Dull asked if there was anyone in the audience who wished to submit a bid. No one in the audience responded. Mayor Dull then declared the bidding closed.

The Public Hearing was opened.

There being no one wishing to speak, the Public Hearing was closed.

Ms. Mead moved that City Council adopt the franchise ordinance, as presented, granting to Lingo Networks LLC a non-exclusive franchise to place telecommunications equipment and other facilities within the corporate limits of the City of Staunton, as set forth in the ordinance and annexed franchise agreement.

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

Dr. Harrington	aye	Mr. Holmes	aye
Ms. Oakes	aye	Ms. Mead	aye
Dr. Curren	aye	Vice Mayor Kier	aye
Mayor Dull	aye		

Ordinance 2019-13

AN ORDINANCE

To grant to Lingo Networks LLC, a telecommunications company doing business in the Commonwealth of Virginia SCC#S2970210, its successors and assigns, under the Code of Virginia and the Telecommunications Act, the right, for the term and upon the conditions stated in this ordinance and incorporated agreement, a non-exclusive Franchise authorizing the Franchisee to place and maintain its Telecommunications Facilities in the Public Ways within the Franchise Area, and for that purpose to use, erect, install, construct, repair, alter, add to, inspect, replace, reconstruct, maintain, or retain in any Public Way such poles, wires, cables, conductors, ducts, underground conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and, including but not limited to, above ground enclosures, markers, and concrete pads, or other related property, equipment, or fixtures as may be necessary, useful, or appurtenant to the Telecommunications Facilities, and to provide such services over the Telecommunications Facilities as may be lawfully allowed.

WHEREAS, Lingo Networks, LLC has asked that it be granted a franchise to

699 place its fiber optic telecommunications equipment and facilities within the Public Way,
700 as defined in a form of franchise agreement as drafted and annexed and incorporated into
701 this ordinance;

702
703 **WHEREAS**, consistent with Chapter II, Section 11, of the City Charter and the
704 provisions of Virginia Code Sections §§ 15.2-2100, 15.2-2101, and 56-462, the City may
705 grant a telecommunications franchise;

706
707 **WHEREAS**, pursuant to § 15.2-2101(A) of the Code of Virginia, before granting
708 any franchise, privilege, lease or right of any kind to use any public property described
709 in § 15.2-2100 or easement of any description, for a term in excess of five years, except
710 in the case of and for a trunk railway, the city or town proposing to make the grant shall
711 advertise a descriptive notice of the ordinance proposing to make the grant once a week
712 for two successive weeks in a newspaper having general circulation in the city or town;

713
714 **WHEREAS**, this matter was properly advertised once a week for two successive
715 weeks in the *Staunton News Leader* on January 29, 2019 and February 5, 2019;

716
717 **WHEREAS**, Staunton City Council was briefed by staff on the franchise
718 agreement at Council's February 14, 2019 work session;

719
720 **WHEREAS**, the Staunton City Council, at its February 14, 2019 meeting,
721 conducted an opening of any bid(s);

722
723 **WHEREAS**, the Staunton City Council conducted a public hearing on February
724 14, 2019 on the proposed ordinance and franchise agreement and any bid(s);

725
726 **WHEREAS**, the provisions of Virginia Code § 15.2-2100 and Staunton City
727 Code § 2.10.180 require a recorded affirmative vote of three-fourths of all the members
728 elected to Council to grant a franchise;

729
730 **WHEREAS**, these recitals are deemed an integral part of this ordinance.

731
732 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of
733 Staunton, Virginia that it **HEREBY FINDS** the public welfare will be enhanced by the
734 grant of the franchise requested by Lingo Networks, LLC and it is in the best interest of
735 the City to grant and **HEREBY GRANTS** a franchise on the conditions contained in the
736 telecommunications franchise agreement, a copy of which is annexed and incorporated
737 hereto, between the City and Lingo Networks, LLC; and it is

738
739 **FURTHER ORDAINED** that the Staunton City Manager is authorized to sign
740 such Telecommunications Franchise Agreement and any other documents embodying
741 the terms approved herein on behalf of the City, upon approval of the City Attorney; and
742 it is

743
744 **FURTHER ORDAINED** that such Franchise shall be effective upon the date

upon which it is signed by the City and Lingo Networks, LLC and shall extend for a term(s) as provided in the agreement.

Introduced: February 14, 2019

Adopted: February 14, 2019

Effective: February 14, 2019

/s/ Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: /s/ Suzanne F. Simmons

Suzanne F. Simmons

Clerk of Council

E. Consideration of Resolution Designating Gypsy Hill Place, LLC Property as Revitalization Area to Qualify Property for Virginia Housing Development Authority Workforce Housing Loan Program

Billy Vaughn, Director of Economic Development, stated Gypsy Hill Place, LLC is pursuing a loan to refinance their debt through the Virginia Housing Development Authority (VHDA) Workforce Housing Loan Program.

Mr. Vaughn stated the purpose of the request for the designation as a revitalization area is for the company to receive a more favorable refinancing package. Following discussions with the VHDA, Mr. Vaughn noted the company has confirmed that the site is eligible for the designation. He stated if Gypsy Hill Place, LLC does not receive the designation or the loan at that rate, then the Company will auction or sell the property.

Mr. Vaughn stated if Council decides to approve the designation, there will be no financial commitment on the City's part by doing so and that they are not authorizing to provide incentives for the project. He noted that this will help the current tenants to continue to pay below market rates and continue to operate.

Mr. Vaughn stated representatives from Octagon Partners, LLC were present to answer questions.

Mayor Dull stated Gypsy Hill Place also houses the Staunton Senior Center and ShenanArts.

Ms. Oakes moved to adopt the resolution designating the property owned by Gypsy Hill Place, LLC in the City of Staunton as a revitalization area for the purpose of qualifying for a loan through the Virginia Housing Development Authority Workforce Housing Loan Program, as presented.

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

Ms. Oakes	aye	Ms. Mead	aye
Dr. Curren	aye	Vice Mayor Kier	aye
Mayor Dull	aye	Dr. Harrington	aye

Mr. Holmes aye

**RESOLUTION
OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO MAKE DETERMINATIONS AND A
CONSIDERATION OF A REVITALIZATION AREA DESIGNATION AS A
REVITALIZATION AREA ENCOMPASSING GYPSY HILL PLACE, LLC PROPERTY
FOR QUALIFYING FOR A LOAN THROUGH THE VIRGINIA HOUSING
DEVELOPMENT AUTHORITY WORKFORCE HOUSING LOAN PROGRAM**

Recitals

A. Beginning in 2008, Octagon Partners, LLC redeveloped the shuttered former public high school at 300 Churchville Avenue (PID 9134) and 503 Dupont Avenue (PID 9155), now known as Gypsy Hill Place, utilizing historic and other tax credits;

B. With the expiration of historic tax credits and the sunset of other incentives approaching, Gypsy Hill Place, LLC (the “Company”), the current owner of the property, is working to refinance the project (the “Project”), essentially given that a significant amount of square footage is currently leased to non-profit organizations at below-market rates, including the senior living component, which, according to the Company, has operated at a loss;

C. The Project’s reportedly various components provide senior housing, services for the aging, arts and education, which represents a significant improvement to the former high school prior to rehabilitation;

D. In the absence of an incentivized refinancing option, the Company asserts it will be necessary to increase the rents for the non-profit tenants to a level commensurate with current market rates;

E. Given these considerations and to maintain the senior living component, the Company is pursuing a loan through the Virginia Housing Development Authority (VHDA) Workforce Housing Loan Program;

F. As a prerequisite to securing such a loan, the Company’s property must be situated within a designated housing revitalization area, for purposes of Virginia Code § 36-55.30:2(A);

G. Under the referenced code section, City Council has the authority to designate portions of the City as revitalization areas, provided the requirements set forth in the code section are satisfied, and the Company has requested that Council adopt a resolution to so designate the Company’s property;

H. VHDA staff advises that Company’s property is eligible for such a designation and the requested VHDA loan based on the application of such requirements;

I. City Council considers the continuation of the original revitalization of the Project a priority in the community's economic development effort;

J. This matter has been properly heard and considered; and

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

NOW, THEREFORE, BE IT DETERMINED FURTHER AND RESOLVED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA, THAT:

1. Pursuant to Virginia Code § 36-55.30:2(A), the City Council of the City of Staunton, Virginia, designates the area (the "Area") at 300 Churchville Avenue (PID 9134) and 503 DuPont Avenue (PID 9155), and described on **Exhibit A** attached hereto, as a revitalization area.

2. The industrial, commercial or other economic development of the Area will benefit the City of Staunton, but the Area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in the Area.

3. Private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area.

4. The non-housing portions of the building located or to be located in the Area are necessary or appropriate for the industrial, commercial or other economic development of the Area; such as, the Staunton Senior Center, ShenanArts, Valley Program for Aging Services Meals on Wheels Kitchen, The Presbury Theatrical Training Program, Wintergarden Event Room, and Now You're Cooking Catering.

5. The Company is pursuing the revitalization area designation only as a requirement of participating in the VHDA loan program; there are no expectations or requirements that the City of Staunton contribute financially or provide other incentives or consideration for the Project as set forth in this resolution; and the Company has represented that no such request will be made.

6. The City Manager or designee is hereby authorized to sign and submit appropriate documents for the designation of a revitalization area as now determined by the City Council.

Adopted this 14th day of February, 2019.

/s/ Carolyn W. Dull
Carolyn W. Dull, Mayor

ATTEST: /s/ Suzanne F. Simmons

882
883

Suzanne F. Simmons
Clerk of Council

DRAFT

F. Consideration of the Proposed Capital Improvement Plan FY2019-FY2023

Ms. Colvin stated this item is for the Capital Improvement Plan FY2019 – FY 2023. She noted it includes all City funds – water, sewer, parking – and also includes the Education Fund CIP program.

Ms. Colvin stated the total plan is \$189,425,666. She noted an overview of the plan was presented to the Planning Commission on December 20, 2018. At its meeting on January 17, 2019, the Planning Commission conducted a public hearing on the plan. Subsequent to the public hearing, the Planning Commission approved the CIP, on a unanimous vote.

Ms. Colvin stated the School Board reviewed the school capital projects on December 10, 2018, and adopted the Education Fund CIP on January 14, 2019.

Ms. Colvin stated there have been no changes made to the plan since it was first introduced. She noted after several discussions held by Council, it is presented for their approval.

Mr. Holmes moved that City Council adopt the FY2019-FY2023 Capital Improvement Plan, totaling \$189,425,666.

The motion was seconded by Dr. Curren and carried as follows:

Dr. Curren	aye	Vice Mayor Kier	aye
Mayor Dull	aye	Dr. Harrington	aye
Mr. Holmes	aye	Ms. Oakes	aye
Ms. Mead	aye		

G. Consideration of Resolution to Dissolve Trolley Advisory Board

Steve Rosenberg, Deputy City Manager, stated, as discussed earlier in the work session, this matter addresses the dissolution of an advisory board that was formed by City Council when it adopted a resolution in September, 2000. He noted the Trolley Advisory Board previously provided advice to Council and City staff concerning the operation of the downtown trolley when it was operated directly by the City of Staunton. Mr. Rosenberg stated since January 1, 2014, that public transit services in the City as well as other transit services in the region have been operated by the Central Shenandoah Planning District Commission. He noted that change occurred because the federal funding for transit services in the area is now required to go to the Planning District Commission since the designation of a metropolitan statistical area here in this part of the central Shenandoah Valley.

Mr. Rosenberg stated with that change in the operation of transit services by the City to the PDC and the provision of those transit services on a regional basis, there is no longer a need for a Trolley Advisory Board. He stated it is the City Manager's recommendation that Council adopt the resolution to dissolve that board. He noted that the PDC has established its own transit advisory committee that functions in much the same way that the Trolley Advisory Board did for the City when it operated the service. Mr. Rosenberg stated with the advisory body established by the

PDC, there are representatives from each of the participating localities in the transit system and it meets on a quarterly basis to provide input to the PDC in its operation of the regional transit services.

Ms. Mead moved that Council adopt the proposed resolution dissolving the Trolley Advisory Board, as presented.

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

Vice Mayor Kier	aye	Ms. Oakes	aye
Mayor Dull	aye	Dr. Harrington	aye
Mr. Holmes	aye	Dr. Curren	aye
Ms. Mead	aye		

**A RESOLUTION
OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO DISSOLVE THE TROLLEY ADVISORY BOARD**

Recitals

A. The City of Staunton established a Trolley Advisory Board by Resolution of this Council dated September 14, 2000, to assist and advise on matters related to the City's trolley service operations;

B. Since, January 1, 2014, public transit services in the City, including the routes known as the Downtown Trolley and the Saturday Night Trolley, have been administered by the Central Shenandoah Planning District Commission;

C. Given the Central Shenandoah Planning District Commission's administration of such services, the Trolley Advisory Board for the City of Staunton suspended its activities;

D. This matter has been properly heard, and considered; and

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

Action

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton that the Trolley Advisory Board is officially dissolved and no longer exists as one of the City's boards and commissions.

BE IT FURTHER RESOLVED that Council, on behalf of the City, extends its grateful thanks to those citizens of the City who served previously as members of the board for their services.

976
977 Adopted:

978
979 /s/ Carolyn W. Dull
980 Carolyn W. Dull, Mayor
981
982

983 ATTEST: /s/ Suzanne F. Simmons
984 Suzanne F. Simmons
985 Clerk of Council
986
987

988 **Matters from the City Manager**
989

990 Mr. Rosenberg stated under its agreement with the City, the Staunton Downtown Development
991 Association is required to provide a semi-annual report to Council concerning its operation over
992 the course of the preceding six months. He noted the package had been received from Julie
993 Markowitz, Executive Director of SDDA, and he would provide it to a member of Council upon
994 adjournment. Mr. Rosenberg stated after each Council member reviewed the package, he would
995 answer any questions Council might have.
996

997 **Matters from the Public**
998

999 Izaha Proctor, a 5th grade student, stated he was enrolled at a class at UVA which researches safety
1000 from natural disasters. He noted he'd reviewed the City's plans and had interviewed staff at the
1001 Fire Department. Izaha stated the City had good plans in place, but had noted during the ice storm
1002 clean-up in November, there were still areas with debris causing the potential for fire hazards in
1003 the spring. He proposed the purchase of 4 double sided signs alerting fire risks to promote public
1004 awareness. Mayor Dull asked Izaha if he would consider working with Ruth Jones Turner,
1005 Communications Manager, to place alerts on the City's Facebook page.
1006

1007 There was no one else wishing to speak.
1008

1009 **Adjournment**
1010

1011 There being no further business to come before Council, the meeting adjourned at 8:34 p.m.
1012
1013
1014

1015 _____
1016 Suzanne F. Simmons
Clerk of Council

Prepared by Bruce K. Tyler, P.C.
Return to Stewart Title,
1600 N. Coalter Street, Suite 17B
Staunton, VA 24401
Title Insurance Unknown

PIN# 1311

THIS DEED OF GIFT, Made this 16th day of February, 2009, by and between
ANTHONY E. SMITH and **KAREN MADISON SMITH** (formerly known as Karen L.
Madison), husband and wife, parties of the first part, hereinafter called the "Grantor", and
ANTHONY E. SMITH and **KAREN MADISON SMITH**, husband and wife, parties of the
second part, hereinafter call the "Grantee", whose address is 219 Church Street, Staunton,
VA 24401:

WITNESSETH

That for and in consideration of the mutual love and affection which the parties hereto
bear for each other, the said **Anthony E. Smith** and **Karen Madison Smith**, husband and
wife, parties of the first part, do hereby grant and convey with **GENERAL WARRANTY**
AND ENGLISH COVENANTS OF TITLE, unto the said **Anthony E. Smith** and **Karen**
Madison Smith, husband and wife, as tenants by the entireties with full rights of
survivorship as at common law and not as tenants in common, parties of the second part, the
following described real estate, to-wit:

FIRST: All that certain tract or parcel of land, together with all
improvements thereon and all rights, privileges and appurtenances thereto
belonging or in anywise appertaining, situate in the City of Staunton, Virginia,
known by present house numbering as 219 Church Street and being more
particularly designated and described on a plat entitled "Physical Survey House
No. 219 Church Street, Staunton, Virginia", dated July 7, 1999, and made by L.
W. Knighting, L.S., said plat being recorded in the Clerk's Office of the Circuit
Court of Staunton, Virginia, in Deed Book 429 at page 272; and,

SECOND: All that certain tract or parcel of land, together with all
improvements thereon and all rights, privileges and appurtenances thereto
belonging or in anywise appertaining, situate in the City of Staunton, Virginia,
being as shown on Sheet 6 of the plans for Route 252, State Highway Project

0252-132-101, RW-202 and lying northwest of and adjacent to the northwest revised proposed right of way line (12-26-01) of Route 252, from a point approximately 105 feet opposite approximate Station 176+12 (Route 252 Office Revised Centerline) to a point approximately 89 feet opposite Station 177+81.5 (Route 252 Office Revised Centerline), containing 0.053 acre, more or less, and.

For a more particular description of the land herein conveyed, reference is made to the photocopy of said Sheet 6, showing outlines in RED the said land, which photocopy is recorded in said City Clerk's Office in State Highway Plat Book 3; and,

Being the same real estate conveyed to Anthony E. Smith and Karen L. Madison, by deed dated May 18, 2006, of Edward F. Smith and Donna T. Smith, husband and wife, which deed is recorded in the City of Staunton Circuit Court Clerk's Office as Instrument Number 060001992, to which said deed, plat and to the references therein contained, reference is hereby made for a more particular description of the real estate hereby conveyed, as well as derivation of title.

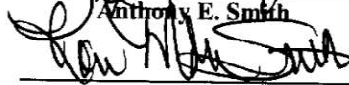
The above-described real estate is conveyed subject to all easements, reservations, restrictions, conditions and other encumbrances contained in duly recorded deed, plat and other instruments constituting constructive notice in the chain of title to the above described property which have not expired by a time limitation contained therein or otherwise become ineffective.

**THIS DEED IS EXEMPT FROM TAXATION PURSUANT TO SECTION
58.1-811(D) OF THE CODE OF VIRGINIA (1950), AS AMENDED**

WITNESS the following signatures and seals:



Anthony E. Smith (SEAL)



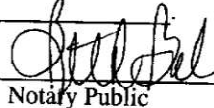
Karen Madison Smith (SEAL)

STATE OF VIRGINIA
AT LARGE

CITY/COUNTY OF Augusta, To-Wit:

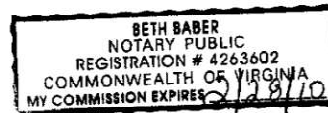
The foregoing deed of gift bearing date of February 16, 2009, was acknowledged before me this 19th day of February, 2009, by Anthony E. Smith and Karen Madison Smith.

My commission expires: _____



Notary Public

Registration Number: _____



INSTRUMENT #090000525
RECORDED IN THE CLERK'S OFFICE OF
STAUNTON ON
FEBRUARY 24, 2009 AT 12:42PM

THOMAS E. ROBERTS, CLERK
RECORDED BY: CGN

**VIRGINIA LAND RECORD COVER SHEET
FORM A - COVER SHEET CONTENT**

Instrument Date: 11/28/2018
Instrument Type: PM
Number of Parcels: 2 Number of Pages: 2
☒ City ☐ County

STAUNTON

TAX EXEMPT? VIRGINIA/FEDERAL LAW

☐ Grantor: _____

☐ Grantee: _____

Consideration: \$0.00

Existing Debt: \$0.00

Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00

Fair Market Value Increase: \$0.00

Original Book Number: _____ Original Page Number: _____ Original Instrument Number: _____

Prior Recording At: ☒ City ☐ County

090000525

Percentage In This Jurisdiction: 100%

BUSINESS / NAME

1 ☐ Grantor: SMITH, ANTHONY E

2 ☐ Grantor: SMITH, KAREN M

1 ☐ Grantee: SMITH, ANTHONY E

2 ☐ Grantee: SMITH, KAREN M

GRANTEE ADDRESS

Name: ANTHONY E SMITH

Address: _____

City: _____ State: VA Zip Code: _____

Book Number: _____ Page Number: _____ Instrument Number: _____

Parcel Identification Number (PIN): 1311 Tax Map Number: 375

Short Property Description: LOT 8 BLK BBB

Current Property Address: 219 CHURCH ST

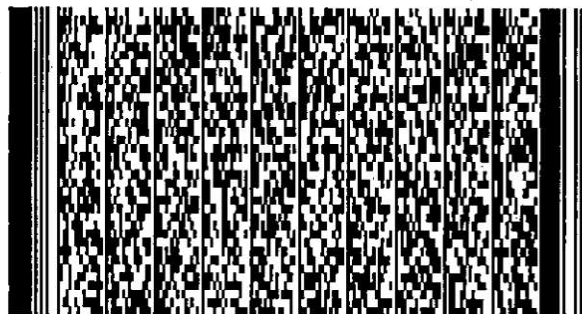
City: STAUNTON State: VA Zip Code: 24401

Instrument Prepared By: THOMAS W. DORR, LS Recording Paid By: ANTHONY E. SMITH

Recording Returned To: ANTHONY E. SMITH

Address: 219 CHURCH ST

City: STAUNTON State: VA Zip Code: 24401



INSTRUMENT 190000017
RECORDED IN THE CLERK'S OFFICE OF
STAUNTON CIRCUIT COURT ON
JANUARY 3, 2019 AT 10:01 AM
THOMAS E. ROBERTS, CLERK
RECORDED BY: CGN

(Area Above Reserved For Deed Stamp Only)

VIRGINIA LAND RECORD COVER SHEET

FORM C – ADDITIONAL PARCELS

Instrument Date: 11/28/2018
Instrument Type: PM
Number of Parcels: 2 Number of Pages: 2
☒ City ☐ County
STAUNTON

PARCELS IDENTIFICATION OR TAX MAP

Prior Recording At: ☒ City ☐ County
090000525
Percentage In This Jurisdiction: 100%
Book Number: _____ Page Number: _____
Instrument Number: _____
Parcel Identification Number (PIN): 201
Tax Map Number: 375

(Area Above Reserved For Deed Stamp Only)

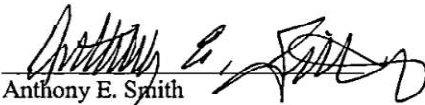
Short Property Description: RESIDUE LOT 7 BLK BBB
Current Property Address: 129 MIDDLEBROOK AVE
City: STAUNTON State: VA Zip Code: 24401

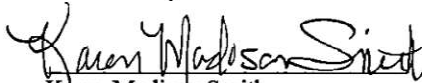
Prior Recording At: ☐ City ☐ County
Percentage In This Jurisdiction: _____
Book Number: _____ Page Number: _____
Instrument Number: _____
Parcel Identification Number (PIN): _____
Tax Map Number: _____
Short Property Description: _____
Current Property Address: _____
City: _____ State: _____ Zip Code: _____



CERTIFICATE OF RECORDATION

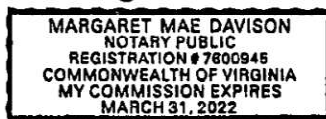
The attached plat titled "Plat Combining Two Parcels of the Anthony E. Smith, ETAL, Property", Tax Map #375 with courses and distance description made by Thomas W. Dorr, Licensed Land Surveyor for EGS & Associates, Inc. of Staunton, Virginia, dated November 28, 2018, of the lands of Anthony E. Smith and Karen Madison Smith situate in the City of Staunton, Virginia, and being the same land acquired from Anthony E. Smith and Karen Madison Smith (formerly known as Karen L. Madison) deed of record in the Clerk's office of the Circuit Court of the City of Staunton, Virginia as Instrument No. 090000525, is hereby submitted to record in the said Clerk's Office with the consent of and in accordance with the desire of the undersigned owners.

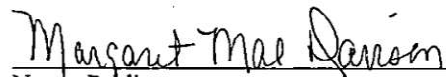

Anthony E. Smith


Karen Madison Smith

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

The foregoing instrument was acknowledged before me this 2nd day of January, 2019, by Anthony E. Smith

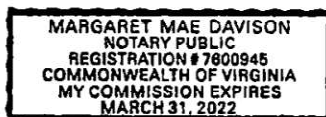


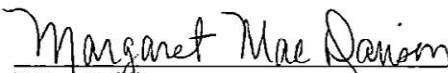

Notary Public

My commission expires March 31, 2022

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

The foregoing instrument was acknowledged before me this 2nd day of January, 2019, by Karen Madison Smith




Notary Public

My commission expires March 31, 2022

MERIDIAN FROM
GRID NORTH, VA STATE
PLANE COORDINATE SYSTEM
NAD 83, NORTH ZONE

S.I.P. = SET IRON PIN
F.I.P. = FOUND IRON PIN

THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON A CURRENT
FIELD SURVEY.

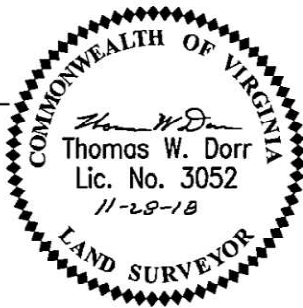
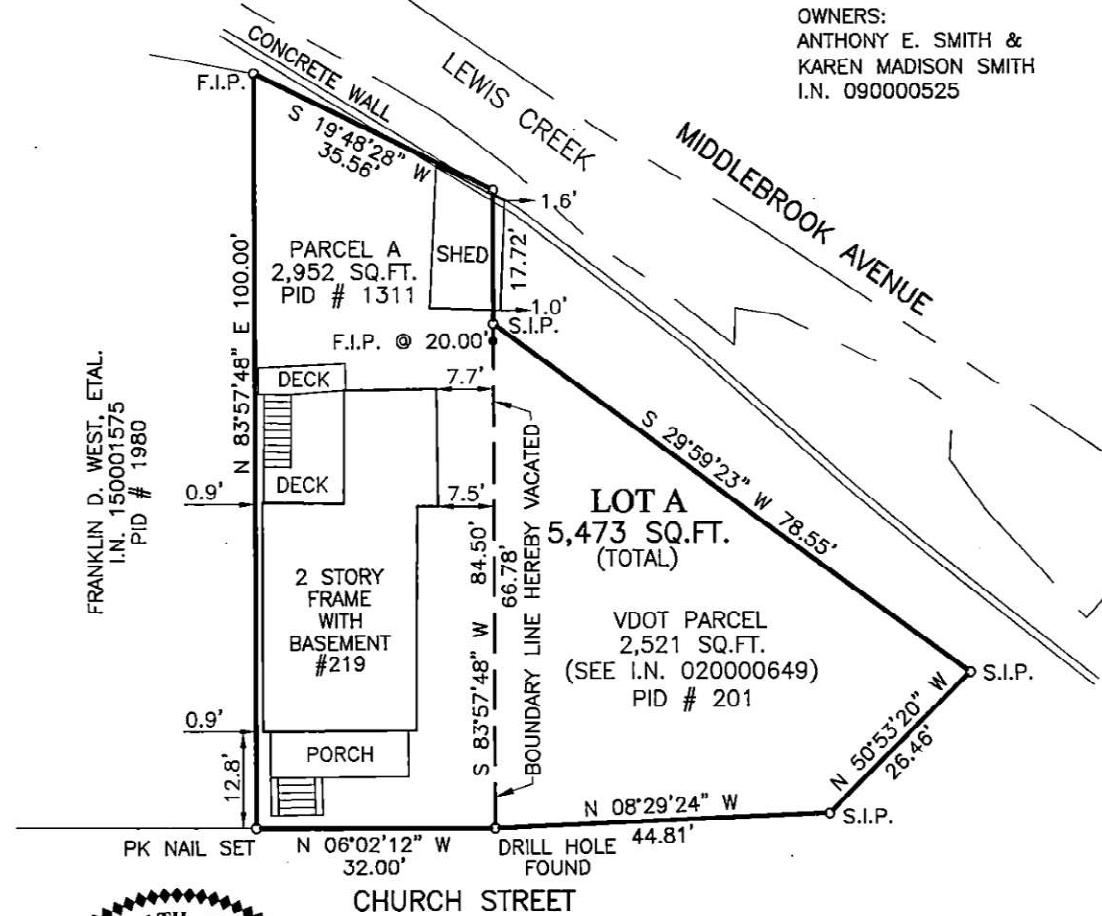
THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT AND MAY NOT
INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

NO GRAVES OR PLACES OF BURIAL WERE NOTED DURING THIS SURVEY.

PARCEL A, 2,952 SQ.FT. (PID # 1311) AND THE VDOT PARCEL,
2,521 SQ.FT. (PID # 201), BOTH OWNED BY ANTHONY E. SMITH AND
KAREN MADISON SMITH, ARE TO BE COMBINED FOR THE PURPOSE OF
ADJUSTING THE BOUNDARY LINES OR ADDING LAND TO THE EXISTING
TRACT, WITH THE RESULTING COMBINED TRACT TO BE TREATED AS
ONE TRACT, CONTAINING 5,473 SQ.FT., LOT A

THE SURVEY PREMISES IS LOCATED WITHIN A SPECIAL FLOOD HAZARD
AREA, ZONE AE, BASE FLOOD ELEVATIONS DETERMINED, ACCORDING TO
FIRM FOR THE COUNTY OF AUGUSTA, VIRGINIA, COMMUNITY #510013
AND THE CITY OF STAUNTON, VIRGINIA, COMMUNITY #510155, MAP
NUMBER 51015C0339E, EFFECTIVE DATE 01-06-2010.

OWNERS:
ANTHONY E. SMITH &
KAREN MADISON SMITH
I.N. 090000525



PLAT COMBINING TWO PARCELS OF THE
ANTHONY E. SMITH, ETAL. PROPERTY
STAUNTON, VA

SCALE 1" = 20' NOVEMBER 28, 2018

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

IF THIS PLAT IS NOT RECORDED WITHIN 6 MONTHS
THE SUBDIVISION AGENT APPROVAL IS VOID.
SUBDIVISION AGENT

[Signature] 12-19-2018



NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the Property is HEREBY REZONED from B-1, Local Business District, to R-2, Low Density Residential District, as set forth in the Staunton City Code.

INTRODUCED: January 23, 2014

ADOPTED: January 23, 2014

EFFECTIVE DATE: January 23, 2014

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

ATTEST: s/Linda L. Little
Linda L. Little, Clerk

C. Public hearing and consideration of an ordinance terminating an existing cell site lease agreement and authorizing a new lease between TV6 – W, LLC and the City of Staunton

Mr. Owen, City Manager, stated that on February 8, 1991, as authorized by an ordinance adopted by City Council on January 24, 1991, the City entered into a cell site lease agreement with Charles Braley, trading as CellularOne. The lease permitted CellularOne to occupy City-owned real estate adjacent to the Shutterlee Mill water storage tank, for the purposes of constructing a tower and ground facilities for cellular telephone service. The initial term of the lease was 20 years, with four successive renewal periods of five years each. The rent provisions of the lease required, in part, that CellularOne (a) provide to the City five free cell phones and a 7.5% discount on the City's bills for cellular telephone service, and (b) occupy retail and office space in the City.

The lease was subsequently assigned by Braley to Virginia Cellular (wholly owned by Braley). Over time, through various transactions, the lease has been further assigned, in succession, to Alltel, to Verizon, to Tower Assets Newco VIII, LLC and, most recently, to TV6 – W, LLC. The only equipment currently on the tower belongs to nTelos and Staunton Fire and Rescue.

City staff has been in discussions with representatives of TV6 – W, LLC concerning another cell provider's desire to access this site and occupy space on the tower. Staff's consideration of the proposed additional use led to questions about the fulfillment of the rent obligations under the lease in recent years, especially since CellularOne had long since ceased to exist. Staff shared those concerns with company representatives, who acknowledged that TV6 – W, LLC essentially currently occupies this site rent free. Discussions commenced concerning appropriate compensation to the City, given the current market, and the parties agreed to enter into a new, updated lease arrangement. Company representatives have been very cooperative and willing to work with the City. As mutually agreed, the terms of the new lease provide for (i) a five-year term, (ii) an initial lump sum payment of \$25,000 to the City, and (iii) annual rent to the City of \$7,200 (paid in full at the beginning of each year), escalated at the rate of 4% annually.

The attached Ordinance provides for the termination of the existing cell site lease agreement and authorizes a new lease between TV6 – W, LLC and the City, on the terms described above.

Under the applicable state code provision, a public hearing is required concerning the proposed lease.

The public hearing was opened. Speaking in favor of this matter was Baldwin Jennings stating that he was for technology but felt that cell providers should pay more. He further stated that it should be in the lease that when the tower is obsolete, the tower should come down and the land repaired.

There being no one to speak in opposition, the public hearing was closed.

Dr. Harrington moved that City Council adopt an ordinance terminating the existing cell site lease agreement and authorizing a new lease between TV6 – W, LLC and the City.

Seconded by Vice Mayor Dull, the motion carried as follows:

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

Ordinance No. 2014 - 06

ORDINANCE TO TERMINATE CELL SITE LEASE FRANCHISE AND TO AUTHORIZE NEW LEASE WITH TV6-W, LLC REGARDING A PORTION OF THE PROPERTY KNOWN AS THE CITY PUBLIC WORKS SITE

WHEREAS, by ordinance introduced and adopted January 24, 1991 (“Ordinance”), the Council of the City of Staunton awarded a lease franchise to Charles R. Braley, III (“Braley”), trading as CellularOne;

WHEREAS, in furtherance of and consistent with the Ordinance, the City of Staunton and Charles R. Braley, III, entered into a cell site lease agreement, dated February 6, 1991 for identification (“Lease”).

WHEREAS, other entities by assignment or otherwise have succeeded Braley as Lessee under the Lease through a series of transactions since 1991, and the last of such entities that has asserted such interests is TV6-W, LLC, the entity into which Tower Assets Newco, VIII, merged effective December 31, 2013, according to the representations of their authorized representatives;

WHEREAS, TV6-W, LLC, as the Lessee under the lease franchise and Lease, and the City of Staunton, Virginia, mutually desire to terminate the Lease franchise and enter into a new lease; and

WHEREAS, the Council of the City of Staunton conducted a public hearing regarding the proposed new lease, which in draft form included historical recitals and other provisions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, with the consent of TV6-W, LLC, that the lease franchise originally awarded and memorialized by the Ordinance and reflected in the Lease, together with any amendments, are hereby terminated and a new lease, dated January 23, 2014 for identification, is hereby authorized for execution by the City Manager on behalf of the City of Staunton, Virginia, with further authorization for the City Manager to make changes, as approved by the City Attorney, to the lease that are substantially consistent with the terms presented and considered during the public hearing conducted prior to the adoption of this ordinance.

Introduced: January 23, 2014

Adopted: January 23, 2014

Effective Date: January 23, 2014

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

ATTEST: s/Linda L. Little
Linda L. Little, Clerk of Council

D. Consideration of the Comprehensive Annual Financial Report.

Ms. Colvin, Director of Finance, stated that the audit was completed and she was pleased to present the audit to Council, along with the management letter and the auditors' comments. She noted that this was the first year that Staunton has had no facts or findings on the audit report and no corrections need to be made.

Ms. Megan Argenbright, of Brown, Edwards and Company, LLP, the City's auditors, presented the FY2013 Comprehensive Annual Financial Report (CAFR) and findings to City Council.

She stated that the CAFR is prepared by the Finance Department and reviewed by the auditors. The auditors expressed an unmodified opinion on the financial statements for FY2013. An unmodified opinion basically means that the City's financial procedures and records are in accordance with generally accepted accounting principles.

The CAFR is divided into four sections: (1) Introductory Section, (2) Financial Section, (3) Statistical Section, and (4) Compliance Section.

The Financial Section contains Management's Discussion and Analysis of the City's financial performance during FY2013 with some comparisons to FY2012. This analysis summarizes financial statements of the City's general operating funds and the enterprise funds for the year.

Statement of Activities

The Statement of Activities is presented on pages 6 and 7 of the CAFR. The statement basically displays all of the operating revenues and expenditures for the entire City government.



8051 Congress Ave.
Boca Raton, FL 33487-1307

sbsite.com

June 29, 2015

City of Staunton, Virginia
Attn: Finance Department
P.O. Box 58
Staunton, VA 24402-0058

Re: **SBA Site ID#: VA17211-A**
Site Address: 1911 Craigmont Dr , Augusta, VA

SBA Site Name: Staunton

Dear Lessor:

TV6 Holdings, LLC ("SBA") is pleased to announce its recent acquisition of the communication tower in connection with the above noted lease, which was previously owned by TV6-W, LLC. Enclosed, please find all necessary documentation as proof of this transaction.

Effective immediately, all rental payments related to this lease will now be issued by SBA. Please complete the enclosed W-9 form and return it in the envelope provided to the address below. Failure to complete, sign and return the W-9 form may result in SBA garnishing a portion of your rent due to IRS requirements:

TV6 Holdings, LLC
8051 Congress Ave.
Boca Raton, FL 33487-1307
Re: VA17211-A
Attn: Site Administration

We have also enclosed an *ACH Deposit Enrollment Authorization* form if you choose to have your checks directly deposited into one of your bank accounts.

Please also find enclosed an address confirmation form. Please review the information on the form, and make any corrections if necessary, and sign and return to SBA in the enclosed self-addressed, stamped envelope.

In addition, an original Certificate of Insurance, naming you as the certificate holder and additional insured will be sent to you directly from our insurance carrier for your file.

In the event of a tower operation emergency or if assistance is required to access the site, please contact our Network Operations Center, which is open 24 hours a day, 7 days a week, at (888) 950-7483. SBA's Regional Site Manager for this tower is John Martin, who may be contacted at 757-570-6661 or jmartin@sbsite.com.

If you have any questions regarding this transaction, please contact Augusto DeOliveira, Site Administration Specialist, at (800) 487-7483 x7366 or adeoliveira@sbsite.com. If you have any questions regarding your rental payments please contact Lanee Safai, Accounts Payable Specialist, at (800) 487-7483 x9511 or lsafai@sbsite.com.

We look forward to having a pleasant working relationship with you.

Sincerely,

Vickie Schaffer

Vickie Schaffer
Administrative Assistant

Enclosures

Delaware

PAGE 1

The First State

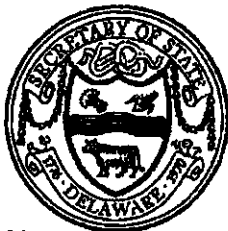
I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"TV6-W, LLC", A DELAWARE LIMITED LIABILITY COMPANY,
WITH AND INTO "TV6 HOLDINGS LLC" UNDER THE NAME OF "TV6 HOLDINGS LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE EIGHTH DAY OF JUNE, A.D. 2015, AT 1:49 O'CLOCK P.M.

4354321 8100M

150892627

You may verify this certificate online
at corp.delaware.gov/authver.shtml




Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 2446709

DATE: 06-08-15

State of Delaware
Secretary of State
Division of Corporations
Delivered 01:49 PM 06/08/2015
FILED 01:49 PM 06/08/2015
SRV 150892627 - 4354321 FILE

**STATE OF DELAWARE
CERTIFICATE OF MERGER OF
DOMESTIC LIMITED LIABILITY COMPANIES**

Pursuant to Title 6, Section 18-209 of the Delaware Limited Liability Act, the undersigned limited liability company executed the following Certificate of Merger:

FIRST: The name of the surviving limited liability company is

TV6 Holdings LLC

and the name of the limited liability company being merged into this surviving limited liability company is TV6-W, LLC.

SECOND: The Agreement of Merger has been approved, adopted, certified, executed and acknowledged by each of the constituent limited liability companies.

THIRD: The name of the surviving limited liability company is

TV6 Holdings LLC

FOURTH: The merger is to become effective on upon filing.

FIFTH: The Agreement of Merger is on file at 8051 Congress Avenue,
Boca Raton, FL 33487

the place of business of the surviving limited liability company.

SIXTH: A copy of the Agreement of Merger will be furnished by the surviving limited liability company on request, without cost, to any member of the constituent limited liability companies.

IN WITNESS WHEREOF, said surviving limited liability company has caused this certificate to be signed by an authorized person, the 8th day of June, A.D., 2015.

By:
Authorized Person

Name: Thomas P. Hunt
Print or Type

Title: Secretary

DRAFT 02.06.19

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT (Amendment), dated this ____ day of _____, 2019, for identification, is made by and between the City of Staunton, a municipal corporation of the Commonwealth of Virginia (“Lessor”) and TV6 Holdings LLC, a Delaware limited liability company, authorized to do business in Virginia (SCC #T078531-3) (“Lessee”).

WHEREAS, Lessor and Lessee, successor to TV6-W, LLC, a Delaware limited liability company, entered into a Lease Agreement, dated January 23, 2014 (Agreement), whereby Lessor leased to Lessee certain Leased Premises, that are a portion of the Owned Premises located at 1911 Craigmont Drive, Staunton, VA 24401, more particularly described in Exhibit “A” attached hereto;

WHEREAS, Lessor and Lessee desire to extend the term of the Agreement for the first of five (5) Extension Periods for which provision is made in Paragraph 2 of the Agreement;

WHEREAS, Lessor and Lessee, in their mutual interest, further wish to amend the Agreement as set forth below; and

WHEREAS, the Council of the City of Staunton (“City Council”) adopted an ordinance on _____, 2019, to authorize such extension.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. **Term.** The term of the Agreement is extended for the first five-year Extension Period, commencing on January 23, 2019, and ending on January 22, 2024, effective retroactively.

2. **Rent.** Lessee shall pay to Lessor as rent for the Leased Premises the sum of \$8,759.90 per year, due on the first day of each year of the term in advance, increasing annually by an amount equal to four percent (4%) of the previous year’s rent.

3. **Notices.** Paragraph 18 of the Agreement is hereby deleted in its entirety and replaced with the following:

18. **NOTICES.** All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused, or returned undelivered and Notices will be addressed to the parties and others as follows:

DRAFT 02.06.19

If to Lessee sent via certified or registered mail or courier:

TV 6 Holdings LLC
8051 Congress Avenue
Boca Raton, FL 33487-1307
Attn: Site Administration
Re: VA17211-A Staunton

If to Lessor sent via certified or registered mail or courier:

City Manager
City of Staunton
P.O. Box 58
116 W. Beverley St.
Staunton, VA 24402-0058/24401

With a copy to:

City Attorney
City of Staunton
P.O. Box 58
116 W. Beverley St.
Staunton, VA 24402-0058/24401

And a copy to:

Director of Public Works
City of Staunton
P.O. Box 58
1911 Craigmont Dr.
Staunton, VA 24402-0058/24401

Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

4. Other Terms and Conditions Remain. In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall control. Except as expressly set forth in this Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment.

DRAFT 02.06.19

5. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Amendment on the date and year below.

LESSOR:

City of Staunton, a municipal corporation of the Commonwealth of Virginia

By: _____

Print Name: _____

Its: City Manager

Date: _____

LESSOR ACKNOWLEDGMENT

CITY / COUNTY OF _____
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by the undersigned.

(Notary Seal)

Notary Public's Signature

Notary Registration Number

My commission expires:

LESSEE:

TV6 Holdings LLC, a Delaware limited liability company

SBA Site Name: Staunton
SBA Site ID: VA17211-A-0

DRAFT 02.06.19

By: _____

Print Name: Alyssa Houlihan

Its: Vice President Site Leasing

Date: _____

LESSEE ACKNOWLEDGMENT

COUNTY OF PALM BEACH
STATE OF FLORIDA

The foregoing instrument was acknowledged before me this _____ day of _____, 2019,
by the undersigned on behalf of the limited liability company.

Notary Public's Signature (Notary Seal)

Notary Registration Number

My commission expires:

DRAFT 02.06.19

AFFIDAVIT

AFFIANT, first being duly sworn, states as follows:

1. I am the Vice President – Site Leasing of TV6 Holdings LLC, a Delaware limited liability company (the "LLC").
2. I make this affidavit in support of my execution of a term extension amendment to the Lease Agreement with the City of Staunton on behalf of the LLC.
3. The Articles of Organization of the LLC that are in effect on the date of this affidavit are incorporated herein by reference and have not been amended.
4. There are no limitations on the Vice Presidents authority in the current Operating Agreement or otherwise that would prohibit, nullify, void, or otherwise invalidate the execution, any provision or binding effect of the deed of easement and maintenance agreement.
5. As of the date hereof, the LLC continues to exist and has not been dissolved for any reason, including but not limited to the bankruptcy of any Member of the LLC or the LLC itself, or the death, resignation, or expulsion of any LLC Member.
6. I acknowledge that this statement is under oath and subject to the full penalties of law.

Affiant

STATE OF FLORIDA

COUNTY OF PALM BEACH, TO-WIT:

SWORN AND SUBSCRIBED TO before me in my jurisdiction aforesaid this ____ day of _____, 2019, by Alyssa Houlihan, Vice President – Site Leasing, of TV6 Holdings LLC, a Delaware limited liability company

(Notary Seal)

Notary Public

My Commission expires: _____

Notary Registration No.: _____

DRAFT 02.06.19

EXHIBIT "A"

An interest in land, said interest being over a portion of the following described parent parcel:

All that certain tract or parcel of land with all improvements thereon and appurtenances thereto belonging situate for the most part in Beverley Manor District, Augusta County, Virginia, but a small portion of which is situate in the City of Staunton, containing 19.05 acres and described by plat and survey of the Engineering Department of the City of Staunton, dated October 25, 1968, as follows:

Beginning at (1) a fence post, the north-eastern corner of lands of the City of Staunton and in the western line of lands of the Church of God; thence with said line N. 23° 20' E. 118.66 ft. to (2) an iron pin, northwest corner of lands of the Church of God; thence S. 56° 15' E. 544.50 ft. to (3), being the eastern corner of lands of the church and in the western line of Shutterlee Mill Road; thence N. 31° 00' E. 50.06 ft. to (4) a new corner in lands of the grantor and the western line of Shutterlee Mill Road; thence leaving the western line of the aforementioned road with three new lines thru lands of the grantor N. 56° 15' W. 555.51 ft. to (5) a corner; thence N. 18° 44' E. 183.23 ft. to (6) a corner; thence N. 45° 14' E. 253.00 feet to (7) a post in Vincent's line, thence leaving lands of the grantor with two lines of said Vincent N. 11° 36' 34" W. 152.41 ft. to (8) a post; thence N. 16° 23' 26" W. 916.67 ft. to (9) a post; thence leaving said Vincent with a new line thru lands of the grantor S. 58° 43' 12" W. 477.35 ft. to (10) a post, being a corner in lands of the grantor and R. S. Harper; thence with R. S. Harper S. 7° 09' 52" W. 1069.52 ft. to (11) a post, being a corner in lands of the City of Staunton; thence with five lines of said City of Staunton S. 66° 36' 13" E. 73.00 ft. to (12) a post; thence N. 29° 21' 47" E. 150.00 ft. to (13) a post; thence S. 66° 36' 13" E. 150.00 ft. to (14) a post; thence S. 29° 21' 47" W. 150.00 ft. to (15) a post; thence S. 66° 36' 13" E. 351.98 ft. to the beginning; containing 19.05 acres more or less.

LESS AND EXCEPT that portion of property conveyed to Commonwealth of Virginia from City of Staunton, Virginia, a municipality by Deed dated September 29, 1988 and recorded February 22, 1989 in Deed Book 292, Page 458.

AND BEING a portion of the same property conveyed to City of Staunton, a Virginia municipal corporation from Mack W. Harper by Deed dated November 04, 1968 and recorded November 21, 1968 in Deed Book 543, Page 17.

Tax Parcel No. 10121

EXHIBIT A
GYPSY HILL PLACE, LLC PROPERTY



City Council
WORK SESSION
February 21, 2019
6:30 p.m.

Council Members Present: Mayor Dull, Vice Mayor Kier, Council Members Curren, Harrington, Holmes, Oakes, and Mead.

Council Members Absent: Council Member Oakes.

The Mayor called the meeting to order at 6:30 p.m. and the invocation/moment of silence was given by Dr. Harrington.

1. Recycling Program Update

Steve Owen, City Manager, stated Council usually doesn't have work sessions on single items, but tonight staff wanted to focus on the recycling issue. He noted the environment has changed with respect to recycling, and it is a global problem. Mr. Owen stated the proposed options all involve increased costs. He stated the budget will need to be balanced in late March and will involve further discussion about the recycling program.

Tom Sliwoski, Director of Public Works, stated in July 2018, staff provided an update to City Council concerning the City's recycling program, adversely affected due to developments in China. He noted he was informing Council of new rates being imposed.

Mr. Sliwoski stated the City offers two recycling options – the Gypsy Hill Park (GHP) drop-off site and curbside collection. He noted there are a lot of burdens imposed on the program including costs not anticipated, costs which are market driven, and costs that change rapidly.

Mr. Sliwoski stated there are five containers at GHP which initially cost the City nothing. He noted there is now a container rental fee and a pull fee, which involves the contractor taking the container to the recycling yard and returning it. Mr. Sliwoski stated the City was told in August 2018, the pull fee would \$100, but it has now increased to \$185, with rental fees being \$75 per month. He noted there is no contractual agreement with the recycling company, as they are the only company involved in the recycling business. Mr. Sliwoski stated there was a limited constraint of market where the City can take the recyclable goods and it was not logistically sensible to transport recyclables over significant distances.

Mr. Sliwoski stated the recycling operation at GHP costs the City an additional \$40,000 per year for container rentals, pull fees as well as getting rid of some of the commodities. He noted the only revenues collected for recyclable materials are for OCC (old corrugated cardboard) and aluminum beverage cans. Mr. Sliwoski stated there is no longer a demand for mixed paper, and the City has to pay \$50 per ton to the recycling company to remove it. He noted the City pays \$60 per ton to remove comingled plastic. He stated glass has been worthless for years and costs \$32.50 per ton to remove. Mr. Sliwoski stated these are today's market prices which continue to fluctuate and rise on an upward trend.

Mr. Sliwoski stated the trend at GHP has seen an increase of materials dropped off where curbside appears to be declining. He noted in FY2017, the City collected 183 tons of material at

50 GHP and 802 tons curbside. In FY2018, the City collected 207 tons at GHP and 765 tons
51 curbside. Mr. Sliwoski stated it is not exactly known who is dropping off materials at GHP. He
52 noted it could be county residents or Staunton residents not using curbside, but the City has no
53 control over who drops off materials. Mr. Sliwoski stated Staunton is the only municipality
54 which offers this service. He noted the County does have public use drop-off sites, but they only
55 accept OCC cardboard, glass, aluminum, and metal cans. He stated the landfill accepts all of
56 those materials, but also takes mixed plastic.

57
58 Mr. Sliwoski stated Harrisonburg used to provide curbside collection, but due to cost of
59 operations, the City abandoned that service and went to a public use drop-off site. He noted
60 when Harrisonburg did pick up curbside materials, it was sent to a MURF (mixed use recycling
61 facility) where things were sorted. He stated that is a very expensive proposition to operate, and
62 that Harrisonburg later abandoned that.

63
64 Mr. Sliwoski stated Broadway has eliminated its program, and Bridgewater only offers curbside
65 recycling, but does not accept glass.

66
67 Mr. Sliwoski stated staff has looked at several different scenarios, one of which includes
68 eliminating recycling. He noted he wanted to investigate what impact that would cause to the
69 landfill. Mr. Sliwoski stated essentially there is a very marginal cost increase to dump everything
70 that is currently being recycled in the landfill. He stated the expense allocation would go up
71 approximately 0.62%, approximately \$21,000 per year, if all materials are taken from GHP and
72 curbside to the landfill. He stated there would be very minimal impact to the landfill's longevity
73 and the total tonnage estimate increase would only be 0.73%. Mr. Sliwoski stated he'd spoken
74 with the landfill manager who told him there is enough landfill space for Augusta County,
75 Waynesboro, and Staunton even with projected growth rates to last another 30+ years.

76
77 Mr. Sliwoski stated maintaining the recycling program as it is will cost an additional \$220,00=
78 year more for FY2020. He noted the one big expense element of that is a new recycling truck
79 which costs \$160,000. He stated the GHP site typically costs \$40,000 a year currently to dispose
80 of those materials, with a \$20,000 increase in curbside service. Mr. Sliwoski stated that expense
81 for FY2021 decreases because of the recycling truck purchase.

82
83 Mr. Sliwoski passed out budget worksheet (Attachment 1) which presented several options
84 available to the City regarding the recycling program. He noted one option is to keep the
85 recycling program intact as is where the GHP site would still be picked up through the
86 contractors, and curbside would still be picked up by the City. He stated the current monthly
87 refuse recycling rate for the average residential homeowner is \$16.50 per month. Mr. Sliwoski
88 stated if the program is maintained as is, this would increase to \$18.98 per month, approximately
89 a \$30 per year increase.

90
91 Mr. Sliwoski shared a second scenario would be to totally eliminate the recycling program – both
92 at GHP and curbside service. He noted there would still be a cost increase, which would be
93 approximately \$20 per year for the average homeowner.

94
95 Mr. Sliwoski described a third scenario in which curbside service would be kept, but the public
96 drop-off site would be eliminated at GHP. He noted that fee is also \$18.98 and is about the same
97 as keeping things as they currently are. He stated the City would be spending \$40,000 extra per
98 year at the park to remove those materials, but when placed into the model of the budget, it

99 basically is almost a wash and negligible. Mr. Sliwoski stated the reason to eliminate the GHP
100 site is that there is no control there over who visits that site and particularly after long weekends
101 and holidays, the bins are overflowing. He noted this takes extra time to off-load materials and
102 extra clean-up hours. Mr. Sliwoski stated items are being placed into the bins, such as cat litter
103 and diapers, thus contaminating the entire bin, which is refused by the contractor. Mr. Sliwoski
104 stated the costs and rates involved at that site cannot be controlled.

105
106 Mr. Sliwoski stated to keep recycling, in the FY2020 budget, there is a proposed 15% rate hike,
107 and FY2021 has a 15% rate hike.

108
109 Mr. Sliwoski stated there would be a 15% rate hike in the budget that removes the GHP site and
110 keeps curbside service and in FY2021 it would drop to a 10% rate increase. He noted in the end,
111 they all balance out. Mr. Sliwoski stated there is still a landfill to maintain and expand, and to
112 maintain with the DEQ and federal regulations which involves costs also. He stated there will be
113 an approximately \$3 million major expansion of the landfill in FY2023.

114
115 Ms. Mead asked if demands for curbside collections would increase if the GHP site was closed
116 and would there be implications for that. Mr. Sliwoski stated he did not know exactly, but also
117 staff did not know exactly who was dropping off materials at the GHP site.

118
119 Vice Mayor Kier stated in the FY2024 budget for scenario 3, it shows a 110% increase. Ms.
120 Colvin stated that was a typographical error and should show a 10% increase.

121
122 Mr. Holmes asked if the recycling programs were discontinued, what would the effect be at the
123 landfill. Mr. Sliwoski stated there would be a 0.73% increase in tonnage taken to the landfill,
124 and the landfill manager stated that would not have a significant impact on the longevity of the
125 landfill.

126
127 Dr. Harrington asked if there were measures which the City should be contemplating, beyond the
128 reach of an ordinance, such as behavioral types of changes in the community. Mr. Sliwoski
129 stated plastic bags can be controlled at Council's desire through an ordinance. He noted the food
130 industry has basically switched to all plastic due to weight and costs. Mr. Sliwoski stated there
131 are lifestyle changes that can be made by the public. He noted the City could alter what would
132 be picked up in the future, but a lot of this is market driven.

133
134 Dr. Harrington referred to behavioral changes and plastic packaging; he asked if Council had any
135 authority to influence grocery stores and their suppliers. Mr. Sliwoski stated he felt Council
136 would have very minimal influence in that area.

137
138 Vice Mayor Kier asked if the budget for FY2020 involved a \$250,000 increase. Mr. Sliwoski
139 stated there were implications to increase the budget regardless, but this involved maintenance
140 and expansion of the development of the landfill as well as just picking up refuse itself whether
141 recycling is continued or not. He noted if the recycling program is continued, there are costs
142 involved, but future costs are unknown.

143
144 Ms. Colvin stated these figures are based on costs that are known today. She noted the pull fees
145 almost doubled in six months.

146

Mayor Dull stated the third option where the GHP site is discontinued and curbside collection is kept, seemed to be the best. She agreed that the City has no control over the GHP site, but she would hate to give up on curbside collection. Mayor Dull felt the City could look further into what types of items would be picked up, such as plastics 1 and 2. She referred to Trex in Winchester which has a community program and recycles plastics into decking and bench material. Mayor Dull stated perhaps this was an opportunity for schools and organizations to recycle. She felt the City should try this scenario for a year.

Ms. Mead asked what the implications were for the recycling bins at the landfill if the City eliminated the bins at GHP. Mr. Sliwoski stated he felt there would not be any implications at all because the County has drop-off sites strategically placed throughout the county. He noted there would be an uptick in the curbside collection, but did not know how much that would involve.

Mr. Sliwoski stated it is staff's intent to get direction from Council to lock in numbers to prepare and present this in the budget in two weeks. He stated an update would be provided to Council in a few months. He stated at some future point he might propose not picking up glass material and only plastics 1 and 2. Mr. Sliwoski stated this would be seriously considered in order to keep expenses down as much as possible.

Mr. Holmes asked if costs could be saved by not picking up curbside recyclables as often. Mr. Sliwoski stated the City's trucks currently run four days a week for residents and one day a week for downtown. He noted there is a special cardboard pickup for the downtown area. Mr. Sliwoski stated he didn't feel that would help.

Dr. Harrington asked about possible remedies for Public Works employees and contaminated items being placed in bins. Mr. Sliwoski stated a tag is typically placed on the bin. Dr. Harrington asked if educating the public further about correct placement of items would help.

Steve Owen, City Manager, stated he felt the biggest abuse of this occurs at the GHP site. He noted if the City abandoned curbside service and expanded the GHP site, more costs would be incurred to operate that site.

Vice Mayor Kier stated he was leaning more towards getting rid of the GHP site since citizens pay for curbside service regardless.

Mayor Dull asked Mr. Sliwoski why there wasn't a greater market for glass materials. He stated there were different reasons, mostly due to weight and cost of production.

Ms. Mead stated Council should think about a two-part approach to the recycling program including more education to residents. She noted she would like to hear from staff about possible suggestions about how to approach that.

Mayor Dull asked if there was a consensus amongst Council members and the general option which should be budgeted for. Ms. Mead stated she felt closing the GHP site and keeping curbside collection was best. Dr. Harrington stated that option is probably the best as it eliminates the variable from an external company raising costs. Other members of Council indicated their agreement.

Mayor Dull asked Mr. Sliwoski about Gerdau Recycling. He noted they only deal with scrap metal.

Mayor Dull encouraged citizens to look into Trex in Winchester.

Mr. Sliwoski asked Mayor Dull if Council would approve eliminating the GHP site at the end of February, 2019. Mayor Dull stated she was in agreement with that decision. She noted the impact would be far less to citizens than doing away with curbside collection.

(SEE ATTACHMENT 1)

The work session adjourned at 7:12 p.m.

Suzanne F. Simmons
Clerk of Council

CITY COUNCIL RECYCLING DISCUSSION
February 21, 2019

KEEP RECYCLING PROGRAM	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
FUND BALANCE TO BALANCE BUDGET	\$ 100,000	\$ 350,000	\$ 100,000	\$ -	\$ 100,000	\$ -
RESIDENTIAL RATE/MONTH	\$ 16.50	\$ 18.98	\$ 21.82	\$ 24.00	\$ 26.40	\$ 26.40
RATE INCREASE		15%	15%	10%	10%	0%
ANNUAL INCREASE/HOUSEHOLD		\$ 29.76	\$ 34.08	\$ 26.16	\$ 28.80	\$ -

NO RECYCLING PROGRAM	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
FUND BALANCE TO BALANCE BUDGET	\$ 100,000	\$ 350,000	\$ 100,000	\$ -	\$ 100,000	\$ -
RESIDENTIAL RATE/MONTH	\$ 16.50	\$ 18.15	\$ 19.97	\$ 22.96	\$ 22.96	\$ 25.26
RATE INCREASE		10%	10%	15%	0%	110%
ANNUAL INCREASE/HOUSEHOLD		\$ 19.80	\$ 21.84	\$ 35.88	\$ -	\$ 27.60

NO GHP SITE/KEEP CURBSIDE COLLECTION	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
FUND BALANCE TO BALANCE BUDGET	\$ 100,000	\$ 350,000	\$ 100,000	\$ -	\$ 100,000	
RESIDENTIAL RATE/MONTH	\$ 16.50	\$ 18.98	\$ 20.87	\$ 24.00	\$ 26.40	\$ 26.40
RATE INCREASE		15%	10%	15%	10%	10%
ANNUAL INCREASE/HOUSEHOLD		\$ 29.76	\$ 22.68	\$ 37.56	\$ 28.80	\$ -

FY2020 BUDGET ORDINANCE?

15% INCREASE
OR
10% INCREASE

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	March 14, 2019	Staff Members: Rodney Rhodes Tim Hartless
Item #	A	
Ordinance #		
Department:	Community Development—Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Public Hearing and Consideration of a Request by Maximiliano Nunez to Rezone 319 Kalorama Street from I-1, Light Industrial District, to R-3, Medium Density Residential District	

Background: Maximiliano Nunez is requesting a rezoning of 319 Kalorama Street from I-1, Light Industrial District, to R-3, Medium Density Residential District. The property is located just outside of the Gospel Hill Historic District at the eastern end of Kalorama Street, adjacent to the Dominion Energy substation and the Virginia School for the Deaf and Blind. A current zoning map, proposed rezoning map and recommended land use map of the requested area are attached. The property is zoned I-1, Light Industrial District; however, it appears to have been originally developed as a single-family dwelling. Staff is not certain of the construction date of the structure, but it is reasonable to assume construction occurred prior to the adoption of the current industrial zoning in 1969. Single-family dwelling is not a permitted use in an industrial district, making this a nonconforming structure. The structure was condemned by the City in 2008, and since then has been vacant. Once a nonconforming structure becomes vacant and remains unoccupied for a period of two years, its lawful status is lost, and the nonconforming structure cannot be reoccupied except in conformity with the regulations of the district in which it is located. Mr. Nunez purchased the property in July 2018, with the intention of renovating the structure and using it as a single-family dwelling. After being informed by Planning and Zoning staff of the nonconforming status of the structure, Mr. Nunez applied for a rezoning to R-3, Medium Density Residential District, in order to comply with the Zoning Code and reestablish

the structure's use as a single-family dwelling.

Review: City staff conducted a review of the proposed rezoning, during which it did not identify any issues.

An attached map illustrates the current zoning of the area surrounding this site. Zoning to the north is I-1, Light Industrial District, and R-3, Medium Density Residential District; to the east is I-1, Light Industrial District; to the south is I-1, Light Industrial District, and B-2, General Business District; and to the west is R-3, Medium Density Residential District.

The "Generalized Land Use and Development Guide," *Staunton, Virginia, Comprehensive Plan 2010 – 2030*, designates this area as Neighborhood Residential. This land use designation is characterized as large housing units located on small lots. The proposed rezoning is consistent with the Neighborhood Residential land use designation of the property.

Planning Commission Recommendation: At its meeting on February 21, 2019, the Planning Commission held a public hearing on the matter. No one spoke in opposition to the request. On a 5-0 vote, the Commission voted unanimously to recommend approval of the rezoning, concurring with staff's recommendation.

Attachments:

Attachment 1—Application and Supporting Documents Submitted by Applicant

Attachment 2—Map of Current Zoning of 319 Kalorama Street Area

Attachment 3—Map of Proposed Rezoning of 319 Kalorama Street Area

Attachment 4—Recommended Land Use Map of 319 Kalorama Street Area

Attachment 5—Ordinance

Suggested Motion (to be made after the public hearing is conducted): I move that Council approve the rezoning and adopt the ordinance, as presented, rezoning 319 Kalorama Street from I-1, Light Industrial District, to R-3, Medium Density Residential District, as recommended by the Planning Commission.

City Manager: Stephen F. Owen



APPLICATION FOR ZONING CLASSIFICATION CHANGE- REZONING

Applicant: Maximiliano Nunez Date: 1.11.19

Address: 404 Locust Ave., Waynesboro, VA 22980

Telephone #s: Primary: 540/447-4970 Secondary: _____

Email address: soy.manya10@yahoo.com

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: Bill Hausrath

Address: 369 Walnut Ave.
Waynesboro, VA 22980

Phone #: 540/476-5050

Email address: bhausrath@gmail.com

Location of property: 319 Kalorama St., Staunton

Legal description of property: Lot 16, Block F

Purpose of request: return to single family use

Map Provided: YES ☒ NO ☐

Ordinance provided: YES ☐ NO ☐

**An electronic copy, in word document format is required to be emailed to Planning Office.*

Present zoning classification of property: I 1

Requested zoning classification: R-3

List permits pending approval of this rezoning: none

Fee Paid (\$250) YES ☐ NO ☐ *check or cash only

Signature of applicant: [Signature]
(Owner / Agent)

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

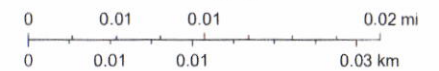
319 Kalorama St.



1/11/2019, 3:40:51 PM

- | | | | |
|--------------------|---|------------------|-------------------|
| — Storm Pipes | Water System Labels | ◆ Metered Lights | Lot Numbers |
| ⊙ Storm Structures | — Sewer Lines | □ City Limits | • Address Points |
| — Water Lines | ⊙ Sewer Structures | □ Parcels | Point_of_Interest |
| ● Hydrants | ◆ Virginia Dominion Power: Streetlights | — Lot Lines | Road Centerline |

1:444

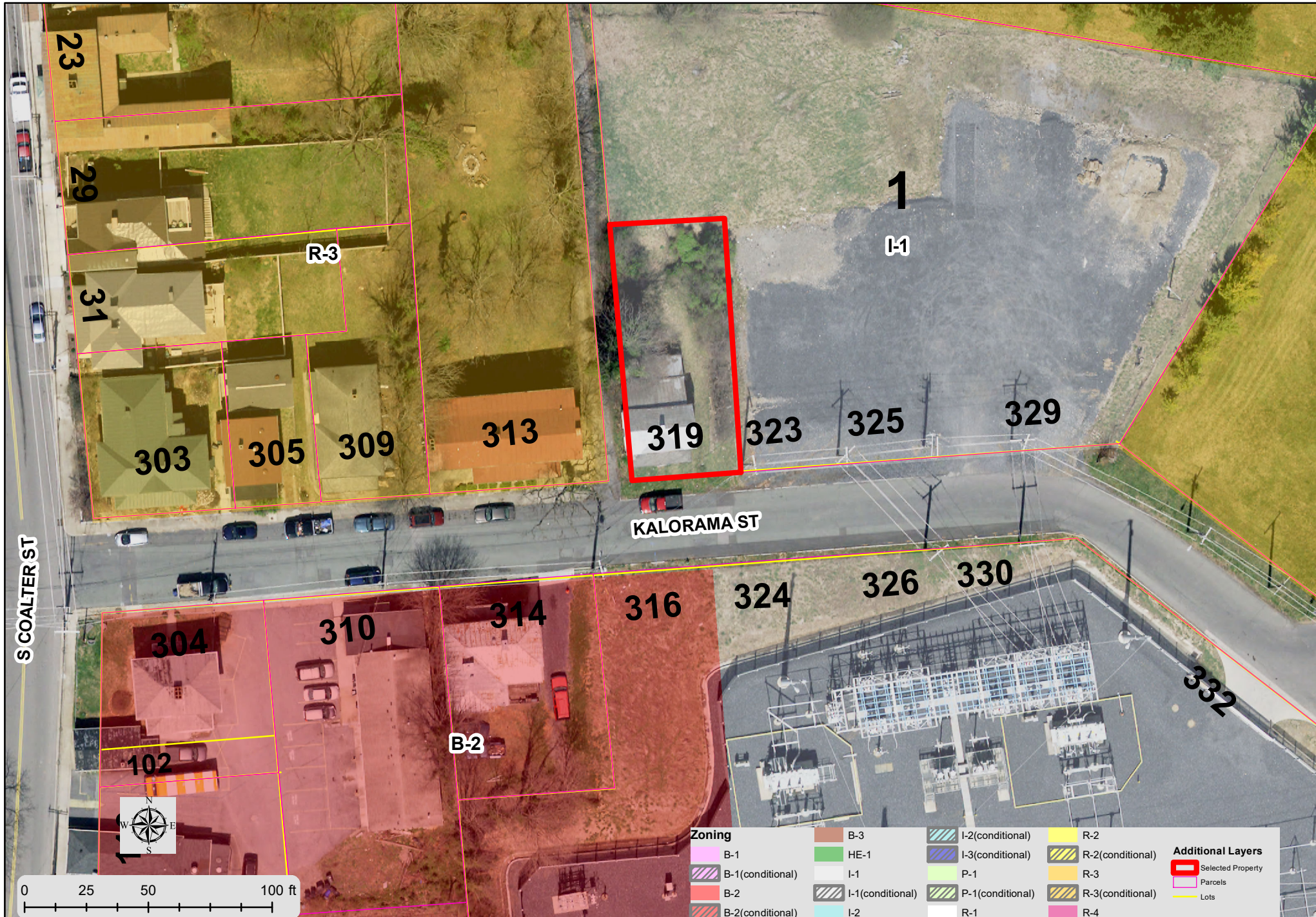


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

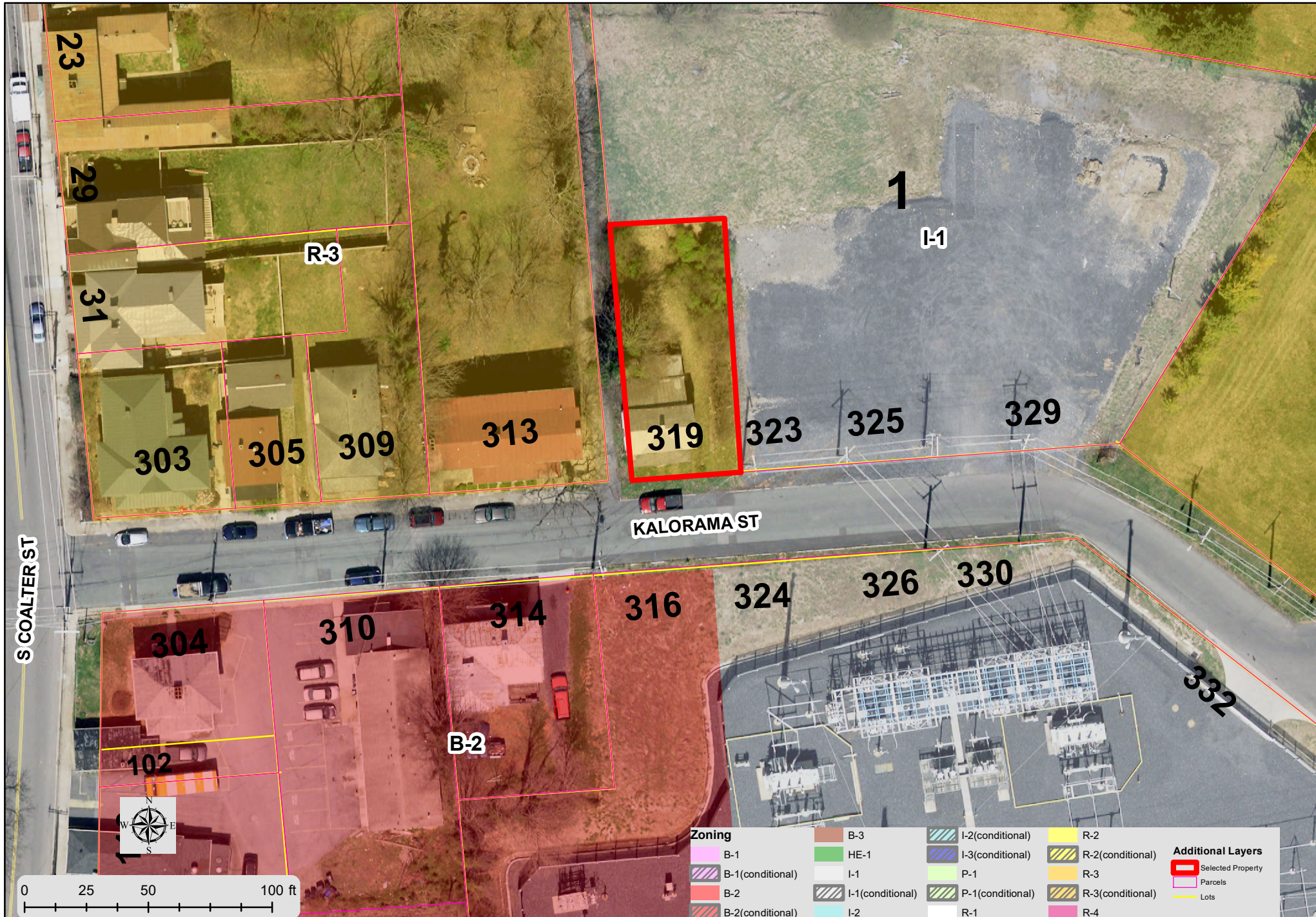
For Information Purposes Only. Data owned by the City of Staunton and ESRI.

Current Zoning – 319 Kalorama Street Area

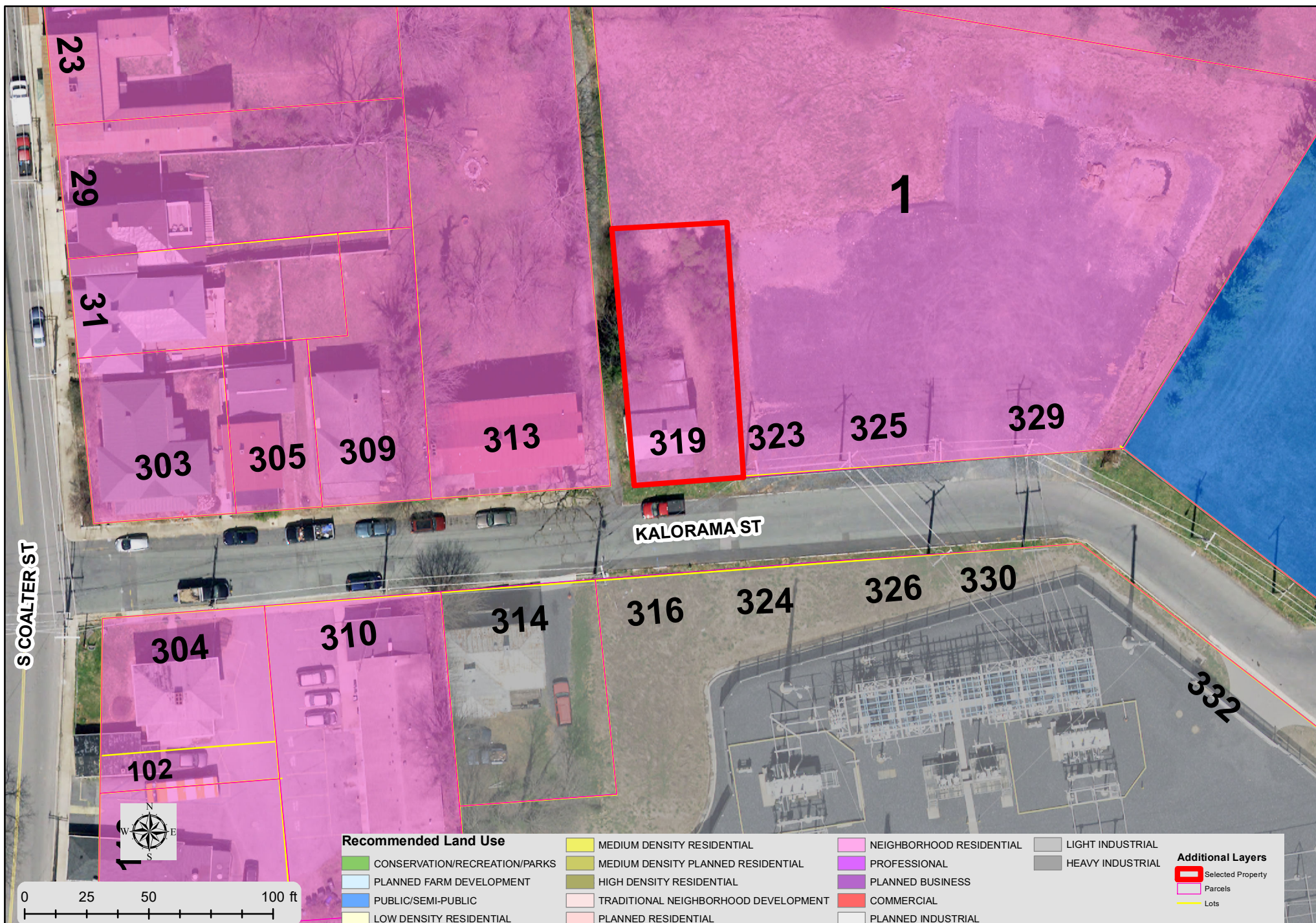
Attachment 2



Proposed Rezoning – 319 Kalorama Street Area **Attachment 3**



Recommended Land Use – 319 Kalorama Street Area



DISCUSSION DRAFT 3.7.19

Ordinance No. 2019-____

**AN ORDINANCE REZONING
FROM I-1, LIGHT INDUSTRIAL, TO R-3, MEDIUM DENSITY RESIDENTIAL,
THAT CERTAIN TRACT OR PARCEL OF LAND
LOCATED AT 319 KALORAMA STREET, STAUNTON, VIRGINIA
(PID 8488)**

Recitals

A. It appears by deed dated July 24, 2018, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as instrument number 180001733, that Maximiliano Nunez acquired from John D. Adams IV what is referenced in the deed as 319 Kalorama Street, with further description provided in the deed, a copy of which is annexed and incorporated by reference;

B. Maximiliano Nunez has applied to the City of Staunton for a zoning classification change for such lot or parcel from I-1, Light Industrial, to R-3, Medium Density Residential;

C. At the time of the original construction of improvements, the intended use of 319 Kalorama Street was as a single-family dwelling. However, the current I-1 Light Industrial zoning does not allow for residential use making the use legally nonconforming, but the property has become vacant and remained unoccupied for a continuous period of two years, and under the provisions of Staunton City Code § 18.190.040, the property shall thereafter only be occupied by the uses which conform to the use regulations of the I-1 Light Industrial District;

D. Maximiliano Nunez desires to reestablish the use of 319 Kalorama Street as a single-family dwelling, prompting the request to rezone to R-3 Medium Density Residential;

E. The *City of Staunton, Virginia, Comprehensive Plan 2010-2030*, "Generalized Land Use and Development Guide," designates this area as Neighborhood Residential and the proposed rezoning is consistent with this designation;

F. The Planning Commission of the City of Staunton has properly heard the matter and recommended the proposed rezoning;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the above-described lot or parcel referenced and known with street address as 319 Kalorama Street (PID 8488), in the City of Staunton, Virginia, is **HEREBY REZONED** from I-1, Light Industrial to R-3, Medium Density Residential, as provided in the Staunton City Code.

Introduced:

Adopted:

Effective Date:

Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons
Clerk of Council

DRAFT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	March 14, 2019	Staff Member: Billy Vaughn
Item #	B	
Ordinance #		
Department:	Economic Development	
Council Vision:	Economic Development	
Subject:	Resolution for Consideration of the Issuance of Revenue Bonds by the Staunton Economic Development to The Legacy at North Augusta, Inc.	

Background: The Staunton Economic Development Authority (“EDA”) has received the application of The Legacy at North Augusta, Inc. (“Legacy”), located at 1410A North Augusta Street, requesting the issuance of revenue bonds in an amount not to exceed \$11,000,000, for the renovation of and addition to Legacy’s existing facility.

The proposed project includes the construction of a three-story addition, containing approximately 11,826 square feet and 10 new one-bedroom assisted living units; the construction of a secure, assisted living memory care unit comprising approximately 18 total units on the third floor; capital improvements, including renovations to existing kitchen facilities and the conversion of six two-bedroom assisted living units into 12 one-bedroom and modified studio assisted living units; establishment of a debt service reserve fund and a funded interest fund; and payment of costs of bond issuance.

The bonds will be tax-exempt fixed rate bonds. The bonds will be payable solely from the revenues of the project and will not be an obligation of the Commonwealth of Virginia, nor of any of its

political subdivisions, including the City of Staunton or the EDA. The bonds are expected to be sold to Cross Point Capital, LLC as the underwriter.

The next step in the process requires the EDA to conduct a public hearing to consider Legacy's bond financing request. The public hearing has been scheduled at 8:30 a.m. on March 14, 2019, the same date as City Council's regular meeting. Upon the conclusion of the public hearing, the EDA is expected to adopt a resolution recommending that Council authorize the issuance of the bonds. The EDA will forward to Council, prior to Council's meeting, correspondence in the form of the draft attached, including as attachments thereto the EDA's adopted resolution and other documents required in connection with the bond transaction. Also attached to this briefing is Legacy's application to the EDA. If Council adopts the proposed resolution approving the issuance of the bonds, then the EDA will be in a position to issue the bonds once it is satisfied with the bond documents.

Cherie Powers, Executive Director of Legacy, Mike Armstrong of Hamlin Advisors and Anne Curtis Saunders of McGuireWoods LLP, EDA's bond counsel, will attend Council's meeting on March 14, 2019, to provide an overview of the request.

Attachments:

Attachment 1—Application for Bond Financing by The Legacy at North Augusta, Inc. to the Economic Development Authority of the City of Staunton, Virginia

Attachment 2—Draft letter dated March 14, 2019, from the Secretary of the Economic Development Authority of the City of Staunton, Virginia to City Council

City Manager's Recommendation: Recommend the resolution be adopted as presented.

Suggested Motion: I move to adopt the resolution approving the bond issue by the Staunton Economic Development Authority, in an amount not to exceed \$11,000,000, in connection with the renovation of and addition to The Legacy at North Augusta, Inc.

City Manager: Stephen F. Owen

APPLICATION FOR BOND FINANCING
ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA

Instructions: This application must be completed and returned to the Authority's Office with:

1. A proposed "Declaration of Official Intent to Reimburse" prepared by bond counsel, and
2. A check for \$6,875.00 made out to the Staunton Economic Development Authority. The amount of the application fee, as specified in Section 4.2 of "Staunton Economic Development Authority Rules and Procedures" is the greater of either one thousand dollars (\$1,000.00) or one-sixteenth of one percent (1/16 of 1%) of the principal amount requested in the financing application. The Economic Development Authority of the City of Staunton, Virginia meets the fourth Thursday of each month at 8:30 a.m.

Return to: William L. Vaughn, Executive Director
Economic Development Authority of the City of Staunton, Virginia
P.O. Box 58
Staunton, Virginia 24402

Questions: William L. Vaughn at vaughnwl@ci.staunton.va.us or 540-332-3869

1. Applicant

- a. Legal name of applicant and, if a corporation, state of incorporation: The Legacy at North Augusta, Inc.
- b. Address and location of principal office: 2301 Research Boulevard, Suite 310 Rockville, MD 20850
- c. Phone number: (301) 354-2718
- d. Names and addresses of officers, or of principals, if not a corporation: Larry Bradshaw, President and Chief Executive Officer, and Richard M. Mazza, Chief Financial Officer
- e. To whom correspondence should be directed: Larry Bradshaw, President and Chief Executive Officer, National Lutheran Communities & Services, Inc.
- f. Name and address of counsel or applicant: Thomas W. Bruno, Esq., McGuireWoods LLP, 800 East Canal Street, Richmond, VA 23219
- g. Indicate name, state of incorporation and relationship of all direct or indirect parent companies of applicant: National Lutheran, Inc. D/B/A National Lutheran Communities & Services, Parent corporation and sole member of The Legacy at North Augusta, Inc.

APPLICATION FOR BOND FINANCING

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA

2. Statement of benefits to the City of Staunton and the Commonwealth of Virginia from the project.

- a. State what new employment opportunities will be created as a result of this project, including number, types of jobs and estimated payroll. Up to ten (10) new licensed practical nurse, certified medical aide and certified nursing assistant positions will be created as part of the project with a total annual estimated payroll of \$345,000 before benefits.
- b. Estimate all local taxes by type and amount projected to be paid to the City of Staunton as a result of this project. Additional real estate taxes of \$59,000 are estimated to be paid annually to the City of Staunton as a result of the project.
- c. Specifically state other potential benefits which will accrue to the inhabitants of the City of Staunton and the State of Virginia, including economic, social, or other non-monetary benefits. In addition to the incremental jobs and payroll created by the project, the project will provide additional housing services and care to local elderly who require Assisted Living and Memory Care services. Additionally, TLNA provides over \$400,000 of benevolent care to residents of TLNA annually. TLNA also provides home health services to residents of Staunton through its affiliate myPotential Virginia, LLC. Finally, TLNA contributes donations and meeting space to local non-profits annually in excess of \$20,000 and also provides internships and workforce training to approximately 25 individuals in association with Mary Baldwin University, Blue Ridge Community College and Wilson Workforce Rehab Group.

3. Identification and description of proposed project.

- a. Specific location of proposed project in City. 1410A North Augusta Street, Staunton, VA 24401
- b. Describe the type of facility for which you are applying for financing. What manufacturing or other process will be conducted at the project? Assisted Living Care Facility; no manufacturing / other processes.
- c. Are you applying for pollution control bonds? If so, please state the types of pollution generated by your facility and briefly describe the type of equipment which you propose to finance in meeting your pollution problems. Not applicable; Assisted Living Care Facility.

APPLICATION FOR BOND FINANCING

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA

d. Describe the proposed arrangement to finance the cost of construction or acquisition of the project. Briefly detail a projected time schedule. The costs of construction and renovation will be financed through tax-exempt bonds. Construction will occur over an approximate 17 month period followed by a 9 month fill-up period.

e. If the Applicant now owns the project site, indicate:

i. date of purchase	August 2011
ii. purchase price	\$17,000,000
iii. balance of existing mortgage	\$16,725,000
iv. holder of mortgage	Wilmington Trust, N.A., as master trustee

f. If the Applicant is not now the owner of the project site, does the Applicant have an option to purchase the site and any buildings on the site? If yes, indicate:

i. date option agreement signed with owner	N/A
ii. purchase price under option	\$ N/A
iii. expiration date of option	N/A

g. Has the Applicant entered into?

i. date signed	N/A
ii. purchase price	\$ N/A
iii. settlement date	N/A

h. Present owner of the site of the project, and the relationship between the present legal owner and the Applicant: The Legacy at North Augusta, Inc. / Self

i. If pollution control bonds are to be issued, please indicate: N/A

i. Whether the total project is designed for any significant purpose other than the control of pollution, i.e., does the project result in an increase in production or capacity or in a material expansion of the useful life of a manufacturing or production facility or a part thereof.

ii. Estimated incremental cost of the project if the project is for the purpose of controlling pollution and for a significant purpose other than controlling pollution.

APPLICATION FOR BOND FINANCING

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j. Status of plans for the project. If known, please indicate architect, engineer, general contractor, and major subcontractors. Architect / Engineer: THW Design; General Contractor: Howard Shockey & Sons, Inc. Subcontracts not yet bid.

k. Has construction work on this project begun? No

l. State the proposed uses of bond proceeds:

<u>ESTIMATED COST</u>	<u>AMOUNT</u>
Land	\$0
Buildings	\$6,121,448
Equipment	\$530,786
Engineering and Architecture	\$613,552
Cost of financing	\$595,666
Others (Funded Reserves)	\$1,808,548
(Contingency)	\$1,330,000
Face amount of issue	<u>\$11,000,000</u>

m. Method of Financing. Indicate type of bonds (Economic, pollution control, medical or others)

Economic Development Authority Bonds	\$10,150,000
Equity	\$850,000
Land	\$0
Other (specify)	\$0
Total Cost	\$11,000,000

n. Have any of the above expenditures already been made by the Applicant? If yes, indicate particulars: Yes. Approximately \$618,000 of equity has been spent on design and engineering, fees; permits, legal and development costs through 12/31/2018.

o. Have any of the above expenditures been incurred but not paid by the Applicant: If yes, indicate particulars: No

p. How much of the funds to be borrowed through the Authority will be used to repay or refinance an existing mortgage or outstanding loan? \$0

q. If any space in the project is to be leased to third parties, indicate total square footage of the project, amount to be leased to each tenant, and proposed use by each tenant. (Attach additional sheets if necessary). N/A; no space will be leased to third parties.

APPLICATION FOR BOND FINANCING

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA

- r. Type and amount of outstanding bonds. State the type and amount of outstanding bond or other obligations, if any, on the present facilities or any other facilities of the Applicant. Include the amount of annual payments required and the year when the bonds will be paid off. Approximately \$16,275,000 of Series 2011 residential care facility revenue bonds are payable in monthly installments to satisfy annual debt service requirements through July 2045.
- s. Brief description of existing facilities:
- i. Describe the location and type of existing facilities (including, if applicable, pollution abatement equipment now provided, its design, capacity, and year constructed). Indicate if the existing facilities are to be abandoned or will continue in use as part of the proposed new facility. The Legacy at North Augusta, Inc. (the "Organization") is a not-for-profit corporation that was incorporated in Virginia on June 24, 2011. The Organization operates a 105-unit, assisted living care facility in Staunton, Virginia. National Lutheran, Inc. ("NLI") is a not-for-profit Maryland corporation affiliated with the Evangelical Lutheran Church in America ("ELCA") and functions in accordance with Church body criteria and provisions. The Members of NLI are the Delaware-Maryland Synod, Metropolitan Washington, DC Synod and the Virginia Synod of the ELCA. NLI is the parent corporation and sole member of the Organization, which is a member of a system doing business as national Lutheran Communities and Services ("NLCS"). As a member of NLCS, the Organization shares in the control, support and services of NLCS.
- Address: 1410a North Augusta Street, Staunton, VA 24401
- Three story wood frame assisted living care facility constructed circa 2009. Existing facility will continue in use as part of proposed new facility.
- ii. Age and condition of existing buildings, if any improvements included within this project are to be made thereto, and whether owned in fee or leased. Existing buildings are approximately 10 years old and in excellent condition. The facility and improvements are owned fee simple by TLNA.
- t. Will the construction, occupation, operation, or use of the project involve the creation of any pollutants or other emissions, or the use or manufacture of any toxic or hazardous substances? If yes, please provide particulars: No

APPLICATION FOR BOND FINANCING

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA

- u. Will construction or operation of the project have any impact upon local businesses or residents in the form of emission of odors, traffic in and out of the project, or storage of large amounts of materials at the project site? If yes, please provide particulars: No

4. Financial

- a. Future financing plans in this community other than this project: None
- b. Proposed immediate and long term capital expenditures: Routine capital expenditures outside of the Project are projected to range from \$150,000 to \$200,000 / year.
- c. Commercial banking connections and for how long a period: FirstBank Virginia (Winchester, VA) - since 2013.
- d. Attach to the application the following financial statements, to specifically include present debt, guaranties, long term contracts, prior liens, and other contingent liabilities, for each of the preceding three (3) years: See Attached
 - i. Statement of financial condition. See Attached
 - ii. Statement of income. See Attached
 - iii. Statement of changes in retained earnings. See Attached

If the Applicant is a new or recently formed business entity, without recent financial statements, the Applicant should furnish the financial information required by the Application for each principal shareholder, partner or other principal of the Applicant. If the Applicant is a subsidiary corporation without its own financial statements, financial statements of the parent corporation or consolidated financial statements may be submitted in lieu of financial statements for the Applicant. If the obligations of the Applicant will be guaranteed by any person or business entity, then financial statements of such guarantor should also be included with the Application. Pro forma financial statements, if available, should be submitted with the Application.

This Application and the accompanying financial records will become a part of the public records of the Authority and City Council, if forwarded to Council for its approval. If the Applicant wishes the Authority and City Council to remove financial records not otherwise available to the public from the public record after consideration of the Application, please so indicate so such records may be returned to the Applicant.

APPLICATION FOR BOND FINANCING

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA

The Authority has not approved or verified the information contained in the financial records accompanying this Application. The Authority makes no representation as to the accuracy of the information supplied by the Applicant or the creditworthiness of the Applicant.

- e. Has the Applicant, any proposed guarantor, or any of their principal partners or shareholders ever declared bankruptcy or been involved in any bankruptcy or insolvency proceeding, whether voluntary or involuntary? If so, describe particulars: No.
- f. Has any underwriter, broker or investment banker been retained by Applicant in connections with this proposed bond issue? If so, who? Yes, Cross Point Capital, LLC.
- g. If determined, please indicate the person or institution to whom the bonds will be sold or any persons or institutions which have indicated an interest in purchasing the bonds. Hamlin Capital Management, LLC.

5. Miscellaneous

- a. Is the Applicant subject to regulation (other than the ordinary course of business) by any Federal or State administrative agencies or bodies? Is so, please provide details: No.
- b. Please complete the attached Fiscal Impact Statement to be furnished to the governing body where the bond funds will be expended: See Attached.

6. Proposed Bond Counsel

- a. Please identify proposed Virginia Bond Counsel, address, telephone number, and contact person. Thomas W. Bruno, Esq., McGuireWoods LLP, 800 East Canal Street, Richmond, VA 23219, 804-775-1853 (tbruno@mcguirewoods.com).
- b. Does proposed Bond Counsel have Errors and Omissions Insurance Coverage? Yes.

APPLICATION FOR BOND FINANCING

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA

7. Agreement to Pay Authority's Costs and Expenses

To induce the Economic Development Authority of the City of Staunton to consider this Application and to adopt an inducement resolution agreeing to assist Applicant in the financing of the Project, Applicant, by submitting this Application to the Authority agrees:

- a. To defray all costs of the bond financing, including, but not limited to, any necessary costs of the Authority and legal fees. Enclosed please find \$6,875.00 representing the Authority's application fee. Of the \$6,875.00; any unexpended funds will be refundable should the project not be approved by the Economic Development Authority for public hearing by the Authority and the Governmental Agency involved.
- b. To advise the authority in writing of any material changes to the information contained in this Application.
- c. Upon bond closing, the Applicant agrees to provide the Authority with two bound volumes of the bond documents (one for the Authority's Executive Director and one for the Authority's Counsel).

The Legacy at North Augusta, Inc.
Name of Applicant

By:



Its

Chief Financial Officer

Dated 2/7/2019

March 14, 2019

City Council
City of Staunton, Virginia
City Hall
116 West Beverley Street
Staunton, Virginia 24401

**Economic Development Authority of the City of Staunton, Virginia
Proposed Financing for The Legacy at North Augusta, Inc.**

The Legacy at North Augusta, Inc. (the “Borrower”) has requested that the Economic Development Authority of the City of Staunton, Virginia (the “Authority”), assist the Borrower in financing: (i) the construction of an approximate 11,826 square foot, 3-story addition housing approximately ten (10) new, one bedroom assisted living units; and financing the construction of a secure, assisted living memory care unit comprised of approximately 18 total units on the third floor to the Borrower’s senior living community known as The Legacy at North Augusta and located at 1410A North Augusta Street, Staunton, Virginia (the “Facility”), (ii) certain capital improvements, including certain renovations of the existing Facility, including renovations of existing kitchen facilities and the conversion of approximately six (6) two-bedroom assisted living units into twelve (12) one bedroom and modified studio assisted living units, (iii) a debt service reserve fund and (iv) the costs of issuing its revenue bonds, in one or more series, taxable or tax-exempt, at one time or from time to time, in an amount up to \$11,000,000 (the “Bonds”) and other eligible expenditures (collectively, the “Project”).

As set forth in the approving resolution of the Authority attached hereto (the “Resolution”), the Authority has agreed to issue its Bonds as requested. The Authority has conducted a public hearing on the proposed financing of the Project and has recommended that you approve the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”).

Attached hereto is (1) a certificate evidencing the conduct of the public hearing and the action taken by the Authority, (2) the Fiscal Impact Statement required pursuant to Section 15.2-4907 of the Virginia Code, and (3) the form of resolution suggested by bond counsel to evidence your approval.

Secretary, Economic Development Authority
of the City of Staunton, Virginia

CERTIFICATE

March 14, 2019

The undersigned Secretary of the Economic Development Authority of the City of Staunton, Virginia (the “Authority”), hereby certifies as follows:

1. A meeting of the Authority was duly called and held on March 14, 2019, at 8:30 a.m. at City Hall, 116 West Beverley Street, Staunton, Virginia 24401, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of The Legacy at North Augusta, Inc. and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the City of Staunton, Virginia (the “Notice”), with the second publication appearing not less than six days and no more than 21 days prior to the hearing date. A copy of the Notice has been filed with the minutes of the Authority and is attached as Exhibit A.

3. A summary of the statements made at the public hearing is attached as Exhibit B.

4. Attached as Exhibit C is a true, correct and complete copy of a resolution (the “Resolution”) adopted at such meeting of the Authority by a majority of the Directors present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority as of the date first set forth above.

(SEAL)

Secretary, Economic Development Authority
of the City of Staunton, Virginia

Exhibits:

- A - Copy of Certified Notice from Newspaper
- B - Summary of Statements
- C - Public Hearing Resolution

Exhibit A

Copy of Certified Notice from Newspaper

(to be attached)

**NOTICE OF PUBLIC HEARING TO BE HELD BY THE
ECONOMIC DEVELOPMENT AUTHORITY OF
THE CITY OF STAUNTON, VIRGINIA
ON THE ISSUANCE OF UP TO \$11,000,000 OF ITS REVENUE BONDS
FOR THE BENEFIT OF THE LEGACY AT NORTH AUGUSTA, INC.**

Notice is hereby given that the Economic Development Authority of the City of Staunton, Virginia (the “Authority”) will hold a public hearing at the request of The Legacy at North Augusta, Inc. (the “Borrower”), a Virginia corporation exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Borrower’s business address is 1410A North Augusta Street, Staunton, Virginia 24401. The Borrower has requested that the Authority issue its revenue bonds (the “Bonds”) in an amount up to \$11,000,000, in one or more series, taxable or tax-exempt, at one time or from time to time, and loan the proceeds thereof to the Borrower. The Borrower will in turn use the proceeds of such Bonds for the following purposes (collectively, the “Project”): (1) financing the construction of an approximate 11,826 square foot, 3-story addition housing approximately ten (10) new, one bedroom assisted living units; and financing the construction of a secure, assisted living memory care unit comprised of approximately 18 total units on the third floor to the Borrower’s senior living community known as The Legacy at North Augusta and located at 1410A North Augusta Street, Staunton, Virginia (the “Facility”), (2) financing certain capital improvements, including certain renovations of the existing Facility, including upgrades to the existing central kitchen facilities and the conversion of approximately six (6) two-bedroom assisted living units into twelve (12) one bedroom and modified studio assisted living units, (3) financing a debt service reserve fund and (4) financing the costs of issuing the Bonds and other eligible expenditures.

The issuance of the Bonds will not constitute a debt or pledge of the faith and credit of the Authority, the City of Staunton, the Commonwealth of Virginia or any other political subdivision thereof and neither the faith and credit nor the taxing power of the City of Staunton, the Commonwealth of Virginia or any other political subdivision, including the Authority, thereof will be pledged to the payment of such bonds but will be payable solely from the revenues derived from the Borrower and pledged for the payment thereof. The Authority has no taxing power.

The public hearing, which may be continued or adjourned, will be held at 8:30 a.m. on Thursday, March 14, 2019, before the Authority in City Council Chambers located on the first floor of City Hall, 116 West Beverley Street, Staunton, Virginia 24401. Any person interested in the issuance of the Bonds or the Project may appear at the hearing and present his or her views. A copy of the application of the Borrower may be obtained from the Authority’s offices at 116 West Beverley Street, 3rd Floor, Staunton, Virginia 24401.

**ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF STAUNTON, VIRGINIA**

Exhibit B

Summary of Statements

[[[Representatives of The Legacy at North Augusta, Inc. and McGuireWoods LLP appeared before the Authority to explain the project and the financing. No one appeared in opposition to the proposed bond issue.]]]

Exhibit C

Copy of Public Hearing Resolution

(to be attached)

**RESOLUTION OF
THE ECONOMIC DEVELOPMENT AUTHORITY OF THE
CITY OF STAUNTON, VIRGINIA
APPROVING THE ISSUANCE OF UP TO \$11,000,000 REVENUE BONDS
FOR THE BENEFIT OF THE LEGACY AT NORTH AUGUSTA, INC.**

A. The Economic Development Authority of the City of Staunton, Virginia (the “Authority”), is duly organized under the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the “Act”). To further the Act’s purposes, the Authority, at the request of The Legacy at North Augusta, Inc. (the “Borrower”), has determined to issue and sell its Residential Care Facility Revenue Bonds (The Legacy at North Augusta, Inc.), Series 2019 (the “Bonds”), in an original aggregate principal amount not to exceed \$11,000,000.

B. The Authority will issue the Bonds pursuant to the terms of a Bond Trust Indenture (the “Indenture”) between the Authority and Wilmington Trust, National Association, as bond trustee and will lend the proceeds of the issuance and sale of the Bonds to the Borrower under the Loan Agreement (the “Loan Agreement”), between the Authority and the Borrower, and the Borrower will apply the proceeds under the terms of the Loan Agreement to finance (i) the construction of an approximate 11,826 square foot, 3-story addition housing approximately ten (10) new, one bedroom assisted living units; and financing the construction of a secure, assisted living memory care unit comprised of approximately 18 total units on the third floor to the Borrower’s senior living community known as The Legacy at North Augusta and located at 1410A North Augusta Street, Staunton, Virginia (the “Facility”), (ii) certain capital improvements, including certain renovations of the existing Facility, including renovations of existing kitchen facilities and the conversion of approximately six (6) two-bedroom assisted living units into twelve (12) one bedroom and modified studio assisted living units, (iii) a debt service reserve fund and a funded interest fund and (iv) the costs of issuing the Bonds and other eligible expenditures (collectively, the “Project”).

C. The Project has been described to the Authority and a public hearing has been held as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Act.

D. The Borrower will evidence its obligations with respect to the Bonds with its promissory note in the principal amount equal to the principal amount of the Bonds.

E. The Bonds are expected to be sold by the Authority to Cross Point Capital, LLC (the “Underwriter”), pursuant to the terms of one or more bond purchase agreements (together, the “Bond Purchase Agreement”), among the Authority, the Underwriter and the Borrower.

F. The foregoing arrangements are expected to be reflected in the following documents:

- (a) the Indenture;
- (b) the Loan Agreement;

- (c) the Bond Purchase Agreement;
- (d) an offering document in final form, to be dated the date of the sale of the Bonds, to be prepared in connection with the offering and sale of the Bonds (the “Offering Memorandum”);
- (e) a tax compliance agreement between the Authority and the Borrower; and
- (f) a continuing disclosure agreement delivered by the Borrower.

All of the documents listed above, except the Bonds, are referred to in this resolution as the “Authority Documents.”

G. The Authority desires to authorize the issuance of the Bonds and their sale to the Underwriter.

H. The Bonds are expected to be sold to the Underwriter pursuant to the Bond Purchase Agreement and (1) the Bonds shall bear interest at a fixed rate which shall be set forth in the Indenture and (2) the final maturity on the Bonds shall not be more than 10 years from the date of issuance.

I. The Bonds are expected to be sold in a maximum aggregate principal amount not to exceed \$11,000,000.

J. (1) No Director of the Authority is an officer or employee of the Borrower or the City of Staunton, Virginia, (2) each Director has, before entering upon his duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Code of Virginia of 1950, as amended and (3) at the time of their appointments and at all times thereafter, including the date hereof, all of the Directors of the Authority have satisfied the residency requirements of the Act.

K. No Director of the Authority has any personal interest or business interest in the Borrower, the Bonds, or any of the transactions contemplated therein or has otherwise engaged in conduct prohibited under the Conflict of Interests Act, Chapter 31, Title 2.2 of the Code of Virginia of 1950, as amended in connection with this resolution or any other official action of the Authority in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA:

1. It is hereby found and determined that the construction and equipping of the Project will be in the public interest and will promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth of Virginia, the City of Staunton, Virginia and their citizens and will assist in providing for the residence and care of the aged in accordance with their special needs.

2. The issuance and sale of the Bonds are hereby authorized and approved. The Bonds may be issued in one or more series at one time or from time to time on such terms which do not conflict with the expectations described in recitals H and I above (the “Bond Terms”).

3. The Chairman and Vice Chairman of the Authority, either of whom may act, are each hereby authorized and directed to execute and deliver on behalf of the Authority the Bond Purchase Agreement and the Offering Memorandum upon approval by such executing officer of their final forms, terms and conditions, provided that such forms, terms and conditions are consistent with the Bond Terms. The use and distribution of the Offering Memorandum by the Underwriter is authorized, and the Chairman and Vice Chairman, either of whom may act, are each authorized to deem the Offering Memorandum final for purposes of Rule 15c2-12 of the Securities and Exchange Commission and to approve the preparation and distribution of such amendments or supplements to the Offering Memorandum as may be necessary to comply with the Bond Purchase Agreement. The sale of the Bonds to the Underwriter is hereby approved and authorized, provided the terms of such sale shall be consistent with the Bond Terms.

4. The execution, delivery and performance by the Authority of the Authority Documents with principal amounts, maturities and interest rates consistent with the Bond Terms are authorized, in such forms to be approved by the Chairman or the Vice Chairman of the Authority, whose approval shall be evidenced conclusively by their execution and delivery thereof. The execution of the Bonds and their delivery against payment therefor, the amount of such payment to be disbursed in accordance with the terms of the Indenture, are authorized.

5. The Chairman and the Vice Chairman of the Authority, either of whom may act, are each hereby authorized and directed to execute and deliver on behalf of the Authority the Bonds and the Authority Documents, with terms consistent with the Bond Terms, and the Secretary and the Assistant Secretary of the Authority, either of whom may act, are each hereby authorized and directed to affix the seal of the Authority to the Bonds and, if required, the Authority Documents and to attest such seal. The signatures of the Chairman, the Vice Chairman, the Secretary, and the Assistant Secretary, and the seal of the Authority may be by facsimile. The Chairman and the Vice Chairman of the Authority, either of whom may act, are authorized to execute and deliver on behalf of the Authority a tax compliance certificate and an Internal Revenue Service Form 8038, and to do and perform such things and acts, as they shall deem necessary or appropriate thereunder. The Chairman, Vice Chairman, Secretary and Assistant Secretary is each authorized to execute and deliver on behalf of the Authority such instruments, documents or certificates consistent with the Bond Terms, including without limitation documents that may be necessary to obtain credit enhancement and/or liquidity facilities for the Bonds, and to do and perform such other things and acts, as such officer deems necessary or appropriate to carry out the transactions authorized by this resolution or such other instruments, documents or certificates, and all of the foregoing, previously done or performed by such officers of the Authority, are in all respects approved, ratified and confirmed.

6. At the request of the Borrower, the Authority approves McGuireWoods LLP, Richmond, Virginia, as Bond Counsel in connection with the issuance of the Bonds.

7. All costs and expenses in connection with the financing of the Project and the construction and equipping of the Project, including the fees of the Authority, the fees and

expenses of Bond Counsel and Authority Counsel, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the Bonds. If for any reason such Bonds are not issued, it is understood that all such fees and expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor. Neither the Authority, including its officers, directors, attorneys, employees and agents, nor the City of Staunton, Virginia, shall be liable and wholly disclaims all liability to the Borrower and its affiliated entities for any damages, direct or consequential, resulting from the failure of the Authority to issue the Bonds for any reason.

8. The Bonds and the other Authority Documents shall provide that neither the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the City of Staunton, Virginia, shall be obligated to pay the obligations under the Bonds and the other Authority Documents except from the revenues, receipts and payments pledged therefor, and that neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the City of Staunton, Virginia, is pledged to the payment of such obligations.

9. By submitting this resolution to the Authority, the Borrower has agreed to indemnify and save harmless the Authority and its officers, directors, attorneys, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the Project or the Bonds.

10. The Authority recommends that the City Council of the City of Staunton, Virginia approve the issuance of the Bonds.

11. The Bonds may not be issued pursuant to this resolution until such time as the issuance of the Bonds has been approved by the City Council of the City of Staunton, Virginia.

12. All other acts of the Authority that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds and the construction and equipping of the Project are hereby ratified, approved and confirmed.

13. This resolution shall be effective immediately.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Staunton, Virginia (the “Authority”), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority at a meeting duly called and held on March 14, 2019 in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

WITNESS the following signature and seal of the Authority this 14th day of March, 2019.

(SEAL)

Secretary, Economic Development Authority of the
City of Staunton, Virginia

**FISCAL IMPACT STATEMENT
FOR BOND FINANCING APPLICATION**

Economic Development Authority of the City of Staunton, Virginia

(to be attached)

**FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING**

Date: March 14, 2019

To the City Council of the City of Staunton, Virginia

Name of Applicant: The Legacy at North Augusta, Inc.

Facility: Financing (i) a portion of the costs of renovating, expanding and equipping an existing, 104-unit assisted living care facility for seniors currently known as The Legacy at North Augusta located at 1410A North Augusta Street, Staunton, Virginia (the "Facility"); and (ii) certain working capital, funded interest and debt service reserve funds related to the Financing at the Facility.

- | | |
|--|----------------------|
| 1. Maximum amount of financing sought | \$ <u>11,000,000</u> |
| 2. Estimated taxable value of the facility's real property to be constructed in the municipality | \$ <u>6,100,000</u> |
| 3. Estimated real property tax per year using present tax rates | \$ <u>59,170</u> |
| 4. Estimated personal property tax per year using present tax rates | \$ <u>0</u> |
| 5. Estimated merchants' capital tax per year using present tax rates | \$ <u>0</u> |
| 6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality | \$ <u>500,000</u> |
| (b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality | \$ <u>0</u> |
| (c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality | \$ <u>200,000</u> |
| (d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality | \$ <u>200,000</u> |
| 7. Estimated number of regular employees on year round basis | <u>75</u> |
| 8. Average annual salary per employee | \$ <u>34,500</u> |

Chairman, Economic Development
Authority of the City of Staunton, Virginia

If one or more of the above questions do not apply to the facility indicate by writing N/A (not applicable) on the appropriate line.

At a regular meeting of the City Council of the City of Staunton, Virginia, held on the 14th day of March, 2019, the following members were recorded as present:

PRESENT:

On motion by _____, seconded by _____,
the attached Resolution was adopted by a majority of the members of the City Council of the City of Staunton, Virginia by a roll call vote, the votes being recorded as follows:

MEMBER

VOTE

CITY COUNCIL OF THE CITY OF STAUNTON, VIRGINIA

March 14, 2019

A. The Economic Development Authority of the City of Staunton, Virginia (the “Authority”) has considered the application of The Legacy at North Augusta, Inc., a Virginia non-stock corporation (the “Borrower”), requesting the issuance of the Authority’s revenue bonds in an amount not to exceed \$11,000,000 (the “Bonds”) to be issued at one time or from time to time to assist the Borrower in financing (i) the construction of an approximate 11,826 square foot, 3-story addition housing approximately ten (10) new, one bedroom assisted living units; and financing the construction of a secure, assisted living memory care unit comprised of approximately 18 total units on the third floor to the Borrower’s senior living community known as The Legacy at North Augusta and located at 1410A North Augusta Street, Staunton, Virginia (the “Facility”), (ii) certain capital improvements, including certain renovations of the existing Facility, including renovations of existing kitchen facilities and the conversion of approximately six (6) two-bedroom assisted living units into twelve (12) one bedroom and modified studio assisted living units, (iii) a debt service reserve fund and a funded interest fund and (iv) the costs of issuing the Bonds and other eligible expenditures (collectively, the “Project”).

B. The Authority held a public hearing on the Borrower’s application on March 14, 2019, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”). Section 147(f) of the Code also provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the Bonds.

C. The Authority issues its bonds on behalf of the City of Staunton, Virginia (the “City”); the Project is located in the City; and the City Council of the City of Staunton, Virginia (the “City Council”) constitutes the highest elected governmental unit of the City.

D. The Authority has recommended that the City Council approve the issuance of the Bonds.

E. A copy of the Authority’s resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the City Council.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF STAUNTON, VIRGINIA:

1. The City Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code to permit the Authority to assist the Borrower in financing the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower. In accordance with the Industrial Development and Revenue Bond Act (Section 15.2-4900, et. seq.

of the Virginia Code), the Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit or taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the City.

3. All costs and expenses in connection with the financing of the Project and the construction and equipping of the Project, including the fees of the Authority, the fees and expenses of Bond Counsel and Authority Counsel, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the Bonds. If for any reason such Bonds are not issued, it is understood that all such fees and expenses shall be paid by the Borrower and that neither the Authority nor the City shall have any responsibility therefor.

4. This resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Staunton, Virginia as of the date first set forth above.

(SEAL)

Clerk, City Council
City of Staunton, Virginia