

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, December 8, 2016
7:30 p.m.
Council Chambers

PRESENT: **Ophie A. Kier, Vice Mayor**
 Erik D. Curren
 James J. Harrington
 R. Terry Holmes
 Andrea W. Oakes
 Walter J. Obenschain

ABSENT: **Carolyn W. Dull, Mayor**

ALSO PRESENT: **Stephen F. Owen, City Manager**
 Steven L. Rosenberg, Deputy City Manager
 Douglas L. Guynn, City Attorney
 Linda L. Little, Clerk of Council

PLANNING **Nathaniel Burress, Chairman**
COMMISSION **Judith Wiegand, Vice Chair**
PRESENT: **Brad Arrowood**
 Jessica Robinson

RECREATIONAL **Geraldine Hamilton**
ADVISORY **Travis Cason**
COMMISSION **Michael Keatts**
PRESENT:

Vice Mayor Kier called the meeting to order. The Pledge of Allegiance was recited in unison.

A. Presentation and Joint Public Hearing of Staunton Greenways Plan 2016

Vice Mayor Kier asked the Planning Commission Chair to convene the Planning Commission meeting and open the joint public hearing.

Nathaniel Burress, Chair of the Planning Commission, declared the Planning Commission convened and opened the joint public hearing.

Vice Mayor Kier then asked the Recreational Advisory Commission to do the same.

Geraldine Hamilton, Vice Chair of the Recreational Advisory Commission, declared the Recreational Advisory Commission convened and opened the joint public hearing.

Vice Mayor Kier opened the joint public hearing.

Mr. Steve Owen, City Manager, called on Ms. Sharon Angle, Director of Planning, to present this item. He further noted that this was Ms. Angle's last meeting as she will be retiring at the end of the year after approximately 30 years of service to the City.

Ms. Angle stated that in 2014, City Council directed the Planning Commission and the Recreational Advisory Commission to develop a *Staunton Greenways Plan* with a list of implementable priority greenway/trail projects. Council desired to identify a Capital Investment Plan (CIP) project and dedicate funding for the construction of a keystone trail to be a part of an eventual greenways trail system throughout the City.

The Central Shenandoah Planning District Commission provided staff support for this project. The process first involved the review of a master's thesis prepared by a Virginia Commonwealth University urban planning graduate student, who first conceptualized a greenways plan for the City in 2005. The scope of work for this planning process included updating the description of the conceptual greenway/trail network to reflect existing conditions and identifying a short list of trail projects for near-term construction. Since the Planning Commission and Recreational Advisory Commission began these tasks, Council established a Bicycle and Pedestrian Advisory Committee, and committee members were invited to participate.

Together, members of both commissions and staff have been evaluating available greenway/trail sites; holding joint workshops and field trips; and surveying and meeting with owners of potentially affected properties.

Conclusions:

Short Term Priorities

The scope of work for this planning process included updating the description of the conceptual trail network, identifying a short list of trail projects and applying evaluation criteria to the short list to aid Council in identifying a keystone project for near-term construction. After thorough investigation, at a joint meeting in September, the commissions voted to recommend the following trail projects for implementation in priority order:

1. Montgomery Hall Park Trail
2. Montgomery Hall Park to Gypsy Hill Park Trail
3. The Villages Trail

Long Term Priorities

In terms of future trails in the City, the commissions found that existing land uses and topography are limiting factors in developing trails that are useable by all citizens, whether for walking, running or biking. The commissions recommended that additional segments of trails should be located throughout the City at the following locations (without any prioritization or ranking):

- Union Town Trail from Statler Boulevard to Greenville Avenue, utilizing the improvements of the "road diet" project as well as planned improvements to the Statler Boulevard/Richmond Avenue intersection
- Frontier Culture Museum to Mary Gray and Betsy Bell
- Betsy Bell Trail to The Villages Trail
- The Villages Trail/Greenway (Priority 3 above)

- The Villages to Downtown
- Downtown to Gypsy Hill Park
- Montgomery Hall Park to Gypsy Hill Park (Priority 2 above)
- Montgomery Hall Park to Downtown via rails-to-trails and on-street facilities
- Downtown to New Hope Road via Lewis Creek

The priority projects and the draft *Staunton Greenways Plan 2016* will be scheduled for Council's consideration during Council's meeting on January 12, 2017. Prior to that date, the commissions will provide their final recommendations to Council.

The public hearing was opened.

Mr. Ben Brewer, 316 Hendren Avenue, stated that he was in favor of the trail from Gypsy Hill Park to Montgomery Hall Park.

Mr. Mark Russell, 106 Williams Street, stated that he appreciated all the effort that was put into this plan. He also suggested that linking the two parks was the most favorable.

Mr. Joel Hodson, 224 Institute Street, asked why the City didn't consider including bike lanes or sharrows in the Central Avenue improvements. He also questioned what short term or long term projects meant.

Sharon Angle explained that the Central Avenue project is being funded by the federal government as a special designation for Staunton. She noted that property owners along Central Avenue were not in favor of bike lines or sharrows because of the lack of parking spaces if those were put in. She further explained that the short term and long term projects were based on the money available and Council desired projects in the CIP.

Ms. Sara Hollberg, 24 Church Street, thanked Council for considering this and stated that her preference would be the trail from Gypsy Hill Park to Montgomery Hall Park.

There being no one further wishing to speak, the Recreational Advisory Commission and the Planning Commission declared their public hearings closed and adjourned.

Vice Mayor Kier then declared the public hearing closed.

MAYOR'S REPORT

The Vice Mayor had nothing to report.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

No additional items by members of Council.

APPROVAL OF MINUTES

Ms. Oakes moved to approve the work session and regular meeting minutes of November 10, 2016.

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

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

REGULAR MEETING**B. Introduction and Public Hearing of an Ordinance Amending the FY2017 Budget**

Mr. Steve Owen, City Manager, called on Jeanne Colvin, Chief Financial Officer, to present this item to Council.

Ms. Colvin stated that the first budget amendment for fiscal year 2017 has been prepared for review and discussion. The total budget amendment equals \$6,832,838. The introduction and public hearing of this ordinance is scheduled for this meeting and consideration is scheduled for January 12, 2017.

City Budget Amendment—\$ 4,726,954

The General Fund amendment includes \$88,104 for appropriations from prior year funds for mandated carry-forward expenditure/revenue balances for various grants and programs, and carry-forward funds for projects not completed at June 30, 2016. The amendment also includes appropriations of \$1,369,430 for other grant funds, donations and recovered costs for various departments. The total General Fund amendment is \$1,457,534.

The Debt Service Fund appropriates funds transferred from the General Fund, \$1,250,000, and the School CIP Fund, \$50,000, for debt payments to be reserved for the 2012 and 2013 General Obligation Bonds for the land purchase at Staunton Crossing, and the 2008 Literary Loans for school projects.

The Blue Ridge Court Services Grant Fund includes \$34,336 in additional grant funds received in FY2017 for Blue Ridge Court Services for mental health and substance abuse services.

The Community Development Fund appropriates \$250,000 received from the Commonwealth's Opportunity Fund for the Graphic Packaging expansion project.

The Grants Fund appropriates \$272,728 for a grant awarded to the Fire and Rescue Department from the Department of Homeland Security to purchase fire breathing apparatus equipment.

The Water Fund appropriates \$350,000 from prior year funds to complete the Lewis Street water line project and the Gardner Spring engineering study.

The Sewer Fund appropriates \$127,320 from prior year funds to complete the installation of a sewer line under the railroad at Staunton Crossing.

The Environmental Fund appropriates \$242 for additional grant funds received for the Litter Control grant program.

The Storm Water Fund appropriates \$67,401 from prior year funds to complete the Meadowbrook Road storm drain project.

The Capital Investment Fund appropriates \$867,393 for two CIP projects. A grant of \$283,646 was awarded from the Virginia Department of Transportation to the City for the Bessie Weller School safety access project. An additional \$583,747 is appropriated for the Frontier Center development project for the road and infrastructure project.

School Budget Amendment—\$2,105,884

The Education Fund amendment totaling \$419,294, appropriates \$275,224 for federal and state instructional programs for grant balances remaining at June 30, 2016 and additional grants awarded for FY2017, and \$144,070 in general revenues and expenditures for various programs and local grants awarded.

The State Operated Programs Fund amendment, \$5,000, appropriates additional Title I grant funds awarded to the Shenandoah Valley Juvenile Detention Center for education supplies.

School CIP Fund 940: To close the School CIP Fund 940, reserves and fund balances are appropriated in the amount of \$815,795 to transfer these funds to the new School CIP Fund 966. The Adopted FY2017 Budget for the School CIP Fund 940 will also be closed and moved to the new School CIP Fund 966, resulting in a decrease in the fund of \$250,000. The net amendment to the School CIP Fund 940 equals \$565,795.

School CIP Fund 966: The School Capital Improvements Fund 966 (multi-year fund) amendment totaling \$1,115,795 includes additional Commonwealth of Virginia funds, \$100,000, for the School Security Grant awarded in FY2017 and local funds to complete the project of \$25,259. The grant will be used to purchase lights, cameras, radios and technology equipment for security systems for all school buildings.

The reserves and fund balance of the School CIP Fund 940, \$815,795, are appropriated as a transfer to the new multi-year School CIP Fund 966 to establish the School Bus Reserve and appropriate funds to complete the CIP projects approved in FY2016, including roof projects, technology projects, building improvements and parking lot improvements at McSwain Elementary School. Funds are also appropriated to move the FY2017 Adopted Budget in the School CIP Fund 940 to the new multi-year School CIP Fund 966.

Dr. Harrington moved to introduce an ordinance amending the fiscal year 2017 budget by adding Budget Amendment No. 1, totaling \$6,832,838, and that Council conduct a public hearing of the ordinance.

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

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

The Public Hearing was opened.

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

C. Presentation of the Comprehensive Annual Financial Report—FY2016

Mr. Billy Robinson, Brown, Edwards & Company, L.L.P., the City's auditors, presented the FY2016 Comprehensive Annual Financial Report (CAFR) and findings to City Council.

The CAFR is prepared by the Finance Department and reviewed by the auditors. The auditors expressed an unmodified opinion on the financial statements for FY2016. 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 FY2016 with some comparisons to FY2015. 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. Education expenditures required the highest tax revenue support of \$12,792,065, and public safety was second at \$10,622,194.

The Compliance Section contains the report on internal controls, compliance matters, and schedules of findings and questioned costs starting on page 151.

The auditors noted the following compliance and internal control matters in the CAFR:

- a) no instances of noncompliance material to the financial statements were disclosed;
- b) no significant deficiencies relating to the audit of the major federal award programs;
- c) no audit findings relating to major programs; and
- d) no deficiencies in internal control over financial reporting considered to be a material weakness.

Schedule of Findings and Questioned Costs, page 152:

- a) Financial Statement Audit—none.
- b) Major Federal Award Programs Audit—none.
- c) Commonwealth of Virginia—

- The City entered \$568,894 for total emergency snow removal expenditures on the Weldon Cooper survey report submitted in March 2016. The correct amount was \$468,894.
- Management concurs with this comment. Although the total eligible emergency snow removal expenditures were reported correctly, the total expenditure figure contained a typographical error resulting in the amount being reported incorrectly. We will implement additional review processes to prevent such errors in the future.

Dr. Curren moved that City Council accept the Fiscal Year 2016 Comprehensive Annual Financial Report, as presented.

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

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

D. Consideration of 2017 Legislative Agenda

Mr. Owen stated that a revised draft legislative program for 2017 was presented for Council's consideration, following Council discussion at its meeting in November. The revisions include a more generalized statement in opposition to exemptions from the stormwater utility fee and the addition of the Staunton City Schools' proposal concerning sales and use tax revenue distribution.

Once adopted, the program will be transmitted to the Governor, local General Assembly members, the Virginia Municipal League, the Virginia Association of Counties and Virginia First Cities.

Dr. Harrington moved that City Council adopt the resolution establishing the City of Staunton's 2017 Legislative Program.

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

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

RESOLUTION ESTABLISHING THE CITY OF STAUNTON'S 2017 LEGISLATIVE PROGRAM

The Mayor and City Council of the City of Staunton, Virginia, governing from a position closest to the City's citizens and desiring to make City government more responsive to Staunton citizens, believe it is important to advise the City's representatives in the Virginia General Assembly of the City's legislative positions.

THEREFORE, BE IT RESOLVED by the Council of the City of Staunton that the legislative principles adopted by the Virginia Municipal League (VML) are hereby endorsed:

The Governor and General Assembly should not:

- Restrict further local revenue authority or sources.
- Impose new funding requirements or expand existing ones on services delivered by local governments.
- Shift state funding responsibilities onto local governments.
- Impose state fees, taxes or surcharges on local government services.
- Place additional **unfunded mandates** and other administrative burdens on local governments.

BE IT FURTHER RESOLVED that City Council respectfully requests that the General Assembly **support** legislation regarding the following issues:

A. Education

1. The General Assembly should fully fund public education—funding all mandated programs and services of education on the basis of realistic costs; increasing Standards of Quality funding, coming from general fund revenues, appropriated to elementary and secondary education; providing for flexibility in the use of those funds to meet unique local needs; and supporting specialized training, professional development and extended contracts for staff in challenged schools.
2. The General Assembly should fully fund the Virginia Preschool Initiative, removing and/or significantly reducing the required local share, demonstrating its commitment and investment in arguably the greatest resource we have—our children.
3. The General Assembly should continue to support the revisions of the system of accountability to encompass balanced assessments and expand the implementation of problem based assessments for greater validity, more cost effective sampling techniques, and continue the implementation of expedited test retakes to more accurately reflect student achievement, sense of inquiry, and love of learning.
4. The General Assembly should enact legislation to double the sales and use tax revenue distribution statewide to provide funding for capital for new or renovated school building projects, using the same formula for sales and use tax distribution as is used currently for distribution for Standards of Quality funding.

B. Pediatric Cancer Research

City Council is appalled by the lack of cancer research coordination, the glacially slow FDA new treatment approval process, and the totally inadequate level of federal funding for pediatric cancer research. Less than 4% of all cancer research

spending is for pediatric cancer and only two treatments are currently approved by the FDA. Council requests that the Virginia General Assembly petition the federal government to make pediatric cancer a real priority in order to save the lives of countless children who cannot speak for themselves or vote.

C. Certificate of Public Need

Council supports Virginia's Certificate of Public Need (COPN) program as an important component of the Commonwealth's health care system and encourages the General Assembly to retain COPN in its current form with process reforms similar to those recommended by the state work group led by the Secretary of Health and Human Services in 2015. Any legislation to deregulate COPN must be coupled with policies to promote access to care, ensure provision of essential human services, fund graduate medical education and maintain the fiscal stability of Virginia's community hospitals.

D. Stormwater Local Assistance Funding

The Commonwealth of Virginia and its MS4 communities are required under the Chesapeake Bay TMDL to meet specific reductions in stormwater pollution. Recent cost estimates for such compliance exceed \$10 billion, with the majority of the costs falling on local governments. Last year, the Virginia Department of Environmental Quality (DEQ) granted only \$8.5 million in Stormwater Local Assistance Fund (SLAF) funding to local governments, to defray their costs of compliance. This year, DEQ states that only \$20 million will be granted through the SLAF program. City Council requests that the Commonwealth increase SLAF funding to at least \$50 million.

E. Transportation

1. City Council supports improvements to railroad infrastructure to increase freight shipment capacity and reduce truck traffic and impacts on Interstate 81.
2. City Council supports a Primary Seatbelt Law, which research and other states' experiences have proven will save lives.
3. City Council supports a ban on handheld cell phone use by operators of moving motor vehicles.
4. City Council supports the use of non-motorized transportation for health, energy conservation and cost reasons for all Virginians, including trails, pathways and green corridors as an essential element of Virginia's transportation system.

F. Libraries

City Council supports efforts to maintain and increase State Aid to Public Libraries to strengthen funding for public library materials and programs that target childhood literacy and STEM instruction.

G. Virginia State Parks

City Council encourages the Governor and General Assembly to support additional land acquisition for state parks, outdoor recreation and natural areas. Towards that end, should the federal government expand the authorization of offshore energy exploration, City Council supports a plan to reinvest a portion of the royalties in the conservation of land for public access for outdoor recreation.

H. Regional Greenhouse Gas Initiative and Commonwealth Resilience Fund

Staunton City Council joins VML in supporting the Commonwealth of Virginia's application for membership to the Regional Greenhouse Gas Inventory (RGGI) to cap and trade CO₂ emissions from power plants to specifically address the impacts of sea-level rise and climate change using an estimated \$200 million in annual auction revenues through 2030, and to comply with the EPA's Clean Power Plan.

I. Solar Tax Incentives

City Council supports state tax incentives for private homeowners, businesses and the solar energy industry to incentivize an increase in the use of clean solar energy systems, to reduce dependence on extractive fossil fuels and emissions and increase energy independence.

J. Predatory Lending

The City of Staunton has been joined in its six-year long fight against predatory lending by VML, Virginia Association of Counties and Virginia First Cities, as well as 98 individual city, town and county governments. Despite the efforts of countless civil rights organizations, hundreds of churches, and dozens of newspaper editorial boards, legal aid societies and senior advocates, the protection the City seeks for its citizens is ignored. In spite of a Virginia Supreme Court ruling that called these practices "a vicious cycle of debt" and produced evidence that an estimated 9 million illegal loans had been made in the Commonwealth between 2002 and 2009, the General Assembly refuses to act to provide protections to Virginia families that the federal government provides for military members and their families.

The cost to the Commonwealth is staggering. The capital flight from Virginia is estimated to be over \$150 million every year. Allowing lenders to charge fees and interest amounting to 200%-680% APR is crippling the efforts of charities and social services trying to get people back on their feet. The damage to the economy of Virginia is incalculable.

City Council asks now for three things:

- A return to the usury law (36% interest rate cap inclusive of all fees) that Virginia had prior to 2002.

- Vigorous enforcement of the ban on illegal internet loans by the Attorney General.
- If the Senate and the House refuse to act, swift approval by the General Assembly of a statewide referendum on an interest rate cap.

BE IT ALSO RESOLVED that City Council respectfully requests that the General Assembly **oppose** the following legislation:

A. AirBnB

Virginia localities vary widely in size and character and should not all be grouped as the same to satisfy the desires of any one corporation or business enterprise. Accordingly, City Council opposes statewide legislation concerning limited residential lodging in Virginia.

B. Eminent Domain by Private Utilities for Surveying

City Council opposes the eminent domain rights extended to Dominion Virginia Power and other private utilities to enter onto private property without the consent of the landowner for the purpose of surveying for proposed projects before agreements have been reached with such property owners.

C. Stormwater Utility Exemptions

City Council opposes legislation which would exempt any property owner from the payment of local stormwater utility fees. Passage of a bill for one or more classes of property owners would certainly result in exemption requests from other classes of property owners (e.g., non-profit organizations and the federal and state governments). If considered favorably, those requests would further diminish fee collections. Council believes that all property owners should be required to pay fees for stormwater utility service, just as they pay for other utility services (including telephone, cable television, electric, gas, water and sewer services). As noted above, localities in Virginia already have limited financial resources available to comply with significant federal and state stormwater requirements. Any state-mandated reductions to stormwater utility fee collections—a limited source of funds for local governments to finance costly, mandated projects—will subject localities to additional financial burdens.

The Clerk of Council shall mail or deliver a copy of this Resolution to the Governor, the City's representatives in the General Assembly, other selected members of the General Assembly and area local governments; to the Virginia Municipal League, Virginia Association of Counties and Virginia First Cities and to other interested persons, as appropriate.

Adopted this 8th day of December, 2016.

s/Ophie A. Kier
Ophie A. Kier, Vice Mayor

s/Linda L. Little
Linda L. Little, CMC
Clerk of Council

Matters from the City Manager

Mr. Owen noted that earlier in the day the Shelburne Middle School 7th and 8th grade band presented a short concert to City employees.

Matters from the Public

Mr. Carl Hensley, 226 Meadowbrook Road, asked that Council include in their legislative agenda that it be recommended that the denial of appeals to zoning boards around the state be stopped. He also mentioned that he was concerned about the new school going into Gypsy Hill Park.

Mr. Nat Lawrence, 726 Opie Street, presented Council with a brief slide show of his thoughts on a new high school.

Mr. Tom Brooks, 891 Preston Drive, spoke in favor of a new high school.

Ms. Barbara Whipple, 111 Madison Place, asked that a public hearing be held on this subject.

Ms. Laurie Van Asendel, 19½ Fayette Street, spoke in favor of a new high school and a public hearing on the matter.

Mr. Baldwin Jennings, 332 Sharon Lane, spoke against a new high school.

Dr. Harrington called a point of order asking the Vice Mayor to direct the speaker to address the chair, not a previous speaker.

Ms. Ann Fitzgerald, 261 Thornrose Avenue, spoke in favor of a public hearing on this matter.

Ms. Sara Hollberg, 24 Church Street, asked that the site location of the school be separated from the funding aspect and was in agreement with having a public hearing.

Mr. Paul Kazarov, 111 Madison Place, opined that he agrees with the proposal of increasing the level of education, but was also concerned about the tax burden. He was also in favor of a public hearing.

Adjournment

There being no further business to come before Council, the meeting adjourned at 8:51 p.m.


Linda L. Little, CMC
Clerk of Council