

AGENDA

FRANKLIN CITY COUNCIL

MONDAY, July 25, 2016 – CITY HALL COUNCIL CHAMBERS – 207 W. SECOND AVE.

7:00 P.M.**Regular Meeting**

Call To Order · · · · · MAYOR FRANK M. RABIL

PLEASE TURN OFF CELL PHONES · · · MAYOR FRANK M. RABIL

PLEDGE OF ALLEGIANCE

CITIZENS' TIME

AMENDMENTS TO AGENDA

SPECIAL RECOGNITION of RETIREES

1. CONSENT AGENDA

A. Minutes: July 11, 2016

B. Departmental Reports (Separate File)

2. PUBLIC HEARING: Ward 6 Council Vacancy Nominations3. OLD/NEW BUSINESS

A. Franklin/Southampton Amended & Restated HRTPO Memorandum of Agreement

B. City Manager's Report

4. COUNCIL/STAFF REPORTS ON BOARDS & COMMISSIONS5. CLOSED SESSION

I move that the Franklin City Council meet in Closed Session to discuss and consider appointments to boards and commissions pursuant to Virginia Code Section 2.2 – 3711 (A) (1).

Motion Upon Returning to Open Session- I move that the only matters discussed during the session were those lawfully exempted from open meeting requirements and identified in the motion by which the closed session was convened.

6. ADJOURNMENT

UPCOMING ITEMS TO BE SCHEDULED

The items below are intended to be reflective, and not inclusive of all subjects staff is working on to bring forward to City Council in the next two months. Both the time lines and subject matter are subject to change and should not be considered final.

SUBJECT**TENTATIVE TIME LINE****Commercial Rehabilitation Loan Program****September, 2016****Rental Housing Inspection Program Public Hearing****September, 2016 (Tentative)****Charter Communications Franchise Agreement****TBA**



Resolution of Appreciation

Jo

Carolyn S. Joyner

WHEREAS, Carolyn S. Joyner has faithfully served the City of Franklin as a Secretary II beginning on July 1, 1986 and assumed various roles throughout her tenure and retiring March 31, 2016 as the Human Resources Manager having served the City of Franklin and its' employees for 30 years, and

WHEREAS, Carolyn S. Joyner faithfully and diligently delivered quality workmanship to all she encountered. Ms. Joyner continually displayed a cooperative spirit, was loyal and dependable as well as a willing teacher to her co-workers, and

WHEREAS, Carolyn S. Joyner has provided guidance and exhibited wisdom through her position with the Human Resources Department; and,

WHEREAS, her prudent judgment and warm personal demeanor have facilitated many accomplishments and have earned for her the respect of the community and her peers; and

WHEREAS, the City of Franklin commends Carolyn S. Joyner for her generous and devoted service to this City and wishes her well in all her future endeavors.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin City Council Honors the Exceptional Service of Carolyn S. Joyner.

AND, BE IT ALSO FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this meeting of the Franklin City Council as visible evidence of the high esteem in which this Council and the Citizens of the City of Franklin hold Carolyn S. Joyner thereby forever preserving and recording its gratitude.

Adopted: July 25, 2016

Mayor Frank M. Rabil



Resolution of Appreciation

To

Joyce Carrington-Ralph

WHEREAS, Joyce Carrington-Ralph has faithfully served the City of Franklin in the Department of Social Services starting as a Clerk II on November 2, 1998. Ms. Carrington-Ralph work in various roles until retiring on June 1, 2016 as an Office Assistant III, and

WHEREAS, Joyce Carrington-Ralph worked diligently for 18 years. Ms. Carr continually displayed a cooperative spirit, was loyal and dependable as well as a willing teacher to her co-workers, and

WHEREAS, Joyce Carrington-Ralph has provided guidance and exhibited wisdom through her position with the Department of Social Services; and,

WHEREAS, her prudent judgment and warm personal demeanor have facilitated many accomplishments and have earned for her the respect of the community and her peers; and

WHEREAS, the City of Franklin commends Joyce Carrington-Ralph for her generous and devoted service to this City and its citizens and wishes her well in all her future endeavors.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin City Council Honors the Exceptional Service of Joyce Carrington-Ralph.

AND, BE IT ALSO FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this meeting of the Franklin City Council as visible evidence of the high esteem in which this Council and the Citizens of the City of Franklin hold Joyce Carrington-Ralph thereby forever preserving and recording its gratitude.

Adopted: July 25, 2016

Mayor Frank M. Rabil



Resolution of Appreciation

Jo

William A. Tomlin

WHEREAS, William A. Tomlin has faithfully served the City of Franklin in the Power & Light Department as a Groundsman from December 16, 1977 and transitioned to Meter Supervisor until retiring on May 1, 2016 with 39 years of accumulative service , and

WHEREAS, William A. Tomlin diligently delivered quality workmanship and outstanding customer service. Mr. Tomlin continually displayed a cooperative spirit, was loyal and dependable as well as a willing teacher to his co-workers, and

WHEREAS, William A. Tomlin has provided guidance and exhibited wisdom through his position with the Power & Light Department; and,

WHEREAS, his prudent judgment and warm personal demeanor have facilitated many accomplishments and have earned for him the respect of the community and his peers; and

WHEREAS, the City of Franklin commends William A. Tomlin for his generous and devoted service to this City and wishes him well in all his future endeavors.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin City Council Honors the Exceptional Service of William A. Tomlin.

AND, BE IT ALSO FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this meeting of the Franklin City Council as visible evidence of the high esteem in which this Council and the Citizens of the City of Franklin hold William A. Tomlin thereby forever preserving and recording its gratitude.

Adopted: July 25, 2016

Mayor Frank M. Rabil

CONSENT AGENDA

- A. Minutes: July 11, 2016**
- B. Departmental Reports (Separate File)**

The Franklin City Council held its regular meeting on Monday, July 11, 2016 at 7:00 p.m. in the Council Chambers at City Hall.

Council Members in Attendance: Frank M. Rabil, Mayor; Barry Cheatham, Vice-Mayor; Linwood Johnson, Mary Hilliard, Benny Burgess and Greg McLemore (Ward 6 seat vacant).

Staff in Attendance: Randy Martin, City Manager; Taylor Williams, City Attorney; Chief Phil Hardison, Police Department; Mark Bly, Director of Power and Light; Jennifer Maynard, Voter Registrar; and Russ Pace, Director of Public Works.

Others in Attendance: Sergeant Mark Cornell, Franklin Police Department; Lieutenant Karl Boone, Franklin Police Department and Teresa Rose-McQuay; Administrative Assistant and Acting Secretary, Recording Minutes.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by everyone in attendance.

CITIZENS' TIME

Mr. Thomas Councill of 425 Bracey Street addressed Council on two matters:

- 1) The Parks and Recreation Advisory Committee status and the need to update the city's Master Plan
- 2) His opinion for Vice Mayor selection and tradition of selection

AMENDMENTS TO AGENDA

Mayor Rabil asked if there were any amendments to the agenda.

Vice-Mayor Cheatham made the motion to amend the agenda to include a discussion and related motions for the Hayden School Project as follows:

- A) Previously the City has participated in an application for the prospective purchaser of the Hayden School property to obtain historic tax credits as part of the financing package. The contract to purchase the Hayden School property has recently been assigned to the newly created entity Hayden Village Associates, LP Hayden Village Associates, LP wishes to have the benefit of the historic tax credits. In order for this to occur the City, as the current owner of the property, the City acknowledges its consent to the change in the name of the entity holding the historic tax credits. Council is requested to authorize the Mayor or the City Manager to write a letter on behalf of the Council acknowledging consent to the change in the entities that will be the owner of the Hayden School property which is the beneficiary of the historic tax credits to be submitted as part of the application amendment.
- B) Additionally, as there is with every real estate closing, there will be a number of documents to be signed on behalf of the City. The Council is requested to authorize the Mayor or the City Manager to sign the necessary closing documents on behalf of the City as approved by the City Attorney. These documents would be prepared shortly before the actual closing date and would not necessarily coincide with a scheduled meeting of Council. Two examples of the common

documents that might be involved: owner's affidavit for title insurance; settlement closing statement.

Councilwoman Hilliard seconded the motions.

Mayor Rabil asked for a vote.

The motion was approved by a vote of 6 – 0 (Ward 6 seat vacant).

Mayor Rabil moved the discussion and related motions for the Hayden School Project to Item B under Old/New Business and moved the City Manager's report to Item C.

Consent Agenda

Minutes of the June 20, 2016 Called Meeting

Mayor Rabil asked if there were any corrections to the minutes of the June 20, 2016 called meeting. Hearing none, he asked for a motion.

Vice-Mayor Cheatham made the motion to approve the minutes as presented and Councilman Burgess seconded the motion.

The motion was approved with the vote as follows:

Councilman McLemore, ABSTAIN; Councilman Johnson, ABSTAIN; Councilman Burgess, AYE; Councilwoman Hilliard, AYE; Vice-Mayor Cheatham, AYE and Mayor Frank Rabil, AYE (Ward 6 seat vacant).

Minutes of the June 27, 2016 Regular Meeting

Mayor Rabil asked if there were any corrections to the minutes of the June 27, 2016 regular meeting. Hearing none, he asked for a motion.

Councilwoman Hilliard made the motion to approve the minutes as presented and Vice-Mayor Cheatham seconded the motion.

The motion was approved with the vote as follows:

Councilman McLemore, ABSTAIN; Councilman Johnson, ABSTAIN; Councilman Burgess, AYE; Councilwoman Hilliard, AYE; Vice-Mayor Cheatham, AYE and Mayor Frank Rabil, AYE (Ward 6 seat vacant).

Minutes of the June 28, 2016 Called Meetings

Mayor Rabil asked if there were any corrections to the minutes of the two June 28, 2016 called meetings. Hearing none, he asked for a motion.

Councilman Burgess made the motion to approve both sets of the June 28th called meeting minutes as presented and Councilman Johnson seconded the motion.

The motion was approved with the vote as follows:

Councilman McLemore, ABSTAIN; Councilman Johnson, AYE; Councilman Burgess, AYE; Councilwoman Hilliard, AYE; Vice-Mayor Cheatham, AYE and Mayor Frank Rabil, AYE (Ward 6 seat vacant).

Biennial Council Organizational Meeting

Mayor's Organizational Remarks

Mayor Rabil read aloud the Council Meeting Procedures Adopted July 11, 2011 as follows:

- Limit the general discussion prior to a motion being made to 2 minutes per member of Council
- Discussion during a presentation be limited to two questions or comments totaling 5 minutes;
- Once a motion is made, each member of Council is limited to one comment or question period consisting of five minutes, furthermore;
- After all members of Council have had a chance to participate in the questions and answers, each member of Council is then allowed an additional three minute rebuttal period to respond to fellow members of Council's comments.
- No questions or comments are allowed during Citizens' Time.

Mayor Rabil stated he saw no need to alter the procedures at this time. He felt the Council should stay the course in terms of its operation.

Councilman McLemore commented that he would like for the Council to consider changing "no questions or comments allowed during Citizen's time". It was the consensus of the Council that the current Meeting Procedures that are in place are sufficient. However, Mayor Rabil stated that this is something Council could take under advisement and discuss at a later time.

Mayor Rabil stated that there were a few acts that he would like from Council as a Mayoral preference:

- 1) Be present.
- 2) Be prepared.
- 3) To be proactively engaged with the community, as well as Council; to collaboratively do what is best for the City. The Council should be concerned with what is best for the City in everything it does.

Mayor Rabil advised that if everyone does these three things, meetings will have a better result for our citizens. Mayor Rabil thanked Council for listening to his remarks as well as their service.

Selection of Vice Mayor

Mayor Rabil asked for nominations from Council for the purpose of selecting a Vice – Mayor.

Councilman Johnson nominated Councilwoman Hilliard for Vice-Mayor based on her ability and number of years on the Council.

Councilwoman Hilliard declined the nomination.

Councilman Burgess nominated Vice-Mayor Cheatham for Vice-Mayor based on his prior service as Vice-Mayor, along with his dedication to the community and his willingness to serve.

Councilman McLemore nominated Councilman Johnson for Vice-Mayor.

Mayor Rabil asked for any further nominations. Upon hearing none the Mayor closed the nominations and asked Council for comments or questions concerning the nominations.

After Council discussed reasons and opinions for why each nominee should be appointed, Mayor Rabil asked for a vote in the order of their nomination (by raised hands).

The votes by raised hands for Councilman Cheatham were as follows:

Councilman Burgess, Councilwoman Hilliard, Councilman Cheatham, and Mayor Rabil.

Having received four votes, Mayor Rabil declared that Councilman Cheatham was reappointed to the Vice-Mayor position; therefore no additional voting was necessary.

Vice-Mayor Cheatham thanked Council for their support.

Council Appointments to Boards & Commissions:

Mayor Rabil will contact each member for input before the next meeting at which time the Council will discuss and finalize assignments.

OLD/NEW BUSINESS

Ward 6 Council Vacancy Appointment

Mayor Rabil asked City Attorney Williams to review the process for the Ward 6 Vacancy Appointment to Council.

Attorney Williams gave background on the circumstances which created the vacancy for the Ward 6 Council Representative. In the election on May 3, 2016 Councilman Rabil sought the seat of Mayor. As a result of the outcome of the election, Councilman Rabil tendered his resignation as the Ward 6 Representative in order to occupy the seat as Mayor.

Attorney Williams recited the City Charter Provision 3.02 and the Va. Code Section 24.2-226 (A) along with all the requirements of the process as well as gave examples of the notice requirements and the impact on timing for potential dates for filing and holding a Special Election to fill the vacancy.

In the past under the City charter, the process utilized for filling the vacancy by the remaining members of Council was to advertise and hold a public hearing to receive nominations from the public for potential candidates to serve as the Ward 6 Representative for the balance of the term. State law has modified the process for vacancies which provides a Council appointee only serves until a representative can be elected by Special Election. The Council may choose to interview nominees then vote on nominees for the interim appointment. The proposed schedule to meet the statutory requirement for the interim appointment is to advertise a public hearing to accept nominations at the July 25, 2016 Regular Council Meeting, interview nominees between July 25, 2016 and August 8, 2016, and select an appointee at the

August 8, 2016 Regular Meeting. If Council fails to make an appointment in the required timeline, the Courts make the appointment on an interim basis.

Mayor Rabil asked for any comments or questions.

Mayor Rabil asked for a motion. Council Burgess made a motion to advertise the Public Hearing for nominations for the July 25, 2016 Regular meeting with the appointment to be considered at the August 8, 2016 Regular meeting. Councilman Johnson seconded the motion.

The motion was approved as follows:

Councilman McLemore, ABSTAIN; Councilman Johnson, AYE; Councilman Burgess, AYE; Councilwoman Hilliard, AYE; Vice-Mayor Cheatham, AYE and Mayor Frank Rabil, AYE (Ward 6 seat vacant).

Hayden School Project

Mayor Rabil asked City Attorney Williams to present this item added to the agenda concerning the Hayden School Project Property Sales Contract.

City Attorney Williams advised Council that the primary matter for this discussion is to address the historic tax credits for the Hayden School Project. The contract to purchase the Hayden School property has recently been assigned to the newly created entity Hayden Village Associates, LP and they wish to continue to receive the benefit of the historic tax credits for the project. For this to happen the City, as the current owner of the property, must acknowledge its consent to the change in the name of the entity seeking the historic tax credits. Attorney Williams requested authority for the Mayor or the City Manager to write a letter on behalf of the Council acknowledging consent to the change in the entities that will be the owner of the Hayden School property which will be the beneficiary of the historic tax credits to be submitted as part of the application amendment.

Councilman Burgess made the motion to authorize to the Mayor or City Manager to write a letter on behalf of the Council acknowledging consent to the change in the entities that will be the owner of the Hayden School property and the beneficiary of the historic tax credits to be submitted as part of the application amendment. Councilwoman Hilliard seconded the motion.

Mayor Rabil asked if there were any questions or comments on the motion.

Councilman McLemore asked for clarity on who the final proposed owners of the property will be.

Attorney Williams answered that the owners of the project will be after closing Hayden Village Associates, LP and Hayden Village Center which is comprised of Senior Services of Southeastern Virginia and Mr. Michael Glenn, developer. It was noted that this was covered in detail during the previous discussions when the Council approved the change in the contract to sell the property.

The motion was passed by a 6 – 0 vote (Ward 6 seat vacant).

Attorney Williams stated additionally, as there is with every real estate closing, there will be a number of documents to be signed on behalf of the City. He requested the Council authorize the Mayor or the City

Manager to sign the necessary closing documents on behalf of the City as approved by the City Attorney. These documents would be prepared shortly before the actual closing date and would not necessarily coincide with a scheduled meeting of Council. Two examples of the common documents that might be involved are owner's affidavit for title insurance; settlement closing documents.

Councilman Burgess made the motion to authorize the Mayor or the City Manager to sign the necessary closing documents on behalf of the City as approved by the City Attorney and Councilman Johnson seconded the motion.

The motion was approved by a 6 – 0 vote (Ward 6 seat vacant).

City Manager's Report

New Hardware

Manager Martin commented on the new Surface Pro Tablets that had been received for Council use. He stated that Stephen Newsome, City IT staffer would be available to assist members of Council as necessary in utilizing the new technology.

2016 Virginia Ports Annual Report

Manager Martin briefly mentioned the 2016 Virginia Ports Annual Report that was distributed to all members of Council prior to the start of the meeting. This information is compiled by the Virginia Maritime Association. Executive Director Amanda Jarratt, of FSEDI obtained the copies for Council.

Update on Public Works VDOT Grant Awards

Manager Martin reported on the fine work of the City's Public Works Department to pursue VDOT grants. The City of Franklin has been awarded no match required 100% grant paving project funds of \$140,000 and \$150,000 respectively to pave a section of South Street and Main Street between S. High and Elm Street; and portions of 2nd Avenue, Mechanic Street and 4th Avenue, from East Street to Main Street.

The City also was approved for a revenue sharing matching grant project of \$100,000 to line the storm water culverts under Oak Street and Bank Street. The state will provide a \$50,000 match to \$50,000 of City funds to accomplish this project.

Lowe's of Franklin Community Project

Manager Martin advised Council of a planned community project to repair the decking of the boat ramp and other improvements to the boardwalk and adjoining Barrett's Landing. The Franklin Lowe's store is doing the majority of this work in conjunction with the Public Works department and State Division of Fisheries. Lowe's is furnishing funds, the materials at cost and their employees' are donating their time to do this community project. Manager Martin stated that Lowe's had reached out to the city to do this project and we are grateful for their willingness to support our community. Other than the decking at the ramp, painting of rails and landscaping are planned. Manager Martin advised the City's participation will lower funds available for regular maintenance and may require a budget amendment in the future if funds for the year run short.

COUNCIL/STAFF REPORTS ON BOARDS & COMMISSIONS

Vice-Mayor Cheatham reported on the Shared Services meeting that was held on Tuesday, June 28, 2016 after the Council Oaths of Office called meeting.

Closed Session

Councilwoman Hilliard made the motion that the Franklin City Council meet in Closed Session to discuss and consider appointments to boards and commissions and consult with the City Attorney pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the litigating posture of the public body pursuant to Virginia Code Section 2.2 – 3711 (A) and (7). Vice-Mayor Cheatham seconded the motion.

The motion was approved by a 6 – 0 vote (Ward 6 seat vacant).

The Council entered into closed session at 8:22 p.m.

Mayor Rabil reconvened the open session at 8:40 p.m. and asked for a motion certifying the closed session.

Councilman Burgess made a motion certifying that the only matters discussed during the closed session were those lawfully exempted from open meeting requirements and identified in the motion by which the closed session was convened. The motion was seconded by Councilwoman Hilliard.

The motion was approved by a 6 – 0 vote (Ward 6 seat vacant).

Action Item #1

Mayor Rabil asked Council for a motion on any desired action following the closed session.

Councilwoman Hilliard made a motion to reappoint Beth Cheatham and Charlie Ashburn to a four year term expiring on April 14, 2020 on the City's Industrial Development Authority. Councilman Burgess seconded the motion. The motion was approved with the vote as follows:

Councilman McLemore, NAY; Councilman Johnson, AYE; Councilman Burgess, AYE; Councilwoman Hilliard, AYE; Vice-Mayor Cheatham, AYE and Mayor Frank Rabil, AYE (Ward 6 seat vacant).

Adjournment

Vice-Mayor Cheatham made a motion to adjourn the meeting which was seconded by Councilwoman Hilliard.

The motion was approved by a 6 – 0 vote (Ward 6 seat vacant).

Mayor Rabil declared the meeting adjourned at 8:43 p.m.

These Minutes for the July 11, 2016 City Council Meeting were adopted on the 25th day of July, 2016.

Mayor

Clerk to City Council

PUBLIC HEARING

A. Ward 6 Council Vacancy Nominations

**NOMINATION OF PERSONS TO SERVE AS
THE INTERIM WARD 6 REPRESENTATIVE
ON THE FRANKLIN CITY COUNCIL**

The Franklin City Council will conduct a Public Hearing at its regular meeting to be held on Monday, July 25, 2016 at 7:00 p.m. at the Franklin City Hall at 207 West Second Avenue, Franklin, Virginia 23851 for the purpose of receiving nominations to fill a vacancy on City Council in Ward 6. Any nominee must meet the following qualifications to be eligible for the interim appointment as the Ward 6 Representative: a nominee must be qualified to vote in this Special Election, must have been a resident of the Commonwealth of Virginia for at least the past year and must be a resident of Ward 6. Persons nominated will be considered by the remaining members of City Council for appointment to serve as the interim Ward 6 Representative on the City Council until such time as a Representative is elected by Special Election. Any person desiring to nominate individuals to serve as the interim Ward 6 Representative on the City Council can attend the Public Hearing and make such nomination on July 25 as he or she desires. A resume may be presented to Council at that time. The public hearing is to be held at a public facility to be accessible to persons with disabilities. Any persons with questions concerning the accessibility of the facility or those who have need for reasonable accommodations should contact Teresa Rose-McQuay at (757) 562-8508. Persons needing interpreter services for the deaf must notify Mrs. McQuay at least seven (7) days in advance of the hearing.

Franklin City Council
R. Randy Martin, Clerk

OLD/NEW BUSINESS

- A. Franklin/Southampton Amended & Restated HRTPO Memorandum of Agreement**
- B. City Manager's Report**



July 21, 2016

TO: Mayor & Council Members
FROM: R. Randy Martin, City Manager

At the June 27th Council meeting, I presented a report on the status of discussions with the HRTPO officials about an Amended & Restated Memorandum of Agreement (MOA) for the City & Southampton County regarding the two local governments' status as members of the Metropolitan Planning Area (MPA). Enclosed for information is a copy of that report which provides background and steps necessary to address the situation. I am also enclosing a report from County Administrator Mike Johnson that he plans to deliver to the Board of Supervisors at their Monday, July 25th meeting based upon action taken by the HRTPO Board of Directors at today's meeting in Chesapeake. The HRTPO Board of Directors approved the MOA today. Vice-Mayor Cheatham and I attended and made comments in support of the MOA.

Likewise, based upon the HRTPO Board's approval of the MOA today, I recommend the City Council approve the enclosed MOA on July 25th. This will bring this matter to a close as far as City action and afford the City equal rights and benefits as a full member of the HRTPO and realize all the other benefits detailed in the enclosed documentation. The County and City will next collaborate on planning for the use of the designated funds and planning cooperatively with HRTPO staff, for HWY 58 and 258 corridor improvements accordingly. The HRTPO will have to formally submit the request for state and federal review, but since they both were involved in the process of drafting this MOA, consent is expected to be received. The HRTPO will also amend their by-laws in the near future to formalize and be consistent with the MOA.

Enclosures

**AMENDED AND RESTATED MEMORANDUM OF AGREEMENT
BETWEEN
THE HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION
AND
THE CITY OF FRANKLIN**

This Memorandum of Agreement (Amended MOA) Amends and Restates the MOA dated and executed July 18, 2013, by and between the Hampton Roads Transportation Planning Organization (“HRTPO”) and the City of Franklin (“Franklin”).

WHEREAS, the Signatories executed a Memorandum of Agreement (MOA) effective as of July 18, 2013, to establish a mechanism by which the City of Franklin and Southampton County (“Localities”) will be entitled to vote on the allocation of funds for projects supported by HB2313 revenues deposited into the Hampton Roads Transportation Fund (HRTF). The MOA included the following:

1. Effective July 1, 2013, the HRTPO would establish **“Fund set-asides”** for the City of Franklin and Southampton County, comprised of those portions of HB2313 revenues collected in their respective localities, and reserve them for projects in Franklin and Southampton County;
2. Effective July 1, 2013, the City of Franklin and Southampton County would be entitled to one vote on actions of the HRTPO involving the allocation of funds for any project to be funded in whole or in part with HB2313 Revenues from the Fund set-asides;
3. The representatives from the City of Franklin and Southampton County would be invited to attend all meetings of the HRTPO in which any allocation of HB2313 Funds were to be discussed or otherwise considered and would be provided with all information and communications relating to the allocations that are provided to HRTPO members; and
4. For those meetings in which allocations of funds from the “Fund set-asides” are to be discussed or subjected to a vote, the representatives of the City of Franklin and Southampton County would be provided with all information and communications relating to the projects that are provided to the HRTPO members, and would be allowed to participate in discussions relating to the projects.

WHEREAS, the 2014 Transportation Legislation created the Hampton Roads Accountability Commission (HRTAC) and transferred the authority for the allocation of HRTF monies from the HRTPO to HRTAC, and the HRTAC is now responsible for allocating the HRTF to transportation projects prioritized and selected by the HRTPO.

WHEREAS, transfer of authority for allocation of HRTF monies prevents the HRTPO from addressing the fund set-aside provisions of the July 2013 MOA.

WHEREAS, although the 2014 legislation provided the City of Franklin and Southampton County with full voting rights on the HRTAC, neither locality is a member of the HRTPO.

WHEREAS, the HRTPO is responsible for identifying and prioritizing regional transportation priority projects that will be funded with HRTF monies.

WHEREAS, the residents of the City of Franklin and Southampton County contribute to the HRTF; however, these jurisdictions currently have no vote on the HRTPO Board on regional transportation planning and prioritization matters.

WHEREAS, the HRTPO staff worked diligently with the Chief Administrative Officers of the City of Franklin and Southampton County, and representatives from VDOT and FHWA Virginia Division, to develop a concept that will address this situation.

NOW, THEREFORE, the parties hereby agree as follows:

1. Portions of the City of Franklin and Southampton County that are situated east of Rt. 258 shall be added to the Hampton Roads Metropolitan Planning Area (MPA), providing the City and County with full voting rights on the HRTPO. Transportation projects located within the expanded MPA will be eligible to compete for funding through the HRTPO with other regional projects. Transportation projects in the City and County that remain outside the MPA (west of Rt. 258) will retain access to other traditional state revenue streams, including rural transportation funds, and remain in scoring Category D (safety/economic development) for projects submitted for funding under the SMART SCALE Program (formerly HB2);
2. Southampton County and the City of Franklin shall be provided with full voting rights on the HRTPO Board on all HRTPO matters, along with voting rights on the Transportation Technical Advisory Committee (TTAC) and Citizen Transportation Advisory Committee (CTAC). In addition, these localities may decide to participate on other committees created by the HRTPO.
3. To reflect the one-year period when the HRTPO had allocation authority for the HRTF, and to honor the set-aside commitment for this one year period, the HRTPO will establish a one-time RSTP fund set-aside equivalent to revenues paid into the HRTF by Franklin and Southampton County in FY 2014, plus interest, (\$2,028,866), which will be made exclusively available to the City and County for an eligible RSTP project(s) located within the MPA; and

4. The HRTPO will commit to the completion of a Rt. 58 Corridor Study extending to the Greenville County line within four years of the approval of this amended and restated MOA. The HRTPO will closely collaborate and coordinate with VDOT and the HRPDC to initiate and complete this feasibility study.

In Witness Whereof, the parties have caused this amended and restated Memorandum of Agreement to be executed by their duly authorized officers as of the date first set forth as shown on page 1.

Hampton Roads Transportation
Planning Organization

By: _____
Chair

City of Franklin

By: _____
Title: _____

13. CONSIDERATION OF AN AMENDED AND RESTATED MEMORANDUM OF AGREEMENT BETWEEN SOUTHAMPTON COUNTY AND THE HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION (HRTPO)

As we discussed last month, I'm pleased to confirm that the Hampton Roads Transportation Planning Organization (HRTPO) approved the attached *Amended and Restated Memorandum of Agreement* at its regular meeting on July 21. It is now necessary for this Board to endorse the agreement to make it effective.

The revised agreement accomplishes four (4) primary objectives:

1. It effectively expands the HRTPO Metropolitan Planning Area (MPA) to include the areas of Southampton County that are east of U.S. Route 258. Transportation projects located within the expanded MPA will be eligible to compete for funding through the HRTPO with other regional projects. Transportation projects in the County that remains outside the MPA (west of Rt. 258) will retain access to other traditional state revenue streams, including rural transportation funds, and remain in scoring Category D (safety/economic development) for projects submitted for funding under the SMART SCALE Program (formerly HB2);
2. It conveys to us full voting rights on the HRTPO Board on all HRTPO matters, along with voting rights on the Transportation Technical Advisory Committee (TTAC) and Citizen Transportation Advisory Committee (CTAC);
3. It establishes a one-time "fund set-aside" equivalent to revenues paid into the HRTF by Franklin and Southampton County in FY 2014 (\$2,028,866) which will be made exclusively available (no competition) to the City and County for a project or project(s) along the Route 258 corridor; and
4. It includes a commitment by the HRTPO to conduct a Route 58 Corridor Feasibility Study to the Greensville County line sometime over the next four years.

The HRTPO approved an identical agreement for the City of Franklin which I believe they're also considering this evening.

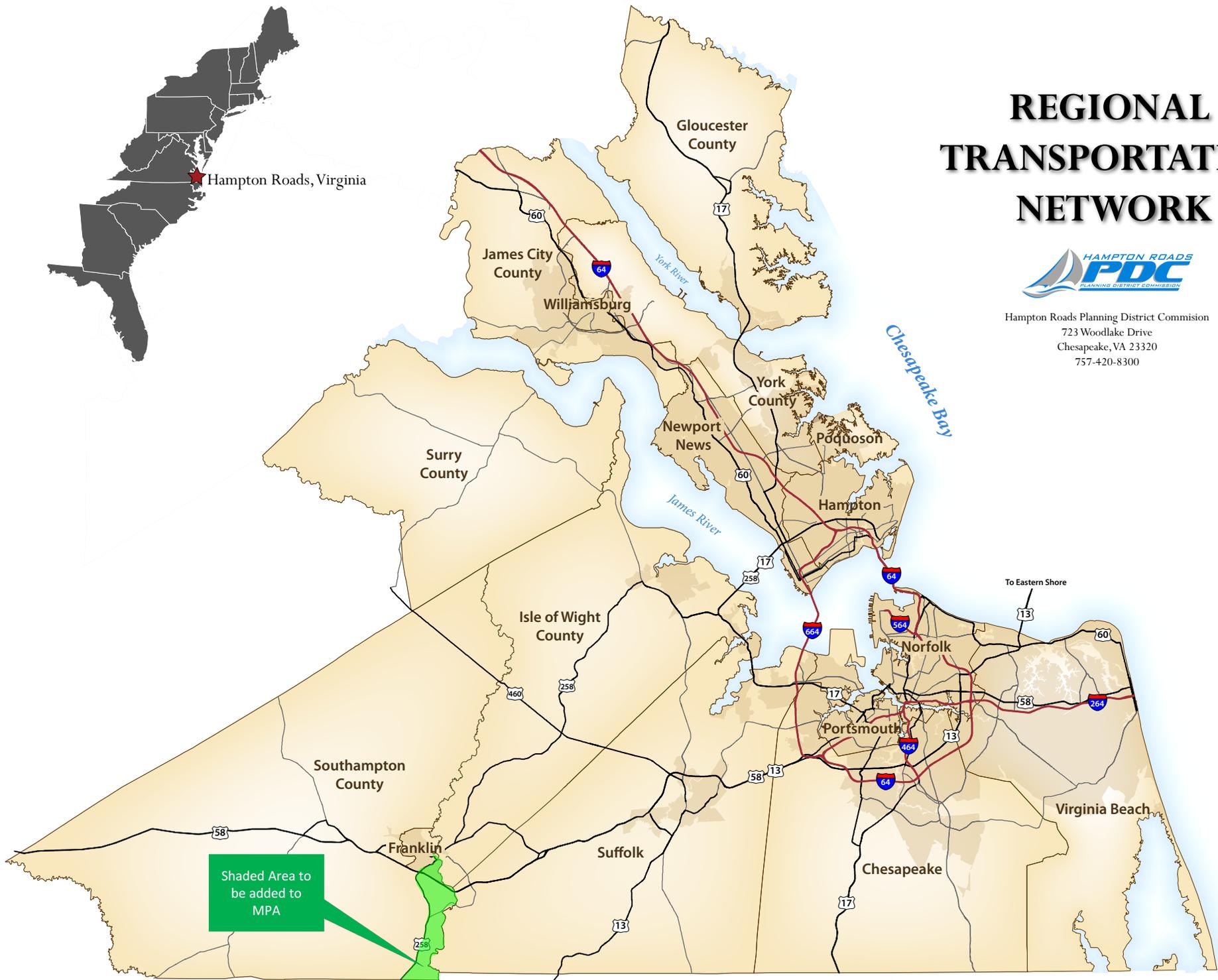
MOTION REQUIRED:

A motion is required to approve the attached *Amended and Restated Memorandum of Agreement* and authorize the County Administrator to execute it on the County's behalf.

REGIONAL TRANSPORTATION NETWORK



Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, VA 23320
757-420-8300



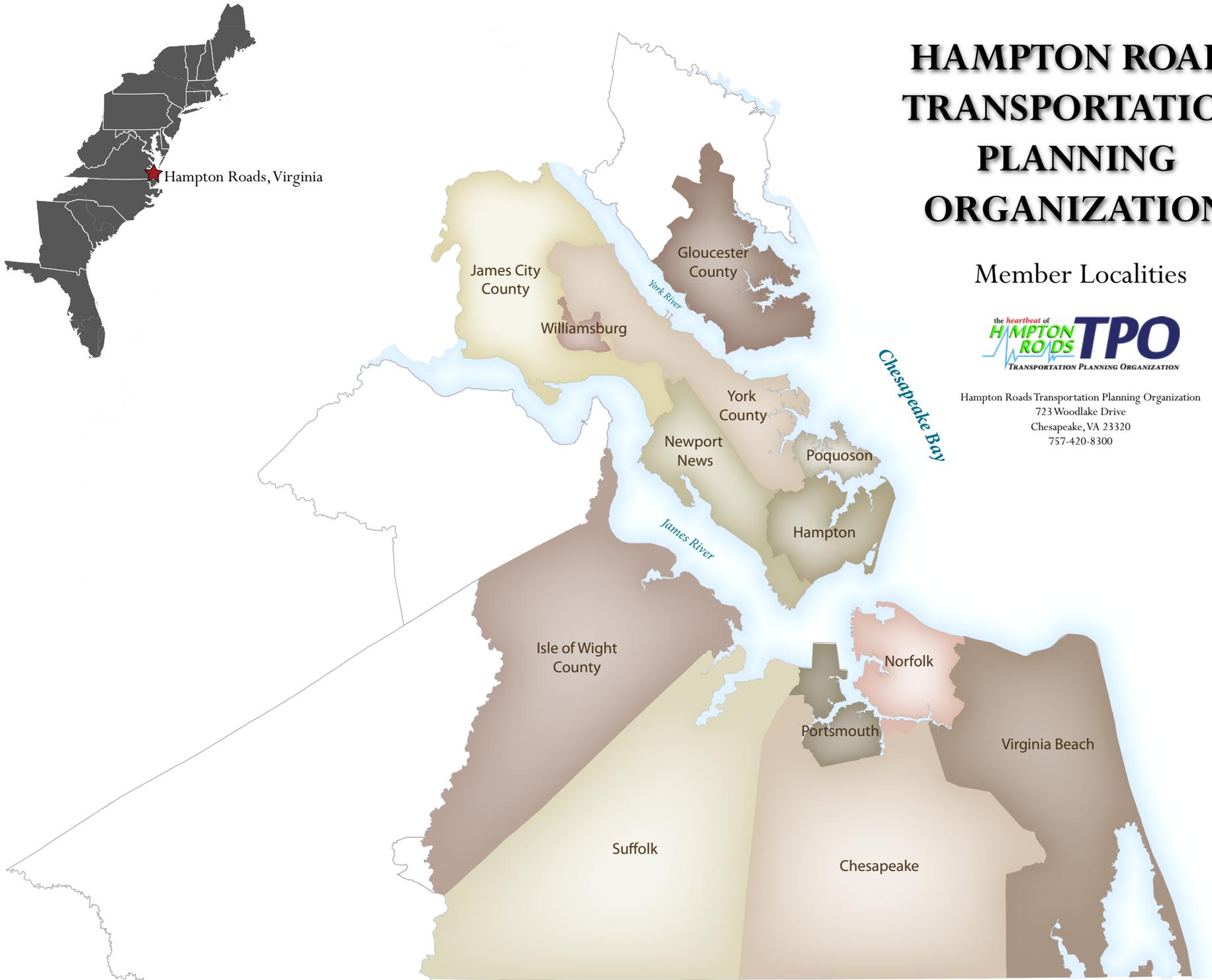
Shaded Area to be added to MPA

HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION

Member Localities



Hampton Roads Transportation Planning Organization
723 Woodlake Drive
Chesapeake, VA 23320
757-420-8300



**AMENDED AND RESTATED MEMORANDUM OF AGREEMENT
BETWEEN
THE HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION
AND
THE COUNTY OF SOUTHAMPTON**

This Memorandum of Agreement (Amended MOA) Amends and Restates the MOA dated and executed July 18, 2013, by and between the Hampton Roads Transportation Planning Organization (“HRTPO”) and the County of Southampton (“Southampton County”).

WHEREAS, the Signatories executed a Memorandum of Agreement (MOA) effective as of July 18, 2013, to establish a mechanism by which the City of Franklin and Southampton County (“Localities”) will be entitled to vote on the allocation of funds for projects supported by HB2313 revenues deposited into the Hampton Roads Transportation Fund (HRTF). The MOA included the following:

1. Effective July 1, 2013, the HRTPO would establish **“Fund set-asides”** for the City of Franklin and Southampton County, comprised of those portions of HB2313 revenues collected in their respective localities, and reserve them for projects in Franklin and Southampton County;
2. Effective July 1, 2013, the City of Franklin and Southampton County would be entitled to one vote on actions of the HRTPO involving the allocation of funds for any project to be funded in whole or in part with HB2313 Revenues from the Fund set-asides;
3. The representatives from the City of Franklin and Southampton County would be invited to attend all meetings of the HRTPO in which any allocation of HB2313 Funds were to be discussed or otherwise considered and would be provided with all information and communications relating to the allocations that are provided to HRTPO members; and
4. For those meetings in which allocations of funds from the “Fund set-asides” are to be discussed or subjected to a vote, the representatives of the City of Franklin and Southampton County would be provided with all information and communications relating to the projects that are provided to the HRTPO members, and would be allowed to participate in discussions relating to the projects.

WHEREAS, the 2014 Transportation Legislation created the Hampton Roads Accountability Commission (HRTAC) and transferred the authority for the allocation of HRTF monies from the HRTPO to HRTAC, and the HRTAC is now responsible for allocating the HRTF to transportation projects prioritized and selected by the HRTPO.

WHEREAS, transfer of authority for allocation of HRTF monies prevents the HRTPO from addressing the fund set-aside provisions of the July 2013 MOA.

WHEREAS, although the 2014 legislation provided the City of Franklin and Southampton County with full voting rights on the HRTAC, neither locality is a member of the HRTPO.

WHEREAS, the HRTPO is responsible for identifying and prioritizing regional transportation priority projects that will be funded with HRTF monies.

WHEREAS, the residents of the City of Franklin and Southampton County contribute to the HRTF; however, these jurisdictions currently have no vote on the HRTPO Board on regional transportation planning and prioritization matters.

WHEREAS, the HRTPO staff worked diligently with the Chief Administrative Officers of the City of Franklin and Southampton County, and representatives from VDOT and FHWA Virginia Division, to develop a concept that will address this situation.

NOW, THEREFORE, the parties hereby agree as follows:

1. Portions of the City of Franklin and Southampton County that are situated east of Rt. 258 shall be added to the Hampton Roads Metropolitan Planning Area (MPA), providing the City and County with full voting rights on the HRTPO. Transportation projects located within the expanded MPA will be eligible to compete for funding through the HRTPO with other regional projects. Transportation projects in the City and County that remain outside the MPA (west of Rt. 258) will retain access to other traditional state revenue streams, including rural transportation funds, and remain in scoring Category D (safety/economic development) for projects submitted for funding under the SMART SCALE Program (formerly HB2);
2. Southampton County and the City of Franklin shall be provided with full voting rights on the HRTPO Board on all HRTPO matters, along with voting rights on the Transportation Technical Advisory Committee (TTAC) and Citizen Transportation Advisory Committee (CTAC). In addition, these localities may decide to participate on other committees created by the HRTPO.
3. To reflect the one-year period when the HRTPO had allocation authority for the HRTF, and to honor the set-aside commitment for this one year period, the HRTPO will establish a one-time RSTP fund set-aside equivalent to revenues paid into the HRTF by Franklin and Southampton County in FY 2014, plus interest, (\$2,028,866), which will be made exclusively available to the City and County for an eligible RSTP project(s) located within the MPA; and

4. The HRTPO will commit to the completion of a Rt. 58 Corridor Study extending to the Greensville County line within four years of the approval of this amended and restated MOA. The HRTPO will closely collaborate and coordinate with VDOT and the HRPDC to initiate and complete this feasibility study.

In Witness Whereof, the parties have caused this amended and restated Memorandum of Agreement to be executed by their duly authorized officers as of the date first set forth as shown on page 1.

Hampton Roads Transportation
Planning Organization

By: _____
Chair

County of Southampton

By: _____
Title: _____



City Manager's Report

Franklin/Southampton County HRTPO Metropolitan Planning Area (MPA) Membership Update

The following are excerpts of a summary report prepared by Mike Johnson, Southampton County Administrator with input from HRTPO staff. As noted, he and I have had meetings with state and federal transportation officials and HRTPO staff to address this situation. Tonight, both Mike Johnson and I are briefing the elected officials of the County and City respectively before future action is considered by both bodies and by the HRTPO Board of Directors.

“ As you may recall, legislation approved by the General Assembly in 2013 established the Hampton Roads Transportation Fund (HRTF) and imposed an additional 2.1% sales tax on wholesale distributors of motor fuels and an additional 0.7% sales tax in all localities that are members of the Hampton Roads Planning District Commission, with the exception of Gloucester and Surry Counties, starting July 1 of that year.

These special revenues are paid into the state treasury and credited to the HRTF, and along with any interest earned on them are used solely for new construction projects on new or existing roads, bridges, and tunnels in the member localities. Priority is given to those projects that are expected to provide the greatest impact on reducing congestion for the greater number of citizens residing within Planning District 23 (HRPDC). *All candidate projects are first identified and recommended by the Hampton Roads Transportation Planning Organization (HRTPO) before they can be considered for funding with revenues from the HRTF.*

The HRTF is now managed by the Hampton Roads Transportation Accountability Commission (HRTAC), subsequently created by the legislature in 2014. HRTAC is responsible for allocating the new regional money to transportation projects identified by the HRTPO. While the 2014 legislation provided Southampton County and the City of Franklin with full voting rights on the HRTAC, neither community has ever been a member of the HRTPO, leaving us with no real voice on identification and prioritization of candidate projects. This has been a bit of a conundrum over the past 3 years. The HRTPO initially sought to address the issue by entering into a Memorandum of Agreement (MOA) with Franklin and Southampton County in 2013, which provided that:

1. Effective July 1, 2013, the HRTPO would establish “**Fund set-asides**” for the City of Franklin and Southampton County, comprised of those portions of HB2313 revenues collected in our respective localities, and reserve them for projects in Franklin and Southampton County;
2. Effective July 1, 2013, the City of Franklin and Southampton County would be entitled to one vote on actions of the HRTPO involving the allocation of funds for any project to be funded in whole or in part with HB2313 Revenues from the Fund set-asides;
3. The representatives from the City of Franklin and Southampton County would be invited to attend all meetings of the HRTPO in which any allocation of HB2313 Funds were to be discussed or otherwise considered and would be provided with all information and communications relating to the allocations that are provided to HRTPO members; and
4. For those meetings in which allocations of funds from the “Fund set-asides” are to be discussed or subjected to a vote, our representatives would be provided with all information and communications relating to the projects that are provided to the HRTPO members, and would be allowed to participate in discussions relating to the projects.

However, with the subsequent legislative changes in 2014 that created HRTAC, the HRTPO no longer has the ability to control HRTF funds and is powerless to create the “Fund set-asides.”

Over the past several months, Mr. Randy Martin, Franklin City Manager, and I have been working with Mr. Robert Crum, HRTPO Executive Director, and Ms. Camelia Ravanbakht, PhD, HRTPO Deputy Executive Director, to develop a concept that will remedy this issue.

The concept we’ve collaboratively developed, with input from state and federal officials, includes the following elements:

- Portions of the City of the Franklin and Southampton County that are situated east of Rt. 258 can be added to the Hampton Roads Metropolitan Planning Area (MPA), **providing the City and County with full voting rights on the HRTPO.** Transportation projects located within the expanded MPA would then be eligible to compete for funding with other regional projects. Transportation projects in the City and County that remain outside the MPA (west of Rt. 258) will retain access to other traditional state revenue streams, including rural transportation funds, and remain in scoring Category D (safety/economic development) for projects submitted for funding under HB 2;

- This approach would provide Southampton County and the City of Franklin full voting rights on the HRTPO Board on all HRTPO matters, along with voting rights on the Transportation Technical Advisory Committee (TTAC) and Citizen Transportation Advisory Committee (CTAC).
- Amend the current MOA to provide for a one-time fund set-aside equivalent to revenues paid into the HRTF by Franklin and Southampton County in FY 2014, plus interest, (approximately \$2 million), which can be made exclusively available (no competition) to the City and County for a project or project(s) along the Rt. 258 corridor; and
- Amend the current MOA to provide a commitment by the HRTPO to conduct a Rt. 58 Corridor Feasibility Study at its expense all the way to the Greenville County line sometime over the next 4 years. The HRTPO will closely collaborate and coordinate with VDOT to initiate and complete this feasibility study.

I expect this concept to be considered, and hopefully endorsed along with the amendments to the MOA, by the HRTPO at its next regular meeting on July 21st. As your appointed representative, I'm sure Mr. Porter is interested in your thoughts and comments so that he may relay them to the HRTPO at this meeting. If endorsed by the HRTPO, I intend to present a proposed "Amended and Restated MOA" for your consideration on July 25th."

As stated by Mr. Johnson in the closing paragraph to the County Supervisors, we expect the HRTPO Board of Directors to consider action on this concept at their July meeting. Vice Mayor Cheatham as the city's representative to the HRTPO will represent Council at that meeting. I will attend as well and advocate the city's interests along with the Vice Mayor.

In like manner to the County, if the HRTPO approves the matter on July 21st I will include the "Amended and Restated MOA" on the July 25th Council agenda for action. No action is requested at this meeting.

R. Randy Martin
City Manager

COUNCIL/STAFF REPORTS ON BOARDS & COMMISSIONS