

CITY OF WAYNESBORO, VIRGINIA

CITY COUNCIL BUSINESS MEETING AGENDA



BOBBY HENDERSON, MAYOR, *WARD C*
LANA WILLIAMS, VICE MAYOR, *WARD A*
BRUCE ALLEN, COUNCIL MEMBER, *WARD B*
TERRY SHORT, JR., COUNCIL MEMBER, *AT LARGE*
SAM HOSTETTER, COUNCIL MEMBER, *WARD D*

TO BE HELD IN THE COUNCIL CHAMBERS,
CHARLES T. YANCEY MUNICIPAL BUILDING
AT 503 WEST MAIN STREET, WAYNESBORO, VIRGINIA
ON WEDNESDAY, OCTOBER 14, 2020 AT 7:00 P.M.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA
2. ADOPTION OF BUSINESS MEETING AGENDA
3. CONSENT AGENDA:
 - a. Council Meeting Minutes: Minutes from the September 14, 2020 Work Session and Regular Business Meeting.
 - b. Safe Routes to School Mini Grant (Office on Youth): Donations and grants to support safe routes to school (\$1,450).
 - c. Cares Act Funding: Funding to Social Services to help mitigate the impact of COVID-19 (\$100,000).

Documents:

[3a 2020 0914.Minutes Draft.pdf](#)
[3a 2020 0914.Minutes Work Session Draft.pdf](#)
[3b OOO SRTS Mini And Kiwanis Grant 1450.Pdf](#)
[3c CARES Act DSS- Ordinance 100000.Pdf](#)

4. MATTERS FROM THE MAYOR
5. MATTERS FROM COUNCIL MEMBERS.
6. PUBLIC HEARING – VACATE AT GRADE RAILROAD CROSSING AT 7TH STREET

Accept the Viewers' Report, hold a public hearing to receive public comment and consider introducing an ordinance regarding a request by the City of Waynesboro, in cooperation with the Virginia Department of Transportation (VDOT), to vacate the at-grade railroad crossing at 7th Street near commerce Avenue in connection with the Southern Connector Road construction project.

Documents:

[6 Close 7th St Crossing.pdf](#)

7. BASIC CITY LAND USE PLAN

Receive an update from Luke Juday, Planning Director, regarding the Basic City Land Use Plan.

8. RESOLUTION – E.I. DUPONT DE NEMOURS AND COMPANY

Consider adopting a resolution authorizing the City to accept donated property from and enter into a donation agreement with E.I. duPont de Nemours and Company.

Documents:

[8 DuPont Donation.pdf](#)

9. APPROPRIATION ORDINANCE – GENERAL FUND

Consider introducing an ordinance transferring \$39,000 from the Fleet Fund to the General Fund to purchase a replacement street roller for the Public Works Department.

Documents:

[9 CDBG Stormwater.pdf](#)

10. APPROPRIATION ORDINANCE - CDBG STORMWATER PROJECTS

Consider introducing an ordinance appropriating funds received from Waynesboro Redevelopment and Housing Authority (WRHA) in the amount of \$6,300 to the Stormwater Fund, to reimburse for CDBG stormwater projects.

Documents:

[10 Stormwater Reimbursement From CDBG 6300.Pdf](#)

11. ECONOMIC DEVELOPMENT BOARD APPOINTMENT

11. ECONOMIC DEVELOPMENT BOARD APPOINTMENT

Consider appointing a candidate to the Economic Development Board of Directors for an unexpired four-year term ending August 31, 2021.

12. LIBRARY BOARD APPOINTMENT

13. CORRESPONDENCE, COMMUNICATION, AND CALENDAR

14. CITIZEN COMMENT PERIOD

15. CLOSED MEETING (IF NECESSARY)

16. ADJOURN

Citizens who wish to make comments during the Public Hearing(s) and/or Citizen Comment Period may do so in the following ways:

1. Citizens may address Council in person during the public hearing(s) and/or citizen comment

period at that time;

2. Citizens may email comments prior to 5:00 p.m. on Wednesday, October 14, 2020 to the Clerk of the Council at bortleje@ci.waynesboro.va.us. Please identify your name and home address and topic of your comment. Comments will be noted at the meeting and incorporated in the minutes of the meeting.

3. Comments may be submitted online at www.waynesboro.va.us. Comments submitted prior to Wednesday, October 14, 2020 at 7:00 p.m. will be noted at the meeting and incorporated in the minutes of the meeting.

4. Citizens may call in comments when the Public Hearing or Citizen Comment Period is opened. Calls will be answered in the order in which they are received.

a. Dial toll free number (844) 844-9200.

b. When promoted, enter the access code for the meeting: 398145#

c. You will hear "Q&A session has started. Press *6.

d. You will hear "If you'd like to speak, please press 1 to be added to the queue".

e. Press 1.

f. While you are in the queue, you will hear the audio feed of the meeting.

g. Wait until you are prompted by the moderator, then share your comments with Council.

Participants are reminded that though the prerecorded prompts refer to questions, the public hearing and citizen comment portions of the meeting are a time for Council simply to hear your comments.

For those with special needs, please notify the Clerk of Council (540-942-6669) of any accommodations required at the meeting at least three days prior to the meeting you wish to attend. If you have access to the City's website, you may receive advance notifications for Council meeting agendas, minutes, and City department information. From the home page, click on "Notify Me", enter your email address and/or mobile phone number and select those items you want to receive advance notice. Then follow the instructions.

WAYNESBORO, VIRGINIA

CITY COUNCIL REGULAR BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, September 14, 2020 at 7:00 p.m. in the Council Chambers of the Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia, with Mayor Henderson presiding and calling the meeting to order:

- PRESENT: Council Members: Bobby Henderson, Mayor
 Lana Williams, Vice Mayor
 Bruce Allen, Council member
 Terry Short, Jr., Council member
 Sam Hostetter, Council member
- City Staff: Mike Hamp, City Manager
 Julia Bortle, Clerk of Council
 Cameron McCormick, Finance Director
 Luke Juday, Planning Director
 Lisa Jeffers, General Registrar
- Counsel: Mark Bowman, Esq., Litten & Sipe LLC
- Guest: Robert Horowitz, Election Board Secretary
- ABSENT: Jim Shaw, Deputy City Manager

CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA:

The Mayor opened the meeting and the City Manager lead in the Pledge of Allegiance to the Flag of the United States of America. Mayor Henderson then reviewed the process for citizens to comment in person or via telephone during the citizen comment period.

BUSINESS MEETING AGENDA:

Council member Hostetter moved to adopt the Business Meeting Agenda as presented. Having been seconded and with no objections, **the Business Meeting Agenda was adopted 5:0:**

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

CONSENT AGENDA:

Council member Short moved to adopt the Consent Agenda as presented. Having been seconded and with no objections, **the Consent Agenda was adopted 5:0:**

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

- a. Council Meeting Minutes: Minutes from the August 24, 2020 Regular Business Meeting.
- b. Code Amendment – Chapter 86, Sections 26, 31, and 33; Utilities – clarifying language. (2020-53)

MATTERS FROM THE MAYOR

The Mayor and Council acknowledged the accomplishments of the following employees:

Dustin Fisher, Public Works Department: Named 2020 Wastewater Operations Specialist of the Year by the Virginia Rural Water Association.

Dwayne Schwartz, Nick Beach, John Rasile, Sam Ralston, Waynesboro Water Treatment Plant – The Virginia Rural Water Association named the plant the Systems Plant of the Year.

Corporal Jamie Dunn, Waynesboro Police Department: Awarded Police Department Commendation Ribbon for exceptional service in the SWAT Team as team leader and commander.

Police Crime Analyst Emily Reed: Waynesboro Police Department Commendation Ribbon and 2019 Employee of the Year Award.

Police Officer Ben Doval: Awarded Department Life Saving Medal for lifesaving efforts of an individual found unresponsive on a sidewalk on August 13, 2019.

Police Sergeant Patrick Scott: Department Life Saving Medal for lifesaving efforts of an unresponsive mail in cardiac arrest on December 10, 2019.

Police Detective/K-9 Handler Jessie Shaver: Awarded Police Star Medal for exceptional performance beyond the normal call of duty.

MATTERS FROM COUNCIL MEMBERS:

Council member Short offered his appreciation to the Police Department and Water Department employees for all they have accomplished and all they do. He appreciated the expansion of Virtex and for bringing additional jobs to the City. He noted that The Wayne Theater is hosting an event tomorrow evening at 7:00 p.m. showcasing the proposed Virginia Museum of Natural History Waynesboro campus. It will also be broadcast live.

Vice Mayor Williams welcomed the Appalachian Christian School, formerly Afton Christian School, which opened to students last Wednesday at the Maple Avenue location.

Council member Hostetter provided a COVID-19 update for the City of Waynesboro, which cases remain slow and steady. He also expressed appreciation for school teachers for meeting the challenges during the pandemic.

Mayor Henderson stated that the City is growing economically, with the Old Navy location opening over the weekend.

REZONING ORDINANCE – 0 TIFFANY DRIVE:

The ordinance was introduced and discussed at the August 24, 2020 regular business meeting. The Planning Director reviewed the request and the changes to the proffer letter. The applicant agreed to the alterations and provided an updated proffer letter. With no further questions or discussion, the ordinance **REZONING, A 69.46 ACRE PROPERTY AT 0 TIFFANY DRIVE, TAX MAP #41-3-112, FROM RS-12 SINGLE FAMILY RESIDENTIAL AND H-B HIGHWAY BUSINESS TO RG-5 GENERAL RESIDENTIAL AND R-MF MULTIFAMILY RESIDENTIAL**, was adopted 4:1: (2020-54)

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Nay	Council member Short	Aye
		Council member Hostetter	Aye

PUBLIC HEARING – REZONE REQUEST FOR 326 OHIO STREET

The Planning Director made a presentation regarding a rezoning request by Virginia Panel Corp, on behalf of Robert Carty, Jr., to rezone a property at 326 Ohio Street, Waynesboro, Virginia, city tax map number 45-3-A1, currently zoned L-B (Local Business), to L-I (Light Industrial) to expand their operations. After the Planning Commission voted to recommend approval, Virginia Panel pulled out of the purchase of the building; therefore, if the rezoning is approved, Virginia Panel may not be the occupant. Because the application has not been withdrawn for consideration, Council may still want to consider adopting the rezoning ordinance.

The public hearing was opened at 7:26 p.m. With no one signed up to speak or call in, the public hearing was closed. Council member Short moved to table the ordinance consideration until the owner can better express their intent with the site and uses for the parcel. **Having been seconded, the ordinance to rezone was tabled to advance to the Planning Commission for their consideration:**

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

PUBLIC HEARING – BUDGET ORDINANCES:

The public hearing on the budget amendment is necessitated by exceeding 1% of the adopted fiscal year 2021 budget. The public hearing was noticed on September 5, 2020 in the News Virginian as required by state code. The threshold for the fiscal year 2021 budget is \$1,113,726 and the total ordinances for consideration is \$1,517,152. The public hearing covers items 9 through 11 on the agenda, being divided into three sections: 1) items that can be adopted this evening as they were previously introduced; 2) ordinances that the City is a recipient of funding and can be adopted this evening; and 3) ordinances that may be introduced and discussed but would be adopted at the September 28, 2020 regular business meeting if Council approves.

With no questions or comments from Council, the public hearing was opened at 7:31 p.m. With no callers or anyone signed up to speak, the public hearing was closed.

Having been introduced and seconded at the August 24, 2020 regular business meeting, the following ordinances were adopted 5:0:

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

- a) Economic Development Renaissance Grant – CARES Act: Business Development Grant (\$300,000). **(2020-55)**
- b) School Funding – CARES Act: Funding to be used for PPE, support staff, and cleaning (\$862,914). **(2020-56)**
- c) Valley Academy Fund: Valley Academy to capital needs (\$66,174). **(2020-57)**

Council member Short moved to introduce and adopt the following ordinances which total \$186,614. Having been seconded and with no objections, the ordinances were adopted 5:0:

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

- a) Cares Act Funding: Funding for election expenditures (\$55,902). **(2020-58)**
- b) Safe Routes to School (Office on Youth): Grant funding received to promote safe routes to school (\$39,265). **(2020-59)**
- c) Co-Teaching Excellence (School Board): Grant funding received for salaries and benefits at Wenonah Elementary School (\$7,500). **(2020-60)**
- d) Project Hope Grant (School Board): Grant funding received for educational support services for homeless students (\$53,545). **(2020-61)**
- e) State Career and Technical Education (CTE) (School Board): Grant funding received to upgrade CTE computer labs in Kate Collins Middle School and Waynesboro High School (\$8,420). **(2020-62)**
- f) School Improvement Grant (School Board): Grant funding received for support staff development at Kate Collins Middle School (\$5,266). **(2020-63)**
- g) State Workplace Readiness, Industry Certification and Stem-H Credential Funding (School Board): Funding received for various allowable assessment certifications for Waynesboro High School students in various CTE classes (\$4,933). **(2020-64)**
- h) Title III Grant (School Board): Grant funding received for tutoring and educational online support (\$11,783). **(2020-65)**

Council member Short moved to introduce the following ordinances which total \$101,450. Having been seconded and after clarifying the source of funding for the Office on Youth grant, the ordinances will be considered for adoption at the September 28, 2020 regular business meeting:

- a) Safe Routes to School Mini Grant (Office on Youth): Donations and grants to support safe routes to school (\$1,450).
- b) Cares Act Funding: Funding to Social Services to help mitigate the impact of COVID-19 (\$100,000).

APPOINT VIEWERS – REQUEST TO VACATE RIGHT OF WAY

Council was asked to appoint viewers to consider the impact of a request by the City of Waynesboro, in cooperation with the Virginia Department of Transportation, to vacate the at-grade railroad crossing at 7th Street near Commerce Avenue in connection with the Southern Connector Road construction project. Due to the approval of the Southern Corridor VDOT-funded road project in 2014 that required an at-grade crossing, several at-grade crossings would have to be closed, including one at the current Lyra plant in the City, one in Front Royal, and the 7th Street crossing in Waynesboro. The Planning Director reviewed alternate routes available to motorists other than the 7th Street crossing. A more in-depth presentation will be made during a public hearing.

Vice Mayor Williams moved to appoint Dot Sayre as chair, Edith Eckman, Garnett Weatherholtz, and Mark Stephens as an alternate, as viewers for the 7th Street railroad crossing application. **Having been seconded and with no objections, the motion was approved 5:0:**

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

REPORT – BOARD OF ELECTIONS

Robert Horowitz, Secretary of Waynesboro Board of Elections, made a presentation acknowledging the assistance provided to the Board of Elections during the spring elections and the upcoming presidential elections. He noted that early voting begins Friday, September 18, 2020, Virginia’s first no-excuse voting in more than one hundred years. There will be 45 days of voting by mail and 33 days of in-person voting during the early voting period. He reviewed the vote-by-mail process and opportunities for requesting them, and he stated the ballots should be requested before October 23, 2020. Vote-by-mail ballots, if mailed to the Registrar’s Office, must be postmarked by November 3, 2020 and received in the Registrar’s Office by noon on November 6, 2020 to be counted. An alternative is to drop the ballot off at the Gorsuch Building. Voters will be permitted to vote at the Registrar’s Office in the Gorsuch Building following VDH guidelines and building rules, starting Monday through Friday from 9:00 a.m. to 5:00 p.m., September 22 through Friday, November 30, 2020. The Registrar’s Office will also be open for two Saturdays, October 24, 2020 and October 31, 2020. In-person voting will occur at all four election ward locations, following VDH guidelines and precautions.

RESOLUTION - PERSONAL PROPERTY TAX RELIEF ACT (PPTRA) FOR 2020

Council member Hostetter moved to adopt a resolution establishing the Personal Property Tax Relief Act (PPTRA) rate of relief of 42.5% for calendar year 2020. **Having been seconded and with no objections, the resolution was adopted 5:0:**

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

***RESOLUTION (R20-18)
SETTING PPTRA RATE OF RELIEF
FOR TAX YEAR 2020***

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* (“PPTRA”), provides for the appropriation to the City a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles, and provide the opportunity for the City to fashion a program of tax relief that serves the best interests of its citizenry; and

WHEREAS these legislative enactments require the City of Waynesboro to take affirmative steps to implement and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Waynesboro, Virginia in accordance with the requirements set forth in Section 58.1-3524(C) (2) and Section 58.1-

3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of the General Assembly (2004 Special Session 1) and as set forth in item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of the General Assembly, any qualifying vehicle that has situs within the City of Waynesboro commencing January 1, 2020 shall receive personal property tax relief in the following manner:

- (1) Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- (2) Personal vehicles valued at \$1,001 to \$20,000 will be eligible for 42.5% tax relief;
- (3) Personal vehicles valued at \$20,001 or more shall only receive 42.5% tax relief on the first \$20,000 of value; and
- (4) All other vehicles which do not meet the definition of qualifying vehicle (business use vehicles, farm use vehicles, motor homes, etc.) shall not be eligible for any form of tax relief under this program.

ADOPTED this 14th day of September, A.D., 2020

ATTEST:

CITY OF WAYNESBORO

Clerk of Council

Mayor

BOARDS AND COMMISSIONS REAPPOINTMENTS:

Redevelopment and Housing Authority Board:

Vice Mayor Williams moved to reappoint Mr. Marvin Jones to the Redevelopment and Housing Authority Board for a four-year term ending August 31, 2024. **Having been seconded and with no objections, the resolution was adopted 5:0:**

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

Shenandoah Valley Social Services Advisory Board:

Council member Short moved to reappoint Ms. Elaine Rose to the Shenandoah Valley Social Services Advisory Board, for a four-year term ending August 31, 2024. **Having been seconded and with no objections, the resolution was adopted 5:0:**

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

COMMUNICATION, CORRESPONDENCE, AND CALENDAR: With no comments from staff or Council, the meeting continued.

CITIZEN COMMENT PERIOD:

Chanda McGuffin, Waynesboro: thanked Council member Hostetter and City Manager Hamp who came to and supported RISE's library grand opening. She invited everyone to visit and explore the library and volunteer to help with tutoring.

ADJOURN: Having no further business to discuss, Council member Short moved to adjourn the meeting. Having been seconded and with no objections, the meeting was adjourned 5:0 at 7:57 p.m.:

Mayor Henderson	Aye	Council member Allen	Aye
Vice Mayor Williams	Aye	Council member Short	Aye
		Council member Hostetter	Aye

Julia Bortle, MMC, Clerk of Council

Bobby Henderson, Mayor

WAYNESBORO, VIRGINIA

CITY COUNCIL WORK SESSION MINUTES



Council for the City of Waynesboro, Virginia held a Work Session on Monday, September 14, 2020 at 6:15 p.m. in the Council Chambers of the Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia, with Mayor Henderson presiding and calling the meeting to order:

PRESENT: Council Members: Bobby Henderson, Mayor
Lana Williams, Vice Mayor
Terry Short, Jr., Council member
Sam Hostetter, Council member

City Staff: Mike Hamp, City Manager
Cameron McCormick, Finance Director
Luke Juday, Planning Director

Counsel: Mark Bowman, Esq., Litten & Sipe LLC

ABSENT: Bruce Allen, Council member
Jim Shaw, Deputy City Manager

CITY MANAGER REMARKS:

The City Manager reviewed the agenda for the upcoming regular business meeting scheduled for 7:00 p.m., highlighting the following items:

PLANNING MATTERS:

The Planning Director reviewed:

- the rezoning application for 0 Tiffany Drive, addressing issues raised at a previous Council meeting.
- the application to rezone 326 Ohio Street, noting that VA Panel will not proceed with the property acquisition but because the rezoning application was not withdrawn, Council may still consider it.
- working on a tentatively planned industrial revitalization zone that would allow low-impact industrialization appropriate for areas such as the Ohio Street corridor.

BUDGET ORDINANCES:

The Finance Director reviewed items 9-11 on the agenda, explaining that the public hearing is required because the ordinances, if adopted, exceed 1% of the adopted fiscal year 2021 budget.

VACATE 7TH STREET AT-GRADE RAILROAD CROSSING:

The City Manager explained how the vacating of the 7th Street at-grade railroad crossing is necessitated due to the Southern Corridor construction project, per VDOT requirements.

With no further discussion, the meeting concluded at 6:40 p.m.

Julia Bortle, MMC, Clerk of Council

Bobby Henderson, Mayor

ORDINANCE NUMBER 2020-



AN ORDINANCE APPROPRIATING DONATIONS AND GRANTS IN THE AMOUNT OF \$1,450 FROM SAFE ROUTES TO SCHOOLS, MINI-GRANTS AND MISCELLANIOUS DONATIONS, FOR THE FISCAL YEAR ENDING JUNE 30, 2021 AS HEREIN SPECIFIED

BE IT ORDAINED, by the Council of the City of Waynesboro, Virginia:

That the following sums of money are hereby appropriated as herein specified for the fiscal year ending June 30, 2021 (the "Fiscal Year"), and that the budget for the Fiscal Year is hereby amended to reflect the below-listed appropriations.

Section II – Youth & Family Services Fund

Paragraph 1. To the Youth & Family Services Fund, for instructional materials and equipment, \$1,450 is appropriated as follows:

2173321	Public Safety	\$1,000
	767030 Instructional Materials	
2173321	Public Safety	\$450
	768070 Non Capital Equipment	

Paragraph 2. The above appropriation will be provided for by the following revenue:

2170533	Categorical Aid	\$500
	533461 Dept of Transportation	
2170541	Transfer from	\$500
	518904 Fund Balance	
2170518	Miscellaneous	\$450
	518988 Shen Valley Comm Focus	

INTRODUCED: ON SEPTEMBER 14, 2020 BY COUNCIL MEMBER TERRY SHORT, JR.

ADOPTED:

EFFECTIVE:

CLERK

MAYOR

ORDINANCE NUMBER 2020-



AN ORDINANCE APPROPRIATING FUNDS FROM THE CARES ACT IN THE AMOUNT OF \$75,000 TO THE GENERAL FUND, FOR A CONTRIBUTION TO THE DEPARTMENT OF SOCIAL SERVICES TO MITIGATE COVID-19 EFFECTS ON THE CITY OF WAYNESBORO BY ALLOWING CITIZENS IMPACTED BY COVID-19 TO APPLY FOR GRANTS FOR ESSENTIAL SERVICES, RENT OR MORTGAGE PAYMENTS, FOR THE FISCAL YEAR ENDING JUNE 30, 2021, AS HEREIN SPECIFIED

BE IT ORDAINED, by the Council of the City of Waynesboro, Virginia:

That the following sums of money are hereby appropriated as herein specified for the fiscal year ending June 30, 2021 (the "Fiscal Year"), and that the budget for the Fiscal Year is hereby amended to reflect the below-listed appropriations.

Section I – General Fund

Paragraph 1. To the General Fund, for a contribution to the Department of Social Services of CARES act funds, \$100,000 is appropriated to be apportioned as follows:

1105301	MISC ONE TIME CONTRIBUTION 756099-COVID	\$100,000
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Paragraph 2. The above appropriation will be provided for by the following revenue:

1100533	Federal Revenue 533435 - CARES – CARES ACT FUNDING	\$100,000
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This ordinance is effective immediately upon adoption by council.

INTRODUCED: ON SEPTEMBER 14, 2020 BY COUNCIL MEMBER TERRY SHORT, JR.

ADOPTED:

EFFECTIVE:

CLERK

MAYOR



Waynesboro City Council Agenda Briefing

Meeting Date:	October 14, 2020	Staff/Council Member(s): Mike Hamp, City Manager Luke Juday, Director of Planning Greg Hitchin, Director of Economic Development
Agenda Item #	6	
Ordinance #		
Department:	Planning Department, Economic Development Department	
Subject:	Request to Close and Vacate a City Right of Way	

Background:

In 2014, the City was awarded a SMART Scale project, known as the Southern Corridor and now worth \$17 million. In order to secure a permit for an at-grade crossing for the Southern Corridor, the Norfolk Southern Railroad Company will require the elimination to two existing public crossings. VDOT, in negotiations with the railroad, settled on closure of a crossing in the Front Royal area, a private crossing at the Lycra Company, and closure of the 7th Street at-grade crossing. This crossing handles approximately 1,150 cars in a twenty-four hour period.

Alternative separated-grade crossings exist in close proximity: at Main Street, 4th Street (Jack Higgs Bridge), and 2nd Street.

City Council appointed viewers at its September 14th regular business meeting. The viewers concluded that it would inconvenience the public to close this crossing. The report of the viewers is attached, along with a staff report. Presentations will be given both on the 7th Street crossing and on the Southern Connector road.

City Manager's Recommendation: The City Council should hold a public hearing on this item and introduce an ordinance to close the crossing in order to allow the Southern Connector project to move forward.



CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT TO VACATE STREET OR ALLEY
#VAC 20-004
September 8, 2020

SUMMARY SHEET

<i>Applicant:</i>	Michael G. Hamp, II, City Manager, City of Waynesboro
<i>Address/Legal Description:</i>	7 th Street rail crossing
<i>Tax Map Number:</i>	none
<i>Current Zoning:</i>	L-I/L-B/R-MF
<i>Comprehensive Plan Designation:</i>	Mixed-use D
<i>Attachments:</i>	1. Viewers Report 2. Draft Ordinance
<i>Flood Plain:</i>	No
<i>Enterprise Zone:</i>	No
<i>Action Requested:</i>	Vacate a public rail crossing of 7 th Street near Commerce Avenue
<i>Authorizing Code Section(s):</i>	Va. State Code § 1800 City Charter Sec. 2.6
<i>Summary Recommendations:</i>	City staff recommends approval of the attached Ordinance (Attachment 3) to vacate the 7 th Street rail crossing.

Nature of Request

This is a request from the City Manager's office to close and vacate a public easement over the Norfolk Southern railroad at 7th Street near the intersection of Commerce Avenue. Traffic would have to divert to Main Street or 4th Street at the Jack Higgs bridge in order to cross the rail line.

This request is triggered by the development of the Southern Connector road project. The Southern Connector is a \$17 million project awarded to the City in the 2014 round of SMART Scale. The road, to be constructed by VDOT, would create an alternative east-west route in the City, diverting traffic that would have to use Interstate 64 and Exit 94. In addition to reducing travel times for residents in the southern portion of the City, it would provide access to the City's Nature's Crossing industrial park.

In order for the road to be completed as awarded, a new at-grade crossing must be constructed over the Norfolk Southern rail line. The railroad's policy is to only grant new crossings at a 3-to-1 exchange rate. Three existing at-grade crossings must be closed for each new crossing. A private crossing will be closed on the grounds of the Lycra Company. VDOT has also identified a crossing that can be closed in the Front Royal area to benefit this project. However, the railroad is eager to close the 7th Street crossing and it has been part of the discussion since the project was submitted. Failing to close the 7th Street rail crossing may result in the failure of the Southern Connector project.

Review with Respect to Charter Requirements

In accordance with the City Charter, the Mayor appointed three citizen viewers to ascertain whether any inconvenience to the public will result or whether landowners abutting on the proposed vacation will suffer any special damage if the vacation is approved.

The viewers submitted a combined report indicating that significant inconvenience will be caused to the public as a result of this closure. According to the viewers, “it would be a hardship on citizens living in this area.” (Attachment 1) Citizens may be forced to take longer trips to immediate local destinations.



Other considerations:

Streets and Transportation:

The Public Works department placed traffic counters on 7th Street to measure traffic in the area (before the COVID-19 pandemic) and counted approximately 1,150 cars crossing at this point within a 24-hour period.

The following table includes approximate traffic counts for all other public crossings of the Norfolk Southern rail line in the City of Waynesboro, ordered by distance from the 7th Street crossing:

NS rail crossing point	Average daily trips	Type
7th Street	1,150	At-grade
East Main Street	12,000	Separated grade (underpass)
4 th Street (Jack Higgs Bridge)	530	Separated grade (bridge)
2 nd Street (Bridge Avenue)	3,400	Separated grade (bridge)
Windsor Avenue	4,200	At-grade
Hopeman Parkway	6,800	Separated grade (bridge)
Interstate 64	44,000	Separated grade (bridge)

Public Utilities:

A public sewer line and water main run underneath the railroad tracks. These will continue to operate. Only the easement for public passage over the tracks will be vacated.

Effect on Adjoining Properties

All adjoining properties will still have public street access after this closure. There will likely be reduced through traffic on 7th Street, which may have a negative impact on retail property and a positive impact on residential and other property.

Determination of Vacated Land's Value

The right of way in question is a public easement and has no value for any other purpose.

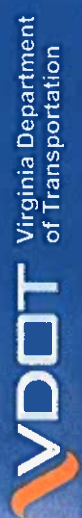
Staff Recommendation:

Staff recommends approval of the request to vacate the 7th Street rail crossing. While staff do not believe this closure will result in inordinate inconvenience, it will result in some inconvenience and is not a right of way that would merit closure on its own. However, the importance and scale of the Southern Connector project make this a necessary trade for the City in order to move that project forward.

cc: Todd Wood, City Engineer
 Laura Martin, Zoning Administrator

Proposed Railroad Crossing Removal

7th Street Waynesboro Virginia



- Notes:
1. Pavement removal by VDOT to be no closer than 5' to nearest rail.
 2. Guardrail locations are approximate, but expected to be at least 2' from shoulder. Locations can be adjusted during construction if and as directed by the engineer.

Proposed Signs
(R11-02) **A**

**ROAD
CLOSED**

—○—○—○— Proposed Guardrail

■ Pavement to be Removed

Legend

COMPLETED
9/25/20

APPOINT VIEWERS - REQUEST TO VACATE RIGHT OF WAY

Consider appointing three viewers, one as chair, and an alternate to consider the impact of a request by the City of Waynesboro, in cooperation with the Virginia Department of Transportation, to vacate the railroad crossing at 7th Street in connection with the Southern Connector Road construction project.

Viewer's Report requested return date of Wednesday, September 30, 2020.

VIEWER'S REPORT FORM

1(a). Will any inconvenience result to the public if the proposed vacation is approved?

Yes

No

(b). (Answer only if 1(a) was answered "yes"). Describe the inconvenience, if any, you feel will result to the public if the proposed vacation is approved.

It would be very inconvenient for 1,100 + vehicles to use another route going to work or home. The "Jack Higgs" bridge is in very, very bad condition. The other route would spill out into Hwy Main or Broadstreet - Buses included

2(a). Will any landowner or landowners abutting on the proposed vacation suffer any special damage if the vacation is approved?

Yes

No

(b). (Answer only if 2 (a) was answered "yes"). Describe the special damages that you feel such abutting land owner(s) will suffer if the street/alley is vacated, discontinued, or altered, in whole or in part, as proposed.

It would be a hardship on citizens living in the area. Many being low income citizens and the shortest way home or to work is important. Also the safety,

(Signed) Joe Payne

Eoin L. E...

Tornetta Leatherholtz

Date: Sept 25, 2020

ORDINANCE NUMBER 2020-



**AN ORDINANCE PERMANENTLY CLOSING
THE RAILROAD CROSSING ON SEVENTH STREET**

WHEREAS, the City of Waynesboro, Virginia (the “City”) desires to construct a new roadway known as the “Southern Connector” which would include a new at-grade railroad crossing; and

WHEREAS, the operator of the railroad, the Norfolk Southern Railway Company, has conditioned the new at-grade railroad crossing on the closure of certain other at-grade crossings; and

WHEREAS, for the purpose of improving vehicular transportation within the City and constructing the Southern Connector, the City desires to permanently close an existing at-grade railroad crossing on Seventh Street, in the vicinity of Commerce Avenue, which crossing is more specifically shown on **Exhibit A** attached hereto and incorporated herein (the “Crossing”); and

WHEREAS, on Wednesday October 14, 2020, the City held a public hearing concerning the permanent closure of the Crossing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA THAT:

1. The Crossing shall be permanently closed to public vehicular traffic at such time as a new at-grade public vehicular railroad crossing is established and constructed as part of the Southern Connector project.
2. The City Manager, or his designee, is authorized to take all actions reasonably necessary to effectuate and carry out the purpose of this Ordinance, including without limitation execution of such documents as are reasonably necessary to open a new crossing for the Southern Connector and to close the Crossing.

CERTIFICATE

The undersigned Mayor and Clerk of the City Council of the City of Waynesboro, Virginia hereby certify that the foregoing constitutes a true and correct copy of an ordinance entitled An Ordinance Permanently Closing the Railroad Crossing on Seventh Street, of the City Code of the City of Waynesboro, Virginia, adopted by the City Council at a meeting held on October 26, 2020.

Introduced: _____
Adopted: _____
Effective: _____



Waynesboro City Council Agenda Briefing

Meeting Date:	October 14, 2020	Staff/Council Member(s):
Agenda Item #	8	
Resolution#		
Department:	City Manager	
Subject:	Proposed Land Donation from E. I. DuPont De NeMours to the City of Waynesboro	

Background: The E.I. DuPont De Nemours Company (DuPont) proposes to gift the City of Waynesboro approximately 256 acres of undeveloped land east of S. Delphine street. Generally, the property is east of the former DuPont plant site and east of Delphine Avenue. The value of the real estate is \$830,600 and produces nearly \$7,500 in real estate tax revenue annually. A Phase I Environmental Site Assessment has been completed and City staff have considered the advantages and disadvantages of accepting the property.

The City does not have immediate plans for the improvement or use of the property. Potential uses of and benefits from the property include but are not limited to:

- 1) Recreational uses such as biking and hiking.
- 2) View shed and corridor protection.
- 3) Potential connections to other recreational facilities and uses to the east, northeast.

The ESA notes the likely, historic use of the property as an orchard. Commentary is provided regarding the common use of pesticides in the orchard industry and the associated residual presence in topsoil. No other environmental concerns are raised by the study.

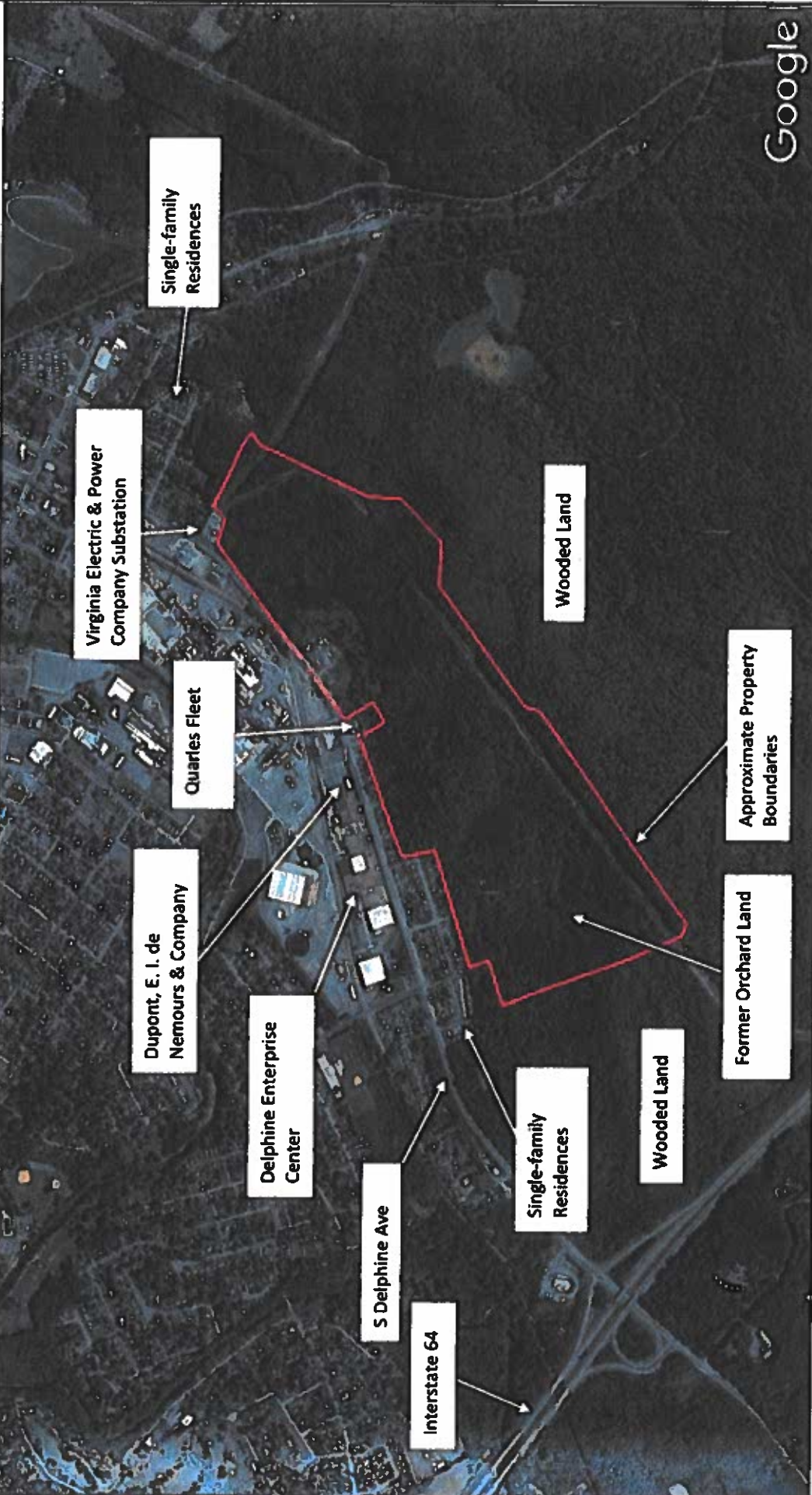
Outdoor recreation and natural beauty are significant contributors to Waynesboro's brand and quality of life. The undeveloped land provides new capacity for the city to build upon its brand and quality of life offerings and improve its competitive position in the region in this regard.

City Manager's Recommendation: Accept the donation.

Suggested Motion(s): Move adoption of the resolution authorizing acceptance of the land gift.

Attachments:

Vicinity Map
Resolution



Google Earth

Project No.:	62X-0397	Scale:	NTS
Date:	28-Oct-19	Drawn:	JNS
Drawing No.:	1	Checked:	JNS

Site Observation Map
 DuPont Parcels on Delphine Ave
 Tax Map: 56-2-A; 66-2-B; 75-1-B1
 Waynesboro, Virginia 22980

FROEHLING & ROBERTSON, INC.
 Engineering • Environmental • Geotechnical
 3015 Dumbarton Road Richmond, Virginia 23228-5831 | USA
 T 804.264.2701 | F 804.266.1275



CITY COUNCIL OF WAYNESBORO, VIRGINIA



RESOLUTION (R20-)

**RESOLUTION AUTHORIZING THE CITY TO ACCEPT DONATED
REAL PROPERTY FROM AND ENTER INTO A DONATION AGREEMENT
WITH E. I. DUPONT DE NEMOURS AND COMPANY**

WHEREAS, E.I. DuPont De Nemours and Company (“DuPont”) owns certain real property in Waynesboro, Virginia adjacent to former DuPont industrial operations, but where no industrial uses occurred (the “Property”), as set forth on that plat titled Boundary Plat, E. I. DuPont De Nemours and Company, “Mountain Land”, Waynesboro, Virginia, prepared by Tom Shumate and dated April 6, 2012, revised October 2, 2012 (the “Plat”);

WHEREAS, DuPont wishes that the Property be donated to City on the terms and conditions provided for in the Donation Agreement, which is attached hereto and incorporated herein as Exhibit 1, less 10 acres described on the Plat as the Reserved Property Plat, which is being reserved for and will remain owned by DuPont;

WHEREAS, DuPont is transferring the Property to the City by a quitclaim deed, and the City accepts the Property “AS IS, WHERE IS” with all faults;

WHEREAS, the City wishes to accept the Property under the terms and conditions of the Donation Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA AS FOLLOWS:

1. The City Manager is authorized to enter into the Donation Agreement in substantially such form as attached hereto as Exhibit 1.
2. The City Manager is hereby authorized to take any other actions that are reasonable and necessary to effectuate the terms of the Donation Agreement, including without limitation the authority to sign all necessary documents and deeds.

Resolved this 14th day of October 2020.

CERTIFICATE

The undersigned Mayor and Clerk of the City Council of City of Waynesboro, Virginia hereby certify that the foregoing constitutes a true and correct copy of a resolution entitled Resolution Authorizing the City to Accept Donated Real Property from and Enter into a Donation Agreement with E. I. DuPont De Nemours and Company adopted by the City Council at a meeting held on October 14, 2020.

Date: October 14, 2020

[SEAL]

ATTEST: _____
Clerk, City Council
City of Waynesboro, Virginia

Mayor, City Council
City of Waynesboro, Virginia

ORDINANCE NUMBER 2020-



AN ORDINANCE APPROPRIATING FUNDS RECEIVED FROM WAYNESBORO REDEVELOPMENT AND HOUSING AUTHORITY (WRHA), IN THE AMOUNT OF \$6,300, TO THE STORMWATER FUND, TO REIMBURSE FOR CDBG STORMWATER PROJECTS, FOR THE FISCAL YEAR ENDING JUNE 30, 2020, AS HEREIN SPECIFIED

BE IT ORDAINED, by the Council of the City of Waynesboro, Virginia:

That the following sums of money are hereby appropriated as herein specified for the fiscal year ending June 30, 2021 (the "Fiscal Year"), and that the budget for the Fiscal Year is hereby amended to reflect the below-listed appropriations.

Section I – Stormwater Fund

Paragraph 1. To the Stormwater Fund, for reimbursement of CDBG stormwater projects, \$6,300 is appropriated to be apportioned as follows:

3604517	Materials & Supplies	\$6,300
	767080 Construction Materials	

Paragraph 2. The above appropriation will be provided for through a reimbursement from WRHA:

3600516	Utility Charge	\$6,300
	516654 Outside Work	

INTRODUCED:

ADOPTED:

EFFECTIVE:

CLERK

MAYOR

APPROPRIATION ORDINANCE REQUEST FORM

Name of Requestor	Jennifer Allen-Key	Date of Request	9/23/2020
Authorized Signature		Date of Authorization	
Purpose of Appropriation Request <small>(Briefly describe what you plan to purchase and why)</small>			
<p>This request is to allocate costs recovered from Waynesboro Redevelopment & Housing Authority (WRHA) for work performed by the stormwater crew related to CDGB stormwater projects. These particular funds were used for a stormwater pipe replacement on Sumac Ave where at least 5 property owners will benefit.</p>			
Charges to Budget			
Line Item Description	Line Item Number	Project Code	Amount
Stormwater Maintenance- Construction Materials	3604517-767080		\$6,300.00
Source of Revenue <small>(Briefly describe source of funds including agency name and anticipated receipt)</small>			
Waynesboro Redevelopment & Housing Authority – CDBG Reimbursement – Invoice #1366 delivered to WRHA representative on 9/23/20 – Should be paid by 9/30/2020			
Is a local match required?	No	If so, indicate source of local match.	
Line Item Description	Line Item Number	Project Code	Amount
Utility Chrg/Outside Work	3600516-516654		\$6,300.00

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INTRODUCED:

ADOPTED:

EFFECTIVE:

CLERK

MAYOR