

# WAYNESBORO, VIRGINIA

## CITY COUNCIL BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, June 11, 2018, at 7:00 p.m. in the Council Chambers of the Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia, with Mayor Allen presiding and calling the meeting to order:

PRESENT: Council Members: Bruce Allen, Mayor  
Terry Short, Jr., Vice Mayor  
Jeff Freeman, Councilman  
Pete Marks, Councilman  
Elzena Anderson, Councilwoman

City Staff: Michael G Hamp II, City Manager  
D. James Shaw, Deputy City Manager  
Julia Bortle, Clerk of Council  
Luke Juday, Planning Director  
Michael Wilhelm, Police Chief  
Darlene Price, Animal Control Office, Police Dept.

Outside Counsel: Ms. Melisa Michelsen, Esq., Litten & Sipe LLP

Guest: Dr. Camille Miller, President, Virginia Group

ABSENT: None

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### **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA:**

Mayor Allen opened the meeting and asked the City Manager to lead everyone in the Pledge of Allegiance to the Flag of the United States of America. The Mayor stated that consideration of the Code Amendment regarding chickens and roosters is being pulled from the agenda, allowing Council more time to consider the matter.

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### **MINUTES FROM MAY 29, 2018 COUNCIL MEETING:**

The minutes for the May 29, 2018 Council Meeting were adopted 5:0 on a motion by Councilwoman Anderson and seconded, with affirmative votes from Council members Allen, Short, Freeman, Marks, and Anderson.

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### **MATTERS FROM COUNCIL MEMBERS:**

*Councilman Marks* and those present wished the Mayor a happy birthday.

*Vice Mayor Short* commended the Parks and Recreation staff for the Groovin' on the Greenway and XtremeFest events, saying they were well run and well attended. He, Councilwoman Anderson, School Board Chair Maneval, and Police Chief Wilhelm enjoyed attending the NAACP Freedom Fund Banquet. He noted that he will be on vacation during the next Council meeting and wanted to thank and

congratulate Councilmen Marks and Freeman for their service to the City and to the community during their time on Council.

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**PUBLIC HEARING – CODE AMENDMENT – PROCUREMENT:**

Council was asked to consider introducing an ordinance adopting a code chapter, Procurement, of the City Code for Waynesboro, Virginia that would bring the City Code into alignment with the Virginia Public Procurement Act. It would apply to the City’s departments, including constitutional offices, with the exception of the School Board which is explicitly exempted from this code, but not from the Virginia Public Procurement Act.

The public hearing was opened at 7:09 p.m. With no one wishing to speak on the matter, the public hearing was closed. Councilman Freeman moved to introduce an ordinance **ADOPTING A CITY CODE CHAPTER, PROCUREMENT, OF THE CITY CODE OF WAYNESBORO, VIRGINIA**. Having been properly introduced, this ordinance will be considered again at the June 25, 2018 Regular Business Meeting.

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**PUBLIC HEARING – REZONE 412 CEDAR AVENUE:**

Council was asked to consider approving a request by Phillip and Maryellen Lemons to rezone a property from Mixed Residential District to Local Business District at 412 Cedar Avenue, Waynesboro, Virginia. The Planning Director reviewed the application.

The Planning Commission recommended approval by a vote of 5-0, that the ordinance be forwarded to City Council to approve a rezoning from R-MX (Mixed Residential) District to L-B (Local Business) District a 0.258-acre site located at 412 Cedar Avenue, Waynesboro, Virginia, Tax Map # 44-4-27-27, 28, & 29, in accordance with the application (#18-285), and the staff report dated May 22, 2018, and further subject to the following conditions:

1. The following use in the L-B District shall not be allowed: all commercial parking;
2. Two (2) street trees shall be planted along Cedar Avenue.

The public hearing was opened at 7:15 p.m. With no one signed up to speak, the public hearing was closed. Councilman Marks moved to introduce an ordinance **REZONING A 0.258 ACRE SITE AT 412 CEDAR AVENUE, WAYNESBORO, VIRGINIA, FROM R-MX (MIXED RESIDENTIAL) DISTRICT TO L-B (LOCAL BUSINESS) DISTRICT**. Having been properly introduced, this ordinance will be considered again at the June 25, 2018 Regular Business Meeting.

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**PUBLIC HEARING - AMENDMENTS TO SUBDIVISION AND ZONING ORDINANCES**

The Planning Director presented zoning text amendments and amendments to the recently adopted subdivision ordinance for Council’s consideration, briefing them on each. The Planning Commission recommended 5:0 the adoption of all zoning text amendments and all subdivision ordinance amendments.

Zoning Ordinance:

1. Allowing schools in commercial zones by right. No comments from Council.
2. Requiring homes to face the street. No comments from Council.
3. Allow all vehicles sales and service in heavy industrial district. No comments from Council.

4. Add solar farms to zoning code by right in heavy industrial and by permit in other districts. No comments from Council.

Subdivision Ordinance:

5. Allow Council to waive provisions of the Subdivision Ordinance. No comments from Council.
6. Adopt guidelines for phased developments. The Mayor asked about performance bonds, and the Planning Director explained the current bonding process for phased developments and the impact on developers' financing. The Vice Mayor recommended gender-neutral wording.

The public hearing was opened at 7:30 p.m. With no one signed up to speak, the public hearing was closed. Councilman Freeman moved to introduce the following ordinances:

Amending Section 74-10 Chapter 74 of the City Code of Waynesboro, Subdivision Ordinance.

Amending Section 74-9, 74-39, 74-46 and 74-71, Chapter 74 of the Waynesboro City Code, Subdivision Ordinance.

Amending Section 2.4 of Chapter 98 of the Waynesboro City Code, Zoning Ordinance.

Amending Section 1.13.5 of Chapter 98 of the Waynesboro City Code, Zoning Ordinance.

Amending Section 2.4 and Section 10.2.10 of Chapter 98 of the Waynesboro City Code, Zoning Ordinance.

Amending Section 2.4, Section 10.2.8, and Section 10.3 of Chapter 98 of the Waynesboro City Code, Zoning Ordinance.

Having been properly introduced, these ordinances will be considered again at the June 25, 2018 Regular Business Meeting.

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**PUBLIC HEARING – T-MOBILE NORTHEAST LLC TOWER LEASE AGREEMENT:**

Council is asked to consider authorizing the City Manager to enter into a lease agreement with T-Mobile to locate equipment on the City-owned cell tower at 300 Parker Heights Road, Waynesboro, pending the outcome of a required structural analysis study. If the results of that study would have an impact on the lease, the City Manager will present any proposed changes to Council before the ordinance is adopted.

The public hearing was opened at 7:35 p.m.

*Jim Ajaeb, 519 Stone Mill Drive, Cartersville, GA, Amp Communications and representative for T-Mobile:* site development and construction firm contracted by T-Mobile to conduct site development services in Virginia, was present to answer any questions from Council.

With no questions or comments from Council, the public hearing was closed 7:37 p.m. Councilwoman Anderson moved to introduce an ordinance **GRANTING AN OPTION TO LEASE SPACE ON THE CELL TOWER LOCATED ON REAL PROPERTY OWNED BY THE CITY LOCATED AT 300 PARKER HEIGHTS ROAD, WAYNESBORO, VIRGINIA TO T-MOBILE NORTHEAST LLC.** Having been properly introduced, this ordinance will be considered again at the July 25, 2018 Regular Business Meeting.

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**PRESENTATION – REGIONAL STRATEGIC PLAN – CAREER AND TECHNICAL EDUCATION:**

Council received a presentation from the Dr. Camille Miller, President of the Virginia Group, regarding a ten-year strategic plan for career and technical education in the Waynesboro-Staunton-Augusta County area.

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**APPLICATIONS:**

**Chili, Blues and Brews Festival:** Councilman Freeman resolved to approve an application from Mr. Terry Short, Jr. to close a portion of Lumos Plaza, allow amplified sound, and to serve and consume alcoholic beverages on city property during the Virginia Chili, Blues N’ Brews Festival on Saturday, September 22, 2018. Having been seconded and with no objections, it was resolved 4:0 to approve the application with affirmative votes from Council members Allen, Freeman, Marks, and Anderson, with Vice Mayor Short, as President of the Waynesboro Arts & Culture Initiative, abstaining from voting.

**Summit Square Anniversary Block Party:** Vice Mayor Short resolved to approve an application from Summit Square to close a portion of Oak Avenue and to serve beverage alcohol in association with an anniversary event on Friday, June 15, 2018 from 4:30 p.m. until the evening. Having been seconded and with no objections, it was resolved 5:0 to approve the application with affirmative votes from Council members Allen, Short, Freeman, Marks, and Anderson.

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**BOARDS AND COMMISSIONS:**

**Shenandoah Valley Partnership:** Vice Mayor Short resolved to reappoint Economic Development Director Greg Hitchin to the Shenandoah Valley Partnership for a two-year term ending June 30, 2020. Having been seconded and with no objections, it was resolved to approve the reappointment 5:0 with affirmative votes from Council members Allen, Short, Freeman, Marks, and Anderson.

**Valley Community Services Board:** Councilwoman Anderson resolved to reappoint Mr. Dan Sullivan to the Valley Community Services Board for a three-year term ending June 30, 2021. Having been seconded and with no objections, it was resolved to approve the reappointment 5:0 with affirmative votes from Council members Allen, Short, Freeman, Marks, and Anderson.

**Disability and Aging Board for Independence:** Councilman Marks resolved to appoint Mr. Raymond LaFalce to the seat on the Disability and Aging Board for Independence for an unexpired four-year term for the Elderly, ending June 30, 2021, and to appoint Ms. Chrissy Johnson to the DABI for an unexpired four-year term representing providers, with a term ending June 30, 2021. Having been seconded and with no objections, it was resolved 5:0 to approve the appointments with affirmative votes from Council members Allen, Short, Freeman, Marks, and Anderson.

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**CODE AMENDMENT – LIMITATIONS ON KEEPING FOWL IN THE CITY LIMITS:**

It was the consensus of Council to postpone introduction of an ordinance amending Chapter 14, Article I, Animals, Section 14-9 and 14-10, of the City Code of Waynesboro, Virginia until further information is considered.

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**ANNUAL REAPPROPRIATION ORDINANCE – FIRST READING:**

Councilman Freeman moved to introduce an ordinance re-appropriating funds for certain fiscal year 2018 expenditures, previously appropriated in accordance with Ordinance 2017-28, City of Waynesboro Annual Appropriation Ordinance (Encumbrance Rollover), to a reserve for fiscal year 2018 encumbrances. Having been properly introduced, this ordinance will be considered again at the June 25, 2018 Regular Business Meeting.

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**SCHOOL ORDINANCES – FIRST READING:**

**Regional Adult ABE, Correction Classes:** Councilwoman Anderson moved to introduce an ordinance appropriating an Innovation Challenge Grant, in the amount of \$37,125, to the School Funds, to be used to operate the Regional Adult ABE, and Correction Classes. Having been properly introduced, this ordinance will be considered again at the June 25, 2018 Regular Business Meeting.

**National Health Science – Waynesboro High School:** Councilman Freeman moved to introduce an ordinance appropriating a Career and Technical Education Program Grant, in the amount of \$800, to the School Funds, to be used for National Health Science for Waynesboro High School students. Having been properly introduced, this ordinance will be considered again at the June 25, 2018 Regular Business Meeting.

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**NATURAL RESOURCE DAMAGE ASSESSMENT PROJECT ORDINANCE – FIRST READING:**

Vice Mayor Short moved to introduce an ordinance appropriating a portion of the Capital Projects Committed Equipment Replacement and Facility Maintenance Reserve, in the amount of \$30,000 to the Capital Projects Fund, to be used for engineering services related to the Natural Resource Damage Assessment (NRDA) Project. Having been properly introduced, this ordinance will be considered again at the June 25, 2018 Regular Business Meeting.

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**COMMUNICATIONS, CORRESPONDENCE, AND CALENDAR:** With no comments from staff, the meeting continued.

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**CITIZEN COMMENT PERIOD:** With no one signed up to speak, the meeting continued.

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With no further business to discuss, the meeting was adjourned at 7:55 p.m. on a motion by Councilman Marks.

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Julia Bortle, MMC, Clerk of Council

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Bruce Allen, Mayor