

WAYNESBORO, VIRGINIA

CITY COUNCIL REGULAR BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, July 26, 2021 at 7:00 p.m. in the Council Chambers of the Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia, with Vice Mayor Williams presiding and calling the meeting to order. This meeting was also viewable by accessing the City’s YouTube Channel.

PRESENT: Council Members: Lana Williams, Vice Mayor
Bruce Allen, Council member
Terry Short, Jr., Council member

City Staff: Michael Hamp, City Manager
Jim Shaw, Deputy City Manager
Julia Bortle, Clerk of Council
Luke Juday, Planning Director
Michael Wilhelm, Police Chief

Counsel: Melisa Michelsen, Esq., Litten & Sipe LLC

ABSENT: Bobby Henderson, Mayor
Sam Hostetter, Council member

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

The Vice Mayor opened the meeting and Council member Allen lead everyone in the Pledge of Allegiance to the Flag of the United States of America. The City Manager reviewed the process for citizens to comment via telephone during the citizen comment period.

BUSINESS MEETING AGENDA

Council member Short moved to adopt the Business Meeting Agenda after requesting that Consent Agenda Item 6(b), consideration of an ordinance to rezone 1017 New Hope Road, be tabled. Having been seconded and with no objection, **the amended Business Meeting Agenda was adopted 3:0:**

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

MATTERS FROM THE VICE MAYOR

Vice Mayor Williams welcomed everyone to the meeting.

MATTERS FROM COUNCIL MEMBERS

Council member Allen received citizen complaints about the lack of progress being made with the road repaving projects around the city. He noted that the progress has improved over the past several days. Council member Short encouraged citizens to remember that it is their tax dollars at work and it is a core function of government to improve the community, and they asked for patience while it is in progress.

CONSENT AGENDA

Council member Allen moved to adopt the amended Consent agenda:

- a. July 12, 2021 Regular Business Meeting minutes and July 14, 2021 Work Session minutes;
- b. ~~Second consideration/adoption of an Ordinance – Rezone of 1017 New Hope Road (Red-Brick House)~~ (Tabled)

Having been seconded and with no objections, the amended Consent Agenda was adopted 3:0

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

RESOLUTION REGARDING THE HOPEMAN STATION STORMWATER POND STORMWATER LOCAL ASSISTANCE FUND (SLAF) GRANT APPLICATION

The Deputy City Manager made a presentation regarding a grant application for the construction of the Hopeman Station area retention pond intended to channel water and reduce nutrients that feed into the Chesapeake Bay. The proposed project would have an estimated cost of \$1,050,000; half paid through the SLAF grant program and the matching funds through the City’s retained earnings and stormwater fund.

Council member Short asked that other City-match funding options be explored to avoid using retained earnings. He then moved to adopt a resolution endorsing the Hopeman Station Stormwater Pond SLAF grant application:

**RESOLUTION ^(R21-16)
STORMWATER LOCAL ASSISTANCE FUND
GRANT APPLICATION**

BE IT RESOLVED by the Council of the City of Waynesboro, Virginia, that the Council supports the City’s \$525,000 Stormwater Local Assistance Fund “Hopeman Station Stormwater Pond” grant application.

AND BE IT FURTHER RESOLVED that the City Council intends to utilize Virginia Clean available net position from the Stormwater Fund as a grant match for the foregoing grant.

Lana Williams, Vice Mayor

Having been seconded and with no objections, the resolution was adopted 3:0:

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

RESOLUTION REGARDING THE OPIOID ABATEMENT AND SETTLEMENT FUND ALLOCATION MEMORANDUM OF UNDERSTANDING

The City Attorney explained the on-going litigation between multiple Virginia localities and various supply chain defendants involved in the manufacture, sale, and distribution of pharmaceutical opioid products. The lawsuit seeks recovery of the public funds previously expended and in the future to combat opioid addiction and the related negative impacts to the city. Council is asked to consider adopting a resolution approving a Memorandum of Understanding with the Commonwealth of Virginia to recover some of those funds. Two aspects of the MOU are 1) creation of the Opioid Abatement Authority which will manage and award money to the various localities, and 2) allocation and restrictions of the settlement funds and how they will be distributed. Council member Short moved to adopt a resolution authorizing the City Manager to enter into the Memorandum of Understanding with the Commonwealth of Virginia Regarding Allocation of Opioid Settlement Funds:

**RESOLUTION ^(R21-17)
APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE
COMMONWEALTH OF VIRGINIA REGARDING ALLOCATION OF OPIOID
SETTLEMENT FUNDS**

WHEREAS, the City of Waynesboro, through their elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities;

WHEREAS, the City of Waynesboro and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same;

WHEREAS, in order to advance their common interests, the City of Waynesboro and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding (the "MOU") with the Commonwealth of Virginia relating to the allocation, disbursement, and use of such litigation settlement recoveries and funds;

WHEREAS, the City's outside opioid litigation counsel has recommended that City Council approve the MOU; and

WHEREAS, the City Attorney has reviewed the available information about the MOU and concurs with the recommendation of outside counsel that it is in the best interest of the city to enter the MOU.

1. **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Waynesboro, Virginia, assembled on this day at which a quorum is present, that the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding, attached hereto and incorporated

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Unapproved Draft

herein by reference thereto as Exhibit "A" is hereby authorized and approved and the City Manager or the City Attorney are hereby authorized and directed to execute and enter into such Memorandum of Understanding on behalf of the City and to take any other actions that are reasonable and necessary to effectuate the terms of the Memorandum of Understanding and this Resolution.

Lana Williams, Vice Mayor

Having been seconded and with no objections, the resolution was adopted 3:0:

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

COMMUNICATION, CORRESPONDENCE, AND CALENDAR

The City Manager notified Council that he approved Shenandoah Valley Art Center's request to conduct the annual Fall Foliage Art Show on Saturday and Sunday, October 9 and 10, 2021 with the associated street closures, beginning at 3:00 p.m. on Friday, October 8. Additionally, alcohol will be served on public property (Lumos Plaza) under the State Permit and ABC regulations. He also provided permission to the Wayne Theatre to include alcohol during their monthly concert series. Council member Short noted his enthusiastic support for the Wayne Theatre securing the ABC permit for alcohol service at their event.

The City Manager also spoke about the direct impact to the Police Department due to the discontinuing of new admissions to Western State Hospital, notably drains on transportation and guardianship resources and staffing.

CITIZEN COMMENT PERIOD

Craig Scott, Waynesboro: spoke about the quality of life in the city and the benefits of privatization of utilities.

Phone Caller:

There were no phone callers.

ADJOURN

Having no further business to discuss, Council member Allen moved to adjourn the meeting. Having been seconded and with no objections, **the meeting was adjourned 3:0 at 7:38 p.m.:**

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

Julia Bortle, MMC, Clerk of Council

Lana Williams, Vice Mayor