

# WAYNESBORO, VIRGINIA CITY COUNCIL REGULAR BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, January 24, 2022 at 7:00 p.m. in the Council Chambers, 503 W. Main Street, Waynesboro, Virginia, with Mayor Henderson presiding and calling the meeting to order. This meeting was also viewable by accessing the City’s YouTube Channel.

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: Michael Hamp, City Manager  
Cameron McCormick, Assistant City Manager - Finance  
Todd Wood, Assistant City Manager - Operations  
Michael Wilhelm, Assistant City Manager – Public Safety  
Julia Bortle, Clerk of the Council  
Luke Juday, Community Development Director  
David Shaw, Police Chief

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

ABSENT: None

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

The mayor opened the meeting and Vice Mayor Williams led everyone in the Pledge of Allegiance to the Flag of the United States of America. The mayor welcomed everyone and invited those who wished to speak at the public hearing or the citizen comment period to sign the sheets in the rear of the Chambers.

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## BUSINESS MEETING AGENDA AMENDMENT

Council member Allen moved that the Business Meeting Agenda be adopted as presented. **Having been seconded and with no objections, the motion to adopt 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

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## MATTERS FROM THE MAYOR

The mayor stated his appreciation to the Public Works crews who cleared up the snow and kept the water and sewer lines operating, acknowledging that 2022 has been a trying year on staff so far.

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**MATTERS FROM COUNCIL MEMBERS**

Council member Short spoke about the ongoing legislative session that includes several promising educational capital investment bills before the General Assembly.

Council member Hostetter provided his COVID update, stating the Department of Health graph shows Omicron may have peaked. Regarding Augusta Health, more citizens are infected with Omicron, and he encouraged folks to continue to mask and get vaccinated. With an increased number of health care workers ill with COVID and other illnesses, it puts a strain on the hospital to provide adequate care.

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**CONSENT AGENDA**

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

<b>Mayor Henderson</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Williams</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Hostetter</b>	<b>Aye</b>

- a. December 13, 2021 Work Session, December 14, 2021 Retreat Minutes, January 10, 2022 Regular Business Meeting and Work Session Minutes Adoption.
- b. Resolution – Authorization to Receive Real Property.

**RESOLUTION <sup>(R22-03)</sup>  
AUTHORIZING ACQUISITION OF REAL PROPERTY**

**WHEREAS**, City Council prefer that the City Mayor and/or the City Manager have the authority to acquire real property when it is in the best interest of the City.

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

- 1. Pursuant to and in accordance with City of Waynesboro Charter, the City Mayor and/or the City Manager, either of whom may act, have the authority to acquire real property when it is in the best interest of the City for the calendar year starting January 1, 2022 and ending December 31, 2022; and
- 2. The City Manager is hereby authorized to take any other actions that are reasonable and necessary to effectuate the acquisition of real property.

Signed: \_\_\_\_\_ Mayor,  
Waynesboro City Council

Second consideration/adoption of the following ordinances:

- c. Conditional Use Permit – S. Magnolia Avenue Townhouses (2022-02)
- d. Rezoning of 1001 Shenandoah Village Drive (2022-03)
- e. Rezoning of 618 W. 11 Street, 0 Chestnut Avenue, 313 Chestnut Avenue (2022-04)
- f. Zoning Code Amendment – MX-B District (2022-05)
- g. Zoning Code Amendment – Service Bay Door Language (2022-06)

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**PROCLAMATION – BLACK HISTORY MONTH**

The City Council proclaimed February 2022 as Black History Month in the City of Waynesboro, Virginia, as reviewed by the City Manager. Ms. Estello Randolph from the Black History Museum located at the Rosenwald Community Center, accepted the proclamation, thanked Council for their continued support for Black History Month, and she invited everyone to visit the Museum, available by appointment at this time.

**PROCLAMATION (P22-01)**

**WHEREAS**, Dr. Carter Godwin Woodson, distinguished African American author, editor, scholar and historian, who is known as the “Father of Black History,” founded the Association for the Study of African American Life and History in September 1915, and launched Negro History Month in 1926; and

**WHEREAS**, since 1976 every American president has proclaimed February as Black History Month; and

**WHEREAS**, the theme of this year’s celebration is, “Black Health and Wellness”, including not only one’s physical body, but also emotional and mental health; and

**WHEREAS**, this year’s theme focuses on the importance of Black health and wellness, and it acknowledges the legacy of not only Black scholars and medical practitioners in Western medicine, but also birth workers, midwives, naturopaths, herbalists, etc.

**THEREFORE, BE IT RESOLVED** the Mayor of Waynesboro, Virginia, on behalf of the City Council, takes great pleasure in recognizing February, 2022 as

**BLACK HISTORY MONTH**

and urges all citizens to join in celebrating the accomplishments of African Americans during Black History Month, and encourages the people of Waynesboro to recognize the many talents, achievements, and contributions that African Americans make to their communities; and

**BE IT FURTHER RESOLVED**, that the Clerk of the Council transmit a copy of this resolution to the curator of the African American History Museum, Waynesboro, VA for appropriate distribution.

In witness whereof I have hereunto set my hand and caused the seal of the City of Waynesboro to be affixed this the 24<sup>th</sup> day of January, 2022.

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Bobby Henderson, Mayor

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**14<sup>TH</sup> STREET GREENWAY PHASE III PROJECT**

The Community Development Director reviewed the current status of the Phase III Greenway Project (*attachment 47-24*). This included the project timeline and possible steps forward. It was the consensus of Council to proceed with Option 1:

- A flashing beacon at the corner of Wayne Avenue and 14<sup>th</sup> Street;
- New sidewalks on 14<sup>th</sup> street. To avoid cost overruns, sidewalks may not be possible along the full route on 14<sup>th</sup> Street on both sides, but possible on the north side.

The City will attempt to complete sidewalk on both sides of the street if funding allows. If costs go up too much, the City will ensure that continuous sidewalk is completed on at least one side of the street.

- Enhanced crossings with ADA crossings at the corners.
- This option includes possible parallel parking on both sides of 14<sup>th</sup> Street creating the least impact on parking.

This option will retain parallel parking on both sides of 14<sup>th</sup> Street. A handful of spaces may be affected by safety concerns at corners, but generally continuous parallel parking will be maintained on both sides of the street.

Clarifications to Option 1:

- Proceed with sidewalk proposal agreed to by staff with VDOT.
- Increased engineering costs but design professionals believe sidewalks can be constructed in current budget.

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**HARMAN MEMORIAL MONUMENT**

After the required public hearing to receive public comment on the removal and relocation of the William H. Harman Memorial that was located in Constitution Park, four offers were received, including Mark Harman, descendent, on behalf of the Harman Family Association, the Daughters of the Confederacy, Lee Masonic Lodge, and the Shenandoah Battlefield Foundation. Based on the City Manager’s recommendation, Council member Allen moved to adopt a resolution to transfer ownership and custody of the Harman Monument to Mr. Mark Harman, representing the Harman Family Association. **Having been seconded and with no objections, the resolution was adopted 5:0:**

<b>Mayor Henderson</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Williams</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Hostetter</b>	<b>Aye</b>

**RESOLUTION <sup>(R22-05)</sup>**  
**APPROVING THE TRANSFER OF THE**  
**HARMAN MEMORIAL TO MARK HARMAN**

**WHEREAS** a memorial commemorating William H. Harman (the “Harman Memorial”) existed within the City of Waynesboro’s Constitution Park; and

**WHEREAS**, after due advertisement and in accordance with Virginia Code Section 15.2-1812, the city solicited offers for the Harman Memorial and held a public hearing on December 13, 2021 to receive public comments on the removal and relocation of the Harman Memorial; and

**WHEREAS**, the City Council desires for the Harman Memorial to be removed and relocated and desires to transfer title to the same.

**NOW, THEREFORE, BE IT RESOLVED**, by the city Council of the City of Waynesboro, Virginia that:

1. The Harman Memorial shall be removed and relocated from Constitution Park.

2. Title to, and custody of, the Harman Memorial shall be transferred to Mark Harman, the descendant of William H. Harman.
3. The City Manager, or his designee, is authorized to take any and all other actions that are reasonable and necessary to affect the purpose of this Resolution.

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Bobby Henderson, Mayor

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**RESOLUTION – VA DEPARTMENT OF CORRECTIONS MANDATE TO GENERAL ASSEMBLY**

Despite regular communication between the Middle River Regional Jail executive leadership and the Department of Corrections (DOC), an estimated 150 state-responsible inmates remain at the MRRJ facility. The City Council was asked to consider adopting a resolution requesting the General Assembly representatives to introduce legislation requiring the Department of Corrections to receive those state responsible inmates into the state correctional system as required by Section 53.1-20 A and B, unless a local or regional jail agrees to continue holding such inmates for the applicable per diem rate.

Council member Short moved to adopt a resolution for forwarding to Senator Emmett Hanger and Delegate John Avoli **Urging the General Assembly Mandate Timely Transfers of State Responsible Inmates into the State Correction System. Having been seconded and with no objections, the resolution was adopted 5:0:**

<b>Mayor Henderson</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Williams</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Hostetter</b>	<b>Aye</b>

**RESOLUTION** (R21-04)

**URGING THE GENERAL ASSEMBLY MANDATE TIMELY TRANSFERS BY THE VIRGINIA DEPARTMENT OF CORRECTIONS**

**WHEREAS**, the City of Waynesboro (the “City”) is a member jurisdiction of the Middle River Regional Jail Authority (the “Jail Authority”), which is a regional jail authority as provided in Section 53.1-95.2 et seq. of the Code of Virginia; and

**WHEREAS**, Section 53.1-20 of the Code of Virginia requires the Director of the Virginia Department of Corrections to receive eligible inmates within sixty days of the date on which the inmate’s final sentencing order is transmitted to the Director; and

**WHEREAS**, the Jail Authority operates the Middle River Regional Jail (“MRRJ”), which is rated to house 396 inmates; and

**WHEREAS**, the timely transfer of inmates who belong in Virginia Department of Corrections is essential for the Jail Authority to appropriately manage MRRJ’s population; and

**WHEREAS**, the Virginia Department of Corrections has historically failed to transfer inmates in a timely manner; and

**WHEREAS**, such failure has in recent months required the Jail Authority to at times house more than 250 out-of-compliance inmates who should have been transferred to Virginia Department of Corrections; and

**WHEREAS**, these failures place an undue and inappropriate burden on the City and its fellow member jurisdictions of the Jail Authority to absorb the impacts of an inmate population that the General Assembly has by law directed the Virginia Department of Corrections to house.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Waynesboro, Virginia:

1. That the City Council calls upon Delegate John Avoli and Senator Emmett Hanger, who represent the residents of the City of Waynesboro in the General Assembly to support amendments to the Code of Virginia to require the Virginia Department of Corrections, to the extent the state correctional system has available beds, receive all state responsible inmates into the state correctional system as provided by § 53.1-20 A. and B., unless a local or regional jail agrees to continue holding such inmates for the applicable per diem rate, and further requiring the Director of the Department to report monthly to the Secretary of Public Safety and Homeland Security and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

2. That the City Council urges its fellow member jurisdictions of the Jail Authority to similarly call upon the Delegates and Senators of the residents of their respective localities to cosponsor and support the same.

Adopted January 24, 2022

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Bobby Henderson, Mayor

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**VOTING WARD REDISTRICTING AND CONSIDER SETTING A PUBLIC HEARING ON THE REDISTRICTING FOR MARCH 14, 2022**

Virginia Code Section 24.2-304.1B reiterates the Constitutional requirements that local redistricting occur following the decennial census, and that the districts shall “give as nearly as practicable representation in proportion to the population of the district or ward,” and that the districts must “be composed of contiguous and compact territory.”

Virginia Code Section 24.2-304.1C requires the use of unadjusted census data in local redistricting.

Council was provided with the following 2020 Census data by ward:

Existing Wards	2020 Census	Variance from ideal	2010	Growth since 2010
<b>A</b>	5,205	-6.2%	5,379	-3.2 %
<b>B</b>	5,303	-4.4%	5,238	+1.2 %
<b>C</b>	5,660	+2.0%	5,222	+8.4 %
<b>D</b>	6,028	+8.6%	5,167	+16.7 %

According to the 2020 Census Data, the ideal population for each ward should be 5,549. The Community Development Director presented information regarding the process to revise the ward maps and the resulting options. With staff's recommendation that Council consider alternative 2.3, City Council was asked to identify a preferred map which will be the subject of a 30-day comment period and then a public hearing in March.

Alternative 2.2 has a top-to-bottom variance of 8.5%:

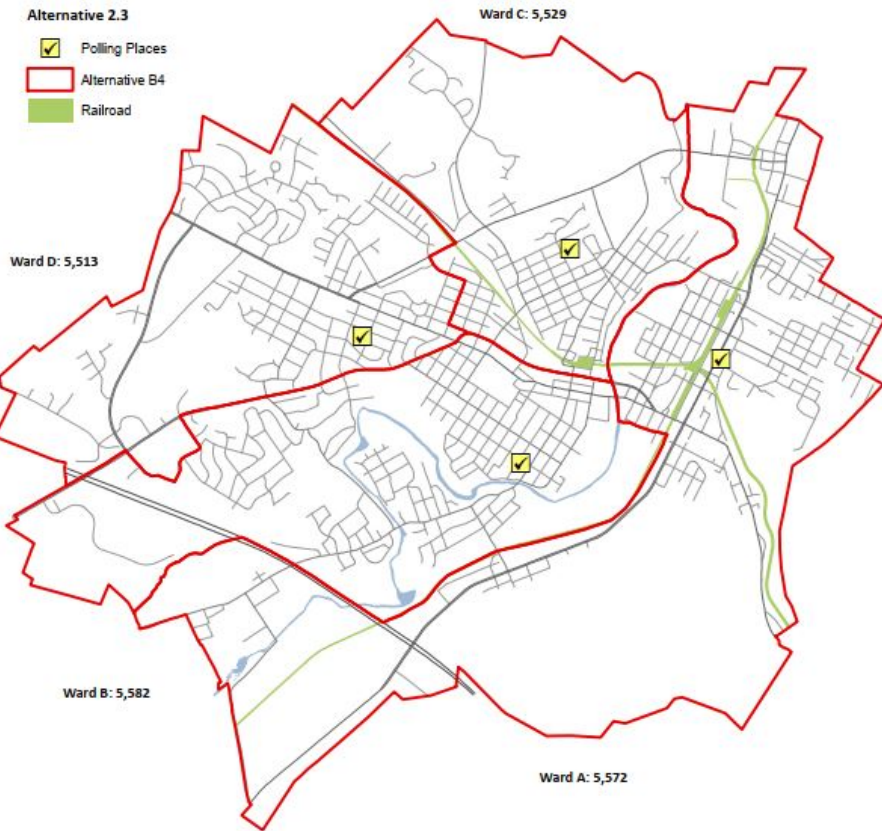
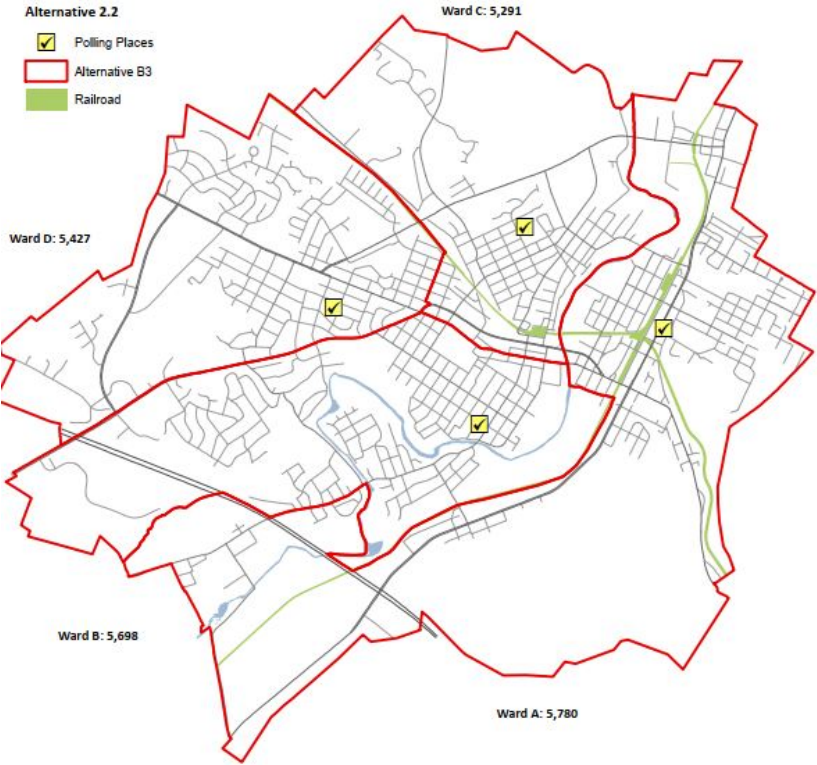
Alternative 2.2	2020 Census	Variance from ideal	2010	Growth since 2010
<b>A</b>	5,780	4.2%	5,897	-2.0 %
<b>B</b>	5,698	2.7%	5,109	+11.5 %
<b>C</b>	5,291	-4.6%	5,001	+5.8 %
<b>D</b>	5,427	-2.2%	4,966	+9.3 %

Alternative 2.3 has a top-to-bottom variance of 1.3%:

Alternative 2.3	2020 Census	Variance from ideal	2010	Growth since 2010
<b>A</b>	5,572	+0.4%	5,708	-2.4 %
<b>B</b>	5,582	+0.6%	5,346	+4.4 %
<b>C</b>	5,529	-0.4%	5,186	+6.6 %
<b>D</b>	5,513	-0.6%	4,733	+16.5 %



Regular Business Meeting  
Monday, January 24, 2022  
Unapproved Draft





It was noted that each alternative allowed the current Council members and School Board members to remain in their own ward designation. Dr. Hostetter asked if alternatives can be considered after Council holds a public hearing and proposes a redistricting ward map. He was told minimal changes would be allowed but significant changes would require a new public hearing. Council member Short moved that Council consider adopting alternative map 2.3 and hold a public hearing on the same. Having been seconded and with no further discussion, **the Council will consider alternative ward map 2.3 and hold a public hearing to receive public input scheduled for March, 2022, with an affirmative 5:0 vote:**

<b>Mayor Henderson</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Williams</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Hostetter</b>	<b>Aye</b>

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**PUBLIC HEARING - AMENDING THE FISCAL YEAR 2022 BUDGET IN THE AMOUNT OF \$5,021,014**

The Assistant City Manager of Finance reviewed the funding and projects included in the amended budget ordinance, including:

- The encumbrance roll forward from the fiscal year 2021 Annual Comprehensive Financial Report in the amount of \$3,030,276;
- Combination of American Rescue Plan Act Funds and Local Fund Balance/Net Position in the amount of \$1,175,000;
- American Rescue Plan Act Funds for engineering of a raw water tank in the Water Fund (\$500,000);
- Sales and Meals Tax Revenue (\$250,000);
- Miscellaneous other grants, insurance donations, and sale of materials (\$65,738).

The public hearing was opened at 7:47 p.m. With no one signed up to speak, the public hearing was closed. Council member Short moved to introduce an **ORDINANCE TO AMEND THE FISCAL YEAR 2022 BUDGET ORDINANCE FOR THE CITY OF WAYNESBORO, VIRGINIA**. Having been seconded and with no objections, the ordinance will be considered for adoption at the February 14, 2022 regular business meeting.

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**COMMUNICATION, CORRESPONDENCE, CALENDAR**

Council was reminded there will be a budget work session on Wednesday, January 26, 2022 in Council Chambers, beginning at 6:30 p.m.

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**CITIZEN COMMENT PERIOD**

**Mark Harman, on behalf of the Harman Family Association:** thanked Council for their resolution concerning the Harman Monument.

**Carol King** (left the meeting).

**Evelyn Cotton, Waynesboro:** very pleased with the Greenway Phase III plan proposed by Council. Asked that Council consider installing a sidewalk on one side and use the extra funds toward a safe crosswalk.

Regular Business Meeting  
Monday, January 24, 2022  
Unapproved Draft

*Wayne Nolde, Mt. Sidney:* spoke on behalf of the Unitarian Fellowship of Waynesboro, thanked Council and Mr. Juday for listening to citizen comments regarding the Phase III Greenway and deciding on Option 1.

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**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 5:0 at 7:52 p.m.:

<b>Mayor Henderson</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Williams</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Hostetter</b>	<b>Aye</b>

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Julia Bortle, MMC, Clerk of Council

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Bobby Henderson, Mayor