

WAYNESBORO, VIRGINIA CITY COUNCIL REGULAR BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, April 25, 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 and Government Access 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: 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
David Shaw, Police Chief
Dwayne Jones, Parks and Recreation Director
Christopher Johnson, Sheriff

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

ABSENT: Michael Hamp, City Manager

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

The mayor opened the meeting and Council member Allen 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 sheet in the rear of the Chambers.

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 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

MATTERS FROM THE MAYOR

The mayor attended the 2022 Public Service Awards Ceremony sponsored by James Madison University Administrative Program where the Parks and Recreation Director, Mr. Dwayne Jones, was awarded the Public Service Person of the Year. The Council and staff congratulated Mr. Jones on his achievement.

COUNCIL MEMBERS

Council member Hostetter provided the COVID-19 update. He acknowledged the Parks and Recreation Department Director for being awarded Public Service Person of the Year. Also, he encouraged folks to participate along with him at the upcoming Park-to-Park half marathon.

CONSENT AGENDA

Vice Mayor Williams 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. Consider adopting the minutes from the April 5, 2022 Budget Work Session and the April 11, 2022 Regular Business Meeting.
- b. Second consideration/adoption of an ordinances appropriating \$673,905 of School Board Fund Balance to the School Operating Fund. **(2022-21)**

RESOLUTION - REFUNDING OF SERIES 2010 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND THE ISSUANCE OF TAX-EXEMPT AND BANK QUALIFIED GENERAL OBLIGATION BONDS IN AN ESTIMATED MAXIMUM PRINCIPAL AMOUNT OF \$1,565,000

The Assistant City Manager-Finance reviewed the purpose of the resolution for Council’s consideration was to refinance bonds for 2010 General Fund Sewer Fund and Stormwater Fund debt. Council member Hostetter moved to adopt the resolution authorizing the issuance and sale of its General obligation Refunding Bond, Series 2022, in an aggregate principal amount not to exceed \$1,565,000, and the execution and delivery of certain documents prepared in connection therein. **Having been seconded and with no objections, the resolution was adopted on a roll-call vote 5:0:**

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

**RESOLUTION (R22-10)
OF THE CITY COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA
AUTHORIZING THE ISSUANCE AND SALE OF ITS GENERAL OBLIGATION
REFUNDING BOND, SERIES 2022, IN AN AGGREGATE PRINCIPAL AMOUNT NOT
TO EXCEED \$1,565,000, AND THE EXECUTION AND DELIVERY OF CERTAIN
DOCUMENTS PREPARED IN CONNECTION THEREWITH ^(R22-10)**

WHEREAS, the City of Waynesboro, Virginia (the “City”), has determined that it is advisable and in the interest of the City to refinance the outstanding portion of its \$1,370,000 General Obligation Bond, Series 2010A, and its \$1,925,000 General Obligation Bond, Series 2010B, together with related administrative and financing costs of the refinancing (“the Project”); and

WHEREAS, the City intends to finance the Project through the issuance of its general obligation bond under such terms, limitations and conditions as set forth in this Resolution; and

WHEREAS, the Council has previously received a proposal from VML/VACo Finance to solicit proposals from banking institutions and received a proposal from Blue Ridge Bank (the “Lender”), to loan funds to the City to purchase the Bond (as defined below); and

WHEREAS, after such solicitation, staff recommends the proposal from the Lender for the loan and the sale of the City’s general obligation bond to the Lender in accordance with the terms of a Bond Purchase and Loan Agreement between the Lender and the City (the “Agreement”), the form of which has been presented to this meeting;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA:

1. Issuance of Bond and Use of Proceeds. Pursuant to the Constitution of the Commonwealth of Virginia and the Public Finance Act of 1991, as amended (the “Public Finance Act”), Title 15.2, Chapter 26 of the Code of Virginia of 1950, as amended (the “Virginia Code”) and without regard to any requirements or restrictions contained in any charter or special act of the City, the Council hereby authorizes the issuance and sale of a general obligation bond of the City in an aggregate principal amount set forth below, together with such other monies of the City designated thereby, to provide funds to finance the Project.

2. Authorization of Bond Purchase and Loan Agreement. The form of the Bond Purchase and Loan Agreement submitted to this meeting is hereby approved. The Mayor and the City Manager, either of whom may act (each an “Authorized Signatory”), are authorized to execute the Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by such official, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the bond to the Lender shall be upon the terms and conditions of the Agreement. The proceeds of such bond shall be applied in the manner set forth in the Agreement. All capitalized terms used but not otherwise defined herein shall have the same meaning as set forth in the Agreement.

3. Bond Details. The bond shall be issued as a single, fully registered bond, shall be designated “General Obligation Refunding Bond, Series 2022” (the “Bond”), shall be numbered R-1, and shall be in substantially the form of Exhibit A to this Resolution as hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing such Bond. The Council authorizes the issuance and sale of the Bond on such terms as shall be satisfactory to the Authorized Signatory; provided however, that the Bond (a) shall be in a principal amount not to exceed \$1,565,000; (b) shall mature no later than February 1, 2031; (c) shall bear interest on the outstanding principal balance thereof at a rate of interest approved by the Authorized Signatory, with such rate to not exceed 2.35% (provided that default interest may be payable at a rate in excess thereof as provided in the Agreement and the rate may adjust as provided in the Bond and the Agreement); and (d) shall accrue certain other ongoing costs and expenses upon the terms and conditions described in the Agreement. As set forth in the Agreement, the City agrees to pay any applicable late payment or similar costs and expenses described therein. Subject to the preceding terms, the Council further authorizes the

Authorized Signatory to determine the final terms, purchase price, initial interest rate, interest rate adjustment provisions, maturity date, and amortization schedule of the Bond. No further action shall be necessary on the part of the City so long as such provisions are within the limits prescribed in this Resolution.

4. Payment and Redemption Provisions. The principal of and premium, if any, and interest on the Bond shall be payable as set forth in the Bond and the Agreement. The Bond shall be subject to redemption on the terms set forth in the related Agreement. The principal of and premium, if any, and interest on the Bond shall be payable via wire transfer in lawful money of the United States of America, without presentation or surrender.

5. Execution and Form of Bond. The Bond shall be signed by the Mayor or Vice-Mayor and the City's seal shall be affixed thereon and attested by the Clerk or Assistant Clerk of the City. The Bond shall be issued as a typewritten bond in substantially the form of Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Authorized Signatory, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

6. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and premium, if any, and interest on the Bond.

7. Preparation of Printed Bond; Mutilated or Destroyed Bond. The printed Bond may be executed by manual or facsimile signature of the Mayor or Vice-Mayor, the City's seal affixed thereto and attested by the Clerk or Deputy Clerk of the City; provided, however, that if both such signatures are facsimiles, the bond shall not be valid until it has been authenticated by the manual signature of the Registrar (as defined below) and the date of authentication noted thereon. If the Bond has been mutilated, lost or destroyed, the City shall execute and deliver a new bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Bond or in lieu of and in substitution for such lost or destroyed Bond; provided, however, that the City shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the City in connection therewith and, in the case of a lost or destroyed Bond has filed with the City an affidavit reasonably satisfactory to the City that such Bond was lost or destroyed. The Bond surrendered in any such exchange shall be canceled.

8. Registration and Transfer of the Bond. The City appoints the City Treasurer as registrar (the "Registrar") for the Bond and shall maintain registration books for the registration and registration of any transfer of the Bond. Upon surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be reasonably satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or bonds having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rates and registered in such name as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, interest and premium, if any, and the exercise of all other rights and powers of the owner,

except that regular installments shall be paid to the person or entity shown as owner on the registration books on the fifteenth day of the month preceding each payment date.

9. Delivery of Bond. The Mayor or Vice-Mayor and Clerk of the City are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver it to the Lender thereof as set forth in the Agreement.

10. Tax Provisions. The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bond to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from legally available funds. The Authorized Signatories, either of whom may act, are authorized to execute a Tax Compliance Agreement or any related document (the "Tax Documents") on behalf of the City, setting forth the expected use and investment of the proceeds of the Bond and covenants of the City regarding compliance with provisions of the Code governing obligations the interest on which is excluded from gross income for purposes of federal income taxation. Further, the City covenants that it shall at all times conduct or cause to be conducted the use of, or the expenditure of, the proceeds from the issuance of the Bond so as not to permit more than the five percent (5%) for Nonexempt Uses, as that term is used in the Section 141 of the Code.

11. Bank-Qualification Designation. The City designates the Bond as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code. The City represents and covenants as follows:

(a) The City will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in calendar year 2022, including the Bond, for the purpose of such Section 265(b)(3);

(b) The City, all its “subordinate entities,” within the meaning of such Section 265(b)(3), and all entities which issue tax-exempt obligations on behalf of the City and its subordinate entities have not authorized, in the aggregate, more than \$10,000,000 of tax- exempt obligations to be issued in calendar year 2022 (not including “private activity bonds,” within the meaning of Section 141 of the Code, other than “qualified 501(c)(3) bonds,” within the meaning of Section 145 of the Code), including the Bond;

(c) Barring circumstances unforeseen as of the date of delivery of the Bond, the City will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the City and such other entities in calendar year 2022, result in the City and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in calendar year 2022 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Bond; and

(d) The City has no reason to believe that the City and such other entities will issue tax-exempt obligations in calendar year 2022 in an aggregate amount that will exceed such \$10,000,000 limit;

provided, however, that if the City receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (a) or (c) above is not required for the Bond to be a qualified tax-exempt obligation, the City need not comply with such covenant.

12. Tax and Other Documents. Each of the Authorized Signatories are authorized and directed to execute and deliver an IRS Form 8038-G in a form approved by such officers and the City's bond counsel.

13. Limitation of Liability of Officials of City. No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of an officer, employee, member of Council, or agent of the City in his or her individual capacity, and no officer of the City or member of Council executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No officer, employee or agent of the City shall incur any personal liability with respect to any other action taken by him or her pursuant to this resolution provided he or she acts in good faith.

14. Other Actions. All other actions of officials of the City in conformity with the purposes and intent of this Resolution and the Agreement and in furtherance of the issuance and sale of the Bond are ratified, approved and confirmed. The officials of the City are authorized and directed to execute and deliver on behalf of the City such agreements and other instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Bond or the Agreement, and all of the foregoing, previously done or performed by such officers of the City, are in all respects approved, ratified and confirmed.

15. Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

16. Constitutional Authority and Severability. The Bond shall be issued under the provisions of Article VII, Section 10(a) of the Constitution of Virginia. The principal of and interest on the Bond shall be payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the City subject to taxation, to the extent other funds of the City are not lawfully available and appropriated for such purpose. If any court of competent jurisdiction shall hold any provision of this Resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

17. Filing of Resolution. The Authorized Signatory and Clerk to the City are authorized and directed to see to the prompt filing of a certified copy of this Resolution in the Circuit Court having jurisdiction over the City, in accordance with Sections 15.2-2607 and 15.2-2627 of the Public Finance Act.

18. Effective Date. This Resolution shall take effect immediately.

Adopted: April 25, 2022.

Mayor of the City of Waynesboro, Virginia

EXHIBIT A

(Form of Bond)

Interest on this bond is intended by the issuer hereof to be exempt from gross income for federal income tax purposes.

REGISTERED

DATED DATE: May 5, 2022

R-1

MATURITY DATE: February 1, 2031

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF WAYNESBORO

\$ _____,000

**GENERAL OBLIGATION REFUNDING BOND
SERIES 2022**

THE CITY OF WAYNESBORO, VIRGINIA (the "City"), for value received, acknowledges itself indebted and promises to pay to **BLUE RIDGE BANK** together with its successors, assigns or legal representative (**THE "LENDER"**), the principal amount of:

THOUSAND DOLLARS (\$ _____,000)

on or before February 1, 2031, together with interest on the outstanding principal amount of this Bond at a rate of 2.35% per year, calculated on the basis of a 360-day year of twelve 30-day months, subject to adjustment as provided herein and in the Bond Purchase and Loan Agreement dated as of May 1, 2022 (the "Agreement"). Interest on this Bond shall be payable in semi-annual installments. Principal shall be payable in the amounts and on the dates set forth in Schedule I attached hereto which is incorporated herein by this reference. Accrued and unpaid interest on this Bond shall be payable on each principal payment date.

If any installment of principal of and interest on this Bond is not paid to the registered owner of this Bond on its due date, the City shall pay to the registered owner a late payment charge in an amount equal to five percent (5.00%) of the overdue installment. Principal and other sums hereunder are payable in lawful money of the United States.

Subject to the provisions of the Agreement, between the Lender and the City, so long as this Bond is held by the Lender or its registered assigns or legal representative, principal and interest are payable (without presentation or surrender) by wire transfer, automated clearing house, check or draft sent to the registered owner of this Bond at the address that appears on the registration books kept by the Treasurer of the City, who has been appointed registrar and paying agent, or any successor Lender or trust company (the "Registrar"). Principal of and premium, if any, and interest on this Bond shall be payable in lawful money of the United States of America. In case any payment date on this Bond shall not be a Business Day (as

defined below), then payment of principal, premium, if any, and interest need not be made on such date, but may be made on the next succeeding Business Day, and, if made on such next succeeding Business Day, no additional interest shall accrue for the period after such payment date. "Business Day" means any Monday, Tuesday, Wednesday, Thursday or Friday on which commercial banking institutions generally are open for business in New York and Virginia. If an Event of Default has occurred and is continuing under the Agreement, the unpaid principal amount of this Bond shall bear interest at the rate of nine percent (9.00%) per annum or the maximum rate permitted under applicable law, whichever is less.

This Bond has been authorized by a resolution adopted by the Council of the City on April 25, 2022 (the "Bond Resolution") and is issued pursuant to the Constitution and the Public Finance Act of 1991 of the Commonwealth of Virginia, and the Agreement. Proceeds of this Bond will be used to provide funds to (a) refinance the outstanding portion of the City's \$1,370,000 General Obligation Bond, Series 2010A, and the City's \$1,925,000 General Obligation Bond, Series 2010B (b) pay the issuance and financing costs incurred in issuing this Bond.

The full faith and credit of the City are irrevocably pledged for the payment of principal of and interest and premium, if any, on this Bond and the performance of the City's obligations under the Agreement. Unless other funds are lawfully available and appropriated for timely payment of this Bond, the Council of the City shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and interest and premium, if any, on this Bond.

The Bond is designated by the City as a qualified tax-exempt obligation under Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the "Code"). Qualified tax-exempt obligations are commonly referred to as "bank qualified bonds." The City covenants and agrees that it will comply with the exception to the provisions of Section 265 of the Code in order that the Bond may qualify as a qualified tax-exempt obligation.

Notwithstanding anything in this Bond to the contrary, in addition to the payments of the principal, premium, if any, and interest provided for by this Bond, the City shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Agreement.

This Bond may be redeemed at the option of the City upon the terms and conditions set forth in the Agreement. Capitalized terms used herein and not defined shall have the meaning as set forth in the Agreement.

Transfer of this Bond may be registered upon the registration books of the Bond Registrar. The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest on this Bond and the exercise of all other rights and powers of the owner; provided that the regular installment payments of principal and interest shall be made to the person shown as the owner on the fifteenth day of the month preceding each payment date.

The holder of this Bond shall not be required to present or surrender this Bond as a condition of receiving payment due hereunder.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or to be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and this Bond, together with all other indebtedness of the City, is within every debt and other limitation prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City has caused this Bond to be signed by its Mayor and the seal of the City to be affixed hereto and attested by the Clerk of the City, and this bond to be dated the date first above written.

(SEAL)

Mayor of the City of Waynesboro, Virginia

ATTEST:

Clerk of the City of Waynesboro, Virginia

SCHEDULE I

**CITY OF WAYNESBORO
GENERAL OBLIGATION REFUNDING BOND
SERIES 2022**

[to be completed at closing]

**PUBLIC HEARING – APPROPRIATION ORDINANCES, IN THE AMOUNT OF \$2,490,290
PROVIDING SUFFICIENT FUNDS FOR THE CONSTRUCTION OF “SUNSET PARK
LOCATED AT THE FORMER LANDFILL OFF OF 6TH STREET:**

The Parks and Recreation Director made a presentation reviewing the plans for the construction of Sunset Park, located on the former city landfill (*see April 11, 2022 meeting minutes for presentation*). Council member Hostetter asked about a buffer between neighbors and the proposed biking and hiking trails, and he was told that a full report is pending but the trails are designed to remain on city property and will be marked accordingly. Council member Allen questioned how security would be managed, and he was told that gates will be closed after sunset and there will signage alerting visitors to the park curfew.

The public hearing was opened at 7:24 p.m.

The following citizens spoke in favor of funding the park with the American Rescue Plan Act Funds (ARPA):

- Kevin Chisnell, Waynesboro
- Randall Wolf, Stuarts Draft
- David Hennell, Waynesboro
- Robbie Kuykendall, Waynesboro
- Mark Russell, Staunton
- Len Poulin, Lyndhurst
- Chris Hamilton, Harrisonburg
- Peter Devries, Afton
- Ryan Fitzgerald, Waynesboro
- Mary Glass, Waynesboro
- David Robinett, Glenn Allen
- Peter Van Acker, Waynesboro
- Matt Hopewell, Fishersville
- Bill Albertson, Augusta County
- Kyle Lawrence, Shenandoah Valley Bicycle Coalition
- Aaron Warr, Stuarts Draft

Regular Business Meeting
Monday, April 25, 2022
Unapproved draft

Bart Lanman, Waynesboro
Jeff Fife, Waynesboro
Sharon van Name, Waynesboro
Terry Ward, Waynesboro
Britney Podivchny, Waynesboro
Jeremy Sloat, Waynesboro
David Verde, Staunton

The following citizen spoke against funding the park with the American Rescue Plan Act Funds (ARPA):

Craig Scott, Waynesboro
Valerie Hancock, Waynesboro
Deane Dozier, Waynesboro
Forest Jones, Waynesboro
Curt Lilly, Waynesboro
Phil Klann, Waynesboro
Jerry Wilson, Waynesboro
Peter Wong, Waynesboro
Herman Wells, Waynesboro
Mary Wilson, Waynesboro
Sheryl Carey, Waynesboro
David Carey, Waynesboro
Chanda McGuffin, Waynesboro
Danny Ledford, Waynesboro
Andrea Jackson, Waynesboro
Jess Hancock, address unknown
Sharon Fitz, Waynesboro
Christopher Leavel, Waynesboro
Jim Wood, Waynesboro

The public hearing was closed at 9:21 p.m. The three ordinances under consideration were introduced and seconded at the April 11, 2022 meeting. Council members provided brief remarks before the vote was taken:

Council member Allen stated his support for the park but not with the current economic times and the need for more police officers and more appropriate uses for the money at this time.

Vice Mayor Williams stated that the revenue the park will generate is unknown as well as the cost to maintain the park. Because the city has until 2024 to commit the funds and until 2026 to spend them, the city has time to consider how to spend it. It is not an appropriate use for ARPA funding. She supports the park using a different funding source.

Council member Hostetter stated American Rescue Act funds are designed to help work through a pandemic and help communities recover. Sunset Park will provide health benefits, and he feels it is an appropriate use for the funds.

Council member Short stated the park will provide additional income for the city, be competitive with other localities, and he supports the investment for Sunset Park.

Mayor Henderson stated that COVID funds cannot provide pay raises as there would be no money to support the salaries in the following years.

With no further comments from Council, the following ordinances were adopted 3-2:

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

- a. Appropriating \$125,690 in General Fund Assigned Fund Balance to the CIP Fund. **(2022-22)**
- b. Appropriating \$350,000 in Categorical Aid-VDOT to the CIP Fund. **(2022-23)**
- c. Appropriating \$2,014,600 in American Rescue Plan Act funds (ARPA) to the CIP Fund. **(2022-24)**

A ten-minute break was taken at 9:35 p.m.

WAYNESBORO'S COMPLIANCE REPORTS AND SUMMARIES

The Assistant City Manager-Finance summarized the three reports provided to Council that were part of the Comprehensive Annual Financial Report (CAFR), including a "Report on Internal Controls Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards", a "Report on Compliance for Each Major Federal Program and on Internal Control over compliance Required by the Uniform Guidance", and a single audit on the Coronavirus Aid, Relief, and Economic Security Act (CARES) funds.

FINAL PRESENTATION OF THE CITY MANAGER'S RECOMMENDED FISCAL YEAR 2023 BUDGET

The Assistant City Manager-Finance summarized the City Manager's recommended fiscal year 2023 budget, including:

- Real Estate Tax – No change (\$.90 per \$100)
- Personal Property Tax - Business – No change (\$3.25)
 - Machinery and Tools – No change (\$3.25)
 - Motor Vehicles - \$.50 decrease (\$2.75)

Base expenditure changes including:

- Compensation and benefits (\$1,178,000)
- Schools increase (\$770,000)
- Additional street maintenance funding (\$175,000)
- Increased contribution to First Aid Crew (\$70,000)

Base revenue changes:

- Sales and meals tax (\$1,140,000)
- Personal property (\$500,000)
- Real estate (\$350,000)
- Street maintenance (\$188,000)

Enterprise Fund rates:

- 3.0% proposed increase in water rates
- No proposed increase in sewer rates
- Stormwater Utility fee increase
- Refuse collection rate increase \$1.50 per month

PUBLIC HEARING - TAXES FOR CALENDAR YEAR 2022

The public hearing to receive public comment on the proposed tax rate increase was opened at 9:53 p.m.

Craig Scott, Waynesboro: suggested finding alternative funding sources to maintain Sunset Park and other parks, would help improve the quality of life, repurpose existing buildings and help lower the crime rate.

Andrea Jackson, Waynesboro: opposed to increasing the water rate because the rates are progressively getting higher and the ARPA funds could have been used to prevent the increase.

Council member Allen moved to extend the council meeting past the 10:00 p.m. curfew. Having been seconded and with no objections, the motion was adopted 5:0 on a roll call vote:

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

The public hearing was closed at 10:02 p.m. Council member Short moved to introduce an ordinance **IMPOSING TAXES FOR THE CALENDAR YEAR 2022 ON PROPERTY AND PERSONS, FOR THE PAYMENT OF INTEREST ON THE CITY DEBT, FOR THE SUPPORT OF THE CITY GOVERNMENT, FOR THE MAINTENANCE OF THE PUBLIC SCHOOLS, AND FOR OTHER EXPENSES, PROVIDING FOR THE ASSESSMENT OF PERSONS AND PROPERTY, FOR THE COLLECTION OF TAXES, REVENUES, ASSESSMENTS, AND IMPOSING PENALTIES FOR THE FAILURE TO COMPLY WITH THE PROVISIONS HEREOF.** Having been seconded and with no objections, the ordinance will be considered for adoption at the May 9, 2022 regular business meeting.

PUBLIC HEARING - AMENDING SECTIONS 30-58(H)(3)(A) AND (B), 66-3(C), 86-28, AND 86-139(B) AND (F) OF THE CODE OF THE CITY OF WAYNESBORO (UTILITES)

The public hearing was opened at 10:05 p.m.

Craig Scott, Waynesboro: stated that utilities can be run economically and cleaner, and he asked Council to seek consultation and bids with vendors with good track records to provide those utilities more efficiently than what is done currently, including privatization.

The public hearing was closed at 10:07 p.m. Council member Hostetter moved to introduce an ordinance **AMENDING SECTIONS 30-58(h)(3)(a) and (b), 66-3(c), 86-28, and 86-139(b) and (f) OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA TO UPDATE STORMWATER UTILITY SERVICE CHARGES, REFUSE SERVICE CHARGES, WATER UTILITY SERVICE CHARGES, AND WASTEWATER UTILITY SERVICE CHARGES AND RATES AS HEREIN SPECIFIED.** Having been seconded and with no objections, the ordinance will be considered for adoption at the May 9, 2022 regular business meeting.

PUBLIC HEARING - RECOMMENDED ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2023

The public hearing was opened at 10:08 p.m. With no one signed up to speak, the public hearing was closed. Council member Hostetter moved to introduce an ordinance **MAKING APPROPRIATIONS OF SUMS OF MONEY FOR ALL NECESSARY EXPENDITURES OF THE CITY OF WAYNESBORO, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2023, TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE EXPENDITURE CATEGORIES OF APPROPRIATION AND THEIR PAYMENT, AND TO REPEAL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.** Having been seconded and with no objections, the ordinance will be considered for adoption at the May 9, 2022 regular business meeting.

WAYNESBORO REDEVELOPMENT AND HOUSING AUTHORITY BOARD APPOINTMENT

Vice Mayor Williams moved to appoint Mr. Spencer Cross to the Waynesboro Redevelopment and Housing Authority Board for an unexpired four-year term ending August 31, 2024. Having been seconded and with no objections, the appointment 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 Council or staff, the meeting continued.

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

ADJOURN

With 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 10:10 p.m.:

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

Clerk of the Council

BOBBY HENDERSON, MAYOR