

# WAYNESBORO, VIRGINIA

## CITY COUNCIL REGULAR BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, August 8, 2022 beginning at 7:00 p.m. in the Council Chambers, 503 W. Main Street, Waynesboro, Virginia, 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 (Participated electronically from home due to illness)  
 Bruce Allen, Council member  
 Sam Hostetter, Council member  
 Terry Short, Jr., Council member

City Staff: Michael Hamp, City Manager  
 Todd Wood, Assistant City Manager - Operations  
 Michael Wilhelm Assistant City Manager – Public Safety  
 Julia Bortle, Clerk of the Council  
 Greg Hitchin, Economic Development Director  
 David Shaw, Police Chief  
 Lisa Jeffers, Director of Elections/General Registrar

Counsel: Jason Ham, Esq., Litten & Sipe, LLC

Guests: Ms. Crystal Morphis, CEcD, Founder and CEO, Creative Economic Development Consulting  
 Ms. Kimberly McClanahan, Executive Director, Valley Community Services Board

ABSENT: Cameron McCormick, Assistant City Manager-Finance

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

Mayor Henderson called the meeting to order and asked Council member Hostetter to lead everyone in the Pledge of Allegiance to the Flag of the United States of America. The procedure for citizen comment period was explained. It was noted that Vice Mayor Williams was participating in the meeting from her home via Zoom.

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### **BUSINESS MEETING AGENDA AMENDED**

The City Manager requested the agenda be amended to include Council's consideration of adopting a remote participation policy resolution as required by the Freedom of Information Act and Open Meeting Laws in the Commonwealth, and to include in the Closed Meeting an item pertaining to a personnel matter.

Council member Hostetter moved to amend the Business Meeting Agenda as presented. Having been seconded and with no objections, the Business Meeting Agenda was amended 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 Hostetter</b>	<b>Aye</b>
		<b>Council member Short</b>	<b>Aye</b>

Council member Allen moved to adopt the amended meeting agenda. Having been seconded and with no objections, the amended meeting 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 Hostetter</b>	<b>Aye</b>
		<b>Council member Short</b>	<b>Aye</b>

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### **RESOLUTION – REMOTE PARTICIPATION POLICY**

Council member Hostetter moved to adopt a resolution establishing a remote participation policy enabling Council members to participate in a meeting where a quorum is present and one or two members are participating remotely. 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 Hostetter</b>	<b>Aye</b>
		<b>Council member Short</b>	<b>Aye</b>

### **RESOLUTION ADOPTING A REMOTE PARTICIPATION POLICY IN COUNCIL MEETINGS (R22-17)**

**WHEREAS**, the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700 *et seq.*, authorizes public bodies to adopt a written policy providing for electronic participation in meetings; and

**WHEREAS**, the Council of the City of Waynesboro desires to adopt a policy to enable its members to participate remotely in meetings of the Council under certain circumstances.

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

1. Members of the Council are hereby approved to participate in a meeting of the Council through electronic communications, from a remote location that is not open to the public as provided in Code of Virginia § 2.2-3708.2, subject to the following requirements:
  - A. A Council Member wishing to participate from a remote location in a meeting of the Council shall notify the Chairman on or before the date of a meeting that the Council Member is unable to attend the meeting due to (i) a personal matter, provided that the Council Member identifies with specificity the nature of the personal matter, or (ii) a temporary or permanent disability or other medical condition that prevents the Council Member's physical attendance.

- B. The Council shall record in its minutes the remote location from which the absent Council Member participated, as well as the specific nature of the personal matter or that the Council Member participated in the meeting due to a medical condition or disability.
  - C. If the absent Council Member's remote participation would violate this policy, such remote participate is disapproved and the absent Council Member shall not be allowed to participate. The reason for such disapproval shall be recorded in the Council's minutes.
  - D. Participation in a meeting through electronic communication due to a personal matter shall be limited, for each Council Member and in each calendar year, to two meetings of the Council or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
  - E. A quorum of the Council must be physically assembled at the primary or central meeting location.
  - F. The Clerk shall make arrangements for the voice of the absent Council Member to be heard by all persons in attendance at the primary or central meeting location.
  - G. Nothing herein shall be construed to restrict the ability of Council to meet without a quorum physically assembled at one location during a state of emergency as may be authorized by law, including without limitation Virginia Code § 2.2-3708.2.
2. This policy shall take effect immediately.

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Clerk of the Council

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Bobby Henderson, Mayor

Vice Mayor Williams stated she is participating remotely from her home due to medical reasons.

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#### **MATTERS FROM THE MAYOR**

The mayor noted that it is National Farmers Market Month and he encouraged everyone to visit the Waynesboro Farmers Market on Saturday to purchase fresh fruit and items from local vendors.

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

Council member Hostetter provided a COVID update. He noted that many citizens are testing for COVID with home tests and those results are not counted in the Health Department reports. Although numbers may be falling per the Department of Health, he asked that people remain vigilant. He also noted that with school starting soon, everyone should be careful as we welcome everyone back to school.

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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 Hostetter</b>	<b>Aye</b>
		<b>Council member Short</b>	<b>Aye</b>

Consider adopting the minutes from the July 25, 2022 Regular Business Meeting.

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**PUBLIC HEARING - CONDEMNATION PROCEEDINGS FOR REAL PROPERTY AT 0 WHITE BRIDGE ROAD FOR STORMWATER MANAGEMENT FACILITY**

The subject property has been identified as a preferred location for a storm water project. The need for this project originates out of the TMDL (Total Maximum Daily Load) requirement associated with the City’s MS4 (Municipal Separate Storm Sewer System) Permit. This project is proposed on the subject parcel because it was (1) cost efficient as to its removal rates and, (2) it was in an area of an existing detention pond that was not being adequately maintained and, (3) it was not well suited or planned for development. Preliminary design confirmed that this was an appropriate location and this is the right-of-way phase of the project (obtaining the property). The owner has been approached with multiple offers based on the two different appraisals. All have been denied with the owner requesting a price of more than two times the appraisal price.

The city manager reviewed the procedure for the city to acquire the property. After conducting a public hearing, Council may direct the city manager to proceed by adopting the resolution.

The public hearing was opened at 7:11 p.m. With no one signed up to speak, the public hearing was closed. Council member Short moved to adopt the resolution of condemnation and authorize the city manager to initiate condemnation proceedings and/or acquire the property otherwise as authorized by the resolution. 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 Hostetter</b>	<b>Aye</b>
		<b>Council member Short</b>	<b>Aye</b>

**RESOLUTION (R22-18)**

**Condemnation of Real Property for Stormwater Management Facility**

**Whereas**, the City of Waynesboro, Virginia (the “City”), is subject to mandatory Total Maximum Daily Load (“TMDL”) requirements which will become effective on July 1, 2023; and

**Whereas**, the City has determined that the TMDL requirements can be met, in part, by constructing a new permanent stormwater management facility (the “Project”) on a vacant, unimproved parcel of property (the “Property”) identified as Tax Map No. 24-1-17A and located at 0 White Bridge Road in Waynesboro, Virginia; and

**Whereas**, the Project is a public necessity that will allow the City to more effectively manage municipal stormwater and comply with the forthcoming TMDL regulations; and

**Whereas**, the Project requires the City to acquire the Property from its current owner, Hopeman Land Company, LC; and

**Whereas**, the City obtained two appraisals of the fair market value of the Property that yielded valuations of \$30,000 and \$41,500; and

**Whereas**, the City subsequently submitted a written offer to purchase the Property for \$52,000, which reflected the tax-assessed value of the Property; and

**Whereas**, Hopeman Land Company rejected the City's offer to purchase the Property; and

**Whereas**, the City must obtain the Property through one method or another, including, condemnation proceedings pursuant to Virginia Code § 15.2-1901, *et seq.*; and

**Whereas**, a public hearing concerning this Resolution was advertised for two successive weeks and subsequently held on July 25, 2022.

**Now, Therefore, Be It Resolved**, by the City Council of the City of Waynesboro, Virginia, that:

1. The Project and Property described above are necessary public uses.
2. The City Manager is authorized and directed to acquire the Property for \$52,000, unless the price is changed by a Court of competent jurisdiction.
3. The City Manager is authorized to commence condemnation proceedings to acquire the Property.
4. The City Manager is authorized to take all such actions and execute all such documents as he may deem reasonably necessary to acquire the Property. Without limiting the foregoing, the City Manager is authorized to take possession of – and defeasible title to – the Property prior to filing condemnation proceedings, and to execute and file any Certificate described in Virginia Code §§ 15.2-1904 and 25.1-300.
5. The facts and conclusions stated above in the preamble reflect findings of City Council.
6. This Resolution shall take effect immediately upon adoption by the City Council.

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Clerk of the Council

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Bobby Henderson, Mayor

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**REPORT AND RESOLUTION OF SUPPORT - DOWNTOWN MARKET STUDY AND REDEVELOPMENT PLAN**

The Economic Development Director introduced Ms. Crystal Morphis who reviewed the recently completed Downtown Market Study and Redevelopment Plan (*attachment 47-44*). It included plans for various properties and suggested city financial support. Council is asked to consider adopting a Resolution of Support for two Industrial Revitalization Fund (IRF) grant applications. Economic Development is seeking the maximum amount of \$5 million to be matched 100% by the developers. The city is strictly the applicant with no financial obligation for the grant.

Council member Allen moved to adopt a Resolution of Support for an Industrial Revitalization Fund Loan for 320 W. Main Street, Waynesboro (formerly the Leggets Building). Having been properly seconded, the Resolution of Support was adopted 5:0:

**Mayor Henderson**  
**Vice Mayor Williams**

**Aye**  
**Aye**

**Council member Allen**  
**Council member Hostetter**  
**Council member Short**

**Aye**  
**Aye**  
**Aye**

**RESOLUTION OF SUPPORT** (R22-15)  
**BY THE CITY COUNCIL OF**  
**WAYNESBORO, VIRGINIA FOR AN APPLICATION BY THE**  
**WAYNESBORO ECONOMIC DEVELOPMENT AUTHORITY FOR AN**  
**INDUSTRIAL REVITALIZATION FUND LOAN RELATING TO**  
**320 WEST MAIN STREET**

**WHEREAS**, the Waynesboro City Council supports an application by the Waynesboro Economic Development Authority (“the EDA”) for an Industrial Revitalization Fund loan on behalf of 320 West Main LLC, (“the Developer”) in recognition of the desire and need to revitalize the highly visible and blighted former Leggett’s Department Store at 320 West Main Street (the “Property”) into a mixed-use project (the “Project”), which will spearhead the redevelopment of this and other properties in the central business district and will advance the City’s overall economic revitalization goals;

**WHEREAS**, the Property meets the definition of “blighted property” within the meaning of the Code of Virginia § 36-3;

**WHEREAS**, it is projected that 74 residential units will be constructed and 13 full-time and 17 part-time jobs will be created from the implementation of the Project;

**WHEREAS**, the Waynesboro City Council recognizes that market forces and the current banking finance environment creates certain fiscal barriers to redevelopment of the Property and Project, which can be overcome more readily through a private/public partnership and with the assistance of the Industrial Revitalization Fund in the form of a loan to the Developer; and

**WHEREAS**, the Developer will provide funds up to \$20,400,000 for the Project.

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

1. The City supports the redevelopment of the former Leggett’s Department Store and the application for a \$4,600,000 Industrial Revitalization Fund loan by the Economic Development Authority;
2. The Developer shall provide funds up to \$20,400,000 for the Project;
3. City Council acknowledges and agrees that the City’s role is to act as the sponsor for the former Leggett’s Department Store Redevelopment project, which is projected to create 74 residential units and 13 full-time and 17 part-time jobs; and
4. The City Manager, or his designee, is authorized to perform all actions deemed reasonably necessary to effectuate the loan and/or purpose of this Resolution.

Council member Hostetter moved to adopt a Resolution of Support for an Industrial Revitalization Fund Loan for 411W. Main Street, Waynesboro, VA. Having been seconded and with no objections, the Resolution of Support 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 Hostetter</b>	<b>Aye</b>
		<b>Council member Short</b>	<b>Aye</b>

**RESOLUTION OF SUPPORT <sup>(R22-16)</sup>**  
**BY THE CITY COUNCIL OF**  
**WAYNESBORO, VIRGINIA FOR AN APPLICATION BY THE**  
**WAYNESBORO ECONOMIC DEVELOPMENT AUTHORITY FOR AN**  
**INDUSTRIAL REVITALIZATION FUND LOAN RELATING TO**  
**411 WEST MAIN STREET**

**WHEREAS**, the Waynesboro City Council supports an application by the Waynesboro Economic Development Authority (the “EDA”) for an Industrial Revitalization Fund loan on behalf of Urbane Ventures, L.L.C., (the “Developer”) in recognition of the desire and need to revitalize the highly visible and blighted former Hyman’s Department Store at 411 West Main Street (the “Property”) into a retail and other commercial space (the “Project”), which will spearhead the redevelopment of this and other properties in the central business district and will advance the City’s overall economic revitalization goals;

**WHEREAS**, the Property meets the definition of “blighted property” in accordance with the Code of Virginia § 36-3;

**WHEREAS**, the Waynesboro City Council recognizes that market forces and the current banking finance environment create certain fiscal barriers to redevelopment of the Property, which can be overcome more readily through a private/public partnership and with the assistance of the Industrial Revitalization Fund in the form of a loan to the Developer, plus using matching funds provided by the Developer.

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

1. The City supports the redevelopment of the former Leggett’s Department Store and the application for an Industrial Revitalization Fund loan in the maximum amount of \$400,000 by the Economic Development Authority;
2. The Developer shall provide up to \$400,000 in matching funds for the Project;
3. City Council acknowledges and agrees that the City’s role is to act as the sponsor for the former Leggett’s Department Store Redevelopment project; and
4. The City Manager, or his designee, is authorized to perform all actions deemed reasonably necessary to effectuate the loan and/or purpose of this Resolution.

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Clerk of the Council

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Bobby Henderson, Mayor

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**ELECTION PROCESS PRESENTATION**

The Director of Elections/General Registrar made a presentation regarding the current election process (*attachment 47-45*), including recent voting changes, early voting/no excuse absentee voting, the election process and election security.

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**REPORT - VALLEY COMMUNITY SERVICES BOARD UPDATE**

Ms. Kimberly McClanahan, Executive Director of the Valley Community Services Board, provided Council with an update on their work with Waynesboro and their Goal 5 Strategic Plan for clients in 2021 and year-to-date 2022, including an update on their budget and finances, the infant-toddler program in Waynesboro and other programs.

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**WAYNESBORO LIBRARY BOARD OF TRUSTEES REAPPOINTMENT**

Council member Allen moved to appoint Mr. Eric Anderson to the Waynesboro Library Board of Trustees for an unexpired four-year term ending August 31, 2024. Having been seconded and with no objections, the appointment 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 Hostetter</b>	<b>Aye</b>
		<b>Council member Short</b>	<b>Aye</b>

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**HISTORICAL COMMISSION RE-APPOINTMENT AND APPOINTMENT**

Council member Hostetter moved to re-appoint Mr. Tom Carlsson to the Historical Commission for a four-year term ending August 31, 2026. Having been seconded and with no objections, the appointment was adopted 4:0:

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

Council member Hostetter moved to appoint Ms. Judith Walden to the Historical Commission for an unexpired four-year term ending August 31, 2024. Having been seconded and with no objections, the appointment was adopted 4:0:

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

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**COMMUNICATIONS, CORRESPONDENCE, AND CALENDAR**

With no matters from the city manager or council, the meeting continued.

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**CITIZEN COMMENT PERIOD**



**Evelyn Cotton, Waynesboro:** thanked Council for the information regarding the 14<sup>th</sup> Street Project and not adding any four-way stops at the current two-way stop sign intersections. She asked Council to consider installing pedestrian cross walks at the intersection of Rosser Avenue and Tiffany Lane (Martins Supermarket entrance).

**Jeremy Sloat, Waynesboro:** asked that paving continue on Charlotte to the traffic light and asked that the lines be painted on the newly paved roads in the city.

In response to the mayor's request, the city manager briefed everyone on the painting progress, dependent on the painting contractor schedule challenges.

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**CLOSED MEETING**

Due to the electronic participation of the vice mayor, the closed meeting was conducted in Council Chambers after requesting non-council members to vacate the chambers until the resumption of the open meeting. Council member Hostetter moved that Council go into Closed Meeting:

to discuss the acquisition of real property for a public purpose, as authorized by Va. Code § 2.2-3711(A)(3); and to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by our attorney relating to a real property, as authorized by Va. Code §§ 2.2-3711(A)(8), namely Nature's Crossing Technology Center; and

to consult with legal counsel regarding legal matters requiring the provision of legal advice by our attorney, as authorized by section 2.2-3711(A)(8) of the VA Code. The subject matters of the meeting are outside connections to the City water system and landfill issues.

Having been seconded and with no objections, the motion was adopted on an unanimous affirmative roll-call vote of 5:0 at 8:22 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>

Council came out of the closed meeting at 8:52 p.m. Council member Hostetter moved to adopt the following certification resolution as read in its entirety:

**CERTIFICATION RESOLUTION (R22-19)**

WHEREAS, the City Council of Waynesboro has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Waynesboro hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City Council of Waynesboro, namely

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discussion of the acquisition of real property and discussion with legal counsel regarding the water system and landfill issues. Having been seconded and with no objections, the certification resolution was adopted 5-0 on the unanimous affirmative roll call vote as follows:

<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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**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 8:54 p.m.:

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

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Julia Bortle, MMC, Clerk of Council

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Terry R. Short, Jr., Council member