

WAYNESBORO, VIRGINIA

CITY COUNCIL REGULAR BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, August 22, 2022 beginning at 7:10 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
 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
 Cameron McCormick, Assistant City Manager – Finance
 Julia Bortle, Clerk of the Council
 Greg Hitchin, Economic Development Director
 Leslie Tate, Community Development Director
 David Shaw, Police Chief
 Lisa Jeffers, Director of Elections/General Registrar

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

ABSENT: None

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 Short 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.

Council member Allen moved to adopt the meeting agenda. Having been seconded and with no objections, the meeting agenda was adopted 5:0:

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

MATTERS FROM THE MAYOR

The mayor extended thanks to the Public Works Department under the direction of Mr. Dwayne Shwartz due to the favorable inspection received from the Environmental Protection Agency with the Department of Health on the public works water and sewer systems.

The mayor also announced that the Remote Area Medical (RAM) free medical clinic will be at Expoland in Fishersville from November 19-20. They are asking for assistance from the medical community (physicians, nurses, medics, EMTs, opticians, and others) to offer their services. They also are in need of general support with registration, guides, food services and other support positions.

The mayor read a proclamation naming September as Childhood Cancer Awareness Month, and he presented the proclamation to Ms. Donna Abshire.

MATTERS FROM COUNCIL MEMBERS

Council member Hostetter reviewed the current COVID cases per the CDC map. He announced his upcoming constituent meeting will take place on Tuesday, September 6 beginning at 3:30 p.m. at the French Press Café.

APPROVAL OF MEETING MINUTES

Council member Allen moved to adopt the work session and business meeting minutes from the August 8, 2022 council meetings. Having been seconded and with no objections, the minutes were adopted 5:0:

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

PUBLIC HEARING - REZONE A PORTION OF THE PROPERTIES AT 2712 W. MAIN ST. AND 0 LEW DEWITT BLVD., WAYNESBORO

The Community Development Director presented the application by ROCLYND EB 1 LLC, and RRC6 LLC, to rezone a 16.4-acre portion of two parcels containing a total of 29.38 acres, Tax Map Numbers 21-1-1 and 21-1-5, located at 2712 West Main Street and 0 Lew Dewitt Boulevard from H-B, Highway Business, to R-MF, Multi-Family Residential (*attachment 47-46*).

The property is the vacant area located behind the Amazon Facility (former Kmart). The applicant has indicated their intention to develop this portion of the property into a multi-family development that would include approximately 180 apartments and 27 condominiums at 3-4 stories.

The Planning Commission recommended approval of the application with proffers on a 4-1 vote:

- Sidewalks shall be provided from the development entrance along the private access road to connect to Lew Dewitt Blvd and to the funded pedestrian improvements planned for West Main Street;
- A boulevard entrance shall be provided for primary access to the development from the internal private road connecting to Lew DeWitt and W. Main Street. In addition, an emergency access shall

be provided to the eastern portion of the property through the existing business development service road and an internal access stubbed to the southern parcel 31-1-113A for a future connection.

Per Council member Allen's question, it was clarified that there will be sidewalks leading from the development to Lew DeWitt and to West Main but the applicant will not build sidewalks along Lew DeWitt nor along West Main.

Per Council member Hostetter's question, it was stated that the traffic study indicated there was no need for a traffic signal at the primary access for the development with the current estimate of daily travel trips, but a small increase in that estimate or a change in traffic distribution may cause traffic delays on side streets.

The public hearing was opened at 7:29 p.m. Council member Short moved to introduce an ordinance

Ray Burkholder, Balzer & Associates (Applicant): stated they would be amenable to a giving some right-of-way to the city for the floodplain in the area, and there is a large stormwater basin also at the site. He also stated that the area is zoned for structures up to 65 foot-tall but he does not see that happening.

Council member Short stated that the 2007 Land Use Plan indicated shared-use path on both sides of Lew DeWitt.

The public hearing was closed at 7:31 p.m. Council member Short moved to introduce an ordinance **REZONING A PORTION OF 2712 WEST MAIN STREET AND 0 LEW DEWITT BOULEVARD, TAX MAP NUMBERS 21-1-1 AND 21-1-5 FROM H-B, HIGHWAY BUSINESS, TO R-MF, MULTI-FAMILY RESIDENTIAL** with the staff's recommendations, proffered conditions, and the applicant's acknowledgements to coordinate with staff per the 2007 Land Use Plan. Having been seconded and no further discussion, this ordinance will be considered for adoption at the September 12, 2022 Council meeting.

PUBLIC HEARING - AMEND APPROVED PLANNED UNIT DEVELOPMENT (KNOWN AS WAYNESBORO PLACE) AT WINDIGROVE DRIVE, WAYNESBORO, VIRGINIA

The Community Development Director made a presentation regarding a request by Balzer & Associates, Inc., agent for Rosser Avenue LLC, to amend an approved Planned Unit Development (PUD), known as Waynesboro Place, for a property on Windigrove Drive, Waynesboro, Virginia, City Tax Map numbers 51-20-1-1, 51-20-1-2, 51-20-2-1, 51-20-3-3, 62-8-3-2, and 61-2-3-1 to allow hotels and motels as an allowable use in Block 2 (*attachment 47-47*).

Originally approved on June 28, 2010, it was amended in 2017 for the construction of additional apartments. In addition, the proffers were updated to remove those that had been completed by the developer and to revise traffic improvement requirements that would include a new traffic study for Phase 2 of the development or for uses that generated more than 3,780 average daily trips (ADT).

Several citizens spoke at the Planning Commission public hearing and submitted statements, primarily concerning the impact of the additional traffic. The Planning Commission recommended approval of the request, noting that the traffic impact study indicated the applicant completed the required improvements relating to the estimated 3,782 trips. They asked that Council review parking allowed along Windigrove Drive and to consider reducing the speed limit permitted along Windigrove Drive and to review the speed limit along Rosser Avenue between Windigrove Drive and Rosser and Rosser Avenue and Alson Court.

The public hearing was opened at 7:42 p.m.

Ray Burkholder, Balzer & Associates (Applicant): clarified that the presentation shows offices not yet built such as medical offices, and is an example of what would put the development up to the traffic threshold.

Council member Short moved that the ordinance be tabled pending an updated traffic impact study along Windigrove Drive and Rosser Avenue. Having been seconded and no further discussion, the ordinance was tabled pending further traffic analysis.

ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET IN THE AMOUNT OF \$2,232,218

The Assistant City Manager/Finance reviewed the proposed budget amendments due to items identified in the City Manager’s recommended fiscal year 2023 budget.

Council member Hostetter moved to introduce an ordinance to **AMEND THE FISCAL YEAR 2023 BUDGET ORDINANCE FOR THE CITY OF WAYNESBORO BY ADDING A BUDGET AMENDMENT**. Having been seconded and with no further discussion, a public hearing will be held and the ordinance will be considered for adoption at the September 12, 2022 Council meeting.

RESOLUTION IN SUPPORT OF A VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP READY SITES GRANT APPLICATION

The Economic Development Director made a presentation regarding Nature’s Crossing Technology Center (NCTC). The city received a VDOT Smart Scale Grant to construct a connector road between I64 exits 94 and 96. The Southern Corridor is currently projected to be completed in early 2025.

The City has an opportunity to fund the construction of the on-site water and wastewater systems with a Virginia Economic Development Partnership, Business Ready Sites Program (BRSP) state grant designed to assist localities raise the tier level of industrial sites. Based on a current estimate the total cost for the construction of both systems is \$7,885,000. The plan is to apply for the maximum amount.

The BRSP grant requires a 25% match, however, already expended funds over the last five years may be applied toward the match, yielding a required cash match of \$918,000. This grant application is due September 13, 2022. If the city is successful in its application and accepts the grant, offsite utility improvements, estimated at \$11 million, necessary to serve the property must be constructed.

Vice Mayor Williams moved to adopt a resolution in support of a Virginia Economic Development Partnership Business Ready Sites Program grant application for water and waste water infrastructure construction within the Natures Crossing Technology Center industrial park and required funding match commitments. Having been seconded, Council member Short recommended Council hold a work session to discuss the future of the industrial park. Mayor Henderson recommended the work session be conducted after the November election so that any new Council members that may be elected will take part in the conversation. With no further comments, the resolution was adopted 5:0:

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

**A RESOLUTION ^(R22-20) OF SUPPORT FOR
A VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP
BUSINESS READY SITES PROGRAM GRANT
FOR WAYNESBORO, VIRGINIA**

WHEREAS, the City of Waynesboro (the “City”) is the owner of approximately 170 acres of land, located within the City at the southwest corner of the intersection of Interstate 64 and Delphine Avenue, and the City intends to use the land for an industrial development known as the Nature’s Crossing Technology Center (the “NCTC”); and

WHEREAS, the City has received a Virginia Department of Transportation Smart Scale Grant for certain road improvements that will serve the NCTC; and

WHEREAS, the City desires to further increase the readiness of the NCTC for development by investing in the water and wastewater infrastructure that serves sites within the NCTC, and the estimated cost to construct both water and wastewater systems is \$7,885,000; and

WHEREAS, the Virginia Economic Development Partnership has a Business Ready Sites Program grant (the “Grant”) to assist localities in making business and industrial sites more ready for development, which Grant requires a 25% match that may be satisfied in part by expenses the City has already incurred, or is anticipated to incur, with respect to the NCTC; and

WHEREAS, the City desires to apply for the Grant to fund the construction of an elevated water tower, a water system, and a wastewater system, all to serve the NCTC.

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

1. The City Council fully supports the City’s application for the Virginia Economic Development Partnership Business Ready Sites grant;
2. The City Council intends to construct the water and wastewater improvements, as described in this resolution once funding is available to do so; and
3. If awarded the Virginia Economic Development Partnership Business Ready Sites Program grant, the City Council intends to meet the grant’s 25% match requirement, with the expectation that the match requirement may be satisfied partially by expenses the City has already incurred, or is anticipated to incur, and partially by cash expenditures in the approximate amount of \$918,000.

ADOPTED August 22, 2022

Mayor, City of Waynesboro

RESOLUTION OF CONCURRENCE - DEBT ISSUANCE FOR THE HANGER EXPANSION PROJECT AT THE SHENANDOAH VALLEY REGIONAL AIRPORT

The Shenandoah Valley Airport requested that City Council adopt a concurrence resolution related to its debt issuance for the hangar upgrade/expansion project. Council supplied a similar concurrence resolution in 2019 with a three-year term set to expire October 29, 2022. Due to COVID and funding arrangements, the project was not bid until late 2021/early 2022. SHD secured the contractor for the hangar project in

April and broke ground in July. This resolution acknowledges that as a member jurisdiction, Waynesboro approves of the debt, but the city is not incurring the debt and it will not appear on its books,

Council member Hostetter moved to adopt the **RESOLUTION OF CONCURRENCE FOR THE BENEFIT OF THE SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION**. Having been seconded and with no objections, the resolution was adopted 5:0:

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

RESOLUTION ^(R22-21)
FOR THE BENEFIT OF SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION

WHEREAS, the Shenandoah Valley Regional Airport Commission (the “Commission”) was duly established pursuant to the Code of Virginia, 1950, as amended, and by resolution and agreement of the several political subdivisions of the Commonwealth of Virginia comprising the Commission, namely the Counties of Augusta and Rockingham and the Cities of Harrisonburg, Staunton and Waynesboro (collectively, the “Member Localities”), to have and exercise, on behalf of such Member Localities, the power and authority to operate the Shenandoah Valley Regional Airport (“SVRA”) located in Augusta County, Virginia; and

WHEREAS, the Commission determined that it is necessary and desirable to (a) acquire, construct, and equip aircraft hangar facilities at SVRA, (b) install and/or replace all or any portion of the SVRA’s fuel farm tanks, and (c) pay issuance costs in connection with the financings therefor (collectively, the “Project”); and

WHEREAS, the United States of America, acting through Rural Housing Service, an agency of the United States Department of Agriculture (“RHS”), offered to purchase an up to \$3,086,500 Shenandoah Valley Regional Airport Commission Taxable Airport Revenue Bond (the “Bond”) to provide the permanent financing needed by the Commission to pay all or any portion of the costs of the Project on the terms and conditions described in that certain RHS Letter of Conditions, dated September 26, 2018; and

WHEREAS, RHS required interim financing for the Project and the Commission reasonably expects that long-term, permanent financing for the Project being financed by the Commission on an interim basis with the proceeds of the Note shall ultimately be provided to the Commission by RHS, together with any other lawfully available funds therefor; and

WHEREAS, the Commission obtained interim financing from Blue Ridge Bank (the “Bank”) represented by the Commission’s issuance of an up to \$2,986,500 Shenandoah Valley Regional Airport Commission Taxable Airport Revenue Note, Series 2019 (the “Note”); and

WHEREAS, by letter dated July 25, 2022 (the “Commitment Letter”), the Bank has authorized a modification and amendment of the Note to extend the maturity of the Note from October 29, 2022 to October 29, 2023 at a fixed, taxable interest rate of 3.75% and to extend the draw period under the Note to October 28, 2023 (the “Modification”); and

WHEREAS, the Modification relating to the loan under the Note will be embodied in an amendment to the Note (the “Allonge”); and

WHEREAS, the Commission desires to obtain the approval of each of the governing bodies of its Member Localities with respect to the Modification and delivery of the Allonge, subject to the Commission’s final determination of the form and details thereof (all such undertakings by the Commission to finance the Project, on an interim or permanent basis, being collectively referenced herein as the “Loans”); and

NOW, THEREFORE, BE IT RESOLVED by the City Council (the “City Council”) of the City of Waynesboro, Virginia (the “City”), as follows:

1. The Modification and the delivery of the Allonge by the Commission, as described in this Resolution, is hereby approved and authorized, to the fullest extent as may be required, if at all.

2. It is to be understood that nothing contained in this Resolution is or shall be deemed to be a debt of the City or a pledge of the faith and credit or the taxing power of the City, and nothing shall legally bind or obligate the City Council or any future City Council to appropriate funds for such purposes. The long-term indebtedness of the Commission represented by the Note, as amended by the Allonge, or the Bond (or otherwise in connection with the Project and the Loans) shall not be deemed to constitute a debt or pledge of the faith and credit of the taxing power of the City, and neither the faith and credit nor the taxing power of the City shall be pledged for the payment of the principal of, premium, if any or interest on the Note, as amended by the Allonge, or the Bond or any other obligation of the Commission in connection with the Project or the Loans, or any other costs incident thereto.

3. The Mayor, Vice Mayor, and the City Manager, any one or more of whom may act, and such officers, employees, and agents of the City as any of them may designate, are each authorized and directed to take all such further actions and to execute and deliver any and all instruments, certificates, and other documents (if any) in order to carry out the purposes of this Resolution and in furtherance of the financing of the Project by the Commission, as described in this Resolution.

4. This Resolution shall be effective immediately.

Adopted: August 22, 2022

CITY OF WAYNESBORO, VIRGINIA

Mayor

NAME	AYE	NAY	ABSTAIN	ABSENT
Bobby Henderson, Mayor	✓			
Lana Williams, Vice Mayor	✓			
Bruce E. Allen	✓			
Terry Short, Jr.	✓			
Dr. Sam Hostetter	✓			

RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF WAYNESBORO AND THE SHENANDOAH VALLEY JUVENILE SERVICES CENTER

The Shenandoah Valley Juvenile Center (SVJC) is a regional facility comprised of the Cities of Harrisonburg, Lexington, Staunton and Waynesboro, and the Counties of Augusta, and Rockingham.

Funding for the operation and maintenance of SVJC is provided by member localities, the Virginia Department of Juvenile Justice and through a grant with the Office of Refugee Resettlement. As one of the participating jurisdictions, the City of Waynesboro is assessed its value share of the Juvenile Center’s operating costs according to its proportion of the total number of detention days utilized by all participating jurisdictions over a three-year period.

SVJC member lease agreements have expired. The SVJC Commission, in consultation with both member and commission counsel have reviewed and updated the lease for consideration of approval by the respective governing bodies. The new lease is for a ten-year term with the option of two five-year renewal terms. The proportionate share of each jurisdiction’s costs is determined by the same formula already utilized in the current lease agreement. As required by Virginia law, the lease is subject to Council’s annual appropriation of funds to SVJC. Council member Short moved to adopt the resolution **REGARDING LEASE OF SPACE FROM SHENANDOAH VALLEY JUVENILE CENTER COMMISSION**. Having been seconded and with no objections, the resolution was adopted 5:0:

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

RESOLUTION ^(R22-22)
REGARDING
LEASE OF SPACE FROM
SHENANDOAH VALLEY JUVENILE CENTER COMMISSION

WHEREAS, the Shenandoah Valley Juvenile Center Commission (the “Commission”) is a public body corporate duly formed under the provisions of Article 13, Chapter 11, of Title 16.1 of the Code of Virginia 1950, as amended; and

WHEREAS, the Commission operates a center (the “Center”) to house juvenile detainees, which Center is located in Augusta County, Virginia; and

WHEREAS, the City of Waynesboro, Virginia is one of the members of the Commission and leases bed space within the Center for the purpose of housing eligible juveniles; and

WHEREAS, the existing lease agreements between the Commission and its members have been in place for many years and are in need of renewal; and

WHEREAS, the Commission proposes to enter into new leases with each of its members for an initial term of ten years, followed by two five-year renewal terms, and with other terms substantially similar to the prior leases and which reflect the Commission’s current operations and dealings with its members.

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

1. The lease agreement with the Shenandoah Valley Juvenile Center Commission is hereby approved in the form attached hereto as Exhibit A, with such changes as may be approved by the City Manager.

2. The City Manager or their designee is authorized to sign and deliver the lease agreement and to take any such other actions as may be reasonable and necessary to effect the purpose of this Resolution.

Approved: August 22, 2022

Bobby Henderson, Mayor

LIBRARY BOARD OF TRUSTEES APPOINTMENT

Council member Hostetter moved to appoint Ms. Kathy Nixon to the Library Board of Trustees for a four-year term ending August 31, 2026. 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 Hostetter	Aye
		Council member Short	Aye

HOUSING AND REDEVELOPMENT AUTHORITY BOARD REAPPOINTMENT

Vice Mayor Williams moved to reappoint Ms. Everly-Maupin to the Waynesboro Redevelopment and Housing Authority Board, to a four-year term ending August 31, 2026. 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 Hostetter	Aye
		Council member Short	Aye

COMMUNICATIONS, CORRESPONDENCE, AND CALENDAR

With no matters from the City Manager or Council, the meeting continued.

CITIZEN COMMENT PERIOD

Lisa Jeffers, Waynesboro and Director of Elections: spoke about safety and security concerns regarding transient accessibility at the new relocation of the Registrar's offices and lack of security of election materials. She invited council members to attend the Board of Elections meeting on Friday to brief them on the move.

Tiffany Sensabaugh, Waynesboro and Office of Elections: expressed her concerns of personal safety and security for the new location of the Voter Registrar's Office, relating an incident that occurred that reinforced her concern.

Jamey Sensabaugh, Waynesboro: expressed his concerns for his wife's safety and security in general due to the relocation of the Registrar's Office at the Library's downstairs.

Regular Business Meeting
Monday, August 22, 2022
Unapproved Draft

Evelyn Cotton, Waynesboro: thanked Council for the construction going on in the Tree Streets area, but she wanted them to be aware that there is a section of 14th Street, 13th Street, and a section of 12th Street blocked every day. She asked if the construction could be more coordinated to alleviate blocking three major thoroughfares at the same time.

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 8:12 p.m.:

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

Julia Bortle, MMC, Clerk of Council

Bobby Henderson, Mayor