

WAYNESBORO, VIRGINIA CITY COUNCIL BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, August 28, 2023 at 7:00 p.m. in the Council Chambers of the Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia, with Mayor Williams presiding and calling the meeting to order.

PRESENT: Council Members: Lana Williams, Mayor
 Jim Wood, Vice Mayor
 Bruce Allen, Council member
 Terry Short, Jr., (arrived 7:04 p.m.)
 Kenny Lee, 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
 David Shaw, Police Chief
 Leslie Tate, Community Development Director
 Greg Hitchen, Economic Development Director
 Alyssa Zullig, Captain, Police Department
 Ben Lemons, Captain, Police Department
 Jamie Dunn, Captain, Police Department

Counsel: Michele Michelsen, 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 Council member Lee lead everyone in the Pledge of Allegiance to the Flag of the United States of America. She then reviewed the procedure for the citizen comment period.

MEETING AGENDA

Council member Lee moved to adopt the meeting agenda. Having been seconded and with no objections, the meeting agenda was adopted 4:0:

Mayor Williams	Aye	Council member Allen	Aye
Vice Mayor Wood	Aye	Council member Short	Absent
		Council member Lee	Aye

MATTERS FROM THE VICE MAYOR

With no comments from the mayor, the meeting continued.

MATTERS FROM COUNCIL MEMBERS

Vice Mayor Wood reminded everyone that the Waynesboro high school football game is this Friday night, kickoff at 7:00 p.m., and he invited everyone to come out and watch the first game of the season.

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 4:0:

Mayor Williams	Aye	Council member Allen	Aye
Vice Mayor Wood	Aye	Council member Short	Absent
		Council member Lee	Aye

- a. Consider adopting the minutes from the July 24, 2023 Regular Business Meeting.

PUBLIC HEARING AND ORDINANCE INTRODUCTION - CLOSE AND VACATE APPROXIMATELY 0.677 ACRES OF UNIMPROVED STREETS AND ALLEYS DESCRIBED AS OHIO STREET ALONG BLOCK 40 LOT 1 AND OHIO STREET ALONG BLOCK 42 LOT 12 AND NORTH AUGUSTA AVENUE BETWEEN BLOCK 40 LOTS 1&2 AND BLOCK 42 LOTS 12-16 AND 4 FT OF LOT 17

The Community Development Director reviewed the application request from Mr. David Harner, president of Haley, Chisholm & Morris as outlined during the July 24 Council meeting. The viewers found there would be no inconvenience to neighboring property owners, and the applicant has agreed to pay the assessed value of \$39,817. Staff recommends approval of the request.

The public hearing was opened at 7:06 p.m. With no one signed up to speak, the public hearing was closed.

Having been introduced and seconded at the July 24, 2023 Council meeting, and with no further discussion from Council, the ordinance to **CLOSE AND VACATE APPROXIMATELY 0.677 ACRES OF UNIMPROVED STREETS AND ALLEYS DESCRIBED AS OHIO STREET ALONG BLOCK 40 LOT 1 AND OHIO STREET ALONG BLOCK 42 LOT 12 AND NORTH AUGUSTA AVENUE BETWEEN BLOCK 40 LOTS 1&2 AND BLOCK 42 LOTS 12-16 AND 4 FT OF LOT 17** was adopted 5:0 (2023-37):

Mayor Williams	Aye	Council member Allen	Aye
Vice Mayor Wood	Aye	Council member Short	Aye
		Council member Lee	Aye

PUBLIC HEARING - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - HALLIK ON THE WAY, LLC

The Assistant City Manager-Public Safety briefed Council on a request for a certificate of public convenience and necessity submitted by Mr. Alden Hall, owner of Hallik On The Way, LLC for a taxicab or for-hire vehicle license originally submitted to staff in February 2023. It was determined that Mr. Hall met the requirements and a taxi-cab permit was issued; however,

due to pending changes in the City Code, Mr. Hall decided to wait until the amendments were completed before continuing with the license request. Due to the numerous code amendments, he is now unable to comply with the Code of Virginia and the Code of Waynesboro, Virginia.

A public hearing has been advertised, and it is staff's recommendation to proceed with it. The public hearing was opened at 7:09 p.m. With no one signed up to speak, the public hearing was closed. Council member Short asked if the matter can be tabled until the issues can be resolved, but he was informed that there were multiple issues that may take an extended time.

Council has found that the applicant does not meet the City Code standards and Council member Short moved to deny the request for a Certificate of Public Convenience and Necessity to Hallik On The Way, LLC. Having been seconded and with no further discussion, the application was denied 5:0:

Mayor Williams	Aye	Council member Allen	Aye
Vice Mayor Wood	Aye	Council member Short	Aye
		Council member Lee	Aye

CODE AMENDMENT - SECTION 98-7.2.5, NOTICE AND PUBLIC HEARING, OF THE CITY'S ZONING ORDINANCE AND SECTION 74-38, PUBLIC NOTICE PRIOR TO PRELIMINARY PLAT REVIEW, OF THE CITY'S SUBDIVISION ORDINANCE

The Community Development Director reviewed the change in State Code regarding public notice requirements for land use applications. The new State Code requirements state the public notice cannot run more than fourteen (14) days prior to the anticipated adoption of the ordinance. The City Code will be updated to reference the State Code rather than repeat the specific requirements.

Council member Short moved to introduce an ordinance **AMENDING CHAPTER 98, SECTION 7.2.5 AND CHAPTER 74, SECTION 38 OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA**. Having been seconded and with no further discussion, the ordinance will be subject to a public hearing and be considered for adoption at the September 11, 2023 regular business meeting.

CODE AMENDMENT - SECTION 98-2.6.4 TO REMOVE PART C, "EXCEPT IN THE C-B DISTRICT, MULTI-FAMILY BUILDING PARCELS AND UPPER-STORY RESIDENTIAL UNITS IN NONRESIDENTIAL DISTRICTS SHALL NOT EXCEED A DENSITY OF 8 UNITS PER ACRE"

The Community Development Director reviewed the zoning text amendment to remove the density restriction as shown in Part C, stating the ordinance is too restrictive to allow a site to be developed to its fullest potential (*attachment 47-70*). The Planning Commission recommended approval of the code amendment. Council member Short moved to introduce an ordinance **AMENDING CHAPTER 98, ARTICLE 2, GENERAL ZONING DISTRICTS, SECTION 98-2.6.4, OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA**. Having been seconded and with no further discussion, the ordinance will be subject to a public hearing and be considered for adoption at the September 11, 2023 regular business meeting.

CONDITIONAL USE PERMIT - 651 TOWN CENTER DRIVE TO ALLOW FOR MULTI-FAMILY RESIDENTIAL IN THE H-B (HIGHWAY BUSINESS) DISTRICT

The Community Development Director reviewed the application for a conditional use permit for 651 Town Center Drive and a portion of 150 P. Buckley Moss Drive (*attachment 47-71*). The applicant proposes having five multi-unit buildings with a total of 252 units, to include a stormwater area, a pool and a clubhouse.

Council member Short moved to introduce an ordinance **GRANTING A CONDITIONAL USE PERMIT TO ALLOW MULTIFAMILY BUILDINGS IN THE H-B (HIGHWAY BUSINESS) DISTRICT AT 651 TOWN CENTER DRIVE, (TAX MAP NO. 60-1-56B), AND THE REAR PORTION OF 150 P BUCKLEY MOSS DRIVE, (TAX MAP NO. 59-1-1, PORTION) WAYNESBORO, VIRGINIA.** Council member Short asked about traffic management considerations at the outparcels along Rosser Avenue questioning full access at the residential development component just to the east of the right-in-right-out on Town Center Drive. Having been seconded and with no further discussion, the ordinance will be subject to a public hearing and be considered for adoption at the September 11, 2023 regular business meeting.

PUBLIC HEARING AMENDING THE FISCAL YEAR 2024 BUDGET IN THE AMOUNT OF \$3,546,698

The Assistant City Manager-Finance stated the purpose of the budget amendment is to continue work done during the 2024 budget process, appropriating monies for minor maintenance paid for out of fund balance. A detailed list of uses was provided to Council.

The public hearing was opened at 7:38 p.m. With no one signed up to speak, the public hearing was closed. Vice Mayor Wood moved to introduce an ordinance **2024 BUDGET SUMMARY.** Having been seconded and with no further discussion, the ordinance will be considered for adoption at the September 11, 2023 regular business meeting.

PRESENTATION- WAYNESBORO POLICE DEPARTMENT 2023 ANNUAL REPORT

The Police Chief made a presentation regarding leadership changes at the department, demographics and statistics for the city, 2022 department highlights, arrest and traffic statistics, staffing, department activities and plans (*attachment 47-72*). He invited everyone to take part in the 125th Anniversary (1898-2023) Celebration that will include displays and recognition with the public on October 7. Chief Shaw introduced the three newest promotions, Captain Alyssa Zullig, Captain ben Lemons and Captain Jamie Dunn who were present at the meeting.

BOARDS AND COMMISSIONS

Vice Mayor Wood moved to adopt the following appointments and reappointments to boards and commissions to the terms noted. Having been seconded and with no objections, the motion was adopted 5:0:

Mayor Williams	Aye	Council member Allen	Aye
Vice Mayor Wood	Aye	Council member Short	Aye
		Council member Lee	Aye

Planning Commission: Appoint Mr. Phillip Klann to an unexpired four-year term ending August 31, 2026.

Library Board of Trustees: Appoint Ms. Meghan Drummond to an unexpired four-year term ending August 31, 2026.

Economic Development Authority Board: Reappoint Ms. Chanda McGuffin to a four-year term ending August 31, 2027 and appoint Ms. Maggie Kelli to a four-year term ending August 31, 2027.

Cultural Commission: Appoint Ms. Tracy Straight for a four-year term ending August 31, 2027.

Shenandoah Valley Airport Commission: Reappoint Mr. Jeff Ward for a three-year term ending August 31, 2026.

Redevelopment and Housing Authority Board: Reappoint Ms. Margaret VanHuss, Mr. Thomas Reider and Ms. Mary Scott Miller, each for a four-year term ending August 31, 2027.

Youth Commission: Council member Lee moved to appoint Ms. Sharon Fitz to a three-year term ending August 31, 2026. Having been seconded and with no objections, the appointment was adopted 5:0. (Omitted from earlier considerations.)

COMMUNICATION, CORRESPONDENCE, CALENDAR, COMMENTS FROM CITY MANAGER

With no comments from council or staff, the meeting continued.

CITIZEN COMMENT PERIOD

Craig Scott, Waynesboro: spoke about the need to eliminate putting fluoride into the city water supply due to harmful effects on a body.

Donna Yobs, Waynesboro: spoke about concerns she has on density and height of the proposed apartments near the Town Center and asked that the builder make concessions including crosswalks.

Andrea Jackson, Waynesboro: spoke about her interest in housing issues and noted the September 9 housing event sponsored by Virginia Organizing at the Christ Tabernacle Church on Delphine Avenue across from Fairfax Hall.

CLOSED MEETING

Vice Mayor Wood moved to reconvene in closed meeting as authorized by sections 2.2-3711(A)(3) and 2.2-3711(A)(5) of the Virginia Code. The subject matter of the meeting is as follows:

To discuss the acquisition of real property to be used by the City for municipal offices and the relocation or expansion of business or industry in the Nature's Crossing Technology Center where no previous announcement has been made.

Having been seconded and with no objections, the closed meeting was convened at 8:11 p.m. on a roll call vote:

Regular Business Meeting
Monday, August 28, 2023
Unapproved Draft

Mayor Williams	Aye	Council member Allen	Aye
Vice Mayor Wood	Aye	Council member Short	Aye
		Council member Lee	Aye

At 8:45 p.m., Vice Mayor Wood moved to come out of closed meeting and reconvene in open meeting and adopt the following resolution:

RESOLUTION (R23-28)

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.

Having been seconded and with no further discussion, the resolution was adopted 5:0 on a roll call vote:

Mayor Williams	Aye	Council member Allen	Aye
Vice Mayor Wood	Aye	Council member Short	Aye
		Council member Lee	Aye

ADJOURN

Council member Allen moved to adjourn the meeting. Having been seconded and with no objections, the meeting was adjourned at 8:47 p.m. on an affirmative 5:0 vote:

Mayor Williams	Aye	Council member Allen	Aye
Vice Mayor Wood	Aye	Council member Short	Aye
		Council member Lee	Aye

Julia Bortle, MMC, Clerk of Council

Lana Williams, Mayor