

# WAYNESBORO, VIRGINIA

## CITY COUNCIL BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, September 11, 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., Council member  
    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

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

<b>Mayor Williams</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Wood</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Lee</b>	<b>Aye</b>

\*\*\*\*\*

### **MATTERS FROM THE MAYOR**

The mayor acknowledged that this date is the 22<sup>nd</sup> anniversary of the September 11 terrorist attacks on the United States, and she asked for a moment of silence. Also, July 26 was National Systems Administration Day and due to scheduling conflicts, the council would like to now recognize the City's Information Technology staff and thank them for keeping the technology in the city operating smoothly.

\*\*\*\*\*

**MATTERS FROM COUNCIL MEMBERS**

Vice Mayor Wood stated that on Friday, September 8, he, Mayor Williams and Councilman Allen attended the Blue Ridge Community College breakfast hosted by Dr. Downey where they were updated on the college and taken on a tour of the campus. Also, he and councilman Allen and staff attended the 9-11 Memorial at the Waynesboro Fire House; he acknowledged first responders should be recognized every day.

\*\*\*\*\*

**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 Williams</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Wood</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Lee</b>	<b>Aye</b>

- a. Consider adopting the minutes from the August 28, 2023 Regular Business Meeting.
- b. Second consideration/adoption of an ordinance amending the Fiscal Year 2024 Budget in the amount of \$3,546,698. **(2023-41)**

\*\*\*\*\*

**RESOLUTION – PERSONAL PROPERTY TAX RELIEF FOR TAX YEAR 2023 (PPTRA)**

Council member Short moved to adopt a resolution setting the personal property tax relief for tax year 2023 at 31.5%. Last year the rate of relief was 38%. Having been seconded and with no further discussion, the resolution was adopted 5:0:

<b>Mayor Williams</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Wood</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Lee</b>	<b>Aye</b>

***RESOLUTION (R23-26)  
SETTING PPTRA RATE OF RELIEF  
FOR TAX YEAR 2023***

**WHEREAS** the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* (“PPTRA”), provides for the appropriation to the City a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles, and provide the opportunity for the City to fashion a program of tax relief that serves the best interests of its citizenry; and

**WHEREAS** these legislative enactments require the City of Waynesboro to take affirmative steps to implement and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Waynesboro, Virginia in accordance with the requirements set forth in Section 58.1-3524(C) (2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of the General Assembly (2004 Special Session 1) and as set forth in item 503.E (Personal Property Tax Relief Program) of Chapter 951

of the 2005 Acts of the General Assembly, any qualifying vehicle that has situs within the City of Waynesboro commencing January 1, 2023 shall receive personal property tax relief in the following manner:

- (1) Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- (2) Personal vehicles valued at \$1,001 to \$20,000 will be eligible for 31.5% tax relief;
- (3) Personal vehicles valued at \$20,001 or more shall only receive 31.5% tax relief on the first \$20,000 of value; and
- (4) All other vehicles which do not meet the definition of qualifying vehicle (business use vehicles, farm use vehicles, motor homes, etc.) shall not be eligible for any form of tax relief under this program.

ADOPTED this 11<sup>th</sup> day of September, A.D., 2023

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\*\*\*\*\*

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING**

The City Council was asked to consider adopting a reimbursement resolution related to the repair, replacement and improvements to portions of its wastewater treatment plant. The Assistant City Manager-Finance reviewed that the city is applying for funds from the Virginia Clean Water Revolving Loan Fund. If the City is awarded these funds and proceeds with a debt issuance, the resolution would allow the City to reimburse itself for expenses related to the project incurred prior to the debt issuance. It does not obligate the city to reimburse itself from the proceeds of a borrowing; however, the city may not elect to reimburse itself from debt proceeds without having adopted a reimbursement resolution.

Council member Allen moved to adopt a resolution of Official Intent to Reimburse Expenditures with Proceeds from a Borrowing. Having been seconded and with no further discussion, the resolution was adopted 5:0:

<b>Mayor Williams</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Wood</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Lee</b>	<b>Aye</b>

**RESOLUTION (R23-27)**  
**OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the City of Waynesboro, Virginia (the “Borrower”), intends to undertake capital improvements for its water and sewer system, including without limitation the repair, replacement and improvement to portions of its wastewater treatment plant (the “Project”); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt (the “Bonds”), or both;

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

1.The Borrower intends to utilize the proceeds of the Bonds in an amount not currently expected to exceed \$9,040,000 to pay the costs of the Project.

2.The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3.Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4.The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of (a) the date on which the Expenditure is paid or (b) the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5.The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

Adopted September 11, 2023

\_\_\_\_\_  
LANA WILLIAMS, MAYOR

\*\*\*\*\*

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

The Community Development Director reviewed the city code amendments for public hearing notice requirements necessary to comply with the state code as presented at the August 28, 2023 council meeting. Staff recommended approval of the ordinances.

The public hearing was opened at 7:15 p.m. With no one signed up to speak, the public hearing was closed. The ordinances having been introduced, seconded and discussed at the August 28 meeting, **AMENDING CHAPTER 98, SECTION 7.2.5 AND CHAPTER 74, SECTION 38 OF THE CITY CODE OF WAYNESBORO, VIRGINIA** and the ordinance **AMENDING CHAPTER 98, ARTICLE 2, GENERAL ZONING DISTRICTS, SECTION 98.2.6.4 OF THE CITY CODE OF WAYNESBORO** were adopted 5:0:

<b>Mayor Williams</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Wood</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Lee</b>	<b>Aye</b>

\*\*\*\*\*

**PUBLIC HEARING - ZONING TEXT AMENDMENT - CITY CODE 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.”**

This zoning text amendment would remove language that states “except in the C-B District, Multi-Family building parcels and upper-story residential units in non-residential districts shall not exceed a density of eight (8) units per acre.” This request was reviewed at the August 28, 2023 meeting. The Planning Commission and staff recommend approval of the ordinance.

The public hearing was opened at 7:33 p.m. No one signed up to speak to the matter. Having been introduced, seconded and discussed at the August 28, 2023 council meeting, with no further discussion, the ordinance AMENDING CHAPTER 98, ARTICLE 2, GENERAL ZONING DISTRICTS, SECTION 98-2.6.4, OF THE CITY CODE OF WAYNESBORO was adopted 5:0 (2023-39):

<b>Mayor Williams</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Wood</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Lee</b>	<b>Aye</b>

\*\*\*\*\*

**PUBLIC HEARING - CONDITIONAL USE PERMIT TO ALLOW FOR MULTI-FAMILY RESIDENTIAL IN THE H-B (HIGHWAY BUSINESS) DISTRICT AT 651 TOWN CENTER DRIVE (TM# 60-1-56B) AND 150 P BUCKLEY MOSS DRIVE (TM# 59-1-1, PORTION), WAYNESBORO VIRGINIA**

The Community Development Director reviewed the request as presented at the August 28, 2023 regular business meeting. The Planning Commission and staff recommended approval with conditions:

1. The development shall be developed in general conformance with the “651 Town Center Drive Conceptual Layout Plan”, prepared by Balzer and Associates, dated June 28, 2023.
2. Pedestrian conductivity shall provide a safe, walkable route from all dwelling units and shall include a pedestrian crossing of Town Center, Drive, provided the crossing is permitted by Waynesboro Town Center LLC, or their successors. The applicant shall use all reasonable commercial efforts, to gain permission for the installation of the pedestrian crosswalk at the developer’s expense along Town Center Drive.
3. Building elevations shall be in general conformance with materials and architectural styles submitted in conjunction with the application.
4. Buildings shall not exceed a maximum building height, as measured per the City of Waynesboro Zoning Ordinance, of 64’-10”, as depicted by the provided building elevations dated 6.28.23.
5. The property shall be subdivided in general conformance with the submitted concept plan prior to site plan approval, provided that all other subdivision regulations of City Code Chapter 74 are met.

6. The entrances shown on the concept plan are for conceptual plan purposes, approval of the conditional use permit, shall not necessitate approval of the entrances. Entrances shall be evaluated and approved through site plan approval as appropriate with appropriate agencies.
7. The maximum number of residential units shall not exceed 252 units.

Council member Short questioned traffic management internal to the project as it relates to the infrastructure costs and access of vehicles coming from the south. He stated that vehicles accessing the commercial area would need to drive through the apartment streets in order to utilize a full access entrance rather than the originally proposed right in/right-out access shown for the commercial outparcels. Also, because the qualifiers for pedestrian access have been addressed, he is interested in removing that qualification.

The public hearing was opened at 7:33 p.m. No one signed up to speak, however the applicant, Mr. Daniel Cyrus, spoke about their first Waynesboro development and Mr. Short's pedestrian access concerns, and he stated that any project infrastructure improvements will be borne by the developer. The full access intersection off of the private road will serve the commercial traffic and will relieve the need for vehicles through the apartment part of the project. Virginia Department of Transportation (VDOT) informed the developer that the entrance to the project off of Rosser Avenue is not an option due to the distance between a required signalized intersection and the existing signal at Town Center Drive.

Vice Mayor Wood noted the stormwater and erosion issues with Cottonwood Manor in the county and the stop-work order with Thomas Builders. He asked what the resolution was with that matter and the measures taken regarding stormwater with this proposed project. Mr. Cyrus stated that the stormwater issue was a result of unexpected flooding but clarified that they stay with projects from the beginning to the end. He spoke with neighbors to this project about their concerns, and they seemed comfortable with the meeting.

The public hearing was closed at 7:43 p.m. The 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**, was introduced, seconded and discussed at the August 28, 2023 council meeting. With no further discussion, the ordinance was adopted 5:0 (2023-40):

<b>Mayor Williams</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Wood</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Lee</b>	<b>Aye</b>

\*\*\*\*\*

**CONDITIONAL USE PERMIT REQUEST- 1722 3RD STREET (TM# 48-1-188-7), WAYNESBORO, VIRGINIA**

The Community Development Director reviewed the request by Kimberley Rock Miller to allow for a manufactured home in the RG-5 (General Residential) District at 1722 3<sup>rd</sup> Street (Tax Map. 48-1-188-7), Waynesboro, Virginia. Staff and the Planning Commission recommend approval with no conditions.

Council member Short moved to introduce an ordinance **GRANTING A CONDITIONAL USE PERMIT TO ALLOW A MANUFACTURED HOME IN THE RG-5 (GENERAL RESIDENTIAL) DISTRICT AT 1722 3<sup>RD</sup> STREET (TAX MAP NO. 48-1-188-7), WAYNESBORO, VIRGINIA**. Having been seconded, the ordinance will be the subject of a public hearing and consideration of adoption at the September 25, 2023 regular business meeting.

\*\*\*\*\*

**RESOLUTION - AGREEMENT BETWEEN ELMORE PROPERTIES L.L.C. AND THE CITY OF WAYNESBORO FOR THE PURCHASE OF 230 S. WAYNE AVENUE, WAYNESBORO**

To facilitate the use of the Gorsuch Building for courts, sheriff’s department security concerns and the court clerk’s office, the other city offices were to be relocated to other locations. Community Development functions (Planning, Zoning, Code Enforcement, Building Permitting) are proposed to be consolidated at one location at 230 S. Wayne Avenue, Waynesboro.

Council member Allen moved to adopt a resolution authorizing executive of an Agreement between Elmore Properties, LLC and the City of Waynesboro for the purchase of 230 S. Wayne Avenue, Waynesboro. Having been seconded and with no further discussion, the resolution was adopted 5:0:

<b>Mayor Williams</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Wood</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Lee</b>	<b>Aye</b>

**RESOLUTION (R23-29)**  
**AUTHORIZING EXECUTION OF AN AGREEMENT**  
**BETWEEN ELMORE PROPERTIES, L.L.C. AND THE CITY OF**  
**WAYNESBORO FOR THE PURCHASE OF 230 S. WAYNE AVE.**

**WHEREAS**, the City of Waynesboro (the “City”) has been directed by the Chief Judge of the Circuit Court of the City of Waynesboro to move its offices and personnel from the Courthouse Building as soon as reasonably practical, as such space is otherwise needed by the Court;

**WHEREAS**, the City has insufficient space to accommodate its offices and personnel located in the Courthouse Building in the Yancey Building or other City offices;

**WHEREAS**, the City has researched several options to relocate its offices and personnel in the Courthouse Building, such as leasing other space, the purchase of another building, and the purchase of additional land for the construction of another City office building;

**WHEREAS**, such research has determined that the best option, due to cost and expediency, would be to purchase another building that could accommodate the Courthouse offices and personnel, as well as provide for other much needed space for the City;

**WHEREAS**, the City’s research established that the property and office building located at 230 S. Wayne Ave. owned by Elmore Properties, L.L.C. would be a good fit, as little improvements would initially be needed to allow the City to move its offices and personnel from the Courthouse into the building in early 2024;

**WHEREAS**, the City negotiated a contract for the purchase of 230 S. Wayne Ave. with David Elmore, member, Elmore Properties, L.L.C., (the “Agreement”), which is attached as Exhibit 1 hereto;

**WHEREAS**, the City Council desires to enter into the Agreement with Elmore Properties, L.L.C.

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

1. The City Manager is hereby authorized to enter into the Agreement between the City of Waynesboro and Elmore Properties, L.L.C. to purchase the property located at 230 S. Wayne Ave., in substantially such form as attached hereto as Exhibit 1; and

2. The City Manager is hereby authorized to take any other actions that are reasonable and necessary to effectuate the terms of the Agreement.

Resolved this 28<sup>h</sup> day of August 2023.

ATTEST: \_\_\_\_\_  
Clerk, City Council

\_\_\_\_\_  
Mayor, City Council

\*\*\*\*\*

**COMMUNICATION, CORRESPONDENCE, CALENDAR, COMMENTS FROM CITY MANAGER**

With no matters to discuss, the meeting continued.

\*\*\*\*\*

**CITIZEN COMMENTS**

With no one signed up to speak, the meeting continued.

\*\*\*\*\*

**ADJOURN**

Council member Allen moved to adjourn the meeting. Having been seconded and with no objections, the meeting was adjourned at 7:52 p.m. on an affirmative 5:0 vote:

<b>Mayor Williams</b>	<b>Aye</b>	<b>Council member Allen</b>	<b>Aye</b>
<b>Vice Mayor Wood</b>	<b>Aye</b>	<b>Council member Short</b>	<b>Aye</b>
		<b>Council member Lee</b>	<b>Aye</b>

\*\*\*\*\*

\_\_\_\_\_  
Julia Bortle, MMC, Clerk of Council

\_\_\_\_\_  
Lana Williams, Mayor