

WAYNESBORO, VIRGINIA CITY COUNCIL BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, September 25, 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
Chad Rambo, Assistant Director of Public Works
- Counsel: Michele Michelsen, Esq., Litten & Sipe LLC
- Guests: Mr. Stephen Young, 19th Masonic District Deputy Grand Master
Mr. David Hayes, Staunton Masonic Lodge
Masonic Lodge of Waynesboro member
Ms. Christine Crummett-Dollar, Magnolia Rose

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 Short 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

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

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

MATTERS FROM THE MAYOR

The mayor, the vice mayor and Council member Lee hosted two third-grade classes from Wenonah Elementary School in Council Chambers, as part of their studies on the roll of local government.

MATTERS FROM COUNCIL MEMBERS

Vice Mayor Wood also acknowledged the third-grade class participation in roll-playing a local government council meeting. He enjoyed the thank-you letters he received from the students.

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:

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

- a. Consider adopting the minutes from the September 11, 2023 Regular Business Meeting.

STAUNTON MASONIC LODGE NO. 13 PRESENTATION TO MS. KRISTIN CRUMMETT-DOLLAR, CO-FOUNDER AND DIRECTOR FOR MAGNOLIA ROSE

The 19th Masonic District Deputy Grand Master, Stephen Young, on behalf of the Staunton Masonic Lodge, presented Ms. Kristin Crummitt-Dollar, founder of the Waynesboro non-profit Magnolia Rose, with their Community Builders Award, recognizing Magnolia Rose’s efforts for outstanding community-oriented achievements of a non-Mason.

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

The Community Development Director reviewed a request by Ms. Kimberley Rock Miller for a conditional use permit to allow for a manufactured home in the RG-5 (General Residential) District at 1722 3rd Street, Tax Map 48-1-188-7, Waynesboro, Virginia as presented at the September 11, 2023 Council meeting. The Planning Commission recommended approval of the request.

The public hearing was opened at 7:12 p.m. With no one signed up to speak, the public hearing was closed. The ordinance was introduced and seconded at the September 11, 2023 meeting, and with no further discussion, the ordinance was adopted 5:0:

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

REPORT - AMENDING CHAPTER 14, ANIMALS, OF THE CITY CODE OF WAYNESBORO, VIRGINIA

Due to changes in the Code of Virginia and the associated administrative regulations, Council was asked to bring the City Code Chapter 14, Animals, into conformity with the state code and coordinate the city's code with Staunton and Augusta County. Council was provided with a summary chart that included converting some violations from misdemeanor to civil offenses, and the current and proposed fees:

- Dog License Fee from \$7.50 per dog
 - Failure to obtain a fee by deadline currently \$10
 - Proposed: \$5
- Impoundment – fees to be determined among three localities
 - Proposed: Within 24 hours, impoundment \$15 fee
 - Over 24 hours, impoundment \$35 fee

The attorney amended the service dog definition to incorporate Council member Lee's concerns stated at the September 11 meeting. Ms. Michelsen noted that most penalties were shifted from criminal misdemeanors to civil offenses, but she asked if Council wanted to shift all penalties to civil, including endangered or exotic animals that pose a risk to the public. In response to Vice Mayor Wood's previous request for a clearer definition of what an exotic pet is considered, the attorney removed the word "exotic" and instead inserted "it is unlawful to keep any endangered or threatened poisonous animal that may endanger the health, safety or welfare of any citizen."

Vice Mayor Wood moved to introduce an ordinance **AMENDING CHAPTER 14, ANIMALS, ARTICLE II, DOGS AND CATS, OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA** with a \$7.50 license fee and a \$5 late fee. Having been seconded and with no further discussion, this ordinance will be subject to a public hearing and considered for adoption at the October 11, 2023 regular business meeting.

REPORT - AMENDING CHAPTER 86, BACKFLOW PREVENTION, OF THE CITY CODE OF WAYNESBORO, VA

The Public Works Assistant Director made a presentation regarding a request to update the City Code Division 2 of Article II, Chapter 86, for cross connection control and backflow prevention (*attached*). This puts measures into place to protect the water supply from contamination. The Virginia Department of Health (VDH) revised its Waterworks Regulations, necessitating a revision to the City Code.

Council member Short moved to introduce an ordinance **AMENDING CITY CODE CHAPTER 86, DIVISION 2, ARTICLE II, CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION**. Having been seconded and with no further discussion, this ordinance will be considered for adoption at the October 11, 2023 regular business meeting.

RESOLUTION - DONATION AGREEMENT WITH EIDP, INC.

EIDP, Inc. (formerly Lycra and DuPont) would like to donate 1.423 acres to the city, per the resolution as shown. It has been assessed at \$113,000. It is staff's recommendation that Council accept the donation. Council member Short clarified that the property was formerly an apple orchard and not used for industrial purposes and does not contain contaminants. Council member Short moved to adopt the resolution as shown. Having been seconded and with no further discussion, the resolution was adopted 5:0:

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

RESOLUTION R23-30
AUTHORIZING THE CITY TO ACCEPT
DONATED REAL PROPERTY FROM AND ENTER INTO
A DONATION AGREEMENT WITH EIDP, INC.

WHEREAS, EIDP, Inc. (“EIDP”) owns certain real property in Waynesboro, Virginia adjacent to former DuPont industrial operations, but where no industrial uses occurred (the “Property”), located on Delphine Ave., identified as tax map number 56-2-A, and containing approximately 1.423 acres, as shown highlighted on a plat titled Boundary Plat, E. I. DuPont De Nemours and Company, “Mountain Land”, Waynesboro, Virginia, prepared by Tom Shumate and dated April 6, 2012, revised October 2, 2012 and December 28, 2020, and recorded in the Waynesboro Circuit Court Clerk’s Office in Plat Index as Instrument No. 200003612 (the “Plat”);

WHEREAS, EIDP wishes that the Property be donated to City on the terms and conditions provided for in the Donation Agreement, which is attached hereto and incorporated herein as Exhibit 1, which includes a copy of the Plat;

WHEREAS, EIDP is transferring the Property to the City by a quitclaim deed, and the City accepts the Property “AS IS, WHERE IS” with all faults and releases EIDP from any and all claims arising out of the Property;

WHEREAS, the City wishes to accept the Property under the terms and conditions of the Donation Agreement.

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

1. The City Manager is authorized to enter into the Donation Agreement in substantially such form as attached hereto as Exhibit 1.
- 2.
3. The City Manager is hereby authorized to take any other actions that are reasonable and necessary to effectuate this Resolution and the terms of the Donation Agreement, including without limitation the authority to sign all necessary documents and deeds.

Resolved this 25th day of September, 2023.

ATTEST: _____
Clerk, City Council

Vice Mayor, City Council

ORDINANCE – AMENDMENT TO THE FISCAL YEAR 2024 BUDGET

The Assistant City Manager-Finance reviewed an ordinance amending the fiscal year 2024 budget in the amount of \$5,069,887. One portion of the ordinance relates to the encumbrance rollover done annually (\$4,904,549) and the other portion pertains to miscellaneous other grants, donations and fund balance use of \$165,338. Council member Short asked for specific details on the appropriations, and Mr. McCormick stated he will provide that to Council after the meeting.

Council member Allen moved to introduce an ordinance to **AMEND THE FISCAL YEAR 2024 BUDGET ORDINANCE FOR THE CITY OF WAYNESBORO**. Having been seconded and with no further discussion, the ordinance will be subject to a public hearing and consideration for adoption at the October 11, 2023 regular business meeting.

COMMUNICATION, CORRESPONDENCE, CALENDAR, COMMENTS FROM CITY MANAGER

Road Closures: The City Manager noted the upcoming road closures in association with downtown events, including the Fall Foliage Festival and the downtown Christmas Parade. Also noted was the upcoming “Walk to School Week”.

Rental Inspection Program: Mr. Hamp provided a status report for the Rental Inspection Program, raised by representatives of Virginia Organizing. After examining the program and other localities that have similar programs, he provided reasons that he does not recommend undertaking this new program in the upcoming budget season.

Council members discussed the rental inspection program as part of the past and upcoming budget. Mr. Short clarified the statement that a rental inspection program not being a council budget priority during last year’s retreat is inaccurate as it was in his top three subjects. He also questioned the statement regarding an impact on housing prices without backup data supporting it. Vice Mayor Wood suggested that the Virginia Organizing Board of Directors talk to Richmond and approach it as a state-wide program rather than approaching the local government and moving upward. Council member Short agreed, noting that Virginia is a Dillon State and localities are heavily regulated as to what they can do.

Council member Lee also disagreed with the statement that a rental inspection program is not a Council priority. He asked what the estimated 23 complaints a year involved and how they were resolved. He suggested it be discussed at a meeting or a retreat before the program is not considered.

Legislative Agenda: Council member Short noted that there will be new members coming into the General Assembly and he suggested staff put a Legislative Action Agenda together for Council’s consideration and approval.

CITIZEN COMMENTS

Sharon vanName, Waynesboro: (not signed up but asked to speak). She objected and found it disrespectful that the Virginia Organizing Rental Inspection Program was not included on the agenda but instead discussed under “Comments”.

CLOSED MEETING

Vice Mayor Wood moved to reconvene in a closed meeting per Code of Virginia 2.2-3711(3) to discuss or consider the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of a public body, specifically acquisition of real property for city offices.

Having been seconded and with no objections, the closed meeting was convened at 8:01 p.m. on a roll call vote:

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

At 8:33 p.m., Vice Mayor Wood moved to come out of closed meeting and reconvene in open meeting and adopt the following resolution:

RESOLUTION (R23-31)

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 8:34 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

[Clerks Note: Council member Kenny Lee presented a proclamation to the Crawford Brothers Quartet on Sunday, October 1 and Mayor Lana Williams presented a proclamation to Alpha Delta Kappa on Tuesday, October 3, 2023.]

Julia Bortle, MMC, Clerk of Council

Lana Williams, Mayor