

WAYNESBORO, VIRGINIA

CITY COUNCIL BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, May 14, 2018, at 7:00 p.m. in the Council Chambers of the Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia, with Mayor Allen presiding and calling the meeting to order:

PRESENT: Council Members: Bruce Allen, Mayor
Terry Short, Jr., Vice Mayor
Jeff Freeman, Councilman
Pete Marks, Councilman
Elzena Anderson, Councilwoman

City Staff: Michael G Hamp II, City Manager
D. James Shaw, Deputy City Manager
Julia Bortle, Clerk of Council
Terri Marks, Finance Director
Michael Wilhelm, Police Chief
Brian McReynolds, Public Works Director
Trafford McRae, Stormwater Manager
Ross Morland, Public Works Plant Engineer
Troy Eppard, Public Works, Chief WWTR Operator
Scott Balsley, Public Works, Plant Operator
Matt Neyman, Public Works, Plant Operator
Dustin Fisher, Public Works, Plant Operator
Tony Reed, Public Works, Lab Technician
Jakob Long, Public Works, Maintenance Technician

Outside Counsel: Ms. Melisa Michelsen, Esq., Litten & Sipe LLP

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA:

Mayor Allen opened the meeting and asked the City Manager to lead everyone in the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA:

Councilwoman Anderson moved to adopt the consent agenda as presented. Having been seconded, the motion was adopted 5:0 with affirmative votes from Council members Allen, Short, Freeman, Marks and Anderson.

- a) **Approval of Minutes:** Consider adopting the minutes for the April 23, 2018 Council meeting, and dispense with the reading of the minutes.
- b) **Taxes for Calendar Year 2018:** Second consideration/adoption of an ordinance imposing a tax rate of \$.90 for the calendar year 2018 on property and persons, for the payment of interest on the city

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debt, for the support of the city government, for the maintenance of the public schools, and for other expenses, providing for the assessment of persons and property, for the collection of taxes, revenues, and assessments, and imposing penalties for the failure to comply with the provisions thereof. (2018-28)

- c) **Code Amendment – Water and Sewer Charges, Fees, Rates:** Second consideration/adoption of an ordinance amending Sections 86-28(a)(1), 86-28(a)(2), and 86-139(a) of the Code of the City of Waynesboro to increase water utility service charges, fees, and rates and sewer utility service charges and rates. (2018-29)
- d) **Code Amendment – Food, Beverage, Cigarette Taxes:** Second consideration/adoption of an ordinance amending Sections 78-154, and 78-188 of the Code of the City of Waynesboro to increase the rates or amounts of food and beverage tax, and cigarette tax. (2018-30)
- e) **Capital Improvement Plan for 2019-2023.**
- f) **School Appropriation Ordinance – Technology Hardware:** Second consideration/adoption (\$19,000). (2018-31)
- g) **School Appropriation Ordinance – Salaries and Benefits:** Second consideration/adoption (\$5,800). (2018-32)

MATTERS FROM COUNCIL MEMBERS: With no matters from City Council, the meeting continued.

FISCAL YEAR 2019 BUDGET – ANNUAL APPROPRIATION ORDINANCE:

Councilman Marks moved to introduce the ANNUAL APPROPRIATION ORDINANCE FOR THE YEAR ENDING JUNE 30, 2019, reflecting the add/delete list provided at the April 23, 2018 public hearing and council meeting. Having been properly introduced, this ordinance will be considered again at the May 29, 2018 Regular Business Meeting.

PUBLIC HEARING - CODE AMENDMENT CHAPTER 38 – INOPERABLE VEHICLES ORDINANCE:

Council was asked to update the City Code Chapter 38, updating the section to be in conformity with the State Code, establishing policies and procedures for inoperable and abandoned vehicles. The City Manager and Council reviewed the proposed amendments, including state municipal obligations and processes related to notice, removal, storage, and disposal of vehicles removed through enforcement action by the city. In addition to the adoption of the proposed code amendments, the staff will develop a procedural manual that will operationalize the content of the Code.

The public hearing was opened at 7:12 p.m. With no one signed up to speak, the public hearing was closed. Councilman Freeman moved to introduce an ordinance amending **CHAPTER 38, ARTICLE III, INOPERABLE VEHICLES, OF THE CITY CODE OF WAYNESBORO, VIRGINIA.** Having been properly introduced, this ordinance will be considered again at the May 29, 2018 Regular Business Meeting.

PUBLIC HEARING - CODE AMENDMENT CHAPTER 82 - INOPERABLE AND ABANDONED VEHICLES:

Council was asked to update the City Code Chapter 82, updating the section to be in conformity with the State Code pertaining mostly to definitions.

The public hearing was opened at 7:13 p.m. With no one signed up to speak, the public hearing was closed. Vice Mayor Short moved to introduce an ordinance amending **CHAPTER 82, ARTICLE IV, INOPERABLE AND ABANDONED VEHICLES, THE TITLE AND SECTIONS 82-121 AND 82-168 OF THE CITY CODE OF WAYNESBORO, VIRGINIA**. Having been properly introduced, this ordinance will be considered again at the May 29, 2018 Regular Business Meeting.

PUBLIC HEARING - CONVEYANCE OF CITY PROPERTIES TO WAYNESBORO SCHOOL BOARD:

The City Manager and School Superintendent reviewed properties that are controlled, insured, and used by the Schools, and Council was asked to introduce an ordinance transferring lawful ownership of those properties to the School Board. The City Manager recommended limiting the ordinance to 1018 West Main Street and 1100 West Main Street. Several properties would remain owned by the City but under the use and control of the Schools including 548 Rosser Avenue (Westwood Hills Elementary School) , 301 Pine Avenue (Central Administrative Offices), and 941 Fir Street (Wayne Hills Preschool and the Public Works Administration) Because of co-located uses by the City and the Schools at those properties, the City Manager recommended that staff examine the ability to subdivide and transfer to the School Board those parcels that are under their use.

The public hearing was opened at 7:19 p.m.

Cindy Barrett, 401 Ridge Circle: she asked why it is advantageous for the City to transfer ownership of those properties to the Schools.

The City Manager reiterated that because those parcels are under the use of the public school system and they are paying the insurance and providing maintenance for those properties, and for reasons of risk management, liability, and responsibility, the School Board should be listed as the owner.

With no further comments, the public hearing was closed at 7:20 p.m. Vice Mayor Short moved to introduce the amended **ORDINANCE APPROVING THE CONVEYANCE OF REAL PROPERTIES TO THE CITY OF WAYNESBORO SCHOOL BOARD INCLUDING 1018 WEST MAIN STREET AND 110 WEST MAIN STREET, WAYNESBORO, VIRGINIA**.

ORDINANCE – CODE AMENDMENT – TAXATION:

The proposed amendment to City Code 78-8 (Taxation, Administrative Refunds) would authorize the City Treasurer and Commissioner of the Revenue to issue an administrative refund not to exceed \$2,500, for overpayment of taxes resulting from an erroneous assessment. Refunds that exceed \$2,500 must be approved by City Council. Because the City Code currently requires that City Attorney also confirm the erroneous assessment, for expediency the City Manager recommended that the Commissioner’s initial confirmation be sufficient. The Vice Mayor recommended that Council be kept apprised of the number of erroneous assessments on a quarterly basis. The City Manager will provide Council with the number of refunds issued for the past year before the next Council meeting.

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Councilman Freeman moved to introduce an ordinance amending **CHAPTER 78, TAXATION, SECTION 78-8 ADMINISTRATIVE REFUNDS, OF THE CITY CODE OF WAYNESBORO, VIRGINIA**. Having been properly introduced, this ordinance will be considered again at the May 29, 2018 Regular Business Meeting.

PUBLIC WORKS AWARDS:

Virginia Rural Water Association – 2018 Wastewater System of the Year Award:

Each year the Virginia Rural Water Association (VRWA) honors Virginia’s utility providers that have significant and exceptional achievement in the water and wastewater industries. At the 30th Annual Awards Ceremony, the Waynesboro’s Wastewater Treatment Plant was selected to receive this prestigious “Small System of the Year” award. The Deputy City Manager, Mayor and Council noted the employees who received this honor and acknowledged the assistance they provide to the community.

Environmental Protection Agency (EPA) PISCES Award:

The PISCES (Performance and Innovation State Revolving Loan Fund Creating Environmental Success) Award is issued to communities that make good use of clean water state revolving loan funds. In November 2017 Waynesboro was recognized nationally with a PISCES Award for the constructed wetland located in the Jefferson Park neighborhood. The wetland was recognized because of the high level of pollutant removal that it will achieve, and the long-term benefits that the facility will provide to the South River and Chesapeake Bay. Additionally, the project was very cost effective by leveraging a zero percent interest loan of \$870,000 with a state grant of \$860,000.

Moving forward, the facility will be known as the ‘Mulberry Run Constructed Wetland. The Deputy City Manager acknowledged the staff and the engineers from Timmons Group, and the local contractor, Linco, for working diligently to make the project a success.

PROCLAMATION – LAW ENFORCEMENT MEMORIAL WEEK:

The City Council presented a proclamation to the Police Chief recognizing May 13-19, 2018 as National Law Enforcement Officers Week and Tuesday, May 15, 2018 as National Law Enforcement Memorial Day, as read by the City Manager:

PROCLAMATION (P18-10)

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of law enforcement for the City of Waynesboro, Virginia play an essential role in safeguarding the rights and freedoms of the citizens of Waynesboro; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the police department of Waynesboro, Virginia has grown to be modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, Bruce E. Allen, Mayor, on behalf of the City Council of Waynesboro, call upon all citizens of Waynesboro and upon all patriotic, civic and educational organizations to observe the week of May 13-19, 2018, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of Waynesboro to observe Tuesday, May 15, 2018, as Peace Officers Memorial Day to honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

WITNESS WHEREOF, I here unto set my hand and cause the Seal of the City of Waynesboro to be affixed this 14th day of May, 2018.

Chief Wilhelm accepted the proclamation, thanking Council, and he stated that in observance of National Police Week, there will be a ceremony at Main Street United Methodist Church on Thursday evening, May 17 at 7:00 p.m. with Delegate Steve Landes as guest speaker. He encouraged everyone to come and support the men and women in law enforcement.

APPROPRIATION ORDINANCES:

Southern Connector Project – Sewer Encasement: The Virginia Department of Transportation is pursuing the design and construction of the Southern Connector that will connect Shenandoah Village Drive to Delphine and the city-owned industrial park. Councilman Freeman moved to introduce an ordinance **APPROPRIATING A PORTION OF THE INDUSTRIAL PARK DEVELOPMENT COMMITTED RESERVE, IN THE AMOUNT OF \$2,401, TO THE SEWER FUND, FOR EXPENSES RELATED TO THE REMOVAL AND REPLACEMENT OF A SEWER ENCASEMENT.** Having been properly introduced, this ordinance will be considered again at the May 29, 2018 Regular Business Meeting.

Fire Department Protective Gear: Also known as aid to localities, Councilwoman Anderson moved to introduce an ordinance **APPROPRIATING \$25,000 OF FIRE BOARD FUNDS FOR THE PURCHASE OF PROTECTIVE GEAR FOR FIREFIGHTERS.** Having been properly introduced, this ordinance will be considered again at the May 29, 2018 Regular Business Meeting.

Courthouse Security Camera Upgrade: Councilman Marks moved to introduce an ordinance **APPROPRIATING A PORTION OF THE COURTHOUSE SECURITY RESERVE, IN THE AMOUNT OF \$6,305, TO THE GENERAL FUND, FOR UPGRADES TO THE CAMERA SYSTEMS IN THE COURTS.** Having been properly introduced, this ordinance will be considered again at the May 29, 2018 Regular Business Meeting.

BOARDS AND COMMISSIONS:

Central Shenandoah Planning District Commission Reappointment: Councilman Freeman moved to reappoint Mr. Warren “Rusty” Johnson to the Central Shenandoah Planning District Commission for a three-year term ending June 30, 2021. Having been seconded and with no objections, the reappointment was adopted 5:0 with affirmative votes from Council members Allen, Short, Freeman, Marks, and Anderson.

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Waynesboro Redevelopment and Housing Authority Board Appointments: Councilman Marks moved to appoint Ms. Mary Scott Miller and Mr. Calvin Woodson to the Redevelopment and Housing Authority Board, each for an unexpired four-year term, Ms. Miller serving a term ending August 31, 2019 and Mr. Woodson serving a term ending August 31, 2021. Having been seconded and with no objections, the appointments were adopted 5:0 with affirmative votes from Council members Allen, Short, Freeman, Marks, and Anderson.

RESCHEDULE MAY 28, 2018 COUNCIL BUSINESS MEETING - RESOLUTION:

Due to the Memorial Day holiday, Vice Mayor Short moved to adopt a resolution rescheduling the May 28, 2018 Regular Business Meeting to Tuesday, May 29, 2018 at 7:00 p.m.:

**RESOLUTION ⁽¹⁸⁻⁰⁸⁾
CHANGING THE DATE OF
THE MAY 28, 2018 CITY COUNCIL MEETING**

WHEREAS, City Council's second regular meeting in May is currently scheduled for Monday, May 28, 2018 at 7:00 p.m.

WHEREAS, Monday, May 28, 2018, has been declared a legal holiday, Memorial Day, under § 2.2-3300 of the Code of Virginia.

WHEREAS, a City Council meeting falls on a legal holiday, the City Council meeting must be held on a different day.

WHEREAS, City Council desires to change the date of the second regular meeting of City Council in May to Tuesday, May 29 at 7:00 p.m.

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

1. Pursuant to and in accordance with § 15.2-1416 of the Code of Virginia, the May 28, 2018 City Council Meeting is hereby changed to Tuesday, May 29, 2018 at 7:00 p.m.; and
2. The City Manager is hereby authorized to take any other actions that are reasonable and necessary to effectuate the change in meeting date.

Having been seconded and with no objections, the resolution was adopted 5:0 with affirmative votes from Council members Allen, Short, Freeman, Marks, and Anderson.

SOCCER ORGANIZATION OF CHARLOTTESVILLE AREA – MEMORANDUM OF UNDERSTANDING:

Per a presentation in the February 12, 2018 Council Meeting, City Council is asked to consider authorizing the City Manager to enter into a Memorandum of Understanding with the Soccer Organization of the Charlottesville Area Inc. (SOCA), for the development of a soccer complex in Basic Park. If, after a one-year feasibility study period, SOCA determines the project feasible, the City and SOCA will enter into a 30-year use agreement. The proposed MOU expresses the intended and anticipated roles and responsibilities for SOCA and the City under the Use Agreement which could only be approved following a public hearing.

Vice Mayor Short moved to adopt a resolution authorizing the City Manager to enter into a Memorandum of Understanding with the Soccer Organization of Charlottesville Area (SOCA) regarding a proposed project for Basic Park.

RESOLUTION ^(R18-09)
**AUTHORIZING EXECUTION BY THE CITY
OF A MEMORANDUM OF UNDERSTANDING WITH THE
SOCCER ORGANIZATION OF CHARLOTTESVILLE, INC.**

WHEREAS, the City of Waynesboro desires to improve Basic Park;

WHEREAS, the Soccer Organization of Charlottesville, Inc. (SOCA) desires to construct certain soccer fields and improvements (“Soccer Fields”), which are detailed in the Basic Park Master Plan, attached as Exhibit 1 hereto, and as presented to the City Council at its regular meeting dated February 12, 2018;

WHEREAS, SOCA desires certain time to determine the feasibility of constructing the Soccer Fields (the “Feasibility Period”);

WHEREAS, SOCA and the City have established the terms and conditions of the Feasibility Period and possible construction of the Soccer Fields in a Memorandum of Understanding (the “MOU”), which is attached as Exhibit 2 hereto;

WHEREAS, the City Council desires to enter into the MOU with SOCA for the planned improvement of Basic Park.

**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 a Memorandum of Understanding in substantially such form as attached hereto as Exhibit 2; and
2. The City Manager is hereby authorized to take any other actions that are reasonable and necessary to record the Deed of Easement and to effectuate the terms of the Memorandum of Understanding.

Having been seconded and with no objections, the resolution was adopted 5:0 with affirmative votes from Council members Allen, Short, Freeman, Marks, and Anderson.

COMMUNICATIONS, CORRESPONDENCE, AND CALENDAR: With no comments or questions, the meeting continued.

CITIZEN COMMENT PERIOD: With no one signed up to speak, the meeting continued.

With no further business to discuss, the meeting was adjourned at 7:45 p.m. on a motion by Councilman Marks.

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Julia Bortle, MMC, Clerk of Council

Bruce Allen, Mayor