WAYNESBORO, VIRGINIA
CITY COUNCIL BUSINESS MEETING MINUTES

Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, August 12, 2019, at 7:00 p.m. in the Council Chambers of the Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia, with Mayor Short presiding and calling the meeting to order:

PRESENT: Council Members: Terry Short, Jr., Mayor
Elzena Anderson, Councilwoman
Sam Hostetter, Councilman

City Staff: Mike Hamp, City Manager
Jim Shaw, Deputy City Manager
Julia Bortle, Clerk of Council
Cameron McCormick, Finance Director
Michael Wilhelm, Police Chief
Kira Johnson, Associate Planner

Counsel: Jordan Bowman, Esq., Litten & Sipe LLC

ABSENT: Bobby Henderson, Vice Mayor
Bruce Allen, Councilman

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

Mayor Short opened the meeting, and Councilwoman Anderson lead everyone in the Pledge of Allegiance to the Flag of the United States of America.

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ADOPTION OF BUSINESS MEETING AGENDA:

Councilman Hostetter moved to adopt the Business Meeting Agenda as presented. Having been seconded and with no objections, the Business Meeting Agenda was adopted 3:0:

<table>
<thead>
<tr>
<th>Mayor Short</th>
<th>Aye</th>
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CONSENT AGENDA:

Councilwoman Anderson moved to adopt the consent agenda as presented. Having been seconded and with no objections, the consent agenda was adopted 3:0:

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<thead>
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Regular Business Meeting  
Monday, August 12, 2019  
Adopted August 26, 2019

a) **Council Meeting Minutes:** Consider approving the July 8, 2019 Work Session and Regular Business Meeting, and the July 17 Joint City Council/School Board Meeting minutes, and dispense with the reading of the minutes.

b) **Commissioner of the Revenue Tax Refund:** Consider approving a request from the Commissioner of the Revenue to refund $3,155.73 plus interest to a business for 2019 service business license tax paid in error.

c) **Shenandoah Valley Chief Elected Officials Consortium Agreement:** Second consideration/adoption of an ordinance authorizing the execution of the Shenandoah Valley Chief Elected Officials Consortium Agreement. (R19-56)

d) **City Council Fiscal Year 2019-2020 Meeting Schedule:** Consider adopting a resolution setting the City Council fiscal year 2019-2020 meeting schedule. (R19-10)

**RESOLUTION (R19-10)**

**TO SET THE 2019-2020 MEETING SCHEDULE FOR THE WAYNESBORO CITY COUNCIL**

WHEREAS, the City Council of the City of Waynesboro, Virginia, finds it desirable to establish a schedule of its Regular Meetings for the period beginning July 1, 2019, and concluding June 30, 2020; and

WHEREAS, Section 15.2-1416 of the Code of Virginia, 1950, as amended, allows the said Council to also establish a schedule of alternate dates for each of said Regular Meetings so that in the event the City Manager or Mayor (or Vice-Mayor, in the absence of the City Manager or Mayor) declares that weather or other conditions are such that it is not possible for the members to attend a scheduled Regular Meeting, then all hearings and other matters shall be conducted at the continued meeting with no further advertisement required; and

WHEREAS, it is the wish of the City Council to clarify its authorization to the Mayor to exercise discretion with regard to other specified circumstances under which it may be permissible to cancel or postpone a meeting.

NOW THEREFORE, BE IT RESOLVED that all meetings hereinbefore described shall be conducted at 503 West Main Street, Waynesboro, Virginia, on the second and fourth Monday of each month, with Regular Meetings beginning at 7:00 P.M. Work sessions beginning at 6:00 p.m.; and

BE IT FURTHER RESOLVED that the following schedule of meetings is hereby adopted:

**COUNCIL MEETING CALENDAR 2019-2020**

<table>
<thead>
<tr>
<th>COUNCIL MEETING</th>
<th>DATE</th>
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<tbody>
<tr>
<td>Organizational Meeting</td>
<td>8-Jul</td>
<td>7:00 p.m.</td>
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<td>Business Meeting</td>
<td>8-Jul</td>
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<td>Business Meeting</td>
<td>22-Jul</td>
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<td>Work Session</td>
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<td>Business Meeting</td>
<td>12-Aug</td>
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<td>Business Meeting</td>
<td>26-Aug</td>
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<td>Work Session</td>
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<tr>
<td>Business Meeting</td>
<td>9-Sep</td>
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<td>Business Meeting</td>
<td>23-Sep</td>
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<td>Work Session</td>
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<tr>
<td>Business Meeting</td>
<td>16-Oct*</td>
<td>7:00 p.m.</td>
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<td>Business Meeting</td>
<td>28-Oct</td>
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<td>Work Session</td>
<td>13-Nov*</td>
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*Holiday alters schedule.
Work Sessions scheduled as needed.

Oct 14 - Columbus Day – City Offices Open – No government meeting held
Nov 11 – Veteran’s Day – City Offices Closed
May 25 – Memorial Day – City Offices Closed

BE IT FURTHER RESOLVED that in addition to being authorized to cancel or postpone meetings where, in the opinion of the Mayor or City Manager weather or other conditions are such that it is hazardous for members of Council to attend a scheduled meeting, the Mayor is hereby authorized to act on behalf of City Council to cancel or postpone meetings or other cause including but not limited to situations where in his judgment, there is insufficient public business prepared for presentation to warrant the holding of a meeting of the governing body. Upon any such cancellation or postponement, the City Manager and/or Mayor shall use all reasonable means to promptly notify the other members of Council and the press of the cancellation or postponement, and in accordance with §15.2-1416 of the Code of Virginia, all hearings and other matters shall be conducted at the continued meeting with no further advertisement required.

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MATTERS FROM COUNCIL MEMBERS:

Councilman Hostetter’s next Citizen Connection Meeting will be on Tuesday, September 3, 2019 at the French Press at 9:00 a.m. He made  a statement regarding the KKK flyers left on properties in the City, stating the community should ban together against hate in the City.

Mayor Short made a statement that Council and the City reaffirmed they stand with citizens who are affected and marginalized. He thanked everyone for their patience and care while students return to school. He also noted the events he and Vice Mayor Henderson attended. He complimented the first responders who took part in National Night Out’s success.

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Regular Business Meeting
Monday, August 12, 2019
Adopted August 26, 2019

PUBLIC HEARING – CONDITIONAL USE PERMIT FOR 430 EAST MAIN STREET, WAYNESBORO:
The Associate Planner provided a review conditional use permit request by KRB Land, LLC to allow
for a vehicle sales, rental, or leasing facility use at 430 East Main Street, City Tax Map Parcel 46-1-63-7.

The Planning Commission voted to recommend approval of the conditional use permit with a 4:0 vote
with the following conditions:
1. No outdoor repair or servicing of vehicles shall be allowed on the subject parcels.
2. No outdoor storage of tires shall be allowed on the subject parcels except for display purposes.
3. The parking lot shall be reconstructed to include a planted landscaping buffer along the
sidewalk at the front of the property. This buffer shall be 36” in width and contain an elevated
and maintained planting box, a continuous landscaped hedge, or a decorative masonry wall at
least 30” in height.
4. A 6’ tall privacy fence shall be installed along the rear property boundary as far as the southeast
corner of the building. This fence shall screen the property from existing single-family homes
on DuPont Boulevard. A gap sufficient to allow ingress and egress of deliveries through the
alley may be allowed at staff’s discretion.
5. Backflow prevention and cross connection requirements must be met in accordance with
Chapter 86 Article II of the City Code.

After several questions from Council, the public hearing was opened at 7:18 p.m.

William D. Anderson, owner and applicant of You Ride Today Auto Sales: made a presentation
regarding their business proposed for 430 East Main Street, Waynesboro, showing the improvements
made and planned.

With no members of the public signed up to speak, the public hearing was closed at 7:25 p.m.

After a discussion regarding maintaining the plantings and the size of the fence between the applicant’s
property and neighboring properties, Councilman Hostetler moved to introduce the ordinance with the
Planning Commission’s conditions. Having been properly introduced, this ordinance will be considered
again at the August 26, 2019 Regular Business Meeting.

*********

PUBLIC NEEDS HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FUNDS:
The Deputy City Manager reviewed the City’s participation in the Community Development Block
Grant Entitled Communities Grant Program provided by Housing and Urban Development (HUD).
Waynesboro will receive $182,768 for federal fiscal year 2019-2020 to benefit low to moderate income
persons, aid in the prevention and elimination of slums and blight, and meet the needs that have a
particular urgency. He reviewed the fund use for past fiscal years and plans for the next Annual Plan
funds.

Mr. Shaw then addressed the rumors of a building being demolished in Basic City to be replaced by a
warehouse building, noting that the property in question is not zoned for warehouse use nor has the City
received an application for one. Should an application be submitted, it would be subject to a public
hearing.

The public hearing was opened at 7:56 p.m. With no one signed up to speak, the public hearing was
closed.
Councilman Hostetter moved to adopt a resolution approving the FY2019-2023 Five-Year Consolidation Plan and FY2019 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant:

Resolution R19-21

Approving the FY 2019-2023 Five-Year Consolidated Plan and the FY 2019 Annual Action Plan to the
U.S. Department of Housing and Urban Development (HUD) for the
Community Development Block Grant (CDBG) Program

A RESOLUTION, of the City Council of Waynesboro, Virginia, approving the FY 2019-2023 Five-Year Consolidated Plan and FY 2019 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) Program

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as Amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low and moderate income persons, or other urgent community development needs; and

WHEREAS, the U.S. Department of Housing and Urban Development has advised the City that the FY 2019 Entitlement amount for CDBG funds will be $182,768; and

WHEREAS, the City of Waynesboro has prepared a Five Year Consolidated Plan for FY 2019-2023 and Annual Action Plan for the FY 2019 funding year which assesses the housing needs of extremely low, low, and moderate income households, homeless families and individuals, and others with special needs; and

WHEREAS, the draft FY 2019-2023 Five-Year Consolidated Plan and Annual Action Plan for FY 2019 was on public display for thirty days, from June 26, 2019 to July 26, 2019, and the City held two Public Hearings on said Five-Year Plan and Annual Action Plan for 2019 and the comments of various agencies, groups and citizens were taken into consideration in the preparation of the final document.

NOW, THEREFORE, be it resolved by the City Council of Waynesboro, Virginia, as follows:

SECTION 1. That the FY 2019-2023 Five-Year Consolidated Plan and Annual Action Plan for the FY 2019 CDBG Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said Consolidated Annual Plan with the minutes of this meeting.

SECTION 2. That the City Council is cognizant of the conditions that are imposed in the undertaking and carrying out of community development, affordable housing and emergency homeless activities with federal financial assistance, including those relating to (a) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, familial status, or national origin and other assurances as set forth under the certifications.

SECTION 3. That the City Manager, on behalf of the City of Waynesboro, is authorized to file the Annual Action Plan for FY 2019 with the U.S. Department of Housing and Urban Development, which has indicated its willingness to make available a grant to carry out the CDBG Program in the amount of $182,768 and is further authorized to act as
an authorized representative of the City to sign any and all documents in regard to these programs.

SECTION 4. That the City Manager, on behalf of the City of Waynesboro, is hereby authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as Amended, the National Affordable Housing Act of 1990, as Amended, and the Stewart B. McKinney Homeless Assistance Act, as Amended, and also any supplemental or revised data which the U.S. Department of Housing and Urban Development may request in connection with the review of this Application.

Having been seconded and with no objections, the resolution was adopted 3:0:

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APPLICATION – 2019 CHRISTMAS PARADE:

Councilwoman Anderson moved that Council approve an application from the Parks and Recreation Department to close designated streets and for amplified sound on Saturday, December 7, 2019 from 3:30 p.m. until 9:30 p.m. for the annual Downtown Christmas Parade. The City Manager noted that it is necessary that sign-up times be observed (August 19-November 25) to avoid disruption to the planning and implementation of the event. Having been seconded and with no objections, the application was approved 3:0:

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VALLEY COMMUNITY SERVICES BOARD APPOINTMENT:

Councilman Hostetter moved to appoint Mr. Frank Kennerly to the Valley Community Services Board for a three-year appointment ending June 30, 2022. Having been seconded and with no objections, the appointment was adopted 3:0:

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SCHOOL APPROPRIATION ORDINANCES:

Perkins Career and Technical Education Grant: Councilwoman Anderson moved to introduce an ordinance appropriating a Career and Technical Education Grant, in the amount of $9,954, to the School Funds to be used to purchase specialized furniture for the new CTE Annex. Having been properly introduced, this ordinance will be considered again at the August 26, 2019 Regular Business Meeting.
Project Hope Grant: Councilman Hostetter moved to introduce an ordinance appropriating Project Hope Grant funds, in the amount of $11,923, to the School Funds for salaries, materials, and transportation costs. Having been properly introduced, this ordinance will be considered again at the August 26, 2019 Regular Business Meeting.

School Improvement Grant – Kate Collins Middle School: Councilwoman Anderson moved to introduce an ordinance appropriating a School Improvement Grant, in the amount of $75,674, to the School Funds to be used for support staff stipends, development materials, classroom substitutes, and online assessment and monitoring programs at Kate Collins Middle School. Having been properly introduced, this ordinance will be considered again at the August 26, 2019 Regular Business Meeting.

School Improvement Grant – William Perry School: Councilman Hostetter moved to introduce an ordinance appropriating a School Improvement Grant, in the amount of $79,031, to the School Funds to be used for support staff stipends, development materials, classroom substitutes, and online assessment and monitoring programs at William Perry Elementary School. Having been properly introduced, this ordinance will be considered again at the August 26, 2019 Regular Business Meeting.

Valley Academy Regional Alternative Education Program: Councilwoman Anderson moved to introduce an ordinance appropriating funding for Valley Academy Regional Alternative Education Program, in the amount of $456,500, to the School Funds. Having been properly introduced, this ordinance will be considered again at the August 26, 2019 Regular Business Meeting.

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COMMUNICATION, CORRESPONDENCE, AND CALENDAR:

Central Shenandoah Planning District Commission Award: The City Manager and Council congratulated that the Central Shenandoah Planning District Commission’s BRITE Transit Bus Service for receiving the VA Association of Planning District Commission’s Robert M. deVoursney Best Practices Award.

Florence Avenue Bridge: The City is reviewing bids received for the construction of the bridge. They exceeded VDOT’s allocation for the project, and the City is assembling funds and may return to Council at a future date if necessary. They expect to issue a Notice of Award on October 12, with construction beginning in November. A fixed date of complete is set for May 8, 2020.

KKK Flyers in City: The City Manager provided a timeline of the incidents and the Police responses. The Commonwealth Attorney’s office confirmed that the dropping of the leaflets can only be regarded as a littering offense. As no criminal activity was done under the law, it is regarded as protected speech.

The City Attorney provided information on what local governments can and cannot do about the KKK flyers.

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CITIZEN COMMENT PERIOD:

Robert Hudlow, 303 N. Delphine Avenue: spoke in opposition of the demolition of the historic former Southern Rose building on Commerce Avenue in order to build storage units, stating it should be preserved.

Deborah Rogers, 901 W. 11 Street: asked that the historical designation for Commerce Avenue property be reinstated and the plan to demolish it for warehouse use be denied. She stated she would provide a copy of the historical document proof to the City Clerk.
Regular Business Meeting
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Adopted August 26, 2019

Clay Frazier, 332 N. Commerce Avenue: has lived at N. Commerce for sixteen years, having been given the house by the former owner, and he is now being forced out. He asked Council to save the building from being razed and replaced by storage units.

Pam Gibson, 74 Heizers Tanyard Road, Churchville: asked Council to stand up to the KKK. Even if constrained by the law for action against them, they should make a public statement denouncing the KKK.

Dewan Bellamy, address refused: spoke on behalf of the Black Panthers of Virginia. He started the Black Panthers in the area so he could protect the youth.

Ian MacRae, 625 Rosser Avenue: grew his business on Commerce Avenue, acknowledging the buildings on the block are conducive for growing businesses. He would like to be part of the solution to making that neighborhood a vital aspect of the community.

Mike Donavan, 216 Goose Creek Road: stated that Council members didn’t speak out against the KKK enough and should pass a resolution.

Chanda McGuffin, 644 Edwardian Lane: stated she does not want to have private meetings with Council members but instead will voice her concerns at public meetings. She said the Port Republic Road area and Florence Ave bridge projects are being stalled. They want the Florence Avenue Bridge renamed to the Martin Luther King Memorial Bridge.

Sharon Fitz, address refused: appreciated Council speaking out against the KKK but it should have been done sooner.

Anitia Bellamy, address refused: cancelling the July 22 meeting was a slap to the black and brown community because their concerns are being ignored.

King Khalfani, 965 Lakeside Drive, Suffolk: the governing body should tell the KKK they are not welcome in the community.

Gyra Carter, address refused: by not making the KKK flyers important, it makes all citizens feel they are not important, including children. One day the flyers may be targeted at other citizens.

Eric Milns, Staunton: by not responding to the KKK, Council is ceding their own authority. They should engage their constituents more than they are now. The police and community should unify.

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CLOSED MEETING: Because a full council was not in attendance, the closed meeting was postponed to a future Council meeting.

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With no further business to discuss, the meeting was adjourned at 8:57 p.m. on a motion by Councilwoman Anderson.

Julia Bortle, MMC, Clerk of Council

Terry R. Short, Jr., Mayor
430 East Main Street
You Ride Today Auto Sales and Sound, LLC
Conditional Use Permit 19-348
Background:

- Existing shop

- 2012 CUP for All-Season Tire
  - Conditions included removing metal storage shed and cleaning up property

- No site plan required
  - Proposed use is in same use category
Zoning:
- L-B (Local Business)
- Floodplain
- Enterprise Zone

Comprehensive Plan:
- Downtown extended
- Entrance Corridor
  - East Main Street projects
Analysis and Recommendation

- Existing structure is set up for auto-oriented business
- Current market does not support redevelopment or conversion
- Better for the City to have an occupant in the building
- Other similar properties nearby have been granted CUPs
- Planning Commission recommends approval on a 4-0 vote with the following conditions:
Planning Commission Recommended Conditions

1. No outdoor repair or servicing of vehicles shall be allowed on the subject parcels.

2. No outdoor storage of tires shall be allowed on the subject parcels except for display purposes.

3. The parking lot shall be reconstructed to include a planted landscaping buffer along the sidewalk at the front of the property. This buffer shall be 36” in width and contain a continuous landscaped hedge, a decorative masonry wall, or planted box.

4. A 6’ tall privacy fence shall be installed along the rear property boundary as far as the southeast corner of the building. This fence shall screen the property from existing single-family homes on DuPont Boulevard. A gap may be left to allow ingress and egress through the alley.
   1. Staff believes this will be 20-30’.

5. Backflow prevention and cross connection requirements must be met in accordance with Chapter 86 Article II of the City Code.
Recommended Conditions

1. No outdoor repair or servicing of vehicles shall be allowed on the subject parcels.
2. No outdoor storage of tires shall be allowed on the subject parcels except for display purposes.

- Carried over from 2012 CUP
Recommended Conditions

3. The parking lot shall be reconstructed to include a planted landscaping buffer along the sidewalk at the front of the property. This buffer shall be 36” in width and contain a continuous landscaped hedge, a decorative masonry wall, or planted box.
Recommended Conditions

4. A 6" tall privacy fence shall be installed along the rear property boundary as far as the southeast corner of the building. This fence shall screen the property from existing single-family homes on DuPont Boulevard. A gap may be left to allow ingress and egress through the alley.
Recommended Conditions

5. Backflow prevention and cross connection requirements must be met in accordance with Chapter 86 Article II of the City Code.

- Protects City waterworks and public health
# NOTICE OF FINAL PUBLIC NEEDS HEARING

CITY OF WAYNESBORO, VIRGINIA

NOTICE OF FINAL PUBLIC NEEDS HEARING FOR CITY OF WAYNESBORO, VIRGINIA

This is to certify that the attached NOTICE OF FINAL PUBLIC NEEDS HEARING was published by the News Virginian in the city of Waynesboro, in the State of Virginia, on the following dates:

- **08/02/2019**

The First insertion being given ... **08/02/2019**

Newspaper reference: 0000980836

Sworn to and subscribed before me this

**August 2, 2019**

[Signatures]

Notary Public

Supervisor

State of Virginia
My Commission expires
**NOTICE OF SUBSTANTIAL AMENDMENT**

**CITY OF WAYNESBORO, VIRGINIA**

**FY 2019 ANNUAL ACTION PLAN**

**FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS**

Notice is hereby given that the City of Waynesboro will be making available to citizens and interested parties a proposed Substantial Amendment to the City's Community Development Block Grant (CDBG) FY 2019 Annual Action Plan. The amended Plan activities are funded by the U.S. Department of Housing and Urban Development in the annual amount of $205,530. The purpose of the City's CDBG Annual Plan is to help to improve the housing and living conditions of its residents, especially low to moderate income households, homeless persons and persons with special needs; and to improve the public and community facilities in the City; to improve and expand the public services for the residents of the City; and to promote economic development opportunities for all residents.

The City will publish a summary of its proposed amended Plan on July 13, 2019. A copy of this document will be placed on public display for a thirty (30) day review period beginning on July 13, 2019. Plan documents are available for review at the City's Official Website: https://www.waynesboro.va.us and in two locations: (1) City Manager's Office, 501 West Main Street, Suite 210, Waynesboro, Virginia 22980; and (2) VHDA Offices, 1100 New Hope Road, Waynesboro, Virginia 22980. The City will consider comments on the amended Plan prior to submission to HUD on or about August 14, 2019.

Julia Bortle, CMC
Clerk of Council

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**Publisher of the News Virginian**

This is to certify that the attached NOTICE OF SUBSTANTIAL AMENDMENT was published by the News Virginian in the city of Waynesboro, in the State of Virginia, on the following dates:

**07/12/2019**

The First insertion being given ...

**07/12/2019**

Newspaper reference: 0000970219

Sworn to and subscribed before me this

**July 15, 2019**

**Notary Public**

[Signature]

**Supervisor**

[Signature]

State of Virginia
My Commission expires

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**Commonwealth of Virginia**
Denise D. Carter - Notary Public
Commission No: 358834
My Commission Expires 03/31/2021

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**THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU**