

WAYNESBORO, VIRGINIA

CITY COUNCIL REGULAR BUSINESS MEETING MINUTES



Council for the City of Waynesboro, Virginia held a Regular Business Meeting on Monday, April 27, 2020 at 7:00 p.m. via “Zoom” with staff in the Council Chambers of the Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia and Council members participating remotely due to the Coronavirus COVID-19 pandemic and the Governor’s limitation of social distancing:

PARTICIPANTS: Council Members: Terry Short, Jr., Mayor
Bobby Henderson, Vice Mayor
Bruce Allen, Council member
Sam Hostetter, Council member
Jeanie McCutcheon, Council member

City Staff: Mike Hamp, City Manager
Jim Shaw, Deputy City Manager
Julia Bortle, Clerk of the Council
Cameron McCormick, Finance Director
Luke Juday, Director of Planning

City Attorney: Melisa Michelsen, Litton & Sipe, LLC

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

Mayor Short opened the meeting and led everyone in the Pledge of Allegiance to the Flag of the United States of America.

BUSINESS MEETING AGENDA:

Council member Hostetter moved to adopt the Business Meeting Agenda as presented. Having been seconded and with no objections, **the Business Meeting Agenda was adopted 5:0:**

Mayor Short	Aye	Council member Allen	Aye
Vice Mayor Henderson	Aye	Council member Hostetter	Aye
		Council member McCutcheon	Aye

CONSENT AGENDA:

Council member McCutcheon moved to adopt the Consent Agenda as presented. Having been seconded and with no objections, **the Consent Agenda was adopted 5:0:**

Mayor Short	Aye	Council member Allen	Aye
Vice Mayor Henderson	Aye	Council member Hostetter	Aye
		Council member McCutcheon	Aye

- a. Council Meeting Minutes: Consider approving the minutes from the March 20, 2020 Called Emergency Meeting and the April 6, 2020 Budget Work Session.
- b. Commissioner of the Revenue Refund Request: Consider approving a request from the Commissioner of the Revenue to refund \$17,667.00 to Truist Bank (formerly Branch Banking and Trust Company BB&T) for amended 2012-2014 Bank Franchise Tax.

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Monday, April 27, 2020
Adopted May 27, 2020

COMMENTS FROM COUNCIL MEMBERS:

Council member Hostetter provided an update of COVID-19 in the region.

The Mayor provided instructions for citizens who wished to participate in the public hearings and the citizen comment period.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT:

The Planning Director made a presentation regarding a recommended amendment to the Zoning Ordinance to allow two-family houses (duplex) by conditional use permit in the H-B (Highway Business) District. Currently a multiplex is permitted in the H-B District but not a duplex construction.

Council member Hostetter asked for confirmation that this amendment will apply to similar requests in the future, and that was confirmed it would apply to all H-B districts in the City.

The public hearing was opened at 7:12 pm. With no one calling in or making written comments, the public hearing was closed. Council member Allen moved to introduce an ordinance **AMENDING ZONING TEXT IN CHAPTER 98, ZONING, ARTICLE 2, GENERAL ZONING DISTRICTS, SECTION 98-2.4 OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA, TO ALLOW TWO-FAMILY HOUSES (DUPLEXES) BY CONDITIONAL USE PERMIT IN THE H-B (HIGHWAY BUSINESS) DISTRICT.** With no further questions or comments, the motion was seconded, and the ordinance will be considered for adoption at the next Regular Business Meeting.

PUBLIC HEARING – CONDITIONAL USE PERMIT – OHIO STREET:

As discussed in the matter of the Zoning Text Amendment for duplexes in the H-B District, Council was asked to consider granting a request by Jerry F. & Dorothy C. Ponds for a Conditional Use Permit for a two-family house (duplex) or multiplex, at 0 Ohio St, Waynesboro, Virginia, Tax Map 35-2-A1 in the H-B Highway Business zone.

The Planning Director reviewed the request that included an aerial view of the location and an analysis of the site development. The Planning staff recommends approval of the request. The owners plan to live in the residence and rent the other side of the duplex.

After several questions were addressed, the public hearing was opened at 7:21 p.m.

Harold Davis, Ohio Street (written comment): is opposed to granting the request due to parking limitations, unsafe conditions due to speeding on the streets, and suggested an office complex instead. Council member Allen noted that although on-street parking is permitted, there will be adequate off-street parking on the property.

With no further comments received, the public hearing was closed at 7:23 p.m. Council member Allen moved to introduce the ordinance **GRANTING A CONDITIONAL USE PERMIT FOR A TWO-FAMILY HOUSE (DUPLEX) OR MULTIPLEX, AT 0 OHIO ST, WAYNESBORO, VIRGINIA, TAX MAP 35-2-A1 IN THE H-B**

HIGHWAY BUSINESS ZONE. With no further discussion or questions, the ordinance was seconded and will be considered for adoption at the next Regular Business Meeting.

PUBLIC HEARING – PRELIMINARY SUBDIVISION PLAT – IVY STREET:

The Planning Director made a presentation regarding a preliminary subdivision plat request by The Q, LLC c/o Milestone Partners, applicant, and Quesenbery Jr, WM D Estate (et al) c/o Whitney Quesenbery, owner, for a 213-lot residential subdivision on a 66.106-acre tract at 0 Ivy Street, Waynesboro, Virginia, Tax Map 14-6-25. It included a review of the property and its current zoning, and interconnective routing with neighboring developments. It is by-right with no waivers; therefore, Council can only vote on whether the builders met the standards set by the subdivision ordinance. It will be a cluster development plan dedicating 27.75 acres of common area to include stormwater features and wooded land. Phasing is proposed in two phases with an emergency access route and an overview of the two options for sewer service. Turn lanes into and out of the area must eventually be developed on Ivy Road as the builder nears the development of 100 lots.

Staff recommends approval as the minimum standards of the subdivision ordinance have been met.

Council member Hostetter clarified that the three ponds originally noted will be stormwater ponds. Vice Mayor Henderson asked how Phase 1 stormwater pond will affect the Claybrook pond and was told it will continue to follow the drainage pattern as it does now. Any additional runoff will stay onsite.

The Mayor asked about sewage capabilities, and the Planning Director explained options available for the developer. A condition requiring a good faith effort to require an easement for a gravity-fed system will be made. Also revised was a phasing of road improvements. The homeowners' association is responsible for maintaining open space.

The public hearing was opened at 7:47 p.m.

L.J. Lopez, Applicant: reaffirmed it is a by-right development and was participating on Zoom to answer any questions.

Dave Sheldon, President of Claybrook Owner Association: submitted a written comment stating their concern about Claybrook homeowner property values, pedestrian and traffic safety due to the planned exits into Claybrook Subdivision and asked that these concerns be addressed before voting. They request assurances that the stormwater pond will be designed to protect the Claybrook pond to the maximum extent possible.

Martha Rowe and William Elliot, 216 Claybrook Drive: opposed to development as proposed. Prefer a development following the same design and requirements as Claybrook Subdivision.

A caller's phone call was unable to be accessed.

With no further comments, the public hearing was closed at 7:59 p.m.

Mr. Lopez addressed concerns submitted by Claybrook residents and the Claybrook Homeowner Association, explaining the sewage options and road connections for phase 1 and phase 2 of development.

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With no further questions or comments, Ms. McCutcheon moved to introduce the ordinance **APPROVING A PRELIMINARY SUBDIVISION PLAT FOR A PROPERTY LOCATED AT 0 IVY STREET (TAX MAP NO. 14-6-25), WAYNESBORO, VIRGINIA.** Having been seconded, it will be considered for adoption at the next business meeting.

PUBLIC HEARING – VACATE PUBLIC RIGHT OF WAY - 1604 FIR STREET:

The Planning Director made a presentation regarding a request by Secretary of Housing and Urban Development to vacate 151 square feet of undeveloped alley right of way behind 1604 Fir Street, City Tax Map 25-8-147-1, to resolve an encroachment issue and allow a vacant property to be sold. The presentation included an aerial view and plat of the property illustrating the encroachment on City property. The reports from viewers indicated no inconvenience to the public would result. Staff recommends approval of the application so the vacant property can be sold, and because the value of the encroached property is nominal, no payment is being required.

The public hearing was opened at 8:14 p.m. With no comments from the public, the public hearing was closed at 8:15 p.m. Council member Hostetter moved to introduce the ordinance **VACATING 151 SQUARE FEET OF LAND ADJACENT TO THE SOUTHERN LINE OF LOT 16, BLOCK 147, HILANDALE, SECTION TWELVE, WAYNESBORO, VIRGINIA.** Having been seconded and with no further discussion, the ordinance will be considered for adoption at the next Regular Business Meeting.

RESOLUTION – AUGUSTA HEALTH OUTPATIENT DIAGNOSTIC FACILITY:

Augusta Health has asked the City to consider adopting a resolution supporting an application by Augusta Health to the State Health Commissioner for Request Certificate of Public Needs (COPN) Project No. VA-8500 – Augusta Health for the acquisition of certain imaging equipment as part of their pursuit for the next phase of a strategic plan to construct a free-standing out-patient diagnostic and imaging center on their campus.

Council member Allen moved to adopt a resolution **SUPPORTING APPROVAL OF COPN REQUEST NO VA-8500 – AUGUSTA HEALTH TO THE VIRGINIA STATE HEALTH COMMISSIONER.** Having been seconded, Council member Hostetter abstained from voting as he is in the healthcare profession. The resolution was adopted 4:0 with Council member Hostetter abstaining from the vote.

RESOLUTION (R20-07)

SUPPORTING APPROVAL OF COPN REQUEST NO. VA-8500 – AUGUSTA HEALTH TO THE VIRGINIA STATE HEALTH COMMISSIONER

WHEREAS, the City of Waynesboro, Virginia benefits greatly from a healthy community and the provision of healthcare services by Augusta Health; and

WHEREAS, Augusta Health has been providing access to high-quality medical care to the City’s residents for more than 25 years; and

WHEREAS, Augusta Health was formed from the health care assets of the local community provided by the contributions of Kings Daughters’ Hospital in Staunton and Waynesboro Community Hospital in Waynesboro, which were closed and consolidated into what has grown into Augusta Health; and

WHEREAS, Augusta Health is the preferred local hospital of choice for the majority of employees who reside in Staunton City, Augusta County, and Waynesboro City; and

WHEREAS, the network of Augusta Health providers and facilities provide uniquely integrated health care services which provide a localized continuum of care; and

WHEREAS, Augusta Health is the largest private employer in the market and integral part of the local economy; and

WHEREAS, the hospital's revenue from services such as imaging supports a safety net of health care services such as emergency preparedness, patient financial assistance, charity care, and other contributions to the local community; and

WHEREAS, Augusta Health has recognized an increasing need for additional diagnostic testing procedures for its patients; and

WHEREAS, Augusta Health is well-positioned to establish a freestanding diagnostic testing facility on its campus to further serve the City and surrounding communities; and

WHEREAS, Augusta Health and its providers will be able to provide comprehensive outpatient diagnostic services for the community with this facility and provide an enhanced level of care to its patients; and

WHEREAS, Augusta Health strives to provide comprehensive, local care for its patients, and this project will allow it to deliver a full complement of services for the local patient population in their home communities.

NOW, THEREFORE, BE IT RESOLVED the City of Waynesboro, hereby supports approval of the Virginia State Health Commissioner's approval of Augusta Health's project for one CT Scanner and one MRI in the establishment of an outpatient diagnostic testing facility on its campus, thereby meeting the community need and expanding its ability to provide optimal care for its patients.

Adopted this 27th day of April 2020.

Terry R. Short, Jr., Mayor

APPOINT VIEWERS – REQUEST TO VACATE RIGHT OF WAY:

Vice Mayor Henderson moved to appoint Mark Stephens as Chair, James Nichols, and Greg Bruno as viewers and Ellen Winter as an alternate to consider the impact of a request by the City of Waynesboro and Waynesboro Redevelopment and Housing Authority to vacate a 10' undeveloped alley located in Fairview Cemetery that has since been used for burial sites. The property will be added to neighboring parcels in the cemetery owned by the City of Waynesboro and the Trustees of Pleasant View Church respectively. Having been seconded and with no objections, the viewers were appointed on a vote of 5:0:

Mayor Short	Aye	Council member Allen	Aye
Vice Mayor Henderson	Aye	Council member Hostetter	Aye
		Council member McCutcheon	Aye

SCHEDULE FY21 BUDGET PUBLIC HEARINGS:

Council member McCutcheon moved to schedule public hearings for Thursday, May 7, 2020 at 7:00 p.m. to consider public comments regarding the following:

- i. the fiscal year 2021 budget.
- ii. the proposed tax rate for personal property and machinery and tools.
- iii. the proposed sewer, refuse, and stormwater utility fees for fiscal year 2021.

Having been seconded and with no objections, the public hearings were scheduled on a vote of 5:0:

Mayor Short	Aye	Council member Allen	Aye
Vice Mayor Henderson	Aye	Council member Hostetter	Aye
		Council member McCutcheon	Aye

APPROPRIATION ORDINANCE – SOUTH RIVER DAM #8A (JONES HOLLOW):

Council member Allen moved to introduce an ordinance appropriating a portion of Unassigned Fund balance in the General Fund, in the amount of \$10,080 to the General Fund, for Jones Hollow Dam debris and sediment removal services. Having been seconded and with no questions, the ordinance will be considered for approval at the next Council meeting.

APPROPRIATION ORDINANCE – HAZMAT PLAN REVISIONS:

Council member Hostetter moved to adopt an ordinance appropriating Virginia Department of Emergency Management Grant funds in the amount of \$24,000, to the General Fund, for Regional Hazmat Plan revisions. Having been seconded and with no objections, the ordinance was adopted 5:0. (2020-25)

Mayor Short	Aye	Council member Allen	Aye
Vice Mayor Henderson	Aye	Council member Hostetter	Aye
		Council member McCutcheon	Aye

SCHOOL APPROPRIATION ORDINANCE:

Council member Allen moved to adopt an ordinance appropriating a Virginia Tiered Systems of Supports (VTSS) PBIS State Grant, in the amount of \$689 to the School Funds for staff development. Having been seconded and with no objections, the ordinance was adopted 5:0. (2020-26)

Mayor Short	Aye	Council member Allen	Aye
Vice Mayor Henderson	Aye	Council member Hostetter	Aye
		Council member McCutcheon	Aye

SCHOOL APPROPRIATION ORDINANCE:

Council member Allen moved to adopt an ordinance appropriating a Title I, Part A-Improving Basic Programs funding, in the amount of \$60,000, to the School Funds, to be used to support salary and benefits, staff development, enrichment programs, and technology purchases at William Perry and

Wenonah Elementary Schools. Having been seconded and with no objections, the ordinance was adopted 5:0. (2020-27)

Mayor Short	Aye	Council member Allen	Aye
Vice Mayor Henderson	Aye	Council member Hostetter	Aye
		Council member McCutcheon	Aye

HISTORICAL COMMISSION APPOINTMENT:

Council member McCutcheon moved to appoint Dr. Holloway to the Historical Commission for an unexpired four-year term ending August 31, 2020. Having been seconded and with no objections, the appointment was adopted on a vote of 5:0:

Mayor Short	Aye	Council member Allen	Aye
Vice Mayor Henderson	Aye	Council member Hostetter	Aye
		Council member McCutcheon	Aye

COMMUNICATION, CORRESPONDENCE, AND CALENDAR.

The City Manager reminded everyone that May 7 is a Thursday and has been established for the budget public hearings.

CITIZEN COMMENT PERIOD: With no one calling in or submitting comments, the meeting continued.

ADJOURN: Having no further business to discuss, Council member McCutcheon moved to adjourn the meeting. Having been seconded and with no objections, the meeting was adjourned at 8:27 p.m.:

Mayor Short	Aye	Council member Allen	Aye
Vice Mayor Henderson	Aye	Council member Hostetter	Aye
		Council member McCutcheon	Aye

Julia Bortle, MMC, Clerk of Council

Terry R. Short, Jr., Mayor