



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, November 26, 2019

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Sal Romero, Council Member Richard Baugh, Council Member Christopher B. Jones and Council Member George Hirschmann

Also Present: 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Eric English

2. Invocation

Council Member Hirschmann offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Recognition of the 2019 Citizens Academy Graduates

Mayor Reed introduced Mr. Michael Parks, Director of Communications to recognize the 2019 Citizen Academy graduates. Mr. Parks stated every year residents can sign up for the Citizens Academy which is a 12-week course, covering every service the city offers. He thanked city staff and directors for taking part in this event with such excitement, enthusiasm and commitment. He asked all graduates to stand. Mayor Reed asked the graduates to come to the front for a photograph.

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

5.a. Minutes from the November 12, 2019 City Council Meeting

These minutes were approved on the consent agenda

6. Public Hearings

7. Regular Items

7.a. Consider repealing a denial from the Public Tree Advisory Board

Chris Brown, city attorney, presented a request to appeal a denial from the Public Tree Advisory Board. He reviewed the purpose and authority of the board. He stated the advisory board voted in denial of the request 6-3 with the majority feeling the tree was very healthy, matched the other trees and felt the request was more of a convenience to the applicant.

Dan Hylton, representative of First Presbyterian Church, stated the plan was/is to demolish a building, in which the tree in question sits in front of, and replace it with a courtyard. He stated architects were hired and the demolition contractor stated the tree needed to be removed to safely and efficiently demolish the building and it would be impossible to work around. He provided a handout of a rendering of what the court yard would look like. He stated if Council allows the tree to be removed it would be replaced by two trees or if not acceptable, the church would replace with another Chinese Elm of the same size in the same location once demolition is complete.

Council Member Hirschmann asked if the tree could be relocated. Mr. Hylton stated due to the size of the tree and its location in order to remove the tree it would cause significant damage to the sidewalk and asphalt.

Council Member Baugh asked if any new information is being presented to Council that was not presented to the advisory board and if there were any other recommendations made by the board. Mr. Hylton stated the contractor stated he could not demolish the building without the tree being removed.

Vice Mayor Romero stated Mr. Fletcher, director of Community Development, voted against the request

A motion was made by Council Member Baugh, seconded by Council Member Hirschman, to affirm the Public Tree Advisory Board's decision and deny the request as presented.

Yes: 1 - Council Member Baugh

No: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

Council Member Hirschmann asked if trimming the lower branches would be enough to allow for placement of the dumpster. Mr. Hylton stated it was considered but would not be sufficient. Council Member Jones stated Mr. Hylton mentioned the tree could be replaced with two trees or one similar size same tree dependent on what Council approves. Vice Mayor Romero stated he feels we should allow them to remove the

tree and plant another one in its place. Council Member Jones stated he doesn't want to slow down economic development and beautification of downtown, especially since they are willing to replace the tree.

A motion was made by Vice Mayor Romero, seconded by Council Member Jones, to approve the request that the tree be removed and replaced upon construction. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

No: 1 - Council Member Baugh

7.b. Presentation from the Harrisonburg City Public Schools on the second high school build.

Dr. Michael Richards, superintendent of Harrisonburg City Public Schools, stated he is presenting two options to council on solving the overcrowding problem at Harrisonburg High School. He stated these options will alleviate the overcrowding by the opening of the new school for the school year 2022/2023 school year. He stated we must solve this problem of overcrowding and any date beyond 2022 is untenable given the student enrollment projections. He stated the two options have been approved by the School Board and include a thorough comparison of the two options including the scope and pricing as well as a property tax and debt capacity impact summary. He reviewed the two options:

Option One - Building costs as designed:

1. Includes stadium with artificial surface, all associated buildings and equipment
2. Includes softball and baseball stadiums and all associated buildings, fields and equipment
3. Includes tennis courts and associated equipment
4. Includes auxiliary gymnasium and associated equipment
5. Includes North and West practice fields
6. Includes main parking lots, bus loop and multi-use paths
7. Includes site work, the building and design costs
8. Does not include infrastructure improvements to support building
9. Does not included the cost of the interim Agreement design fees paid
10. Does not include the site/building/design/soft costs requested by HCPS
11. The estimated request from the School Board is \$92,470,737.09
12. The estimated total project cost is \$109,838,233.50
13. The estimated bond amount would be \$104,838,233.50

Option Two - Phased in Build

1. Does not include the cost of item 4 above, expected to be completed in 2023
2. Does not included the cost of items 2 and 3 above expected to be completed in 2024
3. Does not included the costs of items 1 and 5 above expected to be completed in 2025
4. The estimated request from the School Board is \$84,733,878.25
5. The estimated total project cost is \$102,101,377.66
6. The estimated bond amount would be \$97,101,377.66

He stated if one looks at the last four high schools that were built in the state of Virginia over the last three years, the price of the building was \$8.2M more than the proposed building for the new high school of \$63.2M. He stated the contractor has stated the cost of the building is below the average for the state at the price per square foot of \$239.97. He reviewed the estimated tax implications dependent on which option is chosen.

Eric Campbell, city manager, stated there are things he and Dr. Richards agree on: the overcrowding problem, we have a responsibility to help fund and solve the problem, the Council has already authorized the building of a second high school, the land was purchased already for the second high school, Council funded the interim agreement for the design and has invested over \$8M already to make this project happen. He stated we aren't arguing whether there should be a second high school. He stated as city manager he needs to take a broader view of the impact of the tax increase, the impact on the debt capacity and the impact on core services. He stated the high school is often discussed in a vacuum, but the taxes, debt capacity and core services are for all of the services provided by the city, not just educational services. He stated it is important to remember that when the new school is discussed. He stated his perspective is we are committed to building a second high school but the key question is how much high school this community can afford. He stated he sees the cost of Option 1 as problematic, it adds an additional \$6M to the general fund of the city, and the operational increase that will come once open hasn't even been discussed. He stated he has heard the city can easily absorb the tax increase but if there is a secret bulk of money, he hasn't found it yet. He stated budgeting is not as easy as people say it is, the current budget was balanced with \$1.9M of fund balance (savings account) and included a one cent tax increase. He stated these funds are used for large purchases, usually for capital projects, where it is cheaper to pay cash rather than borrow to purchase, i.e. street sweepers, etc. Council Member Baugh stated we are currently in a budget where we are spending \$1.9M more than expected in revenue. Mr. Campbell stated there are many pending operational projects such as the Eastern Water Line, vehicle replacement, Elizabeth and Water

Street deck replacement, completion of the Smithland and Ramblewood Parks, greenway completion, EPSAC recommendations, Downtown Master Plan, Purcell Park Master Plan, homeless affordable housing initiatives, increase in Community Contributions, and many other things. He stated he wants to make sure as we discuss the new high school it is not discussing in a vacuum but in the context that it will affect everything. He stated again, how much school can the city afford without affecting the core services of the city.

Council Member Hirschmann asked if the taxes could be increased more than discussed. Mr. Campbell stated there is a possibility based on the core service needs. He stated the city manager's concern is always the unknown.

Council Member Jones stated in May 2017 he was in favor of building one big school and just adding an annex to the current high school. He stated he mentioned this at the Space Study Committee and was outnumbered, which is fine, because at the end of the day his goal was to end the overcrowding as quickly as possible. He stated no one has focused on what we need to do with the overcrowding right now and he thought a cheaper and quicker plan would have been to build the annex two years ago that was affordable at the time. He stated the energy went into building another high school, as it did in the past with the old high school downtown. He stated there is a lot more community discussion to be had. He stated on Monday, December 2, 2019 conversation will take place regarding the expansion of Middle River Regional Jail (MRRJ) and as much as the school is a priority to him, he always stated it was not wise for the city to build a \$100M high school and very clear of that at every meeting. He stated the \$76M voted on a year or two ago is now \$33M higher. He stated initially he wanted to vote and get the ball rolling, however after all of the emails and conversations he has had over the past two weeks, he feels it only fair to hold a public hearing at the next meeting on December 10, 2019.

Council Member Jones stated there is a penny that can be saved on the tax rate by stopping the operation of the Heritage Oaks Golf Course. He stated this will also put 200 acres back in the playing field. He stated one thing he cannot do as a leader and elected official of the city is to tell people we can't afford one thing but end up having a luxury item. He stated we have tons of other parks and recreation opportunities and other golf courses in the area, and by freeing up the 200 acres it would create opportunity for green space, forestry, up to date Parks and Recreation building, and additional schools. He asked staff to dig a bit deeper into this possible opportunity along with Parks and Recreation and Public Works staff.

Council Member Baugh stated the City has always been willing to entertain any reasonable offer on the golf course but was under the impression the debt against the golf course would need to be paid immediately upon cease of operation. Larry Propst, finance director, stated the original bond was refinanced and are now general

obligations bonds and the requirements to pay immediately upon cease of operation is no longer a requirement.

Council Member Jones stated even if we approve this request today, we will be looking at a request for a new middle school in the near future. He stated one thing we have never done as a community is to sit back and stop and try to determine what the big picture plan is going to be. He stated if the Weldon Cooper predictions are correct, it's not only student enrollment we need to consider, it is all the additional population growth as well, as those students have family members. He is in support of holding a Public Hearing on this item.

Vice Mayor Romero stated he has received a lot of emails of support for Option One, and would be the plan he would vote for, keeping in mind everything that has been talked about, people in the community want to speak on this topic to try to convince council one way or another, therefore he is open to holding a Public Hearing. He asked Dr. Richards if a public hearing was held on December 10, 2019 would that put the schedule behind on the opening of the new high school in 2022. Dr. Richards stated it would be close but possible. He stated Nielsen Builders have been very collaborative and cooperative and it can be done.

Council Member Baugh stated the EPSAC roll out was expected to be presented at the December 10, 2019 meeting, which means this could expand the meeting quite a bit.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to set a public hearing on this matter for December 10, 2019. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

7.c. Consider a refund for a portion of the 2019 Business, Professional and Occupational License (BPOL) tax for two businesses.

Chris Brown, city attorney, stated he is presenting on behalf of the Commissioner of Revenue and it is a request for a refund of Business, Professional and Occupational License (BPOL) tax for two businesses. He stated Taxpayer A notified the Commissioner of Revenue that the business had ceased business May 22, 2019 and a prorated refund of \$3,444.44 was due. He stated Taxpayer B notified the Commissioner of Revenue that the business changed ownership on July 1, 2019 and a prorated refund of \$7,346.06 was due.

A motion was made by Council Member Baugh, seconded by Council Member Jones, to approve the request as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

8. Special Event Application Requests

11. Other Matters

11.a. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)

James “Bucky” Berry, 30 W Washington Street, stated there are 24 days before they are at Walmart to collect food for the food drive. He stated Chesterfield County is hiring police officers, we need to pay officers more to retain them. He stated if we keep borrowing money for other things our officers will keep leaving, we won’t ever see the fifth fire station, and most people will sell their property and leave the city. He stated he is concerned the city will go bankrupt.

Pamayotis “Poti” Giannakaouros, stated at the last Council meeting he was running late and did not realize an article from Josh Blevins regarding short term rentals was taken into consideration as part of Council’s deliberations. He reviewed that article and noted the way we deal with short term rentals nullifies the article as we have a primary occupant condition. He stated we are not a community that is afraid of strangers nor do we isolate those in a minority and referenced the recent short-term rental denial at the last meeting. He stated the incident of the assistant director of Planning and Zoning showing up on someone’s property while off-duty, asking questions, creates fear in our residents. He stated it is not right that in this city we should be living in fear. He stated if we stopped city enforcement of nuisances, we could cut potentially a full-time staff member, and with that money we could seed neighborhood associations with funds to take care of neighborhood problems themselves without city police powers, without the cloak of anonymity, and without the armor of sovereign immunity. He thanked the Citizens Academy for emphasizing the best of what our city is.

Bill Koff, as a prior participant of the Citizens Academy, he gives it a double thumbs up, it is one of the best ways to understand what it takes to make a city operate, behind the scenes with no hiccups. He thanked Mr. Campbell and Council Member Jones for their comments concerning the school issue as it was some of the most robust comments on the school issue he has heard, and it is appreciated.

11.b. City Council and Staff

Council Member Jones thanked Mr. Campbell for having the initiative to see that Council needed to vet and participate in the National League of Cities (NLC) convention in San Antonio the past week. He stated at first, he thought this was going to be hard to plan for this event because of the classes and content, but when he arrived it was truly great content and organization, and Council learned things that could be immediately applied.

Vice Mayor Romero echoed Council Member Jones's comments on the NLC Conference, too many options, not enough time, but great content and every minute was worth it.

Council Member Hirschmann stated he is working on some things regarding the homeless housing.

Mayor Reed stated she had a great time as well at the NLC Conference, she learned a lot, and it is good to speak to other colleagues from other cities and get ideas. She stated she was very appreciative of the City Manager convincing them to go. She stated the Holiday Parade will be held on December 6 beginning at 7:00 pm downtown.

12. Boards and Commissions

12.a. Stormwater Advisory Committee (SWAC)

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to appoint Mr. Strosnider to fill the term on the Stormwater Advisory Committee. The motion carried with a unanimous voice vote.

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

12.b. Harrisonburg Redevelopment Housing Authority

This Boards and Commissions was tabled.

12.c. Parks and Recreation Commission (PRAC)

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to re-appoint Mr. Gibson and Mr. Logan to the PRAC. The motion carried with a unanimous voice vote.

12.d. Harrisonburg Transportation Safety and Advisory Commission

lawrence reappointment

rb/gh

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to re-appoint Mr. Lawrence to the TSAC. The motion carried with a unanimous voice vote.

12.e. Planning Commission

Council Member Baugh encourages anyone to apply for the Planning Commission vacancy because with their work load we want to appoint someone by the next meeting. Mayor Reed stated someone just did an article on boards and commissions and how important they are, so this is a way to get your voice at the table. Vice Mayor Romero stated this commission provides a great learning opportunity.

This Boards and Commissions was tabled.

12.f. Board of Equalization

coulter rb/cj

no vote tabled

A motion was made by Council Member Baugh, seconded by Council Member Jones to re-appoint Ms. Coulter to the BOE. The motion carried with a unanimous voice vote.

13. Closed Session

13.a. Virginia Code Section 2.2-3711(A), under: Subsection 3 for a discussion of the disposition of publicly held real estate.

At 8:14 pm a motion was made by Council Member Baugh, seconded by Council Member Jones, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 3 for a discussion of the disposition of publicly held real estate. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

14. Adjournment

At 8:37 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 8:38 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

This was adopted.