



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Mayor Deanna R. Reed
Vice-Mayor Richard A. Baugh
Council Member Ted Byrd
Council Member George Hirschmann
Council Member Christopher B. Jones

Tuesday, October 24, 2017

7:00 PM

Council Chambers

1. Roll Call

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

Also Present: 5 - City Manager Kurt Hodgen, Deputy City Manager Ande Banks, Deputy City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Stephen Monticelli

2. Invocation

Council Member Hirschmann offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Proclamation for National Family Caregivers Month

Mayor Reed presented a proclamation for November to be National Family Caregivers Month.

4.b. Proclamation recognizing November 1, 2017 as Extra Mile Day

Mayor Reed presented a proclamation for November 1, 2017 to be Extra Mile Day.

4.c. Resolution honoring Kurt D. Hodgen for his service as City Manager for the City of Harrisonburg

Mayor Reed presented a resolution honoring Kurt D. Hodgen for service as City Manager as this is his final council meeting as City Manager.

Council Member Jones stated the resolution is just a short monologue of a great career and a brief description of a very humble, upright, level, honest and fair man which she respects and happily calls friend.

Vice Mayor Baugh stated he realizes as he gets older there is a characteristic the Mr. Hodgen has in abundance, which is all too rare. Vice Mayor Baugh stated on those handful of occasions when Mr. Hodgen may have felt strongly to go in one direction but the majority of the council wanted to go in another direction, Mr. Hodgen has not done anything other than roll up his sleeves and accept the ruling of the council, without undercutting, which is a truly exceptional characteristic, and cannot commend Mr. Hodgen enough. Vice Mayor Baugh stated he hopes he doesn't find himself missing Mr. Hodgen too much.

Mayor Reed stated being together with Mr. Hodgen on the radio for the last time earlier in the day was difficult and thanked Mr. Hodgen for being there for her on her first term, and she appreciates him as he is such a phenomenal person and has helped her out so much.

Council Member Hirschmann stated the occasions he has had a chance to work together with Mr. Hodgen have been greatly appreciated as he is very honest with his thoughts and projections and very helpful during the first year on council. Council Member Hirschmann stated he appreciates Mr. Hodgen as a person and has made it so much more desirable in a working situation.

Council Member Byrd stated he spent the majority of the week trying to write something for this occasion, and kept coming back to Mark Twain as he was born when Haley's Comet came, and died when it came again. Council Member Byrd stated they both came on board as City Manager and Council Member in 2007, he has hired a lot of people, promoted a lot of people, but has never dealt with a person with such a high level of professionalism, integrity, and honesty as Mr. Hodgen. Our loss is going to be someone else's gain, and more importantly for the people of the city the things that have been implemented, the departments that have been built and the staff that he has created and helped grow, he is quite grateful and appreciate everything Mr. Hodgen has done.

City Attorney Brown stated he first met Mr. Hodgen while working for Rockingham County many years ago, and was a pleasure to work with then. Mr. Brown stated when he came back to the city of Harrisonburg and got to know Mr. Hodgen, he found his knowledge of local government law and operations and his knowledge of the city was astounding, and is as fair and patient and honorable person as he has ever worked with. Mr. Brown stated it is always good to have Mr. Hodgen agree with him and when we disagree it is taken very seriously. Mr. Brown stated for those that do not know Mr. Hodgen, he is extremely funny and is one of the few people in the office that gets his cultural references, and will miss having him around the office.

Ande Banks, deputy city manager, stated there are department directors and staff that have had the opportunity to work much longer with Mr. Hodgen than he has. Mr.

Banks stated he has worked with Mr. Hodgen for the past eight years, and is the reason he is in his current position. Mr. Banks stated he was able to work with Mr. Hodgen in a different capacity and found him to be all the things that have been previously said, the integrity, leadership, intelligence, knowledge of local government, etc. and when he realized local government was where he wanted to work, there was only one man he wanted to work under, and that was Mr. Hodgen.

Council Member Byrd recognized Shelly Hodgen for the sacrifices she made.

Kurt Hodgen, city manager, stated his attraction to Harrisonburg began in 1978 when he helped one of his teachers in high school move his family to the city, something clicked after being shown the city and James Madison University (JMU), and three years later he found himself as a freshman at JMU and two years after that found himself as an intern in the planning director's office where he realized he would like to hang around a little longer. Mr. Hodgen stated he graduated in 1985 and unfortunately the city manager Marvin Milam at that time, didn't think he was quite ready to be the assistant city manager, which was a vacant position at that time. Mr. Hodgen stated he moved on to various positions throughout Virginia and in 2001, the city manager Roger Baker called him and asked if he would be interested in coming back to Harrisonburg, so he owes his return to the city to Mr. Baker. Mr. Hodgen stated his goal after leaving JMU was to become city manager of Harrisonburg someday, and Mr. Baker set things in motion for him and allowed him the opportunity for which he will always be grateful. Mr. Hodgen stated he was one of the lucky ones to know fairly early in his career path what he wanted to do. Mr. Hodgen stated he and his wife have lived here longer than anywhere else, it is home and at this point the intent is to hang around, and jokingly said he is sure there is some sort of waiting period before he can speak to council at council meetings. Mr. Hodgen stated it has been an honor and a privilege to work with current and prior councils, what council does is greatly underestimated by the public, the time invested goes well beyond two Tuesday nights a month, and appreciates that council has been willing to invest their time and abilities to help the city become a better place and a great place to live. Mr. Hodgen stated he appreciates all the support from the bottom of his heart from year one to present, it has been great and is excited to see where the city is going forward, there will be a lot of challenges but also many great opportunities and the future is bright. Mr. Hodgen thanked council and staff for letting him be part of it for all these years.

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

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

No: 0

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 Jones, seconded by Vice Mayor Baugh 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 Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

5.a. Minutes from October 10, 2017 City Council meeting

These minutes were approved on the Consent Agenda.

6. Public Hearings

6.a. Consider a request from Acorn LC with representative Alan Strawderman for a special use permit to allow a religious use which does not provide housing facilities within the M-1, General Industrial District on a proposed 4.82 +/- acre site that would have frontage along Mount Clinton Pike.

Vice Mayor Baugh stated the Virginia State and Local Conflict of Interest Act requires that he make the following disclosure to be recorded in the city records on any matter from which he is prohibited by law from participating:

The transaction involved is agenda item 6(a), a request for a Special Use Permit for certain real property located in the City of Harrisonburg with frontage along Mt. Clinton Pike; his personal interest in the transaction relates to the ethical requirements to which he must adhere as a licensed member of the Virginia State Bar; he affirms he will not vote or any manner act on behalf of city council on this matter

Adam Fletcher, director of Planning and Community Development, presented a Special Use Permit request from Acorn, LC for property located on Mt. Clinton Pike containing 4.82 acres, to allow for religious, educational, charitable or benevolent institutional uses, which do not provide housing facilities in the M-1 General Industrial zoning classifications per section 10-3-97(9).

Mr. Fletcher reviewed subject site, current allowed uses, and surrounding area properties. Mr. Fletcher provided a draft site plan and noted a 30-foot strip of land to be reserved for dedication to city if needed for future streets within the next 10 years. Mr. Fletcher noted this mirrors a request submitted in 2014 from the adjacent property. Mr. Fletcher noted if the public street is to be built the applicant, at their own

expense, would move their entrance further north so it would connect in a safer manner for those traveling in that area. Mr. Fletcher noted when the site develops they would have to build the required sidewalks and dedicate any necessary right-of-way as required by the city's Design and Construction Standards Manual.

Mr. Fletcher stated there are other sites that need to be understood and the historical aspects of how the requests and approvals were granted. Mr. Fletcher reviewed the current zoning map of that area, specifically three sites within the general industrial zoning area. Mr. Fletcher stated Site A was rezoned in 1988 from M-1 to B-2C with heavy proffers and very specific uses, however the project never came to fruition but remained rezoned. Mr. Fletcher stated Site B requested to be rezoned in 2014, and was a very complicated request, zoned R-2, to close portions of two undeveloped public streets some public streets, and incorporating a large grocery store and some outparcels for development of commercial rezoning. Mr. Fletcher noted that although this project never came to fruition it was recommended by city staff and planning commission and city council to approve the site for rezoning from R-2 to B-2C category, and after the first reading of the request, the applicant tabled the request as they were researching other properties in the region, and the request was finally withdrawn prior to a second reading one year later. Mr. Fletcher noted this site is still zoned R-2. Mr. Fletcher stated Site C had a Special Use Permit (SUP) request in 2014 to approve for professional business and financial institutions. Mr. Fletcher noted staff had recommended in favor of the request, recognizing it was slightly different being that it was a commercial, non-residential type use although not industrial but would work hand in hand with some of the other industries and job growth opportunities that would hopefully contribute to the city's tax base. Mr. Fletcher noted Planning Commission recommended approval and city council approved the request. Mr. Fletcher stated the applicant requested to have a five year window of opportunity to take implementation of the SUP and to date they have not taken the opportunity yet and it is due to expire August, 2019 unless construction has commenced or is diligently pursued. Mr. Fletcher noted this application is similar in that this request is also asking for a similar opportunity but reduced to a three-year window. Mr. Fletcher noted the normal default time frame is 12 months.

Mr. Fletcher reviewed the zoning map of the city and land use guide, and noted there are only two large areas designated as general industrial, which are planned to be reserved for industries that would bring in job growth and economic opportunity. Mr. Fletcher stated land use is the issue, and although Manantial de Vida Church (MDV) offers fantastic services that are needed in the area, the question remains is the use good for this site. Mr. Fletcher stated staff believed it was not and recommended against the SUP, and per Section 10-3-125(b)(1) regarding good zoning practice staff believed it would have negative impact on the future long-term plans for the city's economic growth. Mr. Fletcher noted the Planning Commission approved the request and staff requested a condition be attached to the request approval, in which the use should be limited to only religious uses and that educational, charitable or benevolent institutional uses would not be allowed.

Council Member Jones asked if the Planning Commission approved the condition. Mr. Fletcher stated they did.

Council Member Hirschmann asked what industrial interest has there been in that area. Mr. Fletcher stated there have been a number of industrial operations that have shown interest in the area and is aware that the Economic Development department has spoken to some interested parties and provided tours of the area.

Council Member Byrd asked if there is a plant that just announced a major expansion in that area. Mr. Fletcher stated Ariaki has.

At 7:42 p.m., Mayor Reed closed the regular session and called the 1st public hearing to order. A notice appeared in the Daily News-Record on Monday, October 9, 2017 and Monday, October 16, 2017.

Todd Rhea, attorney with Clarke and Bradshaw speaking on behalf of MDV Church, stated MDV is a Hispanic Mennonite affiliated church with over 250 members, and after processing the detailed application process, reviewing the staff notes, working with local engineers at Blackwell Engineering and city staff, he has done his best to provide as much information as possible, including letters of support, and the history and mission of the church. Mr. Rhea stated the church currently shares space with Ridgeway Mennonite Church on Franklin Street, but the growth of the congregation has outgrown the space, and has been looking for space for the past 18 months. Mr. Rhea stated city staff had put a lot of work into this request, but feels that based on land use issues, the SUP should be approved based on the following:

Precedence for the Site B for a financial institution, and feels that both financial and religious institutions are co-equal, applicant provided equal if not greater commitments to the city in terms of street dedications and beginning of construction timetable. Mr. Rhea reviewed the minutes from a city council meeting in 2014 for site B's request. Mr. Rhea stated there have been a number of parcels that have been developed or approved for non-industrial uses or non-intensive uses. Mr. Rhea, stated in 2014 there was some concern of the fragmentation of industrial land, at which point staff stated there was no concern in 2014. Mr. Rhea stated he feels the city has plenty of industrial land, the absorption rate is very slow, a church use will be no more detrimental along this corridor than what is already existing and the church has such a positive impact on the citizens that the minute loss of four acres of land pales in comparison.

Council Member Jones asked if the fund raising is the reason behind the request for the three-year option to use the SUP. Mr. Rhea stated fund raising is a portion, however engineering and site planning also play a part.

Juan Carlos and Wendy Malvaez, pastors of Manantial de Vida Church, thanked

council for the opportunity to speak. Mr. Carlos stated the church has been serving the community for over 15 years and serves a specific demographic: the Hispanic community, second and third generations; refugees; and others that have moved to the area. Mr. Carlos stated over the 15 years of service the church has changed from being a Hispanic outreach to a multi-cultural, bi-lingual congregation. Mr. Carlos stated the congregation consists of 150 are aged 18-45, a youth group with a presence in Harrisonburg Highschool, and 70 children. Mr. Carlos stated they are limited on space and schedule availability at Ridgeway Church causing limitations of what the church can offer. Mr. Carlos stated it has been difficult to find the space within the city that can accommodate their vision, land along Route 33 is too expensive and too far from the community they want to serve. Mr. Carlos stated his ministry is to serve with emphasis on healing, restoration of families, reunifications of families, and counseling. Mr. Carlos stated there are members of the congregation present who can testify to the success of the church in all that they do. Mrs. Wendy Malvaez stated the mission of the church is to meet the emotional and spiritual needs of immigrant families, and once these families were becoming a part of the church the more the church knew they had to be more than just a house of worship. Mrs. Malvaez stated they conduct retreats, hold weekly support groups to preteens and high schoolers, as well as hold support groups at the schools.

James "Bucky" Berry, 30 West Washington Street, stated the grocery store backed out for a certain reason, feels 4 acres won't break the city, and if we can get a church to help people, it should be allowed.

Dick Blackwell, Blackwell Engineering, feels the site is a good site, there is a county school board office building on one side and a savings and loan on the other, and asks does the city want a loud, dirty industrial site to be next to those. Mr. Blackwell stated if the area does get developed with industrial, which is the hope, there will most likely be a lot of Hispanics working the area, having a church that meets all sorts of needs, could be very helpful just as we thought the savings and loan could be as well. Mr. Blackwell stated the tax base shouldn't be an issue as the church will be tax exempt no matter where in the city they are located. Mr. Blackwell feels this is the perfect location for this church.

Butch Strawderman, applicant, thanked Council Member Jones, Mayor Reed and Council Member Byrd for taking the time to meet with him, address questions and concerns. Mr. Strawderman stated he appreciates the time and effort that council puts in to the citizens and what the city needs, he only is asking council to keep an open mind. Mr. Strawderman stated Mt. Clinton Pike has nice looking building, mostly brick facades and the plans for the church will fall right into place, with brick in the front and make citizens proud of the building. Mr. Strawderman stated two contracts for this site were denied through the realtor, both for auto repair shops, which would be allowed in the current zoning classification, but felt they would not be the right fit for that area. Mr. Strawderman stated Council Member Hirschmann also showed up a few weeks ago as well. Mr. Strawderman stated the investment group that owns the

property has given the city \$104,760.42 in taxes, in hopes of this being a five-year plan, however, it has gone on a bit longer. Mr. Strawderman stated he feels the church can help juveniles from incarceration, and that is worth more than just a few taxes.

Ms. Mashata, member of MDV since 2010, stated she feels as we go through life, plans change based on needs and Harrisonburg has a big need for the youth to be guided into certain directions. Ms. Mashata feels that she might not be where she is, an engineer, if it wasn't for MDV.

Phil Ness, senior pastor of Parkview Mennonite Church, stated MDV is not an independent church, it answers to the same authority Parkview Mennonite Church does, it is a well-grounded and well supported church and will be here for the long haul. Supports this request and church. Mr. Ness stated he lends his support for council to approve the request.

Joseph Eney, 420 Eastover Drive, stated he appreciates the work MDV is doing, however the issue presented is a land use issue, and the plan calls for industrial. Mr. Eney stated this land is undeveloped, and even though special uses can be considered, he feels that staff considered that five years from now, if a church is there, and an industrial business moves in it will cause friction. Mr. Eney stated he sympathizes with MDV in the need for space and difficulty finding land, but feels if council approves this Special Use Permit request it will end up causing friction in the future.

Pamayotis "Poti" Giannakaouros, wanted to remind people that the economic development part of the Comprehensive Plan is up for public input in just a few weeks, and is surprised to hear that the primary argument from city staff was about tax base. Mr. Giannakaouros stated he has seen a lot of discussion lately in which people present the cost side without the revenue side, and wonders if he is just hearing about the revenue side. Mr. Giannakaouros stated later in the council meeting we will hear about extending our water infrastructure for \$20M-\$40M to support, in part, our industrial uses, and we will hear about new schools, however, we have an entity that wants to build up our social infrastructure to make our city sustainable but he is not so sure that the top line revenue gain has been adequately discussed. Mr. Giannakaouros stated he feels all sides need to be reviewed in regard to considering revenue and development.

At 8:23 p.m., Mayor Reed closed the public hearing and the regular session reconvened

Council Member Jones motioned to approve the Special Use Permit request because of the community of people that live there where the downtown redevelopment ends and opens to a very rich historic area and it is in a corridor towards the Mennonite Community. Council Member Jones stated as it makes good

sense for Rockingham County's School Board Office to be there and the buildings on Technology Drive to be there, he feels the flow would make sense for a church to be in that particular spot. Council Member Jones stated if it was being considered in a different spot in the industrial zoning classification areas, he would not recommend approval. Council Member Jones stated he feels the church completes that area and feels the church will bear a lot more fruit for the city than anything else that could go there.

Council Member Byrd moved to second the motion for discussion purposes. Council Member Byrd reviewed the surrounding area and stated this site is in an employment corridor and the credit union was approved because it is considered an ancillary use for the industrial area. Council Member Byrd stated he cannot justify a church being an ancillary type of property. Council Member Byrd stated he has spoken to the pastors, this is not about the mission of the church and wants to find them a location that they can grow and be successful, but cannot approve this request. Council Member state he encourages staff to find other locations and has personally given the church suggested locations, as there are other sites more suitable, in particular, a parcel across the street from the subject site which is by-right and offered to assist the applicant to contact the owner.

Council Member Jones stated when he spoke initially with Council Member Byrd about the application, he was against the approval of the request, however, due to the dense residential in that area it made sense to have the religious area along with the employment area.

Mayor Reed stated she was against the request at first until she looked at the site and a picture of what they wanted the church to look like. Mayor Reed stated it she would have a problem if it was something such as an automotive facility, something loud and dirty or non-attractive, and this is a tough decision. Mayor Reed stated it is not about what the church does, she feels it would be a good fit in the area.

Council Member Jones stated his church is near an industrial asphalt business, however, there is no friction as it doesn't operate during the hours of church. Council Member Jones feels there may be some friction if an industrial building is built in that section between the School Board and the credit union.

Council Member Hirschmann stated everyone is in support of the church's mission, but if there is another property more conducive and practical to the intended use it seems that would be more practical. Pastor Carlos stated they have been looking at other sites, however the price of the properties are too expensive.

A motion was made by Council Member Jones, seconded by Council Member Byrd, to approve the Special Use Permit request as presented. The motion failed with a recorded roll call vote taken as follows:

Yes: 2 - Mayor Reed and Council Member Jones

No: 2 - Council Member Byrd and Council Member Hirschmann

Abstain: 1 - Vice-Mayor Baugh

- 7.d.** Consider enacting Section 7-2-20 - Fluoridation of city water supply to the Harrisonburg City Code, entering into an Memorandum of Understanding and report on the scope of the project

Mike Collins, director of Public Utilities presented an update on the Water Fluoridation Project and a draft ordinance should council decide to fluoridate. Mr. Collins stated there is an opportunity to secure \$40,000 in funding from the Virginia Department of Health (VDH).

Mr. Collins reviewed previous recommendations from the city council meeting on March 28, 2017, reviewed the project scope and noted the estimated cost had increased by approximately \$50,000. Mr. Collins stated he will bid out for engineering costs. Mr. Collins reviewed the project plan and timeline with a construction completion date of June 30, 2018.

Mr. Collins stated the ordinance is at council's discretion to enact, and the Memorandum of Understanding (MOU) for the \$40,000 from the VDH does not obligates council to run fluoride however the expectation is there. Mr. Collins noted he has received considerable number of emails, phone calls, etc., and stated this is the only thing the city does to their water that is not mandated. Mr. Collins stated there are arguments that fluoride is not beneficial as well as arguments on the flip side, the Center for Disease Control and VDH strongly recommend it. Mr. Collins noted in Virginia 96% of the communities fluoridate and in the United States it is 74%. Mr. Collins stated he has no expertise of the medical pros and cons of fluoridation. Mr. Collins stated there were several comments made to him that some people had moved to the city because of the fluoridation. Mr. Collins stated if current or future council ever wants to have the option to fluoridate the water, the city must have the proper equipment. Mr. Collins stated no decision needs to be made on the ordinance at this time.

Chris Brown, city attorney, stated the MOU does state the city shall purchase, operate and maintain ownership of the fluoridation equipment and supplies to provide optimal fluoridation in the community water supply, however, it doesn't state for how long or if/when we could stop. Mr. Brown stated he feels that in good faith, we really shouldn't accept the VDH funding if the intent is not to have a fluoridation ordinance.

At 8:38 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Tuesday October 17, 2017 and Saturday, October 21, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:38 p.m., and the regular session reconvened.

Council Member made a motion to approve executing the MOU with the intent of the ordinance comes back once an expected completion date of the project is made for final enactment.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve the Memorandum of Understanding as presented and the the Ordinance will be presented for approval at a later date. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

7. Regular Items

7.a. Presentation on a new Computerized Maintenance Management System (CMMS) called CityWorks

Tom Hartman, assistant director of Public Works, stated prior to 2014 Public Works used a data base to track the work done within the department, it tracked material, equipment and labor and generated simple reports used for VDOT to track the maintenance of the streets and to show funds were being used appropriately. Mr. Hartman stated the tracking was limited, and after going to a few conferences, asset management systems were discovered and decided to review for possibly bringing to the city. Mr. Hartman stated Public Utilities liked the idea as well, and in 2014 Public Works, Public Utilities and the IT department started requesting information from different companies, in which 13 responses were received. Mr. Hartman stated after reviewing the responses it was determined that CityWorks seemed to meet the majority of their needs when it came to both Public Utilities and Public Works. Mr. Hartman stated request for proposal was sent out in 2015 to find an implementing firm and the software to implement it for the city, six proposals were received, three were from CityWorks, and in 2015-2016 they delved into the first implementation. Mr. Hartman stated Public Utilities jumped in first, implementing the entire department and Public Works decided to approach it in phases, beginning with stormwater. Mr. Hartman stated CityWorks helps generate service requests, track work orders and provides the ability to generate detailed reports. Mr. Hartman reviewed examples of how this software will streamline operations.

Mike Collins, director of Public Utilities stated the city has received our monies worth on this project and is excited at how far this can be taken by being at the front of technology.

Jonathan Taylor, systems analyst Public Utilities, stated they started looking into maintenance management systems in 2009, and realized the processes were not in

place to properly implement such a system. Mr. Taylor stated processes were defined and reverse engineered the current systems to accept those so that the department would be ready for this project. Mr. Taylor stated he went to Utah in December 2016 for the CityWorks users conference and learned that the city was either at the same level or ahead of the majority of people that have been using this system for more than a decade.

Sherri Sherman, billing manager Public Utilities, presented the five levels of maturity of this project and noted the initial cost was \$259,000 for the software that was shared with the three departments but does not include labor or training. Ms. Sherman stated it was originally planned to use the program at its full capacity within one year, however after starting it become more apparent to expect it to be a 3-5-year project. Ms. Sherman stated live date was October 1, 2017 and hopes to have integrated with other departments software such as through Central Stores.

Kurt Hodgen, city manager, stated this project is something everyone is excited about, and will ultimately spread into other departments, and it will allow the city to do better budgeting, planning, reporting and forecasting. Mr. Hodgen stated as we have finite boundaries we have finite infrastructure and this will help us be more involved in the proactive repair/replacement projections moving into the future. Mr. Hodgen stated within a few weeks council will get a report from Community Development regarding recent technology improvements. Mr. Hodgen stated hats off to all departmental personal that have bought into this project and willing to change and adapt.

Council Member Jones stated he had this conversation when he went to the US Conference of Mayors and is proud to see what has been accomplished.

The Public Works Department and Public Utilities Department will provide a presentation on a new Computerized Maintenance Management System (CMMS) called CityWorks..

- 7.b.** Consider a Resolution adopting the City of Harrisonburg, County of Rockingham and James Madison University Joint Emergency Operations Plan, 2017

Ian Bennett, chief of Harrisonburg Fire Department reviewed the 2017 Emergency Operations Plan (EOP). Chief Bennett stated they have worked hard to regionalize this approach, and this EOP is fully integrated with Rockingham County and fifty percent integrated with James Madison University. Chief Bennett stated the hopes within the next year or two is to begin talks with Bridgewater College and Eastern Mennonite University to integrate as well.

Chief Bennett provided the State Code of Virginia that dictates what the city must to do as a political subdivision and noted the responsibility of political subdivisions include the following: Mitigation, Preparedness, Responses and Recovery. Chief Bennett stated an Agency of Emergency Management must be maintained which is set up by the city code and a director of emergency management must be appointed.

Chief Bennett reviewed other requirements, definitions of terms and Section 5-3-1 and 5-3-2 of the Harrisonburg City Code.

Chief Bennett reviewed the four different areas of organization within the EOP: Basic Plan, Appendices, Emergency Support Functions and Support/Incident Annexes.

Chief Bennett thanked Paul Helmuth, administrative office of Harrisonburg Fire Department, for the day-to-day work on emergency management as he puts a tremendous amount of work and puts the 240 page EOP together.

Mr. Hodgen stated this not normally discussed during new council member orientation, but as we all know times have changed and we are seeing things that would never have anticipated before, therefore he thought it would be a wonderful opportunity to inform the new council members how everything works.

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

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

No: 0

7.c. Report on the progress of the Shenandoah Raw Water Project

Mike Collins, director of Public Utilities provided an update on the Shenandoah Raw Water Project from what has transpired since last update on September 27, 2016. Mr. Collins reviewed the locations of each specific phase, and noted he challenged himself to work on the speed of which this project can get started, and reviewed the project construction timeline. Mr. Collins stated with the Finance Department's help via possible bank qualified bonds, Phase 1 construction dates may be accelerated but Phase 2 and 3 may be delayed a bit. Mr. Collins stated this project sat on the shelf for six or seven years, and there is still much to do to get started such as private property and utilities land acquisition of right-of-way, Virginia Department of Health requirements and construction approval. Mr. Collins is concerned about the pipe procurement, but has been reaching out to suppliers for competitive pricing. Mr. Collins stated Miranda Lokey, program support specialist for Public Utilities, has been a great asset and her key role will be to take care of the stakeholders. Mr. Collins stated a monthly report will be re-engaged to educate anyone that has interest in this project.

Mr. Collins reviewed prerequisites for construction and the project status overview for each phase which include: pipe length, estimated costs, percentage of right-of-way needed, percentage of private property, easements on hand and easements to acquire. Mr. Collins stated Phase Two may be delayed due to originally scheduled to go through a VDOT right-of-way, which he found not conducive to construction costs and maintenance. Mr. Collins stated he is a bit nervous that Phase One and Phase

Three are ready to go but Phase Two is a little behind because of the concept to get off the VDOT right-of-way. Mr. Collins noted this is a lot of work, but he will get it done and hopes council is comfortable at his approach.

City Manager Hodgen stated regarding the bank qualified issue, initially we were looking at a normal wall street general obligation bond in the first part of 2018, but Larry Propst, city finance director, advised us of the opportunity to issue bank qualified bonds at the end of the current calendar year as we have the capacity to do so. Mr. Hodgen stated the finance director is currently soliciting proposals on that and if they are favorable it will be presented to council. Mr. Hodgen stated that funding would allow Public Utilities to get a lot of the upfront work done and delay our needing to go back to New York for a larger bond issue.

This Report was received and filed.

7.e. Virginia Code Section 2.2-3712(B), Closed meetings procedures; certification of proceedings

Chris Brown, city attorney, stated council will be getting together with the interview prospective candidates for the position of city manager in the near future. Mr. Brown stated normally under the Freedom of Information Act city council must announce in advance where and when they will be meeting, however there is an exemption under Section 2.2-3712(B) of the Virginia Code, which exempts meetings for the purpose of interviewing candidates for the position of chief administrative officer. Mr. Brown stated there is a requirement that council make an announcement that such a meeting will be held at an undisclosed location within 15 days thereafter. Mr. Brown stated on behalf of council, they will meet within 15 days at an undisclosed location to interview prospective candidates for the position of city manager.

7.f. Discussion regarding current sign ordinances

Council Member Jones stated he has noticed an abundance of businesses littering the roads with signs, he feels it is not appropriate, as there are many businesses in the city that don't do that, and it is unfair to others that are abiding by the current sign ordinance. Council Member Jones stated he wants to discuss how the ordinance is enforced and if there are ways that Public Works can assist with removing signs in the right-of-way etc. Council Member Jones stated there is nothing that is deterring other businesses from placing signs as well.

Chris Brown, city attorney stated he met with Adam Fletcher, director of Planning and Community Development, to look at different structures of penalties i.e. having a civil penalty for signs in the right-of-way, reducing the ten-day violation notice period, and higher penalties for repeat offenders. Mr. Brown stated there are two classifications of the temporary signs: those placed in a right-of-way which is illegal, although Public Works and Public Utilities do a wonderful job in retrieving; the other is temporary signs such as "going out of business", placed on private property which cannot be retrieved by city employees, and that is where the penalties can assist, in particularly

with the repeat offenders. Mr. Brown stated they are looking at how to stiffen up the penalties and hopefully deter future violations. Mr. Brown stated these violations are usually brought to our attention via complaints and Mr. Fletcher does have a proactive program that takes three years to go through the whole city area by area, one area per month.

Adam Fletcher, director of Planning and Community Development, stated his department does not have the staff to enforce on a regular basis, although it could be justified. Mr. Fletcher stated there are three different approaches to regulation enforcement: proactive enforcement program, complaint derived, and when a property is under scrutiny for another matter. Mr. Fletcher noted that if a violation is noticed, the surrounding properties are also checked for violations. Mr. Fletcher stated it may not necessarily be that a sign is illegal, but most sites already maximize their advertising so technically they have reached their maximum sign allowance which is a violation.

Council Member Jones stated political signs will always be put up, but it seems to be more and more, causing visual blockage at intersections and littering the landscape.

Mr. Fletcher stated staff has, for the past year and a half, been rewriting a new sign ordinance, due to a Supreme Court ruling, *Reed v Town of Gilbert*, which concentrates on language in the ordinances that may be content based. Mr. Fletcher stated our ordinance is solid, it is not content based. Mr. Fletcher stated there may be one section that could be viewed as possible content base, but they are aware of that and the ordinance is being rewritten and expects it to be presented to council in 2018.

Vice Mayor Baugh stated the proactive enforcement is a matter that is regularly reported to Planning Commission. Mr. Fletcher noted this conversation comes up in Planning Commission often.

8. Special Event Application Requests

9. Supplementals

- 9.a.** Consider a supplemental appropriation for the General Capital Project and Water Capital Project Funds in the amount of \$268,011.67

City Manager Hodgen stated this is a routine exercise when interest earnings are received on bond proceeds that aren't expended immediately or drawn down over the course of time or when we have projects that we do cooperatively with Rockingham County or JMU in which we are reimbursed those costs. Mr. Hodgen stated this is how those funds are taken back in and redistribute to appropriate general capital project line items. Mr. Hodgen stated staff recommends approval of the supplemental appropriation.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the Supplemental Appropriation as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

9.b. Consider a supplemental appropriation and reallocation of funds for the School Capital Projects Fund in the amount of \$1,076,051.29

City Manager Hodgen stated this request is bond related, re-appropriating funds that were already originally part of the school construction projects, but funds were retained on the city's books and need to be transferred over to the school system so the final bills can be paid on the Bluestone Elementary, the Thomas Harrison HVAC and Elon Rhodes Early Learning Center projects.

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

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

No: 0

10. Other Matters

10.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 West Washington Street, stated they were able to fill a truck with enough food for 300 families at the most recent food drive. Mr. Berry stated he spoke with the architect that did the plans for the school and found out that \$50M will get us a school that will fit 500-600 people, \$100M will get the real deal done. Mr. Berry stated people aren't against a new school they are against the price. Mr. Berry stated he will try to stop any re-election of current council members if they vote for a \$100M school.

Adrienne Hooker, 1106 Ridgewood Rd, stated she is part of the 4HHS2 group and appreciate all the work council has done. Ms. Hooker stated education is important and looks forward to conversations with council and keeping it transparent as possible.

Jack O'Brien 328 Ott Street, stated he is a senior at Harrisonburg Highschool and the halls are full and the classes are overcrowded and a need for a new high school is well known. Mr. O'Brien stated as a senior he requires time with his counselor, but

because her case load is so massive it took two months to get to see her. Mr. O'Brien stated the school is 500 kids over capacity, there are 180 kids in trailers every block with zero security, which he finds frightening. Mr. O'Brien stated a new school is needed now, not a few years down the line when the schools start to fail to function

Andi Arndt, 245 Franklin Street, asked council to please don't wait any longer for the high school decision. Ms. Arndt stated when her child was in kindergarten they looked at the enrollment projections then, and saw the need ten years ago. Ms. Arndt stated by the time her now freshman graduates from high school there will be 850 students over capacity. Ms. Arndt stated all options have been studied and feels it would be good to plan a solid, pragmatic design to last for 50 years. Ms. Arndt stated let's be the city with the planned future and looking far ahead. Ms. Arndt stated the 4HHS2 group is not committed to a particular dollar amount but a new school is needed.

Kelly Brady, 85 Shenandoah Avenue, stated she is a 13-year resident and came to the area and fell in love with it. Ms. Brady stated she has a son which will be the future class of 2030, and is scared about the safety of the student overcrowding. Ms. Brady stated she has heard a lot of comments that people will be leaving if taxes are increased, however she feels it will be the opposite as it will increase the value of the city, the property values, and growth. Ms. Brady stated what will draw people away is the overcrowding issue. Ms. Brady is aware there are a lot of obstacles in this project, but they are not looking for a state-of-the-art, most expensive facility, just looking for a safe reasonable city that can bring the community back together again.

Pamayotis "Poti" Giannakaouros, stated the last time he was before council his five minutes were interrupted with a request that he state his full address and noted that others who viewed the exchange volunteered that the interruption appeared rude and inappropriate and, after follow-up legal research affirmed the latter. Mr. Giannakaouros stated he would like to decline to share his address, based on this issue when it was heard by the Illinois attorney general just 3 years ago. Mr. Giannakaouros stated our ability to stand before council and address council is a fairly new development, in the spirit of the first amendment. Mr. Giannakaouros stated it has recently been implemented in all 50 states in the form of open meetings acts and while each state is different, the reasoning in Illinois seemed like it would hold across the country. Mr. Giannakaouros noted they ruled that whether by rule or by common practice, the requirement to state a full address could have a chilling effect on people's ability to participate and that if a body had decided to allow public participation, it should do so equally, without such a requirement. Mr. Giannakaouros stated based on his reading of Virginia history, and the struggle for democratic rights, had a sense that this was wrong. Still, he might have yielded, except that, as it turned out, he was in possession of FOIA documents that alerted him to be on his guard to defend those rights. Mr. Giannakaouros stated he had evidence that could suggest he

had been targeted for his testimony before council. Mr. Giannakaouros stated he found that repeated, insistent, and demonstrably unfounded tall grass and weed complaints had been leveled against his home by someone from another neighborhood. Mr. Giannakaouros stated for those who know the location, there is no through traffic there, except for people avoiding traffic control by cutting through the Harrisonburg Mennonite Church parking lot. Based on the documents, he doubted this was the complainants reason, leaving a question mark over his testimony. Mr. Giannakaouros stated as to Mr. Byrd, he is willing to hear a reaffirmation of what he thought he heard last time, that that is not what Mr. Byrd meant, coupled with a good faith motion to repeal the specific tool, 16-6-58, that has been used against him and many other outspoken people, one conveyed by the hand of the city manager, in addition to chilling the sound maintenance of city and private properties at great private, public and ecological cost and, Mr. Jones, this would also free up an inspector to pull up signs.

Obie Hill, 1733 Evergreen Drive, member of the High School Space Committee and member of the For HHS2 group. Mr. Hill stated he just wants to re-iterate that they understand that council is jointly linked with the school board in talking about a new high school, and would like to continue to support that joint effort and hope a decision is made that is best for our city, the children and the future. Mr. Hill congratulated Mr. Hodgen on his retirement.

Cathy Copeland, 1966 Russell Drive, stated her house is on the city-county line, and when they moved there in 2012 they knew they liked good schools but wasn't sure which school to have their children attend. Ms. Copeland stated they now have a child in kindergarten and decided to use Bluestone Elementary School because of the diversity and the dual language programs. Ms. Copeland stated Rockingham County has great schools as well, but the diversity of the schools in the city was the driving factor to choose. Ms. Copeland suggests to council that they move forward as quickly as possible with the school board and perhaps set a cap on spending.

Suzanne Federlein, 28 Edgelawn Drive, stated she is a long-time resident with a Harrisonburg High school graduate and loved the experience in the public schools. Ms. Federlein stated her elementary school years were spent in the very over crowded Thomas Harrison Middle School, and so she understands the concerns of the overcrowding and over use of resources. Ms. Federlein stated as tax payers, we as a community need to support the needs of the community as a whole. Ms. Federlein stated we need to manage our money but plan effectively for the future, or we will have more problems in the future. Ms. Federlein recalls when the old high school's fate was up for debate, originally it was going to be turned into a 5th-6th grade school as that was where the greatest need was at that time. Ms. Federlein stated it was decided to lease the school to JMU and in the end, it was sold to JMU after one year. Ms. Federlein stated she is aware council has many things on their plate but there is a need to look long term and make a wise choice.

10.b. City Council and Staff

Council Member Jones stated there have been many things going on in the community, an uptick in unpleasant activity that has caused tragedy and loss, and throughout all our debates, let us remember to be neighborly to each other. Council Member Jones stated things have been tough globally, nationally and now starting to penetrate our city.

Vice Mayor Baugh stated he supported what Council Member Jones said and the only thing coming from Planning Commission is a Special Use Permit request for property located on North Liberty.

Mayor Reed stated the city's Planning Commission will host four public workshops to review draft chapters for the Comprehensive Plan update. Each evening will be focused on a different set of topics and the remaining dates are: October 30 and November 13, 2017. For more information visit the city's website. Mayor Reed stated the city's annual leaf collection will begin on October 30 and details are available on the city's website. Before and after the leaf collection dates, leaves should be placed in a biodegradable bag for the Wednesday yard debris and bulk collection. Mayor Reed reminded everyone to be sure to check out BeHeardHarrisonburg.org to give us your feedback and ideas on the latest discussions and surveys. Mayor Reed stated with recent regional drought conditions, the city is encouraging residents to voluntarily conserve water. The city's water sources are currently able to keep up with the demand on a daily basis; however, it is never a bad idea to be a good steward of the environment and voluntarily conserve water when possible.

11. Closed Session

- 11.a.** Virginia Code Section 2.2-3711(A), under: 2.2-3771(A) Subsection 1 Discussion of personnel and Subsection 3 for a discussion of the acquisition of real estate for a public purpose;

At 9:59 p.m., a motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 1 for discussion of personnel and subsection 3 for a discussion of the acquisition of real estate for a public purpose and the disposition of public real estate. The motion carried with a recorded roll call vote taken as follows:

Certification

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

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 1 for discussion of personnel and subsection 3 for a discussion of the acquisition of real estate for a public purpose and the disposition of public real estate. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

12. Adjournment

At 10:55 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.

A motion was made by Council Member Byrd, seconded by Council Member Jones, to appoint Ande Banks to Acting City Manager and to appoint him to the following Boards and Commissions: Harrisonburg-Rockingham Regional Sewer Authority Board (HRRSA), Harrisonburg-Rockingham Emergency Communication Center Administrative Board, Harrisonburg-Rockingham Social Services District Board, Middle River Regional Jail Board of Directors, Community Criminal Justice Board, City/School Board Liaison Committee, City/County/JMU Liaison Committee, City/County Liaison Committee and Metropolitan Planning Organization.

At 10:57 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR

A motion was made by Council Member Byrd, seconded by Council Member Jones, to appoint Ande Banks to Acting City Manager and to appoint him to the Boards and Commissions that Mr. Kurt Hodgen was appointed to prior to his retirement. The motion carried with a unanimous voice vote.