



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, February 13, 2018

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: 4 - City Manager Eric Campbell, Deputy City Manager Ande Banks, City Attorney Chris Brown and City Clerk Ande Banks.

2. Invocation

Council Member Byrd offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Proclamation honoring Bob Corso

Mayor Reed presented a proclamation to Bob Corso, honoring his accomplishments and dedication in his field.

Mr. Corso stated he views journalism as a service to inform the public and has lived his journalistic life that way. Mr. Corso encourages anyone with a suggestion, compliment or complaint to contact WHSV as they always strive to improve service to the community.

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 Byrd, 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 January 23, 2018 City Council meeting

This Minutes were approved on the Consent Agenda.

6. Public Hearings

7. Regular Items

7.a. Consider closeout of the Lower North River Watershed Project

Ande Banks, deputy city manager, stated the United States Department of Agriculture, Office of Natural Resource Conservation Service (NRCS) sent a letter requesting action from the original partners of the North River Watershed Project dating back to the 1960's. He stated this was a federally funded project to provide flood control dams in the North River watershed, and of those dams, Switzer was included, and since the last date of any dam construction in 1980 no additional construction has taken place. He stated the NRCS is asking the stakeholders for action to close out the remaining projects, their belief is that because of new environmental regulations and lack of funding concerns, the projects will never come to fruition.

Council Member Byrd asked if the ownership of the dams will remain with NRCS. Mr. Banks stated no, the ownership of Switzer Dam is the City of Harrisonburg and the Skidmore Dam is owned by the Soil and Water Conservation District. Council Member Byrd questioned ownership and noted that could change things with the upgrades, flood mitigation etc. City Manager Campbell stated staff will check, clarify and advise council.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd indicating no opposition to closing the project 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.b. Consider a supplemental appropriation for the Fire Department in the amount of \$540,000

Ian Bennett, fire chief, Harrisonburg Fire Department (HFD), presented a supplemental appropriation request in the amount of \$540,000 for replacement of the fire departments self-contained breathing apparatus. He stated the United States Department of Transportation has a 15-year shelf life on the composite bottles used by the HFD, which are due to expire January 2019. He stated the new equipment is lighter and more technologically advanced but there is a four to six month back order.

He stated the HFD has worked from a regional cooperation standpoint, Waynesboro, Staunton, Augusta County and Rockingham County have all agreed to purchase the same type air packs, which will be beneficial for mutual aid.

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

8. Special Event Application Requests

- 8.a.** Consider a special event application for the 5K Run/Walk for Autism event on April 21, 2018

Andrea Dono, director of Harrisonburg Downtown Renaissance (HDR), introduced HDR's new events manager, Erin Johnson and also reviewed an additional page added to the Special Events Application called the Checklist for City Resources, which is for internal use.

Erin Johnson, events manager, HDR, presented a special events application for the 5K Run/Walk for Autism to be held on April 21, 2018 from 9:30 am to 11:00 am on Eastern Mennonite University's campus and the surrounding neighborhood. She stated this is the 11th year for this event with 1,000 participants expected and will require street closures, Police support and Public Works support for message boards and barricades.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a unanimous voice vote.

- 8.b.** Consider the Special Event application request for the 2018 Rocktown Beer & Music Festival

Erin Johnson, events manager, HDR, presented a special events application for the Rocktown Beer and Music Festival to be held on April 21, 2018 from 3:00 pm to 8:30 pm at the Turner Pavilion and neighboring grassy lot. She stated this is the 8th year for this event, 3,000-3,500 participants are expected, which requires closure of Warren Street and the Municipal parking lot, and will require some support from the Police and Public Works for road closures, barricades and trash collection.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a unanimous voice vote.

- 8.c.** Consider a Special Event application for the 2018 Race to Beat Breast Cancer 5k

Erin Johnson, events manager, HDR, presented a special events application for the 2018 Race to Beat Breast Cancer 5k Run/Walk presented by Harrisonburg Parks

and Recreation (P&R), to be held on October 20, 2018 from 9:30 am to 11:30 am in Westover Park and the Sunset Heights Neighborhood. She stated 600-700 participants are expected and will require the closure of South Dogwood Drive from West Market to Ohio Avenue, P&R will handle the cleanup, garbage removal and traffic marshalling and a representative from P&R will coordinate directly with city staff if any additional help is needed.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a unanimous voice vote.

- 8.d.** Consider the event application request for Shenandoah Valley Pride Festival to be held on Saturday, July 21, 2018.

Erin Johnson, events manager, HDR, presented a special events application for the Shenandoah Valley Pride Festival to be held on July 21, 2018 from Noon to 8:00 pm on Court Square. She stated this is the 26th year of this event, with 2,000-3,000 attendees expected, requires closure of the roads surrounding Court Square, and Police and Public Works support for barricades, road closures and trash collection.

Council Member Jones asked if there has been communication with the churches in case they have any special events. Ms. Johnson stated she is in contact with the event's organizer and will make sure that has been done.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the special events application as presented. The motion carried with a unanimous voice vote.

9. Reallocations

- 9.a.** Consider a reallocation of funds for the Stormwater Capital Projects Fund in the amount of \$416,407.50

Ande Banks, deputy city manager, presented a request for a fiscal reallocation of funds from the Stormwater Capital Projects Fund in the amount of \$416,407.50 to be moved into two specific Stormwater Projects: a retrofit to the BMP that is in the front of Thomas Harrison Middle School and the Mountain View Drive Stream Restoration Project. He stated both projects scored high on the Stormwater Improvement Plan.

Council Member Byrd stated there are two BMP's at the Thomas Harrison Middle School.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh to approve the reallocation of funds 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 it is only a few weeks away from the 10th anniversary Brent Berry Food Drive, but there will be a few changes. He stated the Salvation Army Shield will be removed as these drives are not Salvation Army sponsored, they will donate to the them as well as the Mercy House. He stated he thanked the city staff and council for the upcoming presentation to Brent of the key to the city and a plaque. He stated they do not do the food drives for recognition, they do it to help stop hunger, 69% of school kids in Harrisonburg don't eat at home and that needs to be worked on.

Kristin Laughlin, 282 Fairway Drive, stated she is a mother of two elementary school students that participate in the Dual Language Immersion Program and she is a mental health counselor with a private practice. She stated her oldest daughter would have been in safe territory with a 2021 opening of a new high school, but not any longer. She stated her daughter has an exceptional desire to learn, but needs time and space to do it. She stated her youngest daughter could learn in a card board box, but all kids are different and they all deserve the time and space to learn the way they need to. She stated she has heard from the teenagers she works with, that we as adults, aren't doing the best for the people that will soon be running our community. She stated fourth graders are learning the Seven Habits of Highly Effective Students, and one of the lessons includes "put first things first". She stated she sees where changes could be made regarding the overcrowding, and asked council to put first things first and work with the School Board to come up with a plan to fund what is required over the next five years.

Cathy Copeland, 1966 Russell Drive, stated ForHHS2 was formed with a non-partisan intention of showing community support for a second high school. She stated ForHHS2 is pleased that council saw the need for a second high school, and although opening in 2021 as the School Board recommended was ideal, council decided to delay opening for two years. She stated as citizens of Harrisonburg we need to work with the School Board and City Council and hold those governing bodies accountable. She reviewed 4HHS2's goals and stated she hopes that fellow community members will join them in reaching the ultimate goal of opening a second high school. She stated with this being an election year, the high school will be one of the hot topics and 4HH2S welcomes those discussions with the candidates. She stated 4HHS2 will support pro-education candidates no matter the party affiliation and will be interested to learn of candidates plans to open a second high school in a

fiscally responsible, timely way so that fewer students endure the current overcrowded conditions.

10.b. City Council and Staff

Council Member Jones provided a copy to council of the Harrisonburg/Rockingham Chamber of Commerce 2017 Annual Report which he obtained at the annual banquet he attended with the Mayor.

Council Member Jones stated he had recent interactions with individuals that have less in our city and would like to work with staff and organizations to create, if not already created, a road map of organizations that offer services and support to further help individuals that may be homeless, transitioning, without food or necessities, etc.

Vice Mayor Baugh stated the Planning Commission will be meeting on February 14, 2018 and they will be working on the Comp Plan, there are no matters coming to council in March. He stated there was an article in the newspaper about a county decision that was reversed by a local judge on a special use permit application. He stated this made him mindful and he thinks it is time for other council members to fill the position on the Planning Commission as council representative, to gain knowledge of what is seen and heard through the Board. He stated the specific ruling made by the judge was that the county didn't follow some of the details of their ordinance, but their ordinance is not the same as ours, none-the-less, there may be a larger issue to look at, as there seems to be a conception that all the evidence is taken into consideration when decisions are made by the committee and they do what they feel is best. He stated our ordinance regarding special use permits shows the board is to be mindful that what is requested doesn't burden the surrounding neighborhood worse than it would with some sort of by-right use. He stated requests from major family day homes, although he has always supported and probably will continue to, could cause traffic and parking issues, and therefore asks if we should review our ordinance so that it conforms with our standards. City Attorney Brown stated the article concerned him at first, however, he did review the Rockingham County Ordinance and it shows that the Board of Supervisors must make findings of fact in making its decision, and they did not do that. Mr. Brown stated we do not have that requirement, but we do need to be mindful of the language that is in our ordinance, as there are some criteria that needs to be met. He stated staff is reviewing what is required under state law and comparing the language with our current ordinance to make sure they match up correctly. Further discussion took place regarding the specific judge's ruling.

Council Member Byrd stated a citizen dropped off a Harrisonburg Bicentennial Plate from 1780-1980, and found it interesting that the spring house and the court house were pictured on the plate, even though the spring house was not there in 1980. He

thanked Nancy Clark Faulkner for donating the plate to the city.

Mayor Reed stated applications for the Citizen Police Academy are now being accepted and are due by February 23, 2018, the academy will run from March 6, 2018 through May 1st, on Tuesday evenings; Harrisonburg is receiving applications for the Community Development Block Grant and the deadline to submit is February 15th, 2018 at noon and if you are interested in applying contact Kristin McCombe in the city manager's office, or visit the city's website; city offices will be closed for Presidents day, Monday, February 19th, 2018 and refuse that is normally collected on Monday will be collected on Tuesday, February 20th, 2018;

11. Boards and Commissions

11.a. Tree Advisory Board

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to reappoint Kurt Schick to the Tree Advisory Board for a term to expire January 27, 2021. The motion carried with a unanimous voice vote.

11.b. Harrisonburg Electric Commission

A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to reappoint Randy Aikens and Daphne for second terms to expire December 31, 2020. The motion carried with a unanimous voice vote.

12. Closed Session

Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 7 for consultation with legal counsel and briefings by staff members pertaining to actual or threatened litigation

At 7:45 p.m., a motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 7 for consultation with legal counsel and briefings by staff members pertaining to actual or threatened litigation. 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

13. Adjournment

At 8:01 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 8:02 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR