



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft 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, May 8, 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: 3 - City Manager Eric Campbell, City Attorney Chris Brown and City Clerk Ande Banks.

2. Invocation

Council Member Jones offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Proclamation recognizing May 19th, 2018 as Kids to Parks Day

Mayor Reed presented a Proclamation recognizing May 19, 2018 as Kids to Parks Day.

4.b. Proclamation recognizing May 13, 2018 through May 19, 2018 as National Police Week

Mayor Reed presented to Chief Sellers a proclamation recognizing May 13, 2018 through May 19, 2018 as National Police Week and encourages all to join in thanking law enforcement officers for their service.

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

No: 0

5.a. Minutes from April 24, 2018 City Council meeting

These minutes were approved on the Consent Agenda.

5.b. Consider a request from Amerco Real Estate Company with representative Dominion engineering to amend the Zoning Ordinance Section 10-3-91 (2) of the B-2, General Business District. Section 10-3-91 lists all available uses that may be permitted by special use permit and subsection (2) currently lists the following allowable special uses: "Warehousing and other storage facilities, greater than twenty thousand (20,000) square feet, continuous to a permitted use."

This ordinance amendment was approved on second reading

5.c. Consider amending the Title 9 - Parks and Recreation Commission of the Harrisonburg City Code

This ordinance amendment with recommended changes was approved on second reading

5.d. Consider a supplemental appropriation for the joint CAD/DMS project for the Emergency Communications Center

This Supplemental Appropriation was approved on second reading

6. Public Hearings

6.a. Consider multiple Zoning Ordinance amendments related to wireless telecommunications facilities as required by amendments to the Virginia Code from the 2017 General Assembly within Article 7.2, Zoning for Wireless Communications Infrastructure. Other minor amendments are also proposed to the regulations for clarity. The regulations of Article CC only address wireless communications on privately and publicly owned parcels and do not address wireless communication facilities within public street or alley right-of-way.

Adam Fletcher, director of Planning and Community Development, presented a request for zoning ordinance amendments due to the 2017 Session of the Virginia General Assembly requiring localities to allow certain types of wireless telecommunications facilities as by-right uses. He stated Title 15.2, Chapter 22, Article 7.2 of the Code of Virginia was amended, therefore requiring the city to amend

its ordinances. He reviewed the city's current ordinance Article CC Section 10-3-195 to 203 and noted in 2012 planning staff did extensive research and prepared drafts and then adopted these Articles in 2015.

He stated the most restrictive code was under Section 10-3-196, which was associated with the fact that we had continued to not allow any wireless telecommunications facilities in any residential districts by-right. However, Title 15.2, Chapter 22, Article 7.2 of the Code of Virginia overwrites that and requires small cell facilities and micro-wireless facilities be allowed in all zoning districts. He noted that specific legislation defined small cell facilities and micro-wireless facilities and stated that no locality would be able to require a special exception/special use permit or variance be obtained.

He noted that all the regulations are associated with fee simple property or private property and not what would be installed in any right of way. He stated the legislation allows the city to charge a reasonable fee for processing applications and explained the recommended changes to the ordinance related to the fees.

He reviewed the definitions of small cell and micro-wireless facilities, and noted the city does not have any regulatory control over micro-wireless facilities, they must have permission from the wire owner. He reviewed the amendments requested and noted 18 code sections are being amended.

He noted staff recommended in favor and the Planning Commission recommended approval with a 5-1 vote.

At 7:16 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, April 23, 2018 and Monday, April 30, 2018.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:16 p.m., and the regular session reconvened.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the ordinance amendments 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

- 6.b.** Consider a request from BB Nectar LLC to rezone from R-3, Medium Density Residential District to B-2C, General Business District Conditional one parcel located at 2105 Evelyn Byrd Avenue.

Adam Fletcher, director of Planning and Community Development, presented a rezoning request for a parcel located at 2105 Evelyn Byrd Avenue from BB Nectar,

LLC, from an R-3 medium residential district to a B-2(C) general business district category. He reviewed the surrounding properties zoning categories and noted it is currently operating as a medical office. He stated this area is transitioning and the land use guide designated this area for planned business. He reviewed the proffers submitted, details of the site, and right of way dedications and easements to be recorded within 90 days of approval.

He noted staff recommended in favor and the Planning Commission recommended approval with a 6-0 vote.

Council Member Jones asked if signage would be affected if a traffic light were to be installed. Mr. Fletcher stated it would not.

At 7:24 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 Monday, April 23, 2018 and Monday, April 30, 2018.

Shawn Thompson, representative of BB Nectar, LLC, stated he is available for questions or comments regarding the request.

At 7:24 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the rezoning request 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

6.c. Public hearing regarding the Fiscal Year 2018-2019 budget

At 7:25 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 Monday, April 28, 2018 and Monday, April 30, 2018.

Kathleen Holter, president and representative of the Harrisonburg Education Foundation, stated today is National Teacher Day, part of Teacher Appreciation Week and it is tradition to thank the hardworking teachers and staff for all the sacrifices they make in the name of helping each child. She stated we see overcrowded schools, duct-taped books, large class sizes, teacher turnover and lack of funding at the local levels, which impact those that have chosen this noble profession but more importantly, those who stand to get the most from our teaching, the children. She asks Council to show recognition of the importance of teachers work and value the children who live here no matter who they are by making sure the budget council passes, fills the classrooms with up to date textbooks, technology and

the funding necessary to make teaching a profession that doesn't require to choose between their calling and paying their bills. She asked council to keep class sizes desirable for quality instruction, and stand with the teachers as they fight for the resources schools need to deliver on the promise of a great public-school education for every child in the city, they deserve it.

Dr. Scott Kizner, superintendent of Harrisonburg City Public Schools, thanked the city manager and council as he recognized the school budget was increased by approximately \$1M. He respectfully requested that \$350,000 be added in addition to the \$1M increase to the School Board budget. He stated the number one thing he would recommend to the school board to reduce, if the additional \$350,000 is not added, would be non-personnel items, such as a reduction in text books, technology and holding off on installing the bathroom trailer. He stated they are trying to protect the new critical positions and specific programs.

He noted that although the state budget is unknown at this time, he has not heard anything regarding school budgets being impacted. He stated if they receive more funds than anticipated from the state, they would return up to \$350,000 to the city.

He stated he is sure the \$350,000, if not more, will be returned to the city, but won't know until the auditor completes their work and certifies their budget. He stated that if the state funding is less than expected the School Board would not come back to Council and ask for more funding.

Pamayotis "Poti" Giannakaouros, thanked Council for this budget, as it was presented clearly in a manner to be readable by the public. He stated he has some suggestions for changes on the current proposed budget: The assistant manager position should be a high level position between the city manager and city staff integrating some of the goals that community groups have requested for coordinators; reduction of one zoning inspection position as proactive zoning enforcement is not working; and possible closing of the golf course as the chemicals used are not environmentally friendly and affect the stormwater runoff and the land could be used for something else as things change in the city.

At 7:38 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones asked the city manager if adjustments can be made in order to meet the needs of the School Board as requested. City Manager Campbell stated he feels the appropriate adjustments can be made to accommodate a \$350,000 increase within the proposed budget. Council Member Jones stated at the last council meeting a discussion took place regarding a Criminal Justice Planner, and wanted to make sure council agreed to pursue further research and if need be, setting aside funding. City Manager Campbell stated this would be in conjunction with the county partners, and if it is the desire of council to set funding aside an adjustment

can be made and shown in the proposed budget.

Council Member Byrd stated there is an area in the budget built in for operations or non-allocated contingencies which could be accessed for this type of item. City Manager Campbell stated the contingency funds are for those items that are not anticipated, but it depends on the desire of council if these funds are specifically set aside for this item.

Council Member Jones stated he would like to know if, in negotiations with the Sheriff, Rockingham County and the Community Criminal Justice Board, council could assist in offsetting the \$1.00 per day fee at the local jail. City Manager Campbell stated it would be in conjunction with the county partners, as the city has no control on this fee, but funds could be set aside to work on the issue. Council Member Jones stated \$125,000 would be sufficient for both the Criminal Justice Planner and the funds for offsetting the \$1.00 per day jail fee.

Vice Mayor Baugh asked, regarding the \$350,000 increase in school funds, if there is anything council needs to do to make that happen. Larry Propst, director of Finance, stated it can be added for the first reading of the budget, and then added to the appropriation ordinance on the second reading.

Vice Mayor Baugh stated regarding the Criminal Justice Planner, there is a lot of merit to this position, but it is in the informative stage and feels council can deal with funding needed if and when the time arises.

Council Member Byrd stated this is the first time in a long time the council and the school board have met halfway and he liked the idea of a possible refund of the increased budgeted funds if more funding from the state is obtained. He complimented Mr. Campbell and Dr. Kizner for compromising so well. He noted the city is going further into the reserves to obtain a budget balance, the last two years we had a structurally sound budget, and we are sticking our neck out a bit on balancing this year's budget.

Vice Mayor Baugh stated it is all about cash flow, by the time you factor in what the money actually ends up being, we are all in a comfort zone as council is expected to adopt a budget that is not projecting the current revenue to cover the current expenses.

Council Member Jones stated knowing that funds will be coming back from the School Board helps.

Mayor Reed thanked Mr. Campbell and Dr. Kizner for all the work that went into reaching a compromise.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the proposed FY18-19 Budget as presented with the increase of \$350,000 to the School Board. 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 from the Shenandoah Valley Soil & Water Conservation District

Megen Dalton, district manager of the Shenandoah Valley Soil and Water Conservation District (SVSWCD), stated William Latham, an elected director representing the City of Harrisonburg, is present, and Mr. Dale Chestnut, director, was not able to attend. She reviewed what the SVSWCD is, what they do and how funding is received and noted the city has provided annual funding and the SVSWCD appreciates the contributions. She stated some of the other funding sources typically come with very specific deliverables and are restricted to support and implement very specific programs. She stated federal funding sources are used to support the Total Maximum Daily Load (TMDL) programs, and the city has benefitted from some of the previous TMDL programs, specifically for the program that was administered for the Blacks Run TMDL implementation project.

She stated the Virginia Agricultural Cost Share Program provides financial and technical assistance to install agricultural Best Management Practices (BMP's) and funding for this program comes from the Department of Conservation and Recreation. She stated commonly seen in the valley are cover crops and animal waste facilities, such as the litter shed, and stream exclusion from creeks that create a vegetative buffer. She stated ultimately the more BMP's the more improved our local waterways are.

She stated the Virginia Conservation Assistance Program (VCAP) provides technical and financial assistance to residential homeowners to install stormwater related BMP's, to help reduce run-off volume, control peak flow rates, improve water quality and minimize pollutants and sediment entering waterways. She stated since the start of the program in February 2016 the VCAP has helped fund 15 residents to create a rain garden, a green roof, and a permeable paver project, to name a few.

She reviewed the dam maintenance that is done annually by SVSWCD, inspecting 11 flood-control dams, nine of which are in Rockingham County, eight of which are owned by SVSWCD, maintaining records, regular maintenance, mowing, removal of debris and vegetation and noted several of the eight dams owned by SVSWCD will require major updates and modifications in the near future.

She stated under the Youth Education Activities scholarships are offered, camps are available, and provide local competitions such as the Envirothon Competition, where high school students have hands-on experiences. She noted the Harrisonburg High School team placed 2nd in this year's local competition, placed 3rd in the large

regional competition and are heading to the statewide competition in just a few weeks.

She stated the Septic Assistance Program is available to homeowners, and can assist with septic repairs and replacement, as well as proper maintenance.

She stated SVSWCD partners with the city in events such as the Blacks Run Cleanup, Rain Barrel Workshops, and support of educational events and programs with the city schools and noted they are always open to new ideas and partnerships. She reviewed the current partnerships and noted partnerships are essential to share and maximize their resources.

Council Member Byrd thanked SVSWCD for their efforts in helping the city with setting up the city's stormwater program, and noted that Mr. Chestnut serves on the Stormwater Advisory Committee.

This Presentation was received and filed.

8. Other Matters

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

Pamayotis "Poti" Giannakaouros, stated he doesn't know if the camera caught a view of the city attorney, but he was conspicuously reading the newspaper during this evenings meeting. He stated perhaps he was looking up something that might be asked about, and if so, he would hope the city attorney would share. If that position is not needed readily at hand perhaps he should be moved to the side table with the rest of the support staff. He stated if it is needed, then perhaps his position should be filled by a person who has his or her heart in it. He stated the Shenandoah Valley Black Heritage Project toured the Corhaven Graveyard, and on the way back there was discussion of council and rest assured the people of this city are watching.

City Attorney Brown and Mayor Reed stated he was reading the Budget in Brief from the city manager not the newspaper.

8.b. City Council and Staff

Council Member Jones stated there was quite a bit of activity at the Community Conversations earlier today, and every member of council will most likely meet with the Environmental Performance Standards Advisory Council (EPSAC) as great conversations were had. He stated ideas were shared and is excited to see a group of citizens so involved and hopes their ideas will light a fire under council to move forward in a productive manner with those ideas. He stated he also met with a representative from the Connect Our Schools/Bike Coalition, and he hopes our Public Works staff will look at a larger project connecting Sunset, Wyndham and Dogwood to Bluestone Elementary and Harrisonburg High. He stated instead of going towards

the private land owners side could we look at public property, and how would that look like. He stated he mentions these two issues as it impacts those that are asset limited, constrained but employed. He stated reduction in energy costs, creating environmental protection standards and making things more “bikeable”, are viewed as luxury items, but implementing things like this can greatly assist those individuals and enhance their quality of life.

Vice Mayor Baugh stated the Planning Commission meeting will be reviewing a special use permit for property located at 257 Old South High Street, that council previously rejected and has favorable recommendation from staff as several other similar requests have been approved since then.

Vice Mayor Baugh stated a short -term rental draft ordinance (Airbnb) is working its way to council, a public hearing was advertised but not much input was received. He stated the recommended ordinance will treat these short-term rentals as a special use permit item. He stated there are roughly 400 short-term rental properties in the city, and feels Council needs to be thinking about whatever we do, as it is largely not permitted in the city now. He stated the normal practice of being complaint driven is extremely defaulted and council may now need to review and create proactive elements.

Council Member Byrd stated the Stormwater Advisory Committee (SWAC) met and the first five-year permit goals have been met. He stated staff has set the plans for the next five-year permit cycle, and it looks like we will be able to hold the stormwater fee at the same level. He stated the Planning District Commission meeting is coming up, they will be working on developing a budget for the coming year, and the Metropolitan Planning Organization’s amendments to the long-range 2040 Transportation Plan are not setting well with some of the residents in Rockingham County.

Council Member Hirschmann stated he met with the same people that Council Member Jones met with and feels they have some interesting ideas, and feels it is something to keep an eye on. He stated even though what the group is working on isn’t something that will happen quickly it would be to the advantage of the city as far as environmentally correct and include potential money savings.

City Manager Campbell stated that as of May 4, 2018 the city started actively recruiting for the police chief position, the profile has been released, and the vacancy is open until it is filled, however, an initial review date is set for June 8, 2018.

Mayor Reed stated National Police Week will begin on May 14, 2018 with a flag ceremony at 9:00 am at the Public Safety Building; the Food Truck Rally will be Saturday, May 12, 2018 at the Lucy Simms Center from 11:00 am to 3:00 pm; Bike to Work Day is on May 18, 2018, for other events surrounding Bike Month contact the Shenandoah Valley Bicycle Coalition’s website; and city offices will be closed on May

28, 2018 for Memorial Day.

She stated Council Member Hirschmann joined her at the Rotary Ethics Award luncheon, which was a great event.

9. Boards and Commissions

9.a. Harrisonburg Rockingham Community Policy and Management Team (CPMT)

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to appoint Kira Newman to the Harrisonburg Rockingham Community Policy and Management Team (CPMT) as presented. The motion carried with a unanimous voice vote.

10. Adjournment

At 8:20 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR