



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

*Mayor Christopher B. Jones*  
*Vice-Mayor Richard Baugh*  
*Council Member Ted Byrd*  
*Council Member Kai Degner*  
*Council Member Abe Shearer*

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Tuesday, August 23, 2016

7:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 5 - Mayor Christopher B. Jones, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Kai Degner and Council Member Abe Shearer

**Also Present:** 5 - City Manager Kurt Hodgen, Acting Deputy City Manager Ande Banks, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

### 2. Invocation

Council Member Byrd offered the invocation.

### 3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

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

Jim Orndorf, 22 East Market Street, stated there was an upcoming Community Criminal Justice Board meeting on Monday, August 29, 2016 at 4:00 p.m., at the Rockingham County Administration Building. Mr. Orndorf stated the Valley Justice Coalition will be providing a presentation during the meeting as well as others.

Bill Blessing, 1120 Meadowlark Drive, and Josh Humphries, 238 East Water Street, both members of the Harrisonburg Transportation Safety and Advisory Board (HTSAB), presented a resolution that was passed by the HTSAB to Police Chief Monticelli expressing their appreciation for the Harrisonburg Police Department.

Thomas Marchese, spoke on behalf of Angelike Flores, stated 30 South Main Street has a drainage ditch that runs underneath the building. Mr. Marchese stated the deed says that the building is owned by Flores Downtown, LLC and they can't do anything with the drainage ditch. Mr. Marchese stated the drainage pipe has eroded due to water running through it from other parts of the city and it is causing leaks into the property located at 34 South Main Street. Mr. Marchese stated he has spoken to the Planning Department and Public Works and he is now coming

to council begging for assistance. Mr. Marchese stated the Public Works Department said they can't touch the pipe, because the property is owned by Flores Downtown, LLC. Mr. Marchese stated the Planning Department admitted the water was coming from city sources and stated he had a video showing the amount of water being pushed through the drainage pipe every time it rains. The erosion has deteriorated the side wall into 34 South Main Street, which has caused flooding in the basement. Mr. Marchese noted the Harrisonburg Fire Department helped get the water out of the basement. Mayor Jones asked Mr. Marchese to provide his contact information to the city clerk.

Mike Donovan, President of Nexus Services, spoke in regards to the conditions at Middle River Regional Jail (MRRJ), noting several inmates have filed a lawsuit about the conditions in the jail, and shared stories about a couple of inmates and their lack of health care they are being provided. Mr. Donovan stated council has a responsibility to investigate the issues at MRRJ. Mr. Donovan presented a bag of beans to each of the council members and provided directions to pick out the rocks prior to cooking the beans.

Tom Benevento, 910 Collicello Street, stated his family enjoyed bike paths during their vacation and the Northend Greenway is a path that could improve connectivity here in the city. Mr. Benevento noted that residents have put in thousands of hours and have helped bring in close to \$2M for the project. Mr. Benevento stated the Northend Greenway group is currently raising \$40,000 for amenities along the path and currently has a \$10,000 check to present to the city and has thousands of more dollars pledged. Mr. Benevento wants council to push this project forward to meet the deadlines to begin construction by 2017. Mr. Benevento asked those in the audience to stand up if they supported the Northend Greenway project. Mr. Benevento feels that there is a lack of political will, leadership, lack of urgency, and over the next several months the group will be here presenting checks to the city and keep the momentum going.

Jamie Miller stated he helps the Harrisonburg Premier Soccer League who use the Smithland Fields and requested additional funding for more fields and bathroom facilities.

Mayor Jones stated he asked Mr. Miller to speak to bring it to others attention after learning about the issue at the Hispanic Heritage Festival. Council Member Shearer suggested this item should be mentioned to the Parks and Recreation Commission. Council Member Shearer also noted that this council and recent council's have allocated a lot of funds towards soccer.

**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 Degner, seconded by Council Member Byrd, to approve the consent agenda as presented. The motion carried with a recorded roll call vote

**taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

**5.a.** Minutes

**These minutes were approved on the consent agenda.**

**5.b.** Consider the reappropriation of encumbrances that were outstanding at the end of Fiscal Year 2016 in the amount of \$6,802,550.51

**This supplemental appropriation was approved on second reading.**

**5.c.** Consider a request from Thomas W. Richardson and James F. Richardson with property representative Mossy Creek Holdings to rezone a parcel from R-2, Residential District and R-3, Medium Density Residential District to B-2C, General Business District Conditional

**This rezoning was approved on second reading.**

**5.d.** Consider amending and re-enacting Chapter 6 Article C Section 3-6-32 of the Harrisonburg City Code

**This ordinance was approved on second reading.**

**5.e.** Consider enacting Section 6-1-27 of the Harrisonburg City Code on crossing intersections diagonally

**This ordinance was approved on second reading.**

**5.f.** Consider amending Sections 6-5-3, 6-5-5, 6-5-7, and 6-5-9 of the Harrisonburg City Code in regard to the Stormwater Utility Fee

**This ordinance was approved on second reading.**

**6. Public Hearings****6.a.** Consider amending and re-enacting Section 15-3-2(b), 15-3-2(c)(7), 15-3-2(d)(4) and enacting Section 15-3-2(c)(8) and 15-3-3 of the Harrisonburg City Code in regard to the noise ordinance and mass outdoor social gatherings

City Attorney Brown presented the potential amendments to the current noise ordinance and the enactment of an ordinance for mass social outdoor gatherings. City Attorney Brown stated that he and Acting Deputy City Manager Banks met with James Madison University (JMU) representatives, Chief Shifflett, Mr. Humphries, and Mr. Bacon along with a few others. JMU was receptive, and wanted to know details of the incidents that generated the latest concerns and asked for guidance on how to notify the student population of these changes. City Attorney Brown noted JMU understands the problem within the city, and JMU will take a very active role. City Attorney Brown noted Chief Shifflett received a list of

housing where students live together and plans on reaching out to those students at the beginning of the school year regarding expectations of the university and the city. City Attorney Brown noted it was a consensus that the previous committees formed were too big, were not focused, and it was recommended a smaller committee be formed with a Harrisonburg Police Officer being on the committee to meet and focus on some of the issues. City Attorney Brown noted this public hearing was recommended in order to obtain citizen input. City Attorney Brown stated the current ordinance has been effective during the evening hours; however, larger parties have been appearing during the afternoons and council heard many complaints in the spring which, in turn, created the recommended amendments. City Attorney Brown asked for council's permission to present a random sampling of Harrisonburg Police body cam footage. Mayor Jones requested any individuals that do not wish to watch footage, remove themselves temporarily for those in the lobby that would like to see footage. City Attorney Brown presented the video, which were of two parties dated April 16, 2016 one located on South Avenue which had approximately 600-1000 attendees and the other located on Paul Street which had approximately 300 attendees. City Attorney Brown noted the police arrived at the South street location because of an ECC call for medical service. City Attorney Brown noted the South Avenue gathering required 24 police officers (HPD, JMU, and the State Police) within a three (3) hour block of time which hindered police protection elsewhere in the city. City Attorney Brown brought attention to the public urination, intoxication, and the trash left in the aftermath. City Attorney Brown reviewed the proposed ordinance enactment regarding mass outdoor social gathering, its definition and proposed requirements. City Attorney Brown stated the city followed Blacksburgs ordinances closely which had been very affective, but adjusted the attendee number from 200 to 100. City Attorney Brown reviewed the existing ordinance amendment to Section 15-3-2(c) (7) regarding large party nuisance and noted the noise ordinance has several exemptions. City Attorney Brown reviewed the requested enactment Section 15-3-3 Noise Permit for use for the mass outdoor social gathering ordinance. City Attorney Brown noted he had received comments from parents that the HPD is being too tough on the students. City Attorney Brown reviewed statistics provided by the Harrisonburg Police Department (HPD) regarding citations issued since the passing of the current noise ordinance in 2014. City Attorney Brown noted that in 2016, out of 613 encounters for noise complaints, only 12 citations were issued, which is 2%. City Attorney Brown stated he had asked what the treatment for a typical instance of anyone who is publically intoxicated would be, in which the HPD responded, they try to get the students home safely, rather than issue a citation unless the student represents a danger to themselves or others. City Attorney Brown noted HPD goes through extraordinary lengths to not issue citations or make arrests if at all possible.

Council Member Shearer asked City Attorney Brown how many contact names/sponsors would be required on the permit request. City Attorney Brown noted that it is assumed that every sponsors name would be listed. Council Member Shearer asked if a gathering of 100 would only require one sponsor/contact. City Attorney Brown noted there are small details to be worked

out but the intention is to obtain as many sponsors as possible. Mayor Jones noted the ordinance requests monitors. Council Member Shearer suggested that it may be prudent to have more than one contact/sponsor associated with the permit request. Mayor Jones stated a minimum number of contacts on permit requests should be noted.

Council Member Degner asked Chief Monticelli how the requested ordinance amendments and permit requirements help the police more than the existing ordinance. Chief Monticelli stated it would allow HPD to have more enforcement capabilities to control daytime parties even if no complaint was received. Chief Monticelli noted that the permit requirement would help in providing advanced notification so that manpower with the HPD can be in place if needed. Chief Monticelli noted he sees the permit requirements as an educational component forcing accountability for events. Council Member Degner asked Chief Monticelli if the shutting down of an event of more than one hundred people would be determined by the noise level, lack of permit, or other circumstances. Chief Monticelli replied by saying it could be a mixture of things, but HPD uses common sense and reasonable discretion.

Council Member Shearer pointed out the statistics, showing a reasonable amount of discretion and subjectivity by the HPD is apparent.

Mayor Jones asked Chief Monticelli if the HPD has enough staffing. Chief Monticelli responded they are currently 15 officers down, most officers work overtime with no days off, and over the next four (4) weeks additional overtime will be given to provide education to the community during the influx of the student population.

Mayor Jones asked if the HPD is as lenient with residents as it appears to be with the students. Chief Monticelli stated there is no difference in treatment.

Mayor Jones provided a few scenarios and asked Chief Monticelli how these recommended amendments would affect how HPD handles each. Chief Monticelli replied that each scenario would be treated at the discretion of the officer and noted HPD is asking for tools to help with those situations that get out of hand.

Council Member Shearer stated the ordinance is the same ordinance that has been in place for some time and it is just being expanded upon because it is a very successful tool for the daytime events and for the larger crowd events.

Chief Monticelli stated that by requiring permits, HPD could be staffed more efficiently to be able to provide services throughout the city.

At 8:08 p.m., Mayor Jones closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Saturday, August 20, 2016

Andy Perrine, Associate Vice President for Communications and Marketing at JMU and President of the Board for Harrisonburg Downtown Renaissance introduced Officer Kevin Lanoue, JMU Public Safety, and Dr. Josh Bacon, Dean of Students at JMU. Mr. Perrine stated he would have loved to have shown videos of the positive behavior from 99% of JMU students. Mr. Perrine stated there are a few students that mess up and acknowledges this is a problem. Mr. Perrine noted he is also a resident of downtown and the one who started the Friends of Old Town. Mr. Perrine noted he is here in the spirit of unity and with the collaboration via dual jurisdiction with HPD and JMU, the Liaison Committee of JMU and City Council, and the work that Dr. Bacon does through his Office of Student Accountability, student behavior has gotten better and shows that JMU leadership is being proactive. Mr. Perrine noted the highest density of students live on campus, have supervision and there isn't a problem with mass gatherings, whereas those living off campus do not have that supervision, hence the problems, and this should be addressed. Mr. Perrine noted this year, Officer Lanoue, HPD and the Student Government Association, as they do every year, will be going door to door at all student apartment complexes and will be extended to downtown, to create relationships and promote positive student conduct. Mr. Perrine noted that part of the university's student affairs area was reorganized, and the offices of Student Life and Student Accountability both report to Dr. Bacon, so the ability to bring restorative practices to neighborhoods where students and neighbors may not be getting along will be more easily delivered. Mr. Perrine thanked City Attorney Brown for working on this.

Matthew Mueller, 2109 Purple and Gold Way, Student Body President delivered the Student Government Associations (SGA) official statement on the amended noise ordinance. Mr. Mueller stated the SGA acknowledges there is a problem in the community and apologizes for the bad neighbors and disrespect to the community, but noted the proposed changes are not the correct solution. Mr. Mueller noted the recommended amendments are setting students up to fail and brings up enforceability issues. Mr. Mueller noted an alternative solution to changing large gatherings to be 200 people or more, and changing permit application requirement from 30 days in advance to 15 days in advance. Mr. Mueller suggested making landlords accountable, since most leases have a "noise complaint" clause but are not enforcing these rules. Mr. Mueller stated that a partnership between student leaders and community leaders to proactively solve the problems is a perfect way to reinvigorate the campus community. Mr. Mueller noted the Durham, NC police department tried this approach at Duke University, and discovered by having meetings with students and community members, an increased tolerance of the community and respect towards the community by students occurred and noise complaints dropped by 17%. Mr. Mueller stated the SGA will do its best to educate students of the changes made and will work with City Council and the city to make sure all students are aware of the amendments, by the "Knock and Talks" with the HPD, the office of Student Accountability and JMU Police.

Josh Roesch, 2324 Campus View Circle, President of JMU College Democrats

and fraternity member, stated parts of the amended ordinance are necessary, members of most of Greek life and most singular students realize there are legitimate issues and concerns, and they are willing to work with the city. Mr. Roesch noted that the majority of students want to crack down on parties as shown in the video City Attorney Brown presented. Mr. Roesch stated that all students should have a say in this dialogue and asked council to table the ordinance amendments so student leaders and groups have the opportunity to meet with the City Council to propose a compromise on specific parts that would be beneficial to all involved. Mr. Roesch noted he feels the current recommended amendments are discriminatory towards students and is an unnecessary burden on law enforcement.

Sherry Good, Campbell Street, thanked council for all the work involved and stated she realizes that not all students are represented by those that have caused problems. Ms. Good noted students have provided a more vibrant downtown and offer many positive things to the city; however, there is a problem and she agrees with the amendments requested and is ok with reducing the time required to apply for a permit to 15 days.

Victoria Atkins, 2404 Campus View Circle, stated she is a fourth year student and requests tabling the ordinance amendments until conversations can be had among all parties. Ms. Atkins stated there are instances of disruption and inappropriate behavior in old town and other areas during the day, but she doesn't believe this ordinance will change anything. Ms. Atkins stated JMU students provided over 600,000 hours of community service this past year and the video shown does not represent all JMU students. Ms. Atkins feels the amendments suggested would affect graduations, family cookouts, and those alike and instead of putting this incredibly broad ordinance in place, she would like to see a conversation between the student body and the city to take place to reach an agreeable solution. Ms. Atkins thanked HPD for all their hard work and keeping everyone safe and the council for its work on this matter.

Ruth Jost stated she feels the ordinance proposed is an excellent idea as there have been a number of issues over the years which has brought the community to a point where action is needed. Mrs. Jost agreed with the city on how they adapted other locations' ordinances to meet our needs. Mrs. Jost described a situation she experienced with a large party in her daughter's neighborhood and hopes the changes will rectify the problems she encountered. Mrs. Jost stated she has concerns that revolving parties will still be allowed, but applauds the council for their efforts.

Ryan Johnson, Campbell Street resident, stated there clearly is an issue of noise being a problem; however, there is already a noise ordinance which covers any noise over 65 decibels between 10:00 a.m. and 7:00 p.m. (no louder than a vacuum cleaner) and feels this is an unnecessary burden on the students.

Josh Humphries, 238 East Water Street, stated he is a recent graduate of JMU

and a new resident of the old town neighborhood. Mr. Humphries stated he lived in three different places in the city as a student, in which each lease had a provision stating his lease could be terminated for "x" amount of noise complaints (his current lease has this provision as well) and suggested landlords be held more accountable.

Diane Perry, Paul Street resident, stated that one of the problems is that this is an entitlement issue and students feel they are entitled to have parties and make as much noise as possible and feels JMU and the city should address this with the students. Ms Perry stated these students are adults now and should be held accountable and more citations should be issued. Ms. Perry feels that only 2% of offenses are being issued citations is an outrage, especially for those that are committing crimes against any current ordinance and feels the city needs to be tougher on those breaking any laws in these situations.

Max Garris stated he has lived in the city for four years, with a city of 50,000 plus residents, of which over 20,000 are students requests the ordinance be tabled until all of the student body is in the area.

Kathy Whitten, 560 South Mason, stated she appreciated what has been done by council; it is good work and research, and a good start. However, there is always opportunity to amend the amendment; therefore, something needs to be done tonight. Ms Whitten acknowledged there are views within the audience for both sides, but requests that the recommended amendment not be tabled at this time and would love to work in collaboration with all those involved.

Amy Graham, 205 Franklin Street, requested council to vote yes to the ordinance changes as it provides tools to the city's HPD for residence safety. Ms. Graham stated she recommends tickets should be issued so landlords have a record for lease violations.

Lauren Penrod, 171 Franklin Street, stated she has a lot of interactions with students in her business and at her residence and has spoken to many neighbors. Ms. Penrod stated those neighbors and she have some concerns with some of the issues such as urinating in public or public intoxication, but not to the extent that others have. Ms. Penrod stated she is not sure the particular changes will do anything about some of those issues. Ms. Penrod suggested the council table this item, but if it does pass, then at least requests the mass social gathering be increased to 200 attendees and a 15- day application requirement.

Michael Zook, 484 South Mason Street, thanked council for working through this and coming up with great solutions. Mr. Zook stated that landlords feel there is nothing they can do if tickets aren't issued, but that's not a good enough excuse. Mr. Zook stated he would like to see landlord information added to the required information of the permit requests and the landlords should be issued fees for any violations in order for them to assist in cracking down on these issues. Mr. Zook reviewed a couple of incidents regarding a noise nuisance in his neighborhood in



the early morning hours, police responded quickly, gave tenant a warning, and the tenants stated they weren't aware they were doing anything wrong. Mr. Zook feels our officers should not be babysitters and tickets should be written.

Shawn Long, former JMU student and current resident, stated he thinks that if the presence of an officer tends to deescalate the situation more officers should be hired. Mr. Long agreed public urination and public intoxication should be ticketed every time and feels landlords should be made aware of any large parties.

Amanda Kennedy, 869 Port Republic Road, stated she feels students are being attacked, but agrees that public urination and public intoxication should be addressed. Ms. Kennedy requested the ordinance amendments be tabled.

At 8:56 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Degner noted there were competing interests and valid points from both sides and he understands the reasons and the purpose for extending the noise ordinance during the day. Council Member Degner questioned the permit issue in that although it is nice to know where a party is being held, he is not convinced that having the permit will keep those parties from becoming a problem. Council Member Degner doesn't think that local government should discourage people who are reasonable from gathering. Council Member Degner stated he might support the amendments if the time frame to apply for a permit is reduced and the number of attendees increase.

Mayor Jones noted that council is discussing the worst side of people that aren't really here and even if this was tabled those individuals would not be present for future discussions. Mayor Jones would like to hear how students feel they are being discriminated against. Mayor Jones noted Chief Monticelli needs more officers and is shocked at the 2% statistics and enforcement from HPD must be done to the hilt. Mayor Jones recommended students interact with others and educate those that are giving them a bad reputation and self policing needs to be done through peers. Mayor Jones stated tabling the amendment requests would only allow problems to persist.

Vice-Mayor Baugh stated he was impressed with the group present at the council meeting, but the term "students" is being used in a negative light. Vice-Mayor Baugh noted we may have a land use issue (i.e. older homes converted to apartments), which should have never been allowed in the first place, but at least now we have control for the future. Vice-Mayor Baugh stated there must be thresholds and the permit required is a way to control public safety issues. Vice-Mayor Baugh stated citizens must report crimes and complaints in order for the HPD to be able to plan on certain areas to concentrate their efforts for either planned or unplanned events. Vice-Mayor Baugh stated he has reviewed other ordinances from other localities and feels our recommended amendments are not unfounded and the fear of law enforcement abuse shouldn't be a concern.

Vice-Mayor Baugh views this as a positive way to address public safety concerns and noted additional amendments can be done to adjust, if necessary.

Council Member Degner offered an amendment to change the amount of days required to apply for the permit from 30 days to 15 days.

Council Member Shearer noted he could be persuaded to lower the number of required days prior to the event<sup>6</sup> as it still instills accountability and heads up for staffing. Council Member Shearer amended his original motion to reflect that change. Council Member Shearer noted this ordinance targets irresponsible, destructive individual, who are affecting more and more communities and feels this will help not only this year, but every year moving forward.

Council Member Byrd stated he is comfortable with the requirement that if 100 people attend a permit must be obtained. Council Member Byrd stated council is finding themselves legislating common sense and human decency. Council Member Byrd noted that the community has tried repeatedly to correct the behavior to no avail.

Council Member Shearer spoke with several officers who all agreed the 100 people number is a good number, as most birthday parties, etc are not that large and most are not that reckless. Council Member Shearer noted this ordinance does not target JMU students, but what it does do is target irresponsible, disruptive, and antisocial behavior by individuals.

Mayor Jones asked Chief Monticelli if 15 days would provide them with enough time to prepare. Chief Monticelli stated that would be enough notice.

Council Member Degner accepted the recommended changes to the amount of days requested to apply for a permit and noted that this ordinance can be revisited at a later date, if needed.

Mayor Jones reiterated to the attendees of the council meeting that he urges them assist in the efforts to have these types of incidents stopped.

City Attorney Brown stated an effective date needs to be determined and approved tonight if council desires for the mass outdoor social gatherings permit. A discussion took place among the council members and September 15, 2016 was determined to allow ample time to finalize the process and educate the public.

**A motion was made by Council Member Shearer, seconded by Council Member Byrd, to approve the amending and re-enacting of Section 15-3-2(b), 15-3-2(c)(7), 15-3-2(d)(4) and enacting Section 15-3-2(c)(8) and 15-3-3 of the Harrisonburg City Code as presented.**

**A motion was made by Council Member Shearer, seconded by Council Member Byrd, to amend the motion to reduce the application time line to apply for a permit to fifteen (15) days.**

A motion was made by Council Member Shearer, seconded by Council Member Byrd, to amend the motion to have the effective date of the enactment of Section 15-3-2(c)(8) be September 15, 2016 and the effective date for amending and re-enacting Section 15-3-2(b), 15-3-2(c)(7), 15-3-2(d)(4) and enacting Section 15-3-2(c)(8) and 15-3-3 to be August 23, 2016.

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

At 9:33 p.m., Mayor Jones called the meeting into recess.

At 9:40 p.m., Mayor Jones called the meeting back into session.

**6.b.** Consider the disposition of real estate owned by the City of Harrisonburg along Reservoir Street to Davis Mill, LLC

City Attorney Brown stated that the city has entered into a contract with Davis Mill, LLC subject to approval by council for the sale of the remnants of two parcels along Reservoir Street. City Attorney Brown stated when Public Works was obtaining title to the needed properties for the Reservoir Street expansion the city felt the need to purchase the entire parcel, with the understanding the city retain what was needed for both the Reservoir Street widening and utility easements necessary for the project and then at a later point to dispose of these two lots. City Attorney Brown noted that the parcels are separated by a private street that serves Campus View apartments. City Attorney Brown stated both the city and Davis Mill, LLC agreed that the remnants of these two parcels be sold to Campus View so that only one entrance is needed. City Attorney Brown stated Davis Mill, LLC also agreed that some of the other adjoining parcels could use the relocated entrance. City Attorney Brown noted the purchase price totals \$125,215, which was both the assessed and appraised value. City Attorney Brown stated under the Virginia State Code a public hearing is required.

At 9:33 p.m., Mayor Jones closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Saturday, August 13, 2016.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 9:34 p.m., and the regular session reconvened.

A motion was offered by Council Member Byrd, seconded by Council Member Shearer, to approve the disposition of the real estate as stated. The motion carried with a recorded roll call vote taken as follows:

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

## 7. Regular Items

7.a. Consider a resolution to approve the submission of a membership application to Welcoming America

Reverend Jennifer Davis Sensenig, President of Faith in Action (FIA), stated FIA is a coalition of 19 congregations and asked those in the audience that were involved with FIA to stand. Reverend Davis Sensenig stated after holding several listening sessions the Issues Committee of FIA decided applying to become a 'Welcoming America' community would be a good way for the city of Harrisonburg to deepen FIA's intentional engagement with the diverse immigrants and refugees for making their home in Harrisonburg. Reverend Davis Sensenig stated 15-20% of city residents were born outside of the United States and more than 46 different languages are spoken in the city's school system. FIA feels that the city can build a more prosperous inclusive community by developing structures, policies, and programs that are immigrant friendly. Reverend Davis Sensenig noted letters of support were received from Harrisonburg Downtown Renaissance and the Diversity Council of Harrisonburg and Rockingham County Chamber of Commerce. Reverend Davis Sensenig noted FIA also began conversations with Rockingham County staff and noted that county staff was interested in working with the city on immigrant friendly structures and policies through a shared advisory council.

The following individuals spoke in regards to why the city needs to become a 'Welcoming America' city: Rehab Mansour, Jacques Mushagasha, Denait Gebretsadik and, Nelly Moreno Shenk. The individuals noted their following struggles: long wait for work permits; unable to find jobs; spouses having to find jobs out-of-state; issues finding childcare, housing, and transportation; and, issues at the DMV. They also feel a committee would be beneficial to immigrants.

Reverend Davis Sensenig stated during this process FIA has learned a lot and has been able to work with many organizations that have worked with immigrants and refugees for many years. Reverend Davis Sensenig invited the following partner organizations forward, which included the following: Church World Services, NewBridges Immigrant Resource Center, Skyline Literacy, Voces Unidas, and New Americans Consultative Council. These organizations spoke on the following: housing discrimination due to not having a social security number, jobs, and credit history; thanked council for the resources page that is posted to help new individuals to the community; involvement with non-speaking residents and literacy; in favor of the resolution and the committee; and, they are active community members and tax payers.

Mayor Jones acknowledged all that were in attendance for this agenda item and stated with the individuals already involved, Harrisonburg is already a welcoming community and doesn't want to lose sight of that. Mayor Jones read the resolution for consideration.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Byrd, to approve the resolution as presented.

Council Member Degner stated he is thrilled to support this resolution and it reminded him of when council passed the resolution in support of the Dream Act, which had no power but was very symbolic. Council Member Degner stated with the advisory committee that has been discussed, he recommended the organization create an advisory committee and suggested having a member of council serve on the advisory committee. Council Member Degner explained the process of how council members get placed to serve on each board and commission during the reorganization meeting held in January. Council Member Degner noted the city doesn't have a committee set up for any specific demographic or group of people, but the city does have them for services and functions that relate to people living in the city. Council Member Degner invited those interested in immigrant and refugee issues to apply to be one of the boards and commissions the city has to offer, so those concerns can be brought into the conversation of government. Council Member Degner stated the group requesting one member of city staff to be that person is very ambitious, because they might not be the right person for all situations. Council Member Degner noted the city doesn't have the power over several of the concerns being mentioned such as the DMV. Council Member Degner also noted this is the year the city's Comprehensive Plan is reviewed and there are a lot of things within that document that would relate to all residents in the city and the process of how to get involved with that will be provided at a later date. Council Member Degner suggested they look at the Healthy Community Organization as they do a lot of good work within the community.

Vice-Mayor Baugh stated a community organization with a council member serving as a liaison is worth discussing. Vice-Mayor Baugh mentioned the formal presentation that council received during the previous council meeting in regards to the joint Assessment of Fair Housing would be a great agenda item to review.

Council Member Shearer stated he feels we are a welcoming community with the faith and community resources that are already available and would like to continue those efforts to make good things happen.

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

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

**7.b.** Consider amending and re-enacting Sections 13-1-79 and 13-1-84 of the Harrisonburg City Code, parking violation fines and appeals

City Attorney Brown reviewed the recommended changes to the current ordinance to include changing the parking violation for exceeding the time limit of a parking space fine to be consistent with those fines throughout the rest of the city which

would make administration of these fines easier. City Attorney Brown also stated the recommended changes clarify the appeal process.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the amending and re-enacting of Sections 13-1-79 and 13-1-84 of the Harrisonburg City Codes presented. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

**7.c.** Consider approval of the State Performance Contract for the Community Services Board

Ellen D. Harrison, executive director of the Community Services Board (CSB), stated this contract is reviewed biannually and noted 13% of CSB's budget comes from the city and the county. Ms. Harrison highlighted that the CSB served 4,000 unduplicated persons and partnered with the Sentara RMH Emergency Department through a grant offered by the Department of Behavioral Health and Development Services and are on-site 40 hours a week providing immediate services during the past year. Ms. Harrison stated the CSB is increasing the hours within the jail from 20 to 40 hours, have partnered with Strength in Peers to help those coming out of jail who have a strong substance use disorder, and also increasing their hours within the school systems. Ms. Harrison stated the CSB completes approximately 97 intakes each month, with that being both adults and children.

Council thanked Ms. Harrison and her staff for all of their work they offer to the community.

**A motion was offered by Vice-Mayor Baugh, seconded by Council Member Byrd, to approve the State Performance Contract as presented. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

**8. Supplementals**

**8.a.** Consider a supplemental appropriation for the Fire Department in the amount of \$207,371.63 from Fire Program and Four-for-Life funds

City Manager Hodgen asked if council had questions and noted staff recommended approval of the request.

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

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 8.b.** Consider a supplemental appropriation for the Police and Fire Departments in the amount of \$76,179.41 from various grants

City Manager Hodgen asked if council had questions and noted staff recommended approval of the request. City Manager Hodgen noted that both agenda items 8.a. and 8.b. are separate from the end of the year encumbrance supplemental appropriation due to these funds are required to go into specific line items and not into the General Fund.

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

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

- 8.c.** Consider a supplemental appropriation for the Police Department in the amount of \$18,078.00 to purchase a special events vehicle

City Manager Hodgen noted the funding for this vehicle comes from Federal Asset Forfeiture and staff recommends approval.

**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 Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

## 9. Other Matters

Mayor Jones announced the deadline for applications for the Environmental Performance Standards Advisory Committee is Friday, September 16, 2016.

Mayor Jones noted there have been complaints received regarding door-to-door solicitation urging citizens to paint their house numbers on the curb in front of their home or business. Mayor Jones stated neither the sales person nor the company is associated with the city. The city recommends residents to place their house numbers on both sides of the mailbox and on the front of their homes so emergency personnel can see the numbers during the day, at night, and during adverse weather conditions.

Mayor Jones announced that Dog Days Dog Swim will be held at Westover Pool on Sunday, August 28, 2016 from noon until 3:00 p.m.

Mayor Jones announced that the Emergency Communications Center (ECC) is

currently recruiting for new team members and if anyone is interested in this field or any other field to visit the city's website at [www.harrisonburgva.gov/jobs](http://www.harrisonburgva.gov/jobs) or stop by City Hall.

Mayor Jones congratulated the Harrisonburg Police Department on receiving the 2016 Virginia Law Enforcement Challenge Award for Best Traffic Safety Program during 2015.

Council Member Degner stated the restorative justice program has been in place for approximately a year and there have been comments regarding the lack of referrals being made through the police department. Council Member Degner asked for a staff report regarding this concern. City Manager Hodgen stated he can ask for statistics and information, but also noted that he thinks both the offender and victim need to agree to the program.

**9.a.** Consider the Finance Committee recommendations on Fund Balance

City Manager Hodgen stated council received a memorandum yesterday from the Finance Committee with recommendations regarding the amounts exceeding the city's 18% reserve policy, which stood at \$2,690,496 at the end of the 2016 fiscal year. City Manager Hodgen stated both staff and the Finance Committee recommended approval of the following: data management/CAD System (\$1,500,000) and Air Pack replacements for the Harrisonburg Fire Department (\$550,000). City Manager Hodgen reviewed the following recommended pending needs: Harrisonburg High School (HHS) Expansion (\$500,000), funds for the Municipal Building renovations (\$500,000), and a fire engine replacement (\$570,000). City Manager Hodgen noted that if anticipated funds come in from the School Board they be set aside for the specific pending school projects. City Manager Hodgen noted that there is a drainage issue in the Municipal Building that needs to be addressed. City Manager Hodgen noted that the pending needs is not an exhaustive list and there are other projects listed in the Capital Improvement Plan.

Council Member Byrd asked council if they had any questions and stated the Finance Committee has recommended approval of the stated items.

City Manager Hodgen stated the remaining balance over the 18% totaled \$640,496. City Manager Hodgen stated he prefers that balance to be at \$1M due to the unknowns and/or favorable opportunities. Council Member Shearer asked about the CAD System. City Manager Hodgen stated it has to be operational by December 2018.

A motion was offered by Council Member Byrd, seconded by Council Member Shearer, to submit these set asides that the Finance Committee recommended.

Mayor Jones asked about rollbacks. Council Member Shearer stated there is opportunity to set money aside if that is the pleasure of council. Council Member Shearer stated he made the note as a Finance Committee member in future



budgets that if we know of items such as the CAD System that we should include them in the budget as a line item instead of banking on the surplus to fund them.

A motion was offered by Council Member Byrd, seconded by Council Member Shearer, to submit these set asides that the Finance Committee recommended. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

**10. Boards and Commissions**

**10.a. Rockingham-Harrisonburg ASAP**

Council Member Byrd stated he would like to see the third vacancy filled with someone with a finance or accounting background.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to reappoint Marsha Garst, Esq. and the Honorable Thomas J. Wilson to the Rockingham-Harrisonburg ASAP until December 31, 2020. The motion carried with a unanimous voice vote.

**10.b. Metropolitan Planning Organization Technical Advisory Committee (TAC)**

A motion was made by Council Member Byrd, seconded by Council Member Shearer to appoint Thanh Dang, city planner, to the MPO TAC and designate Dan Rublee as Mrs. Dang’s alternate. The motion carried with a unanimous voice vote.

**11. Adjournment**

At 10:56 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CLERK PRO TEMPORE

\_\_\_\_\_  
MAYOR