



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, May 22, 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 Hirschmann offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

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 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 May 8th, 2018 City Council meeting

These minutes were approved on the Consent Agenda.

5.b. 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.

This ordinance amendment was approved on second reading

6. Public Hearings

- 6.a.** Public hearing regarding the real estate tax rate for Fiscal Year 2018-2019 to be set at \$0.85 per \$100 of assessed value

Larry Propst, director of Finance, stated this item is to set the real estate tax rate for Fiscal Year 2018-2019 at \$0.85 per \$100 of assessed value. He stated according to State Code, the city is required to have a public hearing since reassessments of real property increased by more than one percent. He stated the increase was actually 2.7% and noted the last time the city had to hold a public hearing on this matter was in 2011. He stated that over the last several years assessments have only been increasing by less than one percent, so this is good news.

At 7:03 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 Saturday, April 21, 2018.

Bill Tompkins, 324 Franklin Street, stated he is concerned about the proposed budget, in January of 2018 he heard council speak about two unacceptable options, a choice between unacceptable overcrowding in the high school or unacceptable financial risk from borrowing too much. He stated if you look at our peers and comparable cities, we don't have tons of money in the bank nor do we have massive savings to rely on in case we hit a bump in the road. He stated he also heard council speak about being proactive rather than reactive, to avoid putting ourselves in such impossible positions in the future. He stated he is aware that council voted to approve building a high school in two years, which will be the largest expenditure ever by the city. He stated when he looks at the city budget, however, he sees \$1.2M is being withdrawn from the General Fund to balance the FY 18-19 budget and it isn't just the General Fund, \$1.2M from the Water Fund, \$750K from the Sewer Fund, and \$1.2M from the Sanitation Fund. He stated in 2016 more than \$4M was used just from the General Fund balance. He stated if he planned on buying a house he would be saving money, growing the savings account so that payments would be affordable. He stated council stated in January the city will begin building a new high school in two years, despite several years remaining before a significant amount of debt would roll off the books and feels the budget should be reflecting funds going into the General Fund rather than out. He suggested to council they try to cut additional costs and perhaps have a small increase in taxes now bringing us closer in line with comparable cities within the state in order to balance the budget rather taking money out of our savings.

At 7:06 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Byrd stated the tax rate cannot be raised more than was advertised. City Manager Campbell confirmed.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the real estate tax rate 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 Approval of 2018 CDBG Annual Action Plan

Kristin McCombe, grants compliance officer, stated during the March 27, 2018 city council meeting she presented the Community Development Block Grant (CDBG) Annual Action Plan, a public hearing was held followed by a 30-day public comment period and no additional comments were received. She stated the city's allocation is \$559,588 for the 2018 CDBG year, and the total funds available, including those from previous years, is \$559,967.46. She stated because preliminary calculations for funding were based on estimated numbers in March a detailed contingency plan was developed.

She reviewed the requested and recommended funding for each category of Housing & Property Improvements, Community and Public Facilities, Planning and Administration and Public Services, noting additional funds were available for the Westover Pool II project, the Salvation Army and Friendship Industries. She stated she is extremely excited about the large variety of projects included in the CDBG funding.

At 7:09 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, March 12, 2018.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:09 p.m., and the regular session reconvened.

Council Member Byrd noted the Central Shenandoah Planning District (CSPD) offers a similar program as the HRHA Down Payment Assistance Program being funded in the CDBG Action Plan and suggests that Ms. McCombe contact Michael Wong, director of Harrisonburg Redevelopment and Housing Authority (HRHA) so he could possibly gain information and not have to reinvent the wheel and possibly assist more individuals than originally anticipated.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve the Community Development Block Grant Annual Action Plan 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. Regular Items

7.a. Consider Amendment to the 2015 CDBG Action Plan

Kristin McCombe, stated this request is to amend the 2015 CDBG Action Plan, which was brought to council on April 10, 2018 to open the 30-day public comment period. She stated City staff and Mercy House determined the amount of administrative requirements for the grant to be used on their original project of bathroom renovations was not worth the funding allocated, due to restrictive costs involved with the environmental review process and the Davis-Bacon regulations. She stated moving this funding to a non-construction based project was determined to be a much more efficient use of these funds. Ms. McCombe stated the 30-day public comment period ended on May 11, 2018 and requested council approve this amendment, which will move \$10,330 to the Mercy House Laundry Room Upgrades project.

Council Member Byrd asked how the Davis-Bacon Act refers to construction projects. Ms. McCombe stated for smaller grant allocations it costs more to comply with the federal regulations for construction that it was decided it would be better use to not do construction and the purpose now of these funds would be to purchase seven washers and dryers but no installation costs.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the Amendment to the 2015 Community Development Block Grant Action Plan 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. 2018 Service Learning Program presentation

Ande Banks, deputy city manager, stated he is most proud of working with Mr. Kirk Moyer and Mr. Jay Hook on the development of the Service Learning Program. He stated every year senior Harrisonburg High School government students opt for a changed curriculum, they took field trips to different city departments, learned what each department did, worked with city staff on projects of merit for the departments and then present the culmination of their work to council.

Nick Gladd, stated he, Sam Healy, AC White, Sydney Pigott, and Daniel Bautista worked together with the Harrisonburg Parks and Recreation Department and with

Madison Westmoreland and came up with the idea of a Youth and Teen Engagement Council. He stated he noticed a big disconnect with the high school students and the department, less participation, and no real programs for teens. Mr. White reviewed the problems identified during their research and the suggested solution of a Teen Council. He stated the teen council, made up of students aged 13 to 18, will be the missing link between youth and the department and to help gain back participation. The teen council will be selected through an application process with Parks and Recreation staff reviewing and selecting. Ms. Pigott handed out a draft of the application and if approved an online version will be posted on the Parks and Recreation website. She reviewed the Teen Council's mission statement and requirements to be on the council. Mr. Bautista reviewed the incentives to be on the Teen Council, which include, free pool membership, snack vouchers, access to the game room, just to name a few. He stated outreach for applicants for the Teen Council would be done via school newspaper, social media, school announcements and visits to both middle and high schools. Mr. Healy reviewed the new ideas to get participation such as teen movie night, field days, creating a teen lounge, and creating a Snapchat and Instagram site for announcements. He reviewed events in which teens could volunteer as well.

Mayor Reed asked when choosing members for the teen council, will one male and one female be chosen from each middle school as well? Mr. Gladd confirmed each middle school 8th grade will have one male and one female representative. Mr. Gladd thanked council, Madison with Parks and Recreation, Mr. Hook and Mr. Moyers.

Mikah Vaughan stated she, Rebecca Vaughan, Bismah Afridi, and Maddie Blackwell, worked with the Harrisonburg Fire Department (HFD) on establishing a proposal for CPR Kiosks. She stated that for every minute a person is in cardiac arrest, their survival rate decrease by 10%, however if given CPR they have an 88-92% chance of resuscitation. Ms. Afridi stated this project has the potential to affect the life of every citizen and visitor in the city. Ms. Mikah Vaughan stated the city does not have the kiosks but this project recommends at least two be placed in the city. Ms. Micah Vaughan reviewed a kiosk that is currently in the Ashburn Fire Department, which costs \$100,000 per kiosk, and one that can be built for approximately \$6,000 per kiosk. She reviewed how the kiosk would work in training someone how to do hands only CPR in less than five minutes. Ms. Rebecca Vaughan stated they were also able to do ride-a-longs with the HFD and witnessed first-hand the need for CPR. She stated they identified locations for the kiosks to circulate, contacts were made, and a strategy to deploy will be drafted. Ms. Afridi stated this project has the potential to reach approximately 77,005 people in the city and approximately 1.174M total visitors. Ms. Mikah Vaughn stated they would like to have one kiosk circulate in the city and one circulate at JMU. She stated each business contacted was given a brochure of the project and a contact info sheet for those that would be interested in placing the kiosk at their business for a 30-day period. Ms. Blackwell reviewed the locations visited for kiosk placements. Ms. Rebecca Vaughn reviewed the steps

needed to complete the project, which include purchasing the kiosks and advertising and outreach for awareness of these units and noted HFD will be able to obtain data from these units about their usage. Ms. Mikah Vaughn reviewed a phone app called PulsePoint that integrates the 911 call center to alert citizens within 500 feet of a cardiac arrest in a public place.

Council Member Byrd asked if someone that is certified in CPR must have the app on their phone for the 911 notification. The group confirmed.

Tyler Woods, stated he, Krissia Lopez-Contreras, Janette Celestino-Benito, Parker Ferguson and Gladys Osorio worked together with the Public Works department to implement a Traffic Garden in the city. He stated a Traffic Garden is a bicycling trafficking park where children between the ages of five and thirteen can learn about rules of the road and get hands on experience. Ms. Osorio stated the Hillandale Park area would be ideal as there are many schools in that area and she reviewed the locations that were considered. Ms. Celestino-Benito reviewed the specifics of the Traffic Garden, including size and how it would be set up. Ms. Lopez-Contreras stated having a Traffic Garden in the city not only brings outdoor activities for the kids but it also brings education about traffic safety as well. She stated by exposing children at an early age to traffic safety, it can decrease the risks of minor accidents in the future. She stated this not only benefits the safety of the riders but helps educate those that ride their bikes to school. Mr. Ferguson stated estimated costs for a Traffic Garden would be \$150,000, but hopes funding could come from several sources such as Safe Route to Schools Program, School funding and perhaps county funding. He stated perhaps volunteers could participate in the construction of the Traffic Garden. Mayor Reed asked if this would be for all age groups. Mr. Ferguson stated concentration is on elementary and lower middle school grade children but anyone can access it. Council Member Jones stated this is a great idea, it was discussed by the Shenandoah Bicycle Coalition at last year's summit, and others think it is a fabulous idea as well.

Boroka Boisen stated Anh Tran, Olivia Kasidiaris, Leomar Lopez, and Natalie Pittington, worked together with the Harrisonburg Police Department (HPD) regarding street safety. Ms. Kasidiaris stated outside of Harrisonburg high school there are two 25mph speed limit signs, however, due to their locations, it is harder to be aware of the times placed on those signs. She stated the group came up with the idea to place two new signs in more practical locations that will be easier and safer for students and staff. She stated the group feels this is a major safety issue that needs to be addressed as soon as possible. Ms. Tran stated statistics were obtained from HPD and reviewed the speeding tickets issued along Garber's Church Road. Mr. Lopez reviewed why the specific locations for the new signs were chosen and where those locations are. He noted the real times that would be put on the sign. Council Member Byrd asked if the signs would be flashing. Mr. Lopez stated that is not in the plan. Ms. Pittington stated the funding needed for this project would be \$285.94 for both signs, Public Works will donate the labor to install with the help of volunteers. She

asked council to find the funds for this project.

Lucie Rutherford stated her, Lene Andrawas, Emily Coffelt, and Meredith Goss worked with Andrea Dono, director of Harrisonburg Downtown Renaissance (HDR), to attract youth to the downtown area. Ms. Coffelt stated the initial goal was to attract and excite youth to downtown Harrisonburg through different art exhibits and the boundaries for this project were from Glens Fair Price store to Paul Street. She stated the second part of the project was to seek out companies and business's where art could be placed. Ms. Andrawas stated some of the ideas for different artwork were sculptures, a mural describing the friendly city of Harrisonburg, a step-on piano, different shaped mirrors, angel wings, painted foot prints and mosaics. She noted the step-on piano was deemed unrealistic because of weather and monetary restrictions. She stated some of the locations considered were the back of the building where Harrisonburg Hot Yoga is located, Magnolias, Liberty Park and the outside wall of the Explore More Children's Museum. Ms. Coffelt stated two business that were open to the ideas were the Parks and Recreation Department for Liberty Park and the Massanutten Regional Library. Ms. Goss stated they wanted to go beyond the idea of art downtown and figure out a way to get teens involved in certain events due to lack of hearing about events. She stated the group provided suggestions such as posting on specific social media sites, posters and obtaining opinions from those teens. She stated they created a survey which asks questions such as top two places to eat after an event, how do they find out about things going on in town, and what type of art would be most enjoyed. Ms. Rutherford stated HDR wanted to place a sculpture near the Turner Pavilion and LOVE sign, that would represent the city and school's diversity and would also be interactive. She stated the group envisioned a walk-in world globe, with countries highlighted that our residents mostly represent. She stated trivia questions and games could be incorporated as well. She stated she hopes the future Government classes of Mr. Hooks could take over in the future.

Council member Jones stated this was discussed at the last HDR Board meeting.

Mr. Banks thanked the students and Mr. Hook for the many years of conducting this augmented seniors' government class and thanked Madison Westmoreland, Parks and Recreation, Travis Karikoff, HFD, Officer Gangloff, HPD, Ian Pike, Public Works and Andrea Dono, HDR, for working with these students.

Mr. Jay Hook thanked all of the city departments for submitting their projects and working with our young people. He stated this project is 1/3rd of the government course, and a lot of work went into cramming in all of this into that time frame. He thanked the students and noted this year's projects were special to him because all of them make the lives of everyone in Harrisonburg better and safer. He thanked council for their attention and feels they have some really good things to think about and hopefully incorporate. He stated he hopes to be able to do this again next year.

The Service Learning project teams will be presenting on the culmination of their work with city departments. In 2018 Harrisonburg High School students worked on projects involving Public Works, Police, Harrisonburg Downtown Renaissance, Transportation, Fire, Community Development and Parks and Recreation.

- 7.c. Consider an agreement between the City of Harrisonburg and the Harrisonburg Rockingham Regional Sewer Authority (HRRSA) for the purchase of Temporary TMDL Credits

Tom Hartman, assistant director of Public Works, stated as the city is working toward the goal of the MS4 permit requirements, and per the recently approved Stormwater Improvement Plan, a couple different methods were discussed to meet the goals. He stated those four things were Permanent Credit Purchases, Projects, Programs, and Temporary Credit Purchases. He stated the proposed agreement presented will set the city up to purchase the temporary credits as needed at the end of the second permit cycle due to end in 2023. He stated this draft agreement is drafted from one that was prepared by the Town of Bridgewater and entered into with the Harrisonburg Rockingham Regional Sewer Authority (HRRSA), but has been amended to meet the needs of the city. He stated this agreement is still in draft form waiting for any additional comments from HRRSA. He stated if council approves Mr. Campbell to have the authority to enter into the agreement he will present it, along with a Resolution, at the June 4, 2018 HRRSA Board meeting. He stated the first purchase will not happen until 2023. He noted there are some guidelines within the agreement that allow the city to reach out to HRRSA on an annual basis and update the required credits as needed.

Chris Brown, city attorney, stated the agreement is unique as the first purchase doesn't take place until 2023, so there is a Subject to Appropriation Clause if something drastic should happen. He stated there are some activities that need to take place in the very near future (June 4, 2018) which is before the next council meeting, so along with approving the agreement, council also approve a resolution authorizing the city manager to make any necessary minor changes that are suggested by the Public Works staff and city attorney that would not affect the substance of the agreement.

Council Member Byrd asked if HRRSA doesn't have a buyer for their 42% would they sell us more credits. Mr. Hartman stated at that point we could go to the DEQ Marketplace and purchase them there. Mr. Brown stated he believes the way it is set up the city gets 58% and then if more is needed, HRRSA could approve the transfer to us provided no other locality needed the credits.

Council Member Byrd asked if the economics of this is a better deal compared to building projects. Mr. Hartman stated the credits are much more affordable but they do run out every year. He stated as our pollutant removal requirements increase HRRSA's supply will decrease. He stated we will still work hard to develop those

projects that are cost effective, work on increasing our permanent credit purchases and help incentivize our programs.

Council Member Byrd asked if the amount shown on the agreement represents our 58%. Mr. Hartman stated it may not be our 58% but it is what is needed to meet the ultimate 2028 goal. Council Member Byrd suggests we take the total maximum allocation or at least insure we get what we need and perhaps Mr. Campbell can review as well.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to authorize Mr. Campbell and Mr. Brown to enter into an agreement with HRRSA 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.d. Solid Waste Management and Collection Program Update

Tom Hartman, assistant director of Public Works, reviewed the steps taken to date since the recycling company closed in February 2018. He stated items accepted at the current solid waste convenience center include recyclables, bulk material and yard debris. He noted the hours of the convenience center are Monday through Friday, 8am to 4pm and Saturday 8 am to noon. He stated 25 people come through a week and 75 people come on Saturday on average. He stated anyone that uses the convenience center is asked if they would like to be on the email notification system for updates on the solid waste management program and staff has been obtaining addresses to input into a GIS system giving public works the ability to see where the majority of citizens reside that are using the convenience center. He stated the recycled materials are much cleaner as the individuals are separating them into the correct bins. Council Member Jones stated he has received feedback from citizens that this is reducing the fossil fuels burned so that individuals aren't polluting more to recycle.

Mr. Hartman reviewed the Chinese Markets recent ban, the reasoning behind it and the future of the markets. He stated after comparing the city to other localities, it was determined that everyone is in the same situation because of the cost and market of recycling. He noted Charlottesville has a unique "Pay as you Throw" program which makes people think about what and how much they are throwing away. He stated most other localities have convenience centers.

Mr. Hartman reviewed the fee structure and breakdown for the services provided. He reviewed the next steps, which include working with the Environmental Performance and Standards Advisory Committee (EPSAC), modifying bulk and yard debris, working with schools, outreach and marketing tactics. He stated staff is not recommending any changes in the fee structure at this point.

Council Member Byrd stated refuse is an enterprise fund.

Mr. Campbell stated this is really a national trend, several localities across the country are dealing with the same thing, even those localities that are considered best practice in recycling are having challenges to maintain their programs. He stated the city has joined a national webinar through ICMA to try to talk to some of the other localities to see what they are doing and learn about best practices in this new market.

Mayor Reed asked if there were any other localities that are doing a program we could mirror. Mr. Hartman stated there are good pieces of each locality and EPSAC is looking at areas across the country to find the most suitable solutions.

This Report was received and filed.

7.e. Consider a refund for a portion of the 2018 Business, Professional and Occupational License (BPOL) tax

Chris Brown, city attorney, presented a request from a tax payer that paid for the entire year for the Business, Professional and Occupational License (BPOL) fee, and the business was sold. He stated a prorated refund is requested in the amount of \$21,469.28. He stated the purchaser of the business will be paying the license fee in the very near future.

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

7.f. Consider adopting the appropriation ordinance of the City of Harrisonburg, Virginia for the Fiscal Year Ending June 30, 2019 for the second reading

Eric Campbell, city manager presented an appropriation ordinance which would set the guidelines that would implement the 2018-2019 Budget. He stated it has been amended based on the requests of council during the May 8, 2018 council meeting and asks council to approve as presented.

Council Member Byrd thanked Mr. Campbell for his first budget with the city.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the appropriations ordinance for FY 2018-19 as presented. The motion carried with a recorded roll call vote taken as follows:

8. Special Event Application Requests

9. Supplementals

- 9.a.** Consider a supplemental appropriation for the Harrisonburg City School division in the amount of \$89,403.96

Tracey Shaver, finance director for Harrisonburg City Public Schools, presented a request for a supplemental appropriation in the amount of \$89,403.96 for additional state and federal grants received since last supplemental request as well as local reimbursements. He stated this request no additional funding from the city.

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)

No comments from the public

- 10.b. City Council and Staff

Council Member Jones stated during this Memorial Day he asks to keep those who gave the ultimate sacrifice to our country and to their families, as well as those that continue to serve in thoughts and prayers.

Vice Mayor Baugh stated at the last Planning Commission meeting there was a special use permit for Old South High Street, coming with favorable recommendation to council, a proposed zoning ordinance amendment related to fees, also with a favorable recommendation, and additional input was taken on the short-term rental ordinance which should be reviewed in July by the Planning Commission

Council Member Byrd stated the Metropolitan Planning Organization approved our 20-40-year Long Range Transportation Plan. He thanked Mr. Brown and Chief Bennett for the landscape ordinance on a job well done.

Council Member Hirschmann stated he attended the Harrisonburg Police Department Awards Banquet on Saturday night and Mr. Campbell was there as well. He stated it was a great event but learned that funding needs to be found to bump the salaries of our officers.

Mayor Reed stated city offices will be closed on Monday, May 28, 2018 for Memorial Day; the Community Cookout will be held on June 2, 2018 from 1pm to 5pm at the Ralph Sampson Park, this event is free and open to all; real estate taxes are due June 5, 2018; the Harrisonburg Rockingham African American Festival will be held on June 16, 2018 at the Ralph Sampson Park from 12:00pm to 6:00 pm; and the

Schools Out for Summer Pool Party will be held on June 16, 2018.

11. Adjournment

At 8:25 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR