



# 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, January 13, 2015

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, Assistant City Manager Anne Lewis, 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 Orndoff, 2 North Main, stated he didn't disagree with Vice-Mayor Chenault's reasoning during the December 9, 2015 City Council Meeting, but he feels that it is also council's duty to find funding for alternatives to the jail in a timely manner so the need to build a jail would not be necessary.

Michael Snellfeikema, 1174 Westmoreland Drive, stated he was a member of the Harrisonburg Martin Luther King, Jr. Way Coalition. Mr. Snellfeikema invited everyone to join the The People's Day event on Monday, January 19, 2015 at noon beginning at the corner of South Main and Martin Luther King, Jr. Way. Mr. Snellfeikema stated a program will be held at the Emanuel Episcopal Church in which participants and representatives from organizations will speak and then gather over a multicultural meal to carry forward their efforts into the coming year in the spirit of Dr. King. Mr. Snellfeikema stated more information can be found at [mlkjrway.org](http://mlkjrway.org). Mr. Snellfeikema spoke about the film *Selma* and invited everyone to watch the movie.

Ramona Sanders, 355 Hartman Drive, stated she volunteers with Virginia Organizing and handed out a memorandum to council. Mrs. Sanders stated Virginia Organizing met with council and staff members regarding employees of the city to reflect the citizens of Harrisonburg. Mrs. Sanders stated she has been in contact with six

additional groups that would like to post job opportunities within the city.

Dr. Panayotis "Poti" Giannakourous, 98 Emory Street, also spoke in regards to the hiring process for the city and for it to reflect the diversity of the city.

Katrina Gerald, 915 Broad View Drive, stated she was also a member of Virginia Organizing and spoke in regards to the hiring process and policy changes needed. Mrs. Gerald stated she is excited to receive a future report and motions.

James "Bucky" Berry, 30 West Washington Street, spoke about the overpopulated jail and is concerned about the safety of the workers and the mental health of inmates. Mr. Berry would like to see the city and county have a five to ten year plan with Middle River Regional Jail.

Roger Baker, 524 Paul Street, provided the following six rules about preparing the upcoming budget: he who has the gold makes the rules; know where you are going so you know when you get there; don't do it for one unless you are prepared to do it for all; we are all in this together; don't bite off more than you can chew; and remember rule number one.

**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 Shearer, 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. Reorganizational minutes**

**These Minutes were approved on the Consent Agenda.**

**5.c. Consider a request from Cosner Construction Inc., H G M & S, LLC, W. Michael Heatwole III, Matthew Geary, J. Kenneth Kline, and Roy L. & Wanda L. Hartman to rezone 15 parcels totaling 4.44 acres by amending proffers on R-3C, Multiple Dwelling Residential District Conditional zoned property**

**This Rezoning request was approved on second reading.**

- 5.d. Consider amending the Zoning Ordinance by adding the ability to operate recreational and leisure time activities uses within the B-1, Central Business District

This Zoning Ordinance was approved on second reading.

## 6. Public Hearings

- 6.a. Consider a request from Norma L. Wise and Joan Clasbey with representative David Miller for a special use permit per Section 10-3-187 (1) of the Zoning Ordinance, which allows museums, galleries and art studios, which may include instructional rooms and incidental sales, on a 24,019+/- square foot property addressed as 57 Paul Street.

Stacy Turner, Community Development Director, stated the residents of 57 Paul Street, also a co-owner of You Made It! LLC Paint Your Own Pottery and Fused Glass Studio, are requesting a SUP. Mrs. Turner reviewed the surrounding property of this request. Mrs. Turner stated the applicant is unsure whether or not they will make the move they have requested, if approved. However, the applicant is requesting that if the SUP is approved, they would be allowed to be established, or any construction authorized, until December 31, 2017. Mrs. Turner reviewed the property and stated both Planning Commission and staff recommends approving the SUP with the following conditions: the permit shall be applicable only for the property and the existing historical structure, or a substantially similar structure, including all existing accessory structures; new accessory structures may be permitted so long as they are in keeping with the surrounding neighborhood (this condition shall be flexible in allowing renovations to occur to accommodate the art studio; if the Zoning Administrator believes proposed renovations, additions, or new structures do not meet the intent of this condition, the property owner may appeal the decision to the Board of Zoning Appeals; all parking areas shall be located to the rear of the principal building and opaquely screened from adjacent properties; the height of the screening shall be no less than 4-feet in height (note: If any section of the existing opaque fence is less than 4-feet, it shall meet the intent of this condition.); and extent the SUP to December 31, 2017.

Mr. Miller made himself available for questions.

At 7:28 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 Monday, December 29, 2015 and Monday, January 5, 2015.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:29 p.m., and the regular session reconvened.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, that this Special Use Permit be approved with the stated conditions. 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

**6.b. Consider CDBG Funding Priorities**

Ande Banks, Director of Projects and Grant Management, reviewed the amounts that the Community Development Block Grant (CDBG) program had received in the past and stated the amount for 2015 would be approximately \$505,000. Mr. Banks reviewed the strategic plan the city completed in 2012 that identifies the five year goals which must be met as the city spends CDBG funds. Mr. Banks reviewed the three categories and the goals of needs identified in the 2012-2017 Strategic Plan are the following: 1. Housing - increase the supply of affordable housing for low and moderate-income households; increase the rate of homeownership among low to moderate-income households; and promote physically accessible housing for those with disabilities through partnership with nonprofits and other appropriate agencies; 2. Homelessness - improve the quality of life for homeless individuals and families by providing funds to public service agencies that serve the homeless population; continue to participate in the Harrisonburg/Rockingham County Continuum of Care and support efforts to implement the Harrisonburg/Rockingham County Ten-Year Plan to End Homelessness; and improve the quality of life for homeless individuals and families by providing funds to improve homeless facilities; and 3. Non-housing community development - improve the quality of life in low and moderate income (LMI) neighborhoods through infrastructure and public facilities improvements, and spot demolition; improve economic opportunities for low-income residents by fostering partnerships and initiative that provide living-wage jobs and job training; and support public services that address the housing and community development needs of low-to-moderate income residents, especially extremely low-income persons. Mr. Banks reviewed the tentative schedule for the 2015-2016 CDBG Program and stated that grant applications are due by noon on February 19, 2015 and suggested applicants contact him prior to submittal. Mr. Banks also suggested those interested attend a training session that will occur on Thursday, January 15 at 2:00 p.m. Mr. Banks stated no action is needed at this time.

Council Member Shearer stated there are a required set of mandates and also encouraged everyone to come to the meeting and reach out to Mr. Banks prior to submitting an application.

At 7:35 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 Monday, December 22, 2014.

James "Bucky" Berry, 30 West Washington Street, stated he would like to see CDBG use funds towards rapid re-housing programs.

Gary Rays, 765 Northfield Court, stated he was a volunteer with the Suitcase Clinic and it has received funding through CDBG and stated how important the program is and reported that 250 individuals were seen last year.

At 7:37 p.m., Mayor Byrd closed the public hearing and the regular session reconvened.

**This will be the first of two public hearings required by HUD to receive citizen comments on Community Development Block Grant funding priorities for the 2015-2016 Program Year. Entitlement amount will most likely be approximately \$505,000.**

**Staff will make a short presentation outlining City Needs & Objectives as outlined in the CDBG Strategic Plan, to be followed by a public hearing.**

**There is no action needed on this item at this time.**

- 6.c.** Consider a supplemental appropriation for various purposes in the gross amount of \$7,365,566

City Manager Hodgen stated this agenda item was procedural to place funds into appropriate line items within the budget that council approved during the November 25, 2014 meeting. City Manager Hodgen stated the total amount is just below \$7.4M and highlighted a few of the items being appropriated. City Manager Hodgen stated it is recommended for approval and it was noted the Finance Committee also recommended approval.

At 7:40 p.m., Mayor Jones closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Tuesday, January 6, 2015.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:41 p.m., and the regular session reconvened.

**A motion was made by Council Member Degner, seconded by Council Member Shearer, that this supplemental be approved. 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 funding request regarding building projects for Harrisonburg City School Board

Dr. Scott Kizner, School Board Superintendent, recognized five School Board Members that were at tonight's meeting. Dr. Kizner showed PK-12 enrollment beginning at 4,498 in 2008 and in 2014 enrollment increased to 5,570. Dr. Kizner

stated enrollment is projected at 6,247 in 2018. Dr. Kizner stated he wanted to show why the School Board has taken the first steps with the numbers shown. Dr. Kizner stated the first step is to build an elementary school and to build a preschool center. Dr. Kizner stated right now the focus is on the middle and elementary levels and in order to provide relief to elementary schools a sixth elementary school needs to be built. Also, in order to give relief to the middle school, it is proposed to bring 5th grade back to the elementary schools which is about 25% from each school. Dr. Kizner stated currently there are 15 Virginia Initiative/Head Start preschool classrooms and one classroom dedicated for Early Childhood Special Ed. Dr. Kizner reported that 5th grade and below has more than 400 students and grade levels above have less than 400. Dr. Kizner stated with projections there could possibly be a kindergarten class within the next two years with over 500 students. Dr. Kizner stated the School Board is requesting council to inform them of a figure they are comfortable with so they can move forward with architect and planning.

The following discussion took place: open conversation over the next few weeks will be important; first time School Board making a proposal at the council level, but it has been discussed for years; lots of possibilities and ideas; Harrisonburg is one of the fastest growing localities West of Richmond; need for space; support hasn't changed, but the dedicated 350 student pre-k portion is a brand new concept and would like to see the requests separated; elementary is a critical project and it should be moved forward; and more time is needed to review the pre-k concept.

Dr. Kizner stated he doesn't want to lose focus on relief needed at the middle schools. Dr. Kizner stated back in December the architects presented a two phase plan and during review the School Board felt moving forward with a one phase project it would save approximately \$4M. Dr. Kizner stated he would like to receive a doable number from council and not lose focus on the children.

Council Member Shearer stated he doesn't feel that sufficient time has been allocated towards the pre-k project and would like to have time to review prior to providing funding.

Staff and the Finance Committee will review and report during an upcoming meeting. It was stated there is an urgency to get a decision by the next meeting.

Members from the audience asked for a chance to speak and address some of their concerns and feel that a public hearing is necessary. After brief discussion, the School Board stated they would hold a public hearing during their next meeting which will be held, Tuesday, January 20, 2015.

**School Board Superintendent Dr. Kizner will provide a presentation.**

**7.b. Consider solid waste management resolution**

City Attorney Brown stated the city provides collection and disposal services for refuse and recycled materials. Harrisonburg City Code Section 6-2-39 provides that the monthly rates for such services be set by City Council from time to time and

maintained on file in the City Manager's office (CMO). City Attorney Brown stated those haven't been held in the CMO since 2008, but have been maintained on the city's website. However, the rates have been submitted through the Public Works budget process and the list of fees has lost the level of detail the fees should have. City Attorney Brown stated the resolution being presented would provide that level of detail to the citizens of Harrisonburg. City Attorney Brown stated the two fees are the solid waste management fee and the refuse collection fee. It was noted the resolution being presented are the current fees that were approved during the last budget process.

The following discussion took place: allow citizens to review the resolution and provide feedback; effort to stream-line the budget process with all approval automatically changes all ordinances and resolutions affected; not approving anything new, just correcting the documents; and these fees are needed to cover costs.

**A motion was made by Council Member Degner, seconded by Council Member Shearer, that this Resolution be tabled. 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. Other Matters

Council Member Shearer stated he would like to recognize those that came this evening concerning hiring policies and requested City Manager Hodgen and City Council to cross reference with other localities.

City Attorney Brown stated he appreciated comments from citizens. He stated he has been working on hiring and harassment policies after hearing citizens' concerns and wants to ensure the city is meeting its obligations under the law and actively encouraging a diverse workforce. City Attorney Brown stated accomplishing the goals of the policies would be more difficult than creating the policies. He stated the city has been seeking advice from the County of Albemarle and the City of Charlottesville as to what has and has not been effective for them. City Attorney Brown hoped to have draft policies and preliminary information for council to review at the next meeting.

City Manager Hodgen stated he met with Dr. Kizner and Bethany Everidge to discuss how the school system internship program works. School staff presented to city department heads to familiarize them with the program and to express their expectations. Department heads are currently working on developing possibilities within their individual departments as to where they can place interns or implement mentorships. City Manager Hodgen expressed the city offers a broad range of services and programs, so there is the potential of opportunities that would expose students to a variety of facets of the bigger operation. He stated there are liability issues to work through and most importantly to ensure that the programs provide students with a meaningful experience and help them understand what we do and why.

Mayor Jones recognized Stan Maclin, Isabelle Castillo, and Virginia Organizing and recalled the beginning of the project, seven months ago. Mayor Jones stated it is a great initiative and a great campaign. Mayor Jones expressed that it is good to see the system does work and it is good to be patient and to work with city staff regarding the hiring process.

Council Member Degner stated he hoped people were staying warm and thanked the people for clearing our streets as we need it in the days, weeks and months to come.

Vice-Mayor Baugh announced the Planning Commission would meet tomorrow night to consider a special use permit request and a preliminary plat.

City Manager Hodgen provided an update on the meetings held in recent months for citizens interested in improving the operations of the SPCA shelter. City Manager Hodgen stated he and the County Administrator met with individuals who presented several work proposals to them. City Manger Hodgen characterized most proposals as viable and workable. City Manager Hodgen stated cost figures for the proposals have yet to be determined. City Manager Hodgen believes some things proposed can occur without increases, but he cannot positively say there will not be any financial impact. They need to meet with the SPCA director to see what she considers viable and not viable. He hoped for the meeting to occur within the next couple of weeks and to provide feedback the first meeting in February. Vice-Mayor Baugh stated individuals have been in contact with him and they have been pleased with the process. He stated he was looked forward to working with city staff on these issues.

Council Member Degner stated staff sent out a press release about getting input on next year's budget. He stated the process has started at staff level and there are opportunities for the public to express their opinions on the city's website. Council Member Degner stated council spoke about having a work session at the reorganization meeting and the work session is set for February 7th at 9:00 a.m. Mayor Jones stated he would like for everyone to be involved in the process and complemented the City Manager Hodgen and City Attorney Brown for their diligent work they have done on countless issues, especially when it comes to diversity and the humane treatment of animals.

## **9. Boards and Commissions**

- 9.a.** Appoint one additional member from council to the Metropolitan Planning Organization

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Byrd to appoint Council Member Shearer to the Metropolitan Planning Organization. The motion was approved by a recorded voice vote.**

## **10. Closed Session**



At 8:21, a motion was made by Council Member Degner, seconded by Council Member Byrd, to enter into closed session as Authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 1 for the evaluation of specific city employees and Subsection 3 for the discussion and consideration of disposition of publicly held real property. 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.a. Discussion of personnel performance

10.b. Discussion or consideration of the acquisition of real property for a public purpose

**11. Regular Items Continued**

At 9:30 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

11.a. Consider authorizing the City Manager and City Attorney to develop documents regarding a memorandum of agreement with the Middle River Regional Jail for the mayor to sign pending contract approval by full City Council

A motion was made by Council Member Byrd, seconded by Council Member Shearer to authorize the City Manager and City Attorney to develop documents regarding a memorandum of agreement with the Middle River Regional Jail for the mayor to sign pending contract approval by full City Council. The motion was approved with a recorded unanimous voice vote.

**12. Adjournment**

At 9:32 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR