



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, February 26, 2019

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Sal Romero, Council Member Richard Baugh, Council Member Christopher B. Jones and Council Member George Hirschmann

Also Present: 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Eric English

2. Invocation

Mayor Reed offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Proclamation recognizing Governmental Purchasing Month 2019

Mayor Reed presented a proclamation recognizing March 2019 as Governmental Purchasing Month.

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 Baugh, seconded by Council Member Hirschman, 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 Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

5.a. Minutes from February 12, 2019 City Council meeting

These minutes were approved on the Consent Agenda

5.b. Consider a request from The Club, Inc. to rezone from M-1, General Industrial District to B-2, General Business District, property addressed as 120 Waterman Drive.

This Rezoning request was approved on second reading

- 5.c.** Consider a supplemental appropriation for the Police Department in the amount of \$74,443.25 from state asset forfeiture funds.

This supplemental appropriation was approved on second reading

6. Public Hearings

7. Regular Items

7.a. Blue Ridge Community College annual update

Dr. John Downey, president of Blue Ridge Community College (BRCC) thanked council and staff for their support. He presented the annual report and fast fact sheet for BRCC and noted BRCC transforms the lives of students in the communities they serve. He stated a significant number of Harrisonburg citizens and businesses were served by BRCC and noted out of the 4129 enrolled in the fall 2018 semester 734 were from Harrisonburg, and approximately 18% of all the students that attended last fall. He stated another 146 Harrisonburg city residents were enrolled in the fall of 2018 in non-credit workforce and personal enrichment courses and over 21% of last year's Harrisonburg High School graduating class enrolled in BRCC. He stated a much-needed parking deck was constructed and opened over the past summer and anticipate opening a new Bio-Science building the fall of 2019, which will house BRCC's Nursing Program, a brand-new Paramedic-EMT Program, and several Bio-Manufacturing labs that will help local manufacturers in the region that are looking for trained technicians with science skills. He stated he appreciated working with Brian Shull and Peirce Macgill who work so hard to promote economic development in the region, and their leadership is making a difference. He stated he is the immediate past president of the Shenandoah Valley Partnership and that has given him the opportunity to interact regularly with the city's Economic Development staff on regional efforts. He stated BRCC continues to address the workforce needs of local employers, their credit and non-credit training programs provide local youth and young adults with tremendous life changing career options as well as several transfer options. He stated for every job in the future that will require a Master's Degree or higher there will be two jobs that require a Bachelor's Degree but seven jobs that will require some post-secondary training or an Associate's Degree and BRCC is pleased to be working hard to fill that skills gap and is pleased to work in partnership with Massanutten Technical Center, which also does a great job filling that gap. He stated legislature has provided significant resources to a non-credit certification program called FastForward, BRCC offers several of those types of programs, and funding by the State has just recently been increased. He thanked council and staff for all their support, especially in regard to the work together that was done on the GO

Virginia Cyber Security Grant, that addressed two significant Harrisonburg assets: High Speed Broadband and the hardworking citizens.

Vice Mayor Romero stated Dr. Downey was his advisor when he attended BRCC twenty years ago and owes a lot to him for all he has accomplished. He thanked Dr. Downey for everything BRCC does for the students every day.

This Report was received and filed.

7.b. Consider request to write off delinquent utility accounts

Chris Brown, city attorney, presented the annual request from the Public Utilities Department to write-off delinquent utility accounts. He stated each year the department goes back two years and reviews the billing records to determine which of the outstanding accounts are not collectible. He stated the purpose is so that the Public Utilities Department doesn't have to continue to carry these accounts as accounts receivable. He stated this doesn't mean collection efforts will stop, but most of the accounts are from individuals that have left town, businesses have closed or bankruptcy filings. He noted the total billings were over \$18M and the write-offs are \$22,917.91 which equals 0.13%, which is remarkable. He stated we are fortunate to have Sherri Sherman, who heads up the billing department, as she does a wonderful job given the numbers and does with a smile on her face and a kind word for anyone that comes in her office.

Council thanked Ms. Sherman for all she does.

A motion was made by Council Member Baugh seconded by Council Member Hirschmann, to approve the request as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

7.c. Consider authorizing the City Manager to execute a Deed of Quitclaim

Chris Brown, city attorney, presented a request to authorize the city manager to execute a Quit Claim Deed. He stated this is somewhat of a strange request to help clean up what may be a title issue on property located in the city owned by Gene and Anna Knicely. He stated in the 1960's, when the property was still in the County, the County relocated Greendale Road, shown as "New Road" on the plat presented, and vacated an area called Present Road. The County intended to convey Present Road and a triangular piece of adjoining parcel to the Knicelys. He stated after some research the Present Road portion was not conveyed and the owners feel this may be a title issue. He stated he explained to the owners that the city isn't involved in this unless this had occurred after annexation. He stated we don't have an interest in the property, but as a courtesy he is requesting council authorize the city manager to execute a Quit Claim Deed, which means no warranty is given to this piece of

property, and whatever interest (if any) the city may have will convey to the owners.

Council Member Baugh stated his professional observation is that he agrees with the city attorney, from a practical standpoint there is no problem, but he is reminded that statutes of limitations on enforcing rights never run against the government. He stated in theory as long as that is there, it could be possible that the city decides to use the old road, there is no intention of that, it has been long forgotten, and the Quit Claim deed would take care of that possibility.

A motion was made by Council Member Baugh seconded by Council Member Hirschmann, to approve the request as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 0

- 7.d.** Consider adopting and enacting Title 5, Chapter 1, Article C Section 5-1-30 through Section 5-1-48, Law Enforcement-Requested Towing of the Code of Ordinances, City of Harrisonburg, Virginia

Chris Brown, city attorney, stated staff will not request that council adopt the ordinance presented yet, but to approve the creation of a Towing Enforcement Board. He provided the process of how a Harrisonburg City Police Officer enlists towing services when needed. He stated after research with Corporal Westfall, the assistant city attorney and himself, in order to continue the current towing process, the city is required to have a Towing Advisory Board in order to avoid fraud and abuse. He stated that although a proposed ordinance was drafted, under the state law council must first appoint a Towing Advisory Board to review the proposed ordinance and make a recommendation to council as to the contents of the ordinance and the towing policies. He stated council is being asked to authorize staff to begin recruiting members for the Towing Advisory Board, which will consist of two police officers, two tow company operators and two citizens. Once the board is established, they will review the ordinance and provide input and recommendations to council.

Mayor Reed asked if the two towing company representatives serving on the board are companies that can also be on the list of towing companies the police officers use. Mr. Brown confirmed that is correct. Mr. Brown noted this is only for law enforcement-initiated tows.

This Ordinance was tabled.

- 7.e** Towing Advisory Board

with item 7.d. - see notes

A motion was made by Council Member Baugh seconded by Council Member Hirschmann, to approve the request to create a Towing Advisory Board and seek applicants as presented.

The motion carried with a recorded roll call vote taken as follows:

8. Special Event Application Requests

- 8.a.** Consider the Special Event application request for the Rocktown Beer & Music Festival on Saturday April 20, 2019.

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), provided an update on the new special events application process which includes estimated costs associated with each event when applicable. She stated these cost estimates help with documenting and tracking, which assists staff on future events from year to year. She stated cost estimates will be provided on all relevant 2019 special event application for a more detailed city resource breakdown and more information on how costs are shared between the event organizer and the city. She stated the application also refers the event organizer, when inflatable amusement devices are being used at the event, directly to Community Development to obtain any permits required.

She presented a Special Event application request for the 9th Annual Rocktown Beer & Music Festival to be held on Saturday, April 20, 2019 from 3:00 pm - 8:30 pm at the Turner Pavilion and Park. She stated closure of Warren Street is requested and the use of the Municipal Building and City Hall parking lots. She stated attendance is estimated to be between 3000 and 4000 people. She stated the event requires the support of Public Works, Harrisonburg Police Department and Harrisonburg Fire Department with a total estimated cost of between \$2,760-\$4,455, half of which total would be transferred to HDR as the organizer.

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

- 8.b.** Consider the Special Event application request for the Superhero Scholarship 4-Miler on Saturday, May 18, 2019

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Event application request for the Superhero Scholarship 4-Miler to be held on Saturday, May 18, 2019 from 8:45 am to 12:00 pm in the Sunset Heights neighborhood. She stated this is a new event organized by the Harrisonburg Parks and Recreation Department and aims to raise funds for their sports scholarship program. She stated temporary closures of South Dogwood, Elmwood, and short sections of Sunrise and Ohio Streets are requested, with HPD staffing at intersections throughout the race. She stated the event requires the support of Public Works and Harrisonburg Police Department with a total estimated cost of \$1,038.00.

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

- 8.c.** Consider the Special Event application request for the Alpine Loop Gran Fondo on Sunday, September 29, 2019.

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Event application request for the 9th Annual Alpine Loop Gran Fondo to be held on Sunday, September 29, 2019 from 8:00 am to 7:00 pm in downtown Harrisonburg. She stated the event organizers, Bishop Racing, LLC and Shenandoah Valley Bicycle Coalition are requesting the use of the Turner Pavilion and Park, a full closure of Warren Street and a temporary rolling closure of Main Street, Court Square and West Market Street from 7:45 am to 8:15 am. She stated organizers are also requesting the use of the City Hall parking lot for race staging until 8:30 am. She stated temporary closures of South Dogwood, Elmwood, and short sections of Sunrise and Ohio Streets are requested, with HPD staffing at intersections throughout the race. She stated attendance is estimated to be 700 participants and spectators. She stated the event requires the support of Public Works and Harrisonburg Police Department with a total estimated cost of \$1,331.00 and the organizers are responsible for requesting and compensating HPD off-duty officers.

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

- 8.d.** Consider the Special Event application request for the 5k Run/Walk for Autism on Saturday, April 20, 2019.

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Event application request for the 12th Annual 5k Run/Walk for Autism to be held on Saturday, April 20, 2019 from 9:30 am to 11:00 am on the Eastern Mennonite University's campus and the surrounding Parkview neighborhood. She stated the event organizer, the Shenandoah Valley Autism Partnership is requesting the temporary closure of Park Road, between Parkwood and Shank, for the beginning of the race till 10:00 am. She stated attendance is estimated to be 1000 participants and spectators. She stated the event requires the support of Public Works, Harrisonburg Police Department and the Harrisonburg Department of Public Transportation, with a total estimated cost of \$630.00 for off-duty officers, and event organizers will be responsible for payments made to those officers.

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

- 8.e.** Consider the Special Event application request for the Girls on the Run 5k on Sunday, April 28, 2019.

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Event application request for the Girls on the Run 5k to be held on Sunday, April 28, 2019 from 2:00 pm to 3:30 pm on Linda Lane. She stated the event organizer, the Girls on the Run is requesting the use of the preapproved Linda

Lane Course, temporary closure of Park Road, between Parkwood and Shank, for the beginning of the race till 10:00 am. She stated attendance is estimated to be between 500-600 participants and spectators. She stated the event requires the support of Public Works, Harrisonburg Police Department and the Harrisonburg Parks and Recreation Department, with a total estimated cost of \$640 - \$770 and the event organizer will be responsible for payments made to off-duty officers.

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

9. Supplementals

- 9.a.** Consider a supplemental appropriation for the Harrisonburg City School division in the amount of \$478,809.33

Tracy Shaver, executive director of Finance, Harrisonburg City Public Schools, presented a request on behalf of the Harrisonburg City School Board, as a result of a variety of federal, state and local grants as well as revenues that were received throughout the year. He stated this supplemental appropriation request will require no additional tax revenues from the city.

A motion was made by Council Member 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 Romero, Council Member Baugh, 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)

Russell Leinbach, 855 College Avenue, stated he is a ten-year resident of the city and a representative of Faith in Action. He stated Faith in Action is very supportive in the city and county's efforts for the new data system, as the numbers of incarcerations are increasing, even though we now have a drug court, a data recording system, a restorative justice program and better mental health services. He stated that despite those services, we cannot build our way out of this, we can do better, we must find alternatives. He referenced an article in the Harrisonburg Citizen paper and stated it will take a very skilled and knowledgeable person to understand and use the data to pull all the diverse parties and interest together in efforts to coordinate change in the criminal justice system. He stated this is where the Criminal Justice Planner position comes into play, a key valuable role, and some of the questions Faith in Action has is whether this work can be done by one person or two, how the hiring process take place and if a time line is available.

Hadley Jenner, 525 Hickory Grove Circle, representative with Faith in Action,

suggestions were passed on to council last fall of things they thought were important relating to smart justice systems and what other jurisdictions have done. He stated he heard from Stephen King, county administrator for Rockingham County, and it sounds as if things are moving forward in a good way and he recognizes this is a series of many steps. He stated, unfortunately, the court system is not going to be part of this new CAD/DMS system, but he hopes it will be in the future. He stated many smart justice systems show that it is critical to have a defendant level analysis together with demographic characteristics and doesn't feel we are there yet, but hopes we continue to work together and work towards this.

Eileen Macgruder 1019 S Dogwood Heights, representative with Faith in Action, stated her church's congregation offers help to many throughout the year through programs. She stated they do not have the means or the resources to help along with the rest of the congregations to cover the \$1.00 per day keep fee. She stated they hope the local government might be able to find the resources for that and noted the Charlottesville-Albemarle County Jail Board is considering eliminating the fee. She shared an experience in the churches Divorce and Recovery workshop. She stated she has noticed that council listens and opens itself up to suggestions and possible solutions. She asked council to set up some steps for the criminal justice reforms in the United States and thanked council for all that they do.

Kent Davis Sensenig, Switchboard Road, representative with Faith in Action, asked council to do all they can to move forward with promises and proposal that would make our community a more just and equitable place and return as many people to the community as possible to be connected to jobs, to families, and to churches. He thanked council for their service.

Pamayotis "Poti" Giannakaouros, referenced his corrections at previous meetings regarding the incarceration rates and noted the incarceration rates for Harrisonburg are remaining steady as opposed to Rockingham County whose rates are increasing. He stated he is happy to hear of comments reported by the city manager and the Rockingham County administrator, that a dystopian surveillance state future will not solve our criminal legal system issues. He stated he cautions everyone from jumping into putting hope in a multimillion dollar data system. He stated we have seen things that increased the health of our community, we saw our incarceration drop for a while, which was at a time the people had hope, new representatives were elected and were optimistic of change, people felt council was approachable, and people felt they could let their lawns go if there were other pressures in their life, which made our system more stable and we saw the benefits in decreasing incarceration. He stated we are now a Bee Friendly City, which is ironic to him as originally the city didn't want bees as they were a threat to health. He stated when staff admitted there was a problem with our tall grass and weeds ordinance, a major rewrite was done, but there was a piece that remained that made it irrelevant to ordinary households who didn't change their behavior and over-mowed their lawns created a barren desert for pollinators, and they felt they didn't have the kind of agency in the community that

would make them the resilient resource that they need to be to their fellow human beings who are struggling, who are under threat of being marginalized. He asked council to move from the symbolic gestures and go back to the things that we think may have been working and take that last little bit out of our tall grass and weeds ordinance. He stated this will give people extra room to manage their property and land the way they feel is right and appropriate to their stressed lifestyles and see what happens this summer

10.b City Council and Staff

Council Member Jones thanked all those individuals that were able to attend the Harrisonburg Downtown Renaissance (HDR) celebration and those award winners. He apologized to the Parks and Recreation Commission as he was not able to make the last meeting due to the HDR celebration.

City Manager Campbell advised council that staff is actively in the budget process and he will have a budget calendar available at the next city council meeting for council members so they are aware of the process of when the proposed budget will be released and suggested dates of public hearings.

Mayor Reed stated the due date for renewing your Harrisonburg business license is Friday, March 1st, 2019. It must be paid for on or before March 1 to avoid any late fees. For more information please check the city's website or contact the Commissioner of Revenue's office; there will be a public meeting on the Port Republic Road Traffic Study on March 11, 2019 from 5:00 pm to 7:00 pm in Council Chambers for a segment from South Main Street to Devon Lane. Staff will be available to answer questions, and the public will be welcomed to submit comments; the 22nd Annual Blacks Run and Downtown Cleanup Day has been scheduled for Saturday, April 13, 2019. Pre-registration is now available online and visit our website for more information; the Shamrock 5K Trail Run is a beginner 5K run that takes place at Hillandale Park on March 16, 2019. Introductions and race announcements will begin at 9:00am, the run will begin at 9:30am rain or shine. All proceeds benefit the Harrisonburg Cardinals Wheelchair Basketball Team.

She stated she will not be at the next city council meeting on March 12, 2019 and Vice-Mayor Romero will preside over the meeting.

11. Boards and Commissions

11.a. Harrisonburg Redevelopment Housing Authority

Council Member Baugh stated we have a list of strong candidates and he has received several comments that Ms. Costella Forney would be a great fit for this authority.

A motion was made by Council Member Baugh, seconded by Vice Mayor Romero, to appoint Costella Forney to fill Mr. Culbreth's seat on the Harrisonburg Redevelopment Housing Authority. The motion carried with a unanimous voice vote.

12. Adjournment

ADJOURNMENT:

At 7:48 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR