



# 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*

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Tuesday, August 28, 2018

7:00 PM

Council Chambers

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### 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

Vice Mayor Baugh offered the invocation

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

### 4. Special Recognition

#### 4.a. Consider a resolution honoring Mr. James Baker for his service as director of Public Works

Mayor Reed presented a resolution honoring Mr. James Baker for his service and contributions to the city. Council Member Jones stated he would, with great honor like to make a motion to approve this resolution. Mayor Reed called Mr. Baker to the podium, and welcomed Mr. Baker's family and thanked Mr. Baker for all of his hard work and dedication.

Mr. Baker thanked the citizens of Harrisonburg for the opportunity to serve them since 1983 and to work as the Public Works Superintendent then Director. He stated it has been an honor, it was a great opportunity and he enjoyed the challenges. He stated we have seen a significant change since the time the roadway was being built to the old convocation center and just beginning to think of the Stone Spring Road - Erickson Avenue connection, and 35 years later it is just about finished. He stated Harrisonburg is a wonderful city and the diversity in the city is significant and amazing and is a wonderful place to live and work. He thanked council for their support, thanked the other departments for being so instrumental in helping him be so successful. He thanked the great staff he has, and stated council won't have to worry,

the department is in great hands, there is great leadership in his staff. He stated this has been an honor and now he will be able to enjoy his family and enjoy the great retirement the city has provided.

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

**4.b. James Madison University's Donation to City**

Josh Humphries, on behalf of James Madison University (JMU) and Mr. King, stated for the past 18 years JMU has made a voluntary donation to the city and this year's contribution has increased. He stated, as a result of concerns expressed about the rate of which JMU has purchased private property and the impact on real estate tax revenue, the assessed value of houses and buildings were used to calculate the financial impact. He stated based on the current real estate tax rate the financial impact totaled \$80,243.40. He stated the annual donation includes funds to help defray some of the operational costs incurred by the city's Fire, EMS, Police Forces and the payment of the University's dues to HDR which have totaled \$150,000, but this year will also include funds pertaining to the tax revenue impact, for a total contribution of \$230,243.40 for the 2018/19 fiscal year. He stated as a university committed to the national model of engaging diversity it is important to contribute to the community and appreciate the long-standing partnership with the city. He presented the check to City Manager Campbell.

Vice Mayor Baugh stated his sense regarding the relations with James Madison University have never been better, we don't always see eye to eye, but communication is open and regular meetings are held. He stated the city and JMU are partners and approach things within that spirit and looks forward to working together in the future.

Council Member Jones stated as being a member of the liaison committee for JMU and the city, great dialogues have taken place, and hopes this relationship continues.

Mayor Reed stated she thinks it is a wonderful relationship and hopes many of the students will end up living in the city and becoming a part of the community. She stated she felt it was important to state that this is not a JMU community and a Harrisonburg community, we are neighbors, and hopes as we continue to grow we become more of one community.

**This Presentation was received and filed.**

**5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)**

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

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

**No:** 0

**5.a.** Minutes from August 14, 2018 City Council meeting

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

**5.b.** Consider a request from Virginia Valley Homes, Inc. to rezone a 3.6 +/- acre portion of a 6.47 +/- acre parcel located on West Mosby Road and Millwood Loop from R-3C, Multiple Dwelling Residential District Conditional to R-3, Medium Density Residential District.

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

**5.c.** Consider a request from Nancy Pinzon to rezone 1363 North Main Street from R-2, Residential District to B-2C, General Business District Conditional.

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

**5.d.** Consider the reappropriation of encumbrances that were outstanding at the end of Fiscal Year 2018 in the amount of \$3,975,875.94

**This re-appropriation request was approved on second reading**

## **6. Public Hearings**

**6.a.** Consider an application for the 2018 Edward Byrne Memorial JAG funds, local solicitation in the amount of \$14,290.00

Detective Greg Miller, Harrisonburg Police Department, stated the Federal Byrne Grant funds would be used to provide training for an Officer Emotional Wellness program, which will improve officers mental and emotional well-being through training

and peer support. The program is designed to change culture and reduce the stigma of mental health and stated this is much needed in the department.

City Manager Campbell stated this is a grant we are receiving to enhance the ability to assist our officers when they are exposed to traumatic experiences and it will provide an added resource when times are tough to help assist the officers process and get through the tough times and noted it is much needed in the department.

At 7:16 p.m., Mayor Reed closed the regular session and called the first public hearing to order.

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

Chris Brown, City Attorney stated this also begins the 30-day public comment period for residents to make comments.

No action is required.

**This Public Hearing Item was received and filed.**

## **7. Regular Items**

### **7.a. Consider approval to place a sculpture on public land near the LOVE sculpture**

Jenny Burden, executive director of the Arts Council of the Valley, stated a request for a site location is being made in which public art can be placed. She stated there will be no funding from council requested, rather it will be funded by the Arts Council of the Valley, the Harrisonburg Downtown Renaissance (HDR) and, if awarded, a grant from the Harrisonburg Rockingham Community Foundation. She stated the Arts Council of the Valley has partnered with HDR and Harrisonburg City Public Schools to commission a public work of art. She stated, after public engagement conducted by HDR, residents expressed deep pride in our city's extraordinary diversity, and that research also indicates residents want more public art downtown. She stated the three partners in this project wish to blend those two core community values of diversity and arts and culture into a single project called Language of Love. She stated this project is an artistic installation that embodies our diversity, building on the Virginia is For Lovers campaign, and it will ask artists to consider how ideas of inclusivity and multi-culturalism translate into a visual experience. She stated the goal is to have this public art on public land near the English language Love sculpture, visible from the Turner Pavilion and the old City Hall. She asked council for approval to place the public work of art at that location. She stated the timeline begins this September with a local, regional and national call for artists, selection will be made in December, the artists will meet with city high school students to gain insight into the values, topics and ideas that interest the students, and then interpret and translate those themes into art. She stated project partners will return to council in February, 2019 with plans for and a detailed description of the work of art, and once approved

by council, fabrication of the work will begin with a project completion in May or June 2019. She stated HDR and Arts Council of the Valley are committed to public art and have allocated portions of their budget toward this project and seek to enhance the downtown experience while simultaneously making it more welcoming for locals and visitors alike.

Mayor Reed asked for further clarification of the participation of the high school students. Ms. Burden stated a group of students will meet with the artists to share how they feel about the city and that input will be used for informational purposes for the artists.

Council Member Jones stated he has talked to Andrea and Jenny over the past two years regarding this project and fully supports it. He stated he feels this project will reflect what our residents and neighbors were asking for.

Council Member Byrd stated we can vote on the location and then again in February about the actual art work.

Council Member Jones stated he feels this is the perfect spot for the art project.

**A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to approve the site location on public land 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

## **8. Supplementals**

- 8.a.** Consider a supplemental appropriation for the Fire and Economic Development Departments in the amount of \$402,940.78

Larry Propst, finance director, stated the supplemental is the annual carry over of the Fire Program funds, which also includes funds received for economic development purposes that can only be used for specific items. He stated the supplemental appropriation request is for \$402,940.78 and staff recommends approval.

**A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve the supplemental 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

- 8.b.** Consider a supplemental appropriation for various departments in the amount of \$218,097.00

Larry Propst, finance director, stated the supplemental is the annual carry over of unexpended grant funds awarded, which include funds granted to the Fire Department, Police Department, and Emergency Communications Center and staff recommends approval.

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

## 9. Other Matters

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

Pamayotis "Poti" Giannakaouros, stated in the spring the tall grass and weeds ordinance was revised at council's request. He stated it was made very clear as a body that the condition of passing the ordinance was that anonymous complaints would no longer be accepted. He stated the city attorney resisted stating that FOIA required releasing the names but that staff couldn't force anyone to provide their names. He stated a clear impression that single anonymous complaints would be disregarded, and only if there were multiple anonymous complaints by people who were afraid would staff act on those complaints. He stated the clear impression and formal vote was that generally anonymous complaints would not be acted upon, and this is how WHSV reported the decision as well. He stated a few months into the season he requested the complaints up to that point, out of 24 complaints all but 2 were anonymous. He stated it was suggested to him by a council member that perhaps the anonymous complaints had been logged but not acted upon consistent with the assurances of the city attorney. He stated he had the zoning inspector describe for the record how complaints were handled and was very helpful in explaining the procedure in detail. He reviewed the procedures and noted that upon a complaint, whether anonymous or not, the property is inspected. He stated this is part of a pattern.

9.b. City Council and Staff

Council Member Jones stated the block party was very successful and he got a chance to use his HDR hat to announce the sponsors and the events for the day. He stated it looked like the vendors received their well worth.

Council Member Byrd reminded everyone that it will take a little longer on your morning commute with schools back in session.

Council Member Hirschmann reiterated the big step up on DUI activity in the city over the next few weeks, and reminds everyone to be mindful of that.

City Manager Campbell announced the Urban Land Institute is partnering with the city in a Technical Assistance Panel (TAP), which will evaluate city owned property downtown, a proposal for an urban park, provide recommendations for the redevelopment of city owned parking deck on Water Street, review a proposal of alignment with the Northend Greenway and Federal Street Alley, Bluestone Trail and offer guidance for the development of a downtown master plan. He stated the TAP will take place on September 5 and 6, 2018 and will conclude with a public presentation on September 6, 2018 at 5:30 pm in the City Hall Council Chambers.

City Manager Campbell stated the swearing-in ceremony for Chief Eric D. English will be held on Monday, September 10, 2018 at 11:00 am in the City Hall Council Chambers.

Mayor Reed stated City offices will be closed on Monday, September 3 for the Labor Day holiday and refuse that is normally collected on Monday will be collected on Tuesday, September 4 and the Recycling Convenience Center will also be closed on Monday, September 3; Now that the resurfacing project is complete and the repairs have been made, Kid's Castle playground in Purcell Park has now reopened; and as the city manager stated the Urban Land Institute is partnering with the city on a technical assistance panel to evaluate city-owned property in downtown Harrisonburg. A public presentation will be made on September 6 at 5:30 p.m. in Council Chambers.

## 10. Closed Session

### 10.a. Virginia Code Section 2.2-3711(A), under:

Subsection (7) for consultation with legal counsel regarding actual or probable litigation and Subsection (1) for a discussion of the performance of specific City employees.

**At 7:33 p.m. a motion was made by Council Member Byrd, seconded by Council Member Jones, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection (7) for consultation with legal counsel regarding actual or probable litigation and Subsection (1) for a discussion of the performance of specific City employees.**

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

**No:** 0

## 11. Adjournment

At 8:15 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.

At 8:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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DEPUTY CITY CLERK

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MAYOR