



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

Tuesday, November 15, 2016

7:00 PM

Council Chambers

1. Roll Call

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

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

2. Invocation

Mayor Jones offered the invocation.

3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

Acknowledgement of Citizen Academy Graduates

Mayor Jones thanked participants for their interest to learn more about the city and challenged them to seek other citizens to participate next year. Council acknowledged the Citizen Academy Graduates.

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

Mayor Jones announced that agenda item 6.c. would be postponed until the next meeting.

Michael Snell-Feikema, representative from the Martin Luther King, Jr. Way Coalition, invited citizens to a Poultry Workers Appreciation Rally and March on Tuesday, November 22, 2016 at Liberty Park at noon. Mr. Snell-Feikema spoke on how the event coincides with Dr. King's vision. Mr. Snell-Feikema noted the march that the high school students held the other day showing that love is essential to life and it involves accepting and embracing diversity. Mr. Snell-Feikema stated that he was made aware of situations of local poultry workers through his involvement with Faith in Action and shared one story of a poultry worker that was injured on the job. Mr. Snell-Feikema feels the community needs to take up this issue if we are going to be a friendly community.

James "Bucky" Berry, 30 West Washington Street, announced that Harrisonburg High School brought in the most food during the competition against Turner Ashby High School. Mr. Berry stated he was concerned with Obama Care increasing in the next year making it harder for people to afford food. Mr. Berry announced tomorrow a food drive would take place with the James Madison University College of Business. Mr. Berry also announced on Friday 800 Thanksgiving baskets would be packed so they could be handed out next Tuesday.

Brent Berry, 30 West Washington Street, thanked council for helping him with his food drive.

Pam Muller, Program Director at Pleasant View, spoke about what their organization does. Ms. Muller announced Pleasant View chartered an Aktion Club, which the Kiwanis Club is serving as the sponsoring club. Ms. Muller stated meetings are held on the first and third Tuesdays of each month at the Harrisonburg Day Support building located at 151 Commerce Drive.

Panayotis "Poti" Giannakourous, 98 Emory, noted the elections and how he has testified to better build our community to be inclusive. Mr. Giannakourous brought attention to the hiring process that was reviewed and the city is limited in what we can do and we would need federal funding to expand the ability to address and meet the need of hiring those who don't know their full potential. Mr. Giannakourous stated with our level of government we can make those in our community feel safer when they have interactions with the government and noted that the city has support from the current administration and brought attention to a letter from the Department of Justice dated, March 14, 2016, recognizing the ordinances and procedures of municipalities were making life very stressful. Mr. Giannakourous stated this letter advised courts to not incarcerate a person for nonpayment of fines and fees without further review. Mr. Giannakourous stated our city isn't to that point financially, but brought attention to ordinances he has previously brought before council that have criminal penalties on them.

Mayor Jones asked if Mr. Giannakourous received the stats regarding the hiring policies. Mr. Giannakourous stated yes and he would bring those along with election stats to a future meeting. Mayor Jones stated he hopes the information is provided to community organizations and the city welcomes feedback.

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)

5.a. Minutes from October 25, 2016

These minutes were approved.

6. Public Hearings

6.a. Consider the 2017-2021 CDBG Consolidated Plan and the 2017 Annual Action Plan

Kristin McCombe, Grant Compliance Office, introduced Ira Mabel from Mullin and Lonergan Associates who is assisting the city with the Assessment of Fair Housing (AFH) which was completed at the end of September as well as the next Five-Year Consolidated Plan and first-year Action Plan.

Mr. Mabel reviewed the US Department of Housing and Urban Development (HUD) program, stated the city receives Community Block Grant funds (CDBG) funds from HUD and the city must have a plan prior to spending those funds. Mr. Mabel reviewed CDBG priorities which are to assist persons and households who are of low and moderate income or remove slum or blight conditions. Mr. Mabel also reviewed the seven categories of CDBG eligible activities. Mr. Mabel reviewed the city's fair housing obligation and stated the assessment was a joint project between the city of Harrisonburg and the Harrisonburg Redevelopment and Housing Authority and it must be incorporated into the Five-Year Consolidated Plan and Annual Action Plans. Mr. Mabel reviewed the five AFH goals which were the following: expand housing choice, increase ownership, improve public transit, strengthen fair housing investigations and enforcement, and increase the level of fair housing knowledge and understanding. Mr. Mabel stated the goals that were identified in September have to be addressed in the next five years. Mr. Mabel reviewed the 2015 Annual Action Plan of activities the city had included and stated the city is now looking for input for the 2017 Annual Action Plan. Mr. Mabel reviewed the schedule for completion of plans which included additional public hearings which begin in January of 2017 to submission of documents in May of 2017. Mr. Mabel stated if anyone had questions they could contact Kristin McCombe.

Mayor Jones asked what tactics are used for de-segregation. Mayor Jones noted the city's limited resources of land and the extent of the amount of applications we have. Mayor Jones stated he would like to see what other communities have done.

Mr. Mabel stated with the renewed emphasis from HUD it is important to review. Mr. Mabel also stated the amount of the city's allocation from HUD will play a factor of what can be done.

Mrs. McCombe encouraged council members and citizens to attend meetings scheduled tomorrow at City Hall at 10:00 a.m. and 2:00 p.m. to provide input to help set goals to move the overall goals forward.

At 7:39 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, November 7, 2016.

Panayotis "Poti" Giannakourous, 98 Emory, stated he didn't want to be redundant, but amending ordinances that would allow neighborhoods to be exclusive could be

a goal without funds being spent. Mr. Giannakourous also feels that HPD and the Parks and Recreation Department have made some changes to Liberty Park to make it less amenable to a population in need and suggested bathrooms and showers to be added to address public urination in the area. Mr. Giannakourous stated he will take the rest of his ideas to the meeting tomorrow.

At 7:41 p.m., Mayor Jones closed the public hearing and the regular session reconvened. No further action was needed at this time.

- 6.b.** Consider a request from 2655 South Main Street LC with representative Balzer and Associates for a special use permit (SUP) per Section 10-3-91 (9) to allow the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2

Adam Fletcher, director of Community Development, reviewed the property and the surrounding properties. Mr. Fletcher stated if the SUP is approved, the applicant desires to construct a 6,040 +/- square foot addition to the existing building that would be held at the same setback. Mr. Fletcher noted that the property line goes within the existing and proposed expansion of the parking lot. Mr. Fletcher stated as part of the Comprehensive Site Plan review, staff has made the applicant aware that a shared parking agreement is required to have parking on an adjoining property to the lot where the building is located; or the property will need to be subdivided creating one parcel and meeting all requirements of the city's subdivision regulations. Mr. Fletcher stated due to the length of the property staff had concerns with approving a zero setback around the entire property, so staff recommended to only allow the proposed SUP for the existing and proposed buildings. Mr. Fletcher stated Planning Commission recommended approval with staff's recommendation.

At 7:45 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, October 31, 2016 and Monday, November 7, 2016.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:46 p.m., and the regular session reconvened.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to approve the special use permit 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.c.** Consider the approval of disposition of real estate owned by the city

This agenda item was announced that it had been postponed until the next meeting.

7. Regular Items

- 7.a.** Consider a Public Utilities Application from Chad E. Dove to provide sanitary sewer service onto property addressed as 1790 Harpine Highway (Route 42) within Rockingham County

Mr. Fletcher reviewed the property and the surrounding properties. Mr. Fletcher stated the applicant decided that connecting to the sanitary sewer main at Sharon Lane, about 456 feet south of the property, was the best option. If approved, the property owner would be responsible for obtaining private easements and to extend the private lateral to Sharon Lane. Although staff supports this application to extend sanitary sewer service for this site in Rockingham County, staff used this opportunity to acknowledge a general concern of extending future utilities into Rockingham County in areas where a proposed development may not be consistent with the city's adjacent area or Comprehensive Plan. Mr. Fletcher stated potential negative impacts include increased traffic, conflicting land use issues, and potential for a domino effect or pressure to develop properties in the city that are not desired or planned for in the long term. Mr. Fletcher stated both staff and planning commission recommended approval.

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

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

No: 0

- 7.b.** Report on jail accreditation options

City Manager Hodgen stated the purpose of tonight is to get more information before council regarding accreditation and noted the benefits and cost to pursuing was included in the agenda packet. City Manager Hodgen stated the American Correctional Association (ACA) is the preeminent accreditation agency for jails. City Manager Hodgen noted that he provided statistical information as well as resource material that is provided to members that are accredited. City Manager Hodgen stated currently there are 14 jails accredited in the Commonwealth and seven of those are regional jails similar to Middle River Regional Jail (MRRJ). City Manager Hodgen stated the second type of accreditation is through the National Commission of Correctional Health Care (NCCHC). City Manager Hodgen stated he provided information regarding the benefits of being accredited through that agency along with the types of resources, programs, and technical assistance. City Manager Hodgen stated he has not received information regarding Virginia jails that are members, but will present that information when it is received. City Manager Hodgen stated the next MRRJ Board meeting will be held on November 30, 2016, and further discussion on this matter can be held during the November 29, 2016 meeting. City Manager Hodgen noted the board had considered it in years past. City Manager Hodgen stated it would cost approximately \$15,000 to

become accredited and noted reaccreditation occurs every three years and the cost on that is unknown. Mayor Jones asked about the Health Care cost and the City Manager stated he didn't have any information on that. Council Member Degner noted there are five jurisdictions that are involved with MRRJ. It was noted health care has always been a concern throughout meetings regarding the jail. Mayor Jones stated he would like to explore accreditation for the MRRJ and is interested in the cost for the health care accreditation. Council Member Degner asked if the American Correctional Association (ACA) deals with the health care accreditation. City Manager Hodgen stated during his research it doesn't seem as either type of accreditation addresses the medical component. Council Member Degner stated with the cost being split across five jurisdictions it seems reasonable, would like to get feedback from jails that have been through the process, and inform the board that we are educating ourselves about accreditation. Mayor Jones asked the city manager to reach out to the 14 jurisdictions to see if they have both accreditations. Council Member Shearer stated he would like feedback and answers as to why this has been overlooked in the past after the next board meeting.

8. Special Event Request

8.a. Consider the approval of a special event application for the Rocktown Turkey Trot

Jeremiah Jenkins, Harrisonburg Downtown Renaissance, stated an application had been submitted by Virginia Momentum for a Turkey Trot event to be held on Thursday, November 24, Thanksgiving Day. Mr. Jenkins noted that although approval was received from many of the city departments, it was ultimately rejected by the city due to the blackout dates set during the January 26, 2016 council meeting, prohibiting this particular event. Mr. Jenkins noted during the meeting in January council approved the alternate route that is used by this particular event and that there has been confusion over the intention of what council approved during the January 2016 meeting.

Mayor Jones stated the reasoning for the blackout dates was regarding the conversation about having multiple events on that particular day due to availability of resources. Mayor Jones stated he is in favor of having the Turkey Trot this year and supports not having multiple events on the blackout dates and noted a few specific instances.

City Manager Hodgen stated Public Works will have employees to work on Thanksgiving Day; however, the issue is we don't know if the Harrisonburg Police Department (HPD) will have adequate staff for that day. City Manager Hodgen noted his understanding of the discussion of the January 2016 meeting was to make a conscious effort to not require city employees to work on Thanksgiving Day unless in an emergency situation. City Manager Hodgen noted there was confusion on all ends where as Public Works was under the impression they would be covering this event and HPD was under the impression this was considered an event during the blackout dates.

Officer Westfall stated the ability to cover this event with manpower will be very difficult. Officer Westfall stated although the officer's would get paid for their time, it is voluntary and not required. Officer Westfall stated HPD cannot pull from the on-duty shift as staffing is minimal at that time. Officer Westfall stated that when they originally were looking at this event, prior to the blackout dates being determined, this event would require a minimum of 4 officers and a supervisor. Officer Westfall noted that on November 24, ten officers are already signed up for other overtime assignments, which leaves hardly any off-duty officers to offer to work this event. Officer Westfall noted there are 31 posts that need to be manned for this event, the event coordinator has approximately 20 of those posts covered, leaving some of the more dangerous areas requiring HPD coverage.

Council Member Degner stated he is curious as to if private options are available to provide the type of security needed.

Kevin Gibson, applicant, stated they appreciate the HPD and the intent is to lessen the burden as much as possible. Mr. Gibson stated at the request of HPD they have reached out to JMU to borrow some of the temporary barriers, increase the organizations volunteers, and research a private event staff to work the event. Mr. Gibson noted that since the application submission in July they have been working with city departments and just learned of the potential conflict last Tuesday. Mr. Gibson noted the total count to date for participants is 903.

Council Member Degner asked the applicant how other event security has been handled when security is not provided by municipal police departments.

Mr. Gibson noted the only events that don't require security are those that are long distance relay races; all others require some sort of municipal support.

Officer Westfall noted HPD did not get the request for manpower until October 28, 2016.

Mr. Jenkins noted the delay must have been caused due to the personnel changes within HDR.

Council Member Shearer stated he is interested in the feasibility to make this event work, whether it would be through less HPD assistance or other private security.

City Manager Hodgen noted due to insurance and liability issues he is not sure if anyone else would be allowed to provide street control. City Manager Hodgen stated he would follow up with other surrounding police departments for assistance.

Council Member Shearer stated the applicant has noted the desire to compensate the help whether through HPD or Public Works or other entities to make this event happen.

City Manager Hodgen noted the issue with HPD is the lack of staffing.

Council Member Byrd stated he is ok going forward with this event on the volunteer basis, but the blackout date for Thanksgiving should be adhered to in the future. Council Member Byrd asked if the organization can change the location within the city where such staffing would not be required such as JMU.

Council Member Shearer reiterated the intent of blackout date is good but recognizes this conflict is not at the fault of the organizer or staff. Council Member Shearer stated with that being said, suggested the city try to accommodate this event this year with help from the city manager to make this a safe event.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, that this Special Event Application be adopted. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

9. Supplementals

- 9.a.** Consider a supplemental appropriation for the Fire and Public Works Departments in the amount of \$4,000

City Manager Hodgen stated these are funds through the state.

A motion was made by Council Member Degner, seconded by Council Member Shearer, that Supplemental Appropriation items 9.a., 9.b., 9.c., and 9.d. be approved on first reading. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 9.b.** Consider a supplemental appropriation for the Economic Development Department in the amount of \$50,000 to appropriate a VA Agriculture and Forestry Industries Development program grant

City Manager Hodgen stated these are funds through the state.

A motion was made by Council Member Degner, seconded by Council Member Shearer, that Supplemental Appropriation items 9.a., 9.b., 9.c., and 9.d. be approved on first reading. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 9.c.** Consider a supplemental appropriation for the Police Department in the amount of

\$38,790.66 for the purchase of patrol rifles

City Manager Hodgen stated these funds are through asset forfeiture funds.

A motion was made by Council Member Degner, seconded by Council Member Shearer, that Supplemental Appropriation items 9.a., 9.b., 9.c., and 9.d. be approved on first reading. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

- 9.d.** Consider a supplemental appropriation for the Public Transportation Department in the amount of \$445,000

City Manager Hodgen stated all but \$25,000 of these funds are federal.

A motion was made by Council Member Degner, seconded by Council Member Shearer, that Supplemental Appropriation items 9.a., 9.b., 9.c., and 9.d. be approved on first reading. 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. Other Matters

Council Member Degner stated during the October 25, 2016 meeting he offered to provide information on a dialogue process which at this time he does not currently have. Council Member Degner stated there are several ways that communities have conversations regarding community wide issues. Council Member Degner shared a book titled The Change Handle to other council members and referenced one particular process called Study Circles, which is championed by the organization Everyday Democracy. Council Member Degner stated he feels they would be beneficial to our community and will bring more information to the next meeting. Council Member Degner noted that a few nonprofits have been in discussion regarding funding for implementation of a process such as this. Council Member Degner offered this recommendation to help future discussions be more productive.

Council Member Byrd thanked both the City Manager and Acting Deputy City Manager for attending an early flag raising ceremony at the Harrisonburg Department of Public Transportation (HDPT) last Friday. Council Member Byrd invited citizens to travel along East Washington Street to see the new flag pole honoring veterans.

Council Member Byrd also commended the Harrisonburg Police Department (HPD) and other agencies for handling a barricade situation earlier in the day professionally and safely.

Council Member Shearer commended Wanda Willis for her dedication to the city

and stated she was recognized with the Governor's Award for contribution for children.

Mayor Jones echoed Council Member Byrd's remarks and stated he wants to see the HPD overstaffed for their own safety as it is a high stress job.

Council Member Degner noted the Gus Bus was recognized at the White House today.

Vice-Mayor Baugh stated he attended the Harrisonburg-Rockingham Bike/Walk Summit earlier in the month and he found it interesting the presenter, who was from DC, shared the same struggles dealing with trying to speak for the entire community. Vice-Mayor Baugh noted being on council means you hear about several funding requests and you have to filter through them to figure out what requests are best for the community's needs.

Vice-Mayor Baugh noted that next year the Comprehensive Plan will be reviewed.

Vice-Mayor Baugh stated seven items will be coming to council from Planning Commission.

11. Boards and Commissions

11.a. Environmental Performance Standards Committee

The following was discussed regarding the Environmental Performance Standards Committee: the spreadsheet was helpful to see the information about each applicant, the bylaws show what representation is needed on the committee to fill the seven to eleven members, currently 11 applications are from Harrisonburg, there should be two more applications being submitted, review which representation is missing and reach out to those groups, Council Member Byrd and Degner will be reviewing and will bring back a recommendation, and they hope the committee will begin to meet in January.

12. Adjournment

At 8:32 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR