



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Mayor Christopher B. Jones
Vice-Mayor Richard Baugh
Council Member Ted Byrd
Council Member Kai Degner
Council Member Abe Shearer

Tuesday, September 8, 2015

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, Assistant City Manager Anne Lewis, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

2. Invocation

Vice-Mayor Baugh 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)

Katrina Gerald, 915 Broadview Drive, stated she was a board member of Second Home and invited council and citizens to two upcoming fundraiser events which were the following: Oktoberfest at Muhlenberg Lutheran Church, Saturday, September 26, 2015 from 6:00 p.m. until 8:00 p.m., and a Fall Dinner Gala at Eagle Carpet Community Room, Saturday, October 10, 2015. Mrs. Gerald stated advanced tickets for Oktoberfest are \$12.00, the gala tickets are \$40.00 and for more information she can be contacted at klgerald@outlook.com.

Panayotis "Poti" Giannakouros, 98 Emory Street, stated he just received the last three months of incarceration data, reported July has shown an increase which wiped out the gains from the past year and reminded all to keep engaged. Mr. Giannakouros also informed council that bigger stores won't sell tar coat sealant due to the toxins and urged council to take the same action as Rockingham County did by banning the use on city property.

Mayor Jones proclaimed September Life Insurance Awareness Month.

Christine VanPelt stated she was a member of the National Association of Insurance and Financial Advisors Shenandoah Valley and thanked Mayor Jones for his support.

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 Degner, 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. Special Meeting Minutes

These minutes were approved on the Consent Agenda.

5.c. Consider amending and re-enacting Section 1-1-12(1)b and enacting Section 1-1-12(1)e of the Harrisonburg City Code

This ordinance was approved on second reading.

5.d. Consider a supplemental appropriation for the Fire Department in the amount of \$147,835.19

This supplemental appropriation was approved on second reading.

5.e. Consider a supplemental appropriation for the Police and Fire Departments in the amount of \$93,159.38

This supplemental appropriation was approved on second reading.

5.f. Consider an ordinance closing a 13,462 square foot portion of Grove Street right of way between New York Avenue and Ohio Avenue in the City of Harrisonburg

This Ordinance was approved on second reading.

6. Public Hearings

6.a. Consider repealing Section 17-1-1 and amending and re-enacting Section 17-1-2 & 17-1-3 of the Harrisonburg City Code to eliminate school election districts and to provide for at-large election of Harrisonburg City Public School Board Members

City Attorney Brown stated during the previous meeting council asked that a draft ordinance be presented to eliminate election districts and to provide at-large election for School Board members. It was noted that if council decided to make the School Board an odd number another amendment would have to occur. A brief discussion took place about an odd number of members and how School Board

members felt about the possible change in the number of members.

At 7:14 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 Saturday, August 29, 2015 and Saturday, September 5, 2015.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:15 p.m., and the regular session reconvened.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve the elimination of the districts as presented 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

6.b. Consider CDBG 2014-2015 Consolidated Annual Performance Evaluation Report (CAPER)

Ande Banks, Director of Special Projects and Grant Management, reported projects are about half to two-thirds the way completed which is normal. Mr. Banks stated the Mercy House and sidewalks along East Wolfe Street have been delayed due to some setbacks by the environmental review process. Mr. Banks showed the status of other projects and stated that these projects would be completed, but might cause an amendment to the 2014-2015 Action Plan. Mr. Banks reviewed the CAPER schedule and noted all comments needed to be received by September 24, 2015 at 9:00 a.m.

At 7:18 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 Wednesday, August 26, 2015.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:19 p.m., and the regular session reconvened.

6.c. Consider a request from J-M Apartments with representative Jim Monger to rezone a 17,777 +/- square feet parcel located at 141 West Bruce Street, from M-1, General Industrial District to B-1C, Central Business District

Vice-Mayor Baugh recused himself from the next three agenda items associated with J-M Apartments.

Adam Fletcher, Acting Community Development Director, provided the background and surrounding areas to the property located at 141 West Bruce Street. Mr. Fletcher provided an overview of the challenges the property brought. Mr. Fletcher noted the first application was to rezone the property from M1, General Industrial District to B-1C, Central Business District and reviewed the following proffers: the property shall be redeveloped by improving and maintaining the existing structure, where all by-right uses of the B-1 district shall be permitted

except for the following limitations: residential uses shall be limited to multi-family residential uses, where one parking space shall be provided on-site per bedroom and restaurants and personal service establishments are not permitted without an amendment to these proffers; no retail uses shall be allowed except those associated with R.S. Monger and Sons, Inc.; Special Use Permits (SUP) shall be permitted as approved by City Council; the property shall maintain at least seven off-street parking spaces. Any number of these spaces may be used to meet the minimum required as specified in proffer "1a."; and, exterior storage of materials associated with any warehousing component of the property shall only occur under the rear covered porch/dock and to the south of the building. Mr. Fletcher noted the second application was to amend the Zoning Ordinance that would add subsection (10) by adding warehousing and other storage facilities as a special use in the B-1 district. Mr. Fletcher reviewed the third application which was for a SUP request to allow warehousing and other storage facilities on the property. Mr. Fletcher showed the layout of the property, but noted the layout was not proffered. Mr. Fletcher noted staff recommends deviating from the Design and Construction Standards Manual (DCSM) Section 3.3.3.2 requirement and have the developer construct a seven feet wide decorative concrete sidewalk on West Bruce Street between Chesapeake Avenue and the at-grade railroad crossing per the Downtown Streetscape Plan specifications and construct a seven feet wide decorative concrete sidewalk on Chesapeake Avenue between West Bruce Street and the northernmost entrance of the warehouse portion of the building. Mr. Fletcher noted that staff believes that these requests conform to the Land Use Guide and the Comprehensive Plan also illustrates that the property is within a quarter mile radius of Court Square and that it is identified within the Plan's Downtown Revitalization Area.

At 7:31 p.m., Mayor Jones closed the regular session and called the third public hearing for agenda items 6.c., 6.d. and 6.e. to order. A notice appeared in the Daily News-Record on Monday, August 24, 2015 and Monday, August 31, 2015.

Jim Monger, property owner, introduced Charles Hendricks, architect of the project, and made themselves available for any questions. Mr. Monger stated this project has been discussed for years, they are in the process of replacing the roof and the area will be used for a design area and not a sales area.

At 7:35 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

It was noted that this is an example of the public investments and it is due to previous council's making an effort towards downtown revitalization.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the request to rezone the 17,777 +/- square feet parcel located at 141 West Bruce Street, from M-1, General Industrial District to B-1C, Central Business District on first reading. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Jones, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

Abstain: 1 - Vice-Mayor Baugh

- 6.d.** Consider a request from J-M Apartments with representative Jim Monger to amend the Zoning Ordinance Section 10-3-85 Uses Permitted Only By Special Use Permit of the B-1, Central Business District by adding warehousing and other storage facilities as a special use in the B-1 district

Agenda item 6.d. was presented along with 6.c. and 6.e.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to amend the Zoning Ordinance Section 10-3-85 Uses Permitted Only By Special Use Permit of the B-1, Central Business District by adding warehousing and other storage facilities as a special use in the B-1 district on first reading. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Jones, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

Abstain: 1 - Vice-Mayor Baugh

- 6.e.** Consider a request from J-M Apartments with representative Jim Monger for a special use permit per Section 10-3-85 of the Zoning Ordinance to allow warehousing and other storage facilities within the B-1, Central Business District at 141 West Bruce Street

Agenda item 6.e. was presented along with 6.c. and 6.d.

Mr. Monger commended staff and Planning Commission for their assistance to these requests.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve a special use permit per Section 10-3-85 of the Zoning Ordinance to allow warehousing and other storage facilities within the B-1, Central Business District at 141 West Bruce Street. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Jones, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

Abstain: 1 - Vice-Mayor Baugh

7. Regular Items

- 7.a.** Consider a request from Purple and Gold, LLC to preliminarily subdivide a 1.1 +/- acre parcel into 11 townhouse lots and one common area lot, with variances from the Subdivision Ordinance

Mr. Fletcher presented the history of the applicant and property beginning in 2011 and noted the applicant was here tonight due to not submitting their final plat within 24 months of approval. Mr. Fletcher noted after improvements are made, the ingress and egress location on Purple and Gold Way would remain the same and be the only access to the units. Mr. Fletcher noted the applicants are requesting to preliminarily plat 11 townhome lots and one common area on the 1.06 +/- acre property. Mr. Fletcher noted the engineered comprehensive site plan for this phase of Charleston Townes has been approved and during the site plan review process there was a shift in the placement of the sanitary sewer line from the original location to the east, behind townhomes one through seven. He stated the line is now located further west, more in the center of the site and in front of the townhomes. He also noted a water line in this same general area; both the waterline and sewer line are within separate 20-foot easements. Mr. Fletcher stated because of the requirements of the Subdivision Ordinance to have a general utility easement centered on all side lot lines, such easement would cross over the sanitary sewer lateral and water line multiple times at different angles along the property boundary between lots seven and eight; a situation Public Utilities does not desire. Mr. Fletcher stated staff and Planning Commission recommend deviating from the requirements of Section 10-2-43 of the Subdivision Ordinance, to not have the 10 foot utility easement centered on the property line between lots seven and eight.

Mayor Jones exited Council Chambers at 7:40 p.m. and returned at 7:41 p.m.

Council Member Degner brought attention to the functional easement on the property. Mr. Fletcher noted Harrisonburg Electric Commission (HEC) has approved the design and engineering.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, to approve the preliminarily subdivision with the requested variances. 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. Update from Superintendent on City of Harrisonburg Public Schools

Dr. Scott Kizner, Harrisonburg City Public Schools Superintendent, stated the first two weeks of school have been great. Dr. Kizner noted that last year the students that received advanced diplomas increased 25%, the dropout rate decreased 50% and feels those numbers have been achieved by the classes being offered and staff members. Dr. Kizner noted the following: the August graduation; new goals this year of the school system are that all teachers see themselves as teachers of literacy and to educate the whole child; more students are beginning high school with high school credits; on time graduation will be the highest in Harrisonburg history; and, noted the design development documents for elementary and early childhood program are being reviewed by three independent estimators and

construction is estimated to begin in March 2016 with an opening in July 2017. Dr. Kizner stated enrollment numbers, kindergarten through twelfth grades, have increased 21.6%, from the first day of school in 2010 until the current first day of school and shared the projected numbers for the 2019/2020 showing an additional 12% increase.

Mayor Jones asked which grade levels showed the biggest increase.

Dr. Kizner provided the following facts from the current year which were the following: fourth grade is the largest class; at least 400 students are enrolled in kindergarten through eighth grade, with elementary grades being the largest; and, high school numbers are misleading to credit hours. Dr. Kizner noted he was happy about the 2017 opening due to capacity limitations. Dr. Kizner stated enrollment numbers, ninth through twelfth grades, have increased 24%, from the first day of school in 2010 until the current first day of school this year and shared the projected numbers for the 2019/2020 showing an additional 21.5% increase. Dr. Kizner reviewed several other factors of more space being needed, possibilities to address the growth, invited council to the next School Board meeting where the architect will be presenting and would like to hold a joint meeting in October. Dr. Kizner noted public input will be received during School Board meetings during the months of September, October and November.

Mayor Jones commended the diversity that is seen within the schools personnel.

Dr. Kizner noted a new partnership of a residency program with James Madison University and Blue Ridge Community College.

Andrew Kohen, School Board Chairman, stated the School Board looks forward to the partnership with City Council on the growth matter that was presented tonight.

Mayor Jones noted that there was a discussion during the School Board Liaison meeting about timelines, prioritization and needs that need to be available and presented. Dr. Kizner stated more information would be available during the joint October meeting.

Dr. Kizner stated the average to educate a student is between \$11,500 and \$12,000 and the state provides approximately \$5,000 to \$5,500 per student per year. It was noted those numbers are operational and does not include capital expenses. It was noted a close communication between council and the School Board is needed especially this fall. The following was also noted: the informational and public hearing meeting next Tuesday, September 15, 2015 at 7:00 p.m.; understand that this matter can become emotional for citizens, but the facts show more space is needed; and, the joint meeting is planned for Thursday, October 15, 2015.

- 7.c.** Consider Resolutions of Support for two (2) Public Works projects for consideration under VDOT's new House Bill 2 (HB2) funding program

Tom Hartman, Assistant Director of Public Works, described the process for the House Bill 2 (HB2) applications that included: Vtrans 2040 Needs Assessment; HB2 Prioritization Program and House Bill 1877. Mr. Hartman stated the process will change in 2021, but until then there is \$1B in transportation funds within the state. It was noted that this is state/federal money that we will be competing for. Mr. Hartman reviewed the I-81 Exit 247 Improvement project application: replacement of four bridge structures, two over I-81 and two over railroad; widening lane capacity as well as sidewalks; additions to both acceleration and deceleration lanes on East Market; extending the deceleration lane on I-81 and the relocation of the I-81 northbound on ramp; and, estimated project date is 2021. Mr. Hartman reviewed the South Main Street/Martin Luther King, Jr. Way project application: widen MLK, Jr. Way for left turn lanes and signal placement at Mason Street; add right turn lane on South Main and signal replacement; and, a shared use path from South Main to Mason Street. It was noted the Grace Street improvements will be a JMU project. Mr. Hartman reviewed the I-81 Exit 245 Improvement project which will realign I-81N, exit 245 off ramp. Mr. Hartman stated applications are due September 30, 2015; reviewed the prioritization scores released January 15, 2015; communication with the Commonwealth Transportation Board (CTB) in spring 2016; and, funding would be available in July 2016. It was noted the I-81 Exit 245 improvement resolution of support had not yet been presented the Metropolitan Planning Organization, but would be prior to submission.

A motion was made by Council Member Byrd, seconded by Council Member Degner, to approve the Resolutions of Support for the three projects 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.d.** Consider a resolution on the issuance of up to \$40,000,000 of Revenue Bonds by the Industrial Development Authority of the Town of Broadway, Virginia, for the Benefit of Virginia Mennonite Retirement Community, Inc

City Attorney Brown stated the Industrial Development Authority (IDA) for the town of Broadway intends to issue up to \$40,000,000 of revenue bonds for the benefit of Virginia Mennonite Retirement Community, Inc (VMRC). He stated under Section 15.2-4905 of the Code of Virginia, council must concur with this financing because VMRC is located in the city, but is using the Broadway IDA for the issuance. There is no financial obligation for the city related to the concurring resolution. It was noted that the Harrisonburg IDA was unable to issue these bonds because the city needs the IDA's bond issuing capacity for a large upcoming city financing.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the resolution. 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.e. Consider a resolution setting the percentage of personal property tax relief for the year 2015 to 30%

City Attorney Brown stated this is the annual resolution to set the percentage of personal property tax relief pursuant to Article J of Title 4 Chapter 2 of the Harrisonburg City Code. The Commissioner of the Revenue has determined the final percentage for the tax year 2015 to be 30%. City Attorney Brown noted vehicles valued less than \$1,000 will not owe personal property taxes and vehicles valued between \$1,000 and \$20,000 will receive a 30% relief.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve the resolution. 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.f. Consider Finance Committee Fund Balance recommendations to council

Council Member Byrd stated the recommendations for the unappropriated Fund Balance at fiscal year-end, June 30, 2015 were the following: use of \$748,372 to balance current year budget, a one-time amount for a radio system upgrade project for the ECC; reserve \$1,200,000 for architectural/engineering services for the new school project; reserve \$520,000 for non re-occurring capital outlay items in the FY 15-16 budget; reserve \$150,000 for predevelopment costs associated with the Hotel Conference Center project; and, reserve \$200,000 for Fire Programs and Four-for-Life Fund.

Council Member Shearer stated the \$1.4M above the 18% are available for possible use for upcoming expenditures for school furniture, fixtures and equipment (FFE) instead of financing. A brief discussion was held regarding estimates that were discussed in spring due to the FFE.

City Manager Hodgen noted that the city will be going to the bond market in January.

A motion was made by Council Member Degner, seconded by Council Member Shearer, to approve the recommendations 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.g. Consider addition of Assistant Director of Economic Development position

City Manager Hodgen state this is a position that has been in the city system for a number of years, at one point having been filled via a contract with James

Madison University, but standing vacant since 2009. City Manager Hodgen noted the non-exhaustive listing of possible initial task assignments this position would handle. The following discussion took place: continued growth is needed; the city is thriving; this position is a number one priority in comparison to other two jobs being discussed; better return for investment with the position; an important role to add to the department; would help future transitions of staff members; free up current personnel; more capacity to build relationships; emails received about a sustainability coordinator and the possibility of the position being shared with schools; and, prioritization of positions so they can be reviewed.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve the addition of an Assistant Economic Development Director 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

8. Supplementals

- 8.a.** Consider a supplemental appropriation for the Public Works Department in the amount of \$2,148,332

Jim Baker, Director of Public Works, stated funds have been approved through the state's Revenue Sharing Program for the following three projects: \$950,000 received for the VDOT Revenue Sharing Paving Grant with local match of \$950,000; \$364,500 received from VDOT Revenue Sharing for Bluestone Trail at JMU Grant with local match that will be reimbursed by JMU of \$364,500; and, \$469,332 received for Transportation Alternatives Program Grant for the Downtown Streetscape Phase III project with local match of \$117,333. Mr. Baker stated the local match amounts are already included in the budget.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, that this supplemental appropriation 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

9. Other Matters

Mayor Jones stated he would like to see more specific goals from both staff and the community regarding the Sustainability Coordinator.

- 9.a.** Consider establishing a Tourism Expert Recommendation and Review Panel

Mayor Jones would like to establish a Tourism Expert Recommendation and Review Panel that would work with staff to come up with recommendations to council regarding a tourism position. Mayor Jones noted he would be happy to serve on the panel. It was noted that this panel would be similar to the Economic

Development Advisory Committee.

A motion was made by Council Member Degner, seconded by Council Member Byrd, for staff to draft by-laws for a Tourism Expert Recommendation and Review Panel for council's consideration during a future meeting. 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

Other Matters Continued

City Manager Hodgen noted that directors are compiling a program inventory for their departments. He noted this information will not be ready for the upcoming budget season.

Mayor Jones congratulated Pastor Chris and Sherrell Johnson on the birth of their son.

Council Member Degner noted the Middle River Regional Jail (MRRJ) tour was extremely informational and thanked the county and city for the coordination of the tour. He stated council and staff came back with both questions and more information. City Manager Hodgen stated the first board meeting was held at MRRJ and he along with the Finance Director and Police Chief attended. Council Member Degner stated a full time re-entry position was created, a position and a half is committed to GED's, the medical facility and a work release program. Council Member Baugh noted in our existing jail currently we don't have the room to house any other programs due to the lack of space. Council Member Degner noted the data Mr. Giannakorous shared and stated just because we have the space we don't want to become complacent on the alternative sentencing and the other programs we are pursuing. Council Member Degner stated a Community Criminal Justice Board meeting is scheduled for September 25, 2015 and a final agenda available on September 14, 2015. Council Member Degner noted an event that was held on Saturday to review ways to reduce recidivism and the outcome of that event.

Council Member Degner stated he would like to speak about a possible Sustainability Advisory Committee.

Council Member Shearer noted his most recent ride along with the Harrisonburg Police Department (HPD). Council Member Shearer stated the evening went from creating relationships with students and the community to the SWAT team being called. Council Member Shearer noted the professionalism within the HPD.

Mayor Jones stated he will be attending a Mayors' Institute on City Design in October in Arkansas. Mayor Jones noted his case study is to address the area north of WHSV. Mayor Jones stated the trip is at no cost to the city. City Manager Hodgen reviewed how the program worked, stated the University of Arkansas

receives a grant for this program which then brings individuals to the community and there will be subject matter personnel that will be reviewing the case studies.

Vice-Mayor Baugh noted the memorandum that was sent out about both the JMU and School Board Liaison meetings. He also reviewed what was being presented during the upcoming Planning Commission meeting.

10. Boards and Commissions

No action taken.

11. Adjournment

At 9:17 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR