



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 29, 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

Council Member Shearer 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)

James "Bucky" Berry, 30 West Washington Street, provided an update regarding the Brent Berry Food Drive. Mr. Berry stated next year will be more pressing due to insurance increasing. Mr. Berry also stated that something needs to be done to get police officers to stay employed with the city.

Austin Sachs, Eastern Mennonite University student, stated he and those standing in the audience were concerned with the crisis happening in Standing Rock, North Dakota and noted a resolution for council to consider at a future meeting to 'stand' with Standing Rock. Mr. Sachs provided the following three reasons to why the council should consider this resolution and they were as follows: the importance of water conservation, the city became a 'Welcoming City' and it needs to be more than just welcoming to immigrants, and the country must be held accountable to treaty's and other legal documents such as the American Indian Religious Freedom Act of 1978.

Jim Orndoff, 22 East Market Street, stated he was here on behalf of the Valley Justice Coalition and spoke in regards to correctional accreditation improving public confidence within the facilities. Mr. Orndoff stated the accreditation process typically is completed in less than two years costing less than \$15,000 and makes the facility policies and procedures consistent with national standards and

practices. Mr. Orndoff stated several reasons why he feels the facility needs to seek accreditation. Mr. Orndoff stated he understands there might be additional cost after receiving accreditation, but feels those funds can be met by using the under spent medical fund budget and the work release program. Mr. Orndoff stated the Valley Justice Coalition respectfully requests council to provide leadership in pursuit of national accreditation at Middle River Regional Jail (MRRJ) and the identification of the funds necessary to support the process.

City Manager Hodgen stated there will be discussion regarding accreditation tomorrow during the MRRJ Board meeting. City Manager Hodgen noted the goals and objectives set by MRRJ in 2015 included seeking accreditation. City Manager Hodgen noted the meeting would be held tomorrow at 1:00 p.m., at the August County Government Center, Smith Board Room.

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

A motion was made by Council Member Degner, seconded by Council Member Byrd 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. Consider a supplemental appropriation for the Fire and Public Works Departments in the amount of \$4,000

This Supplemental Appropriation was approved on second reading.

5.c. 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

This Supplemental Appropriation was approved on second reading.

5.d. Consider a supplemental appropriation for the Police Department in the amount of \$38,790.66 for the purchase of patrol rifles

This Supplemental Appropriation was approved on second reading.

5.e. Consider a supplemental appropriation for the Public Transportation Department in the amount of \$445,000

This Supplemental Appropriation was approved on second reading.

6. Public Hearings

- 6.a.** Consider a supplemental appropriation for the General Capital Projects Fund in the amount of \$9,403,864

City Manager Hodgen stated due to the amount exceeding 1% of the budget a public hearing has to be held. City Manager Hodgen stated these funds were received through a VDOT grant to the Public Works Department for five capital projects which include the Garbers Church Road Shared Use Path, Spotswood Elementary Safe Routes to School, Grace Street Extension (JMU), MLK Jr. Way Improvements, and the I-81 Exit 245 Realignment. City Manager Hodgen also noted this supplemental appropriation will place the awarded grant funds and JMU matching funds into the appropriate project accounts and staff recommends approval.

At 7:16 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 Tuesday, November 22, 2016.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:17 p.m., and the regular session reconvened.

A motion was made by Council Member Shearer, seconded by Council Member Byrd, to approve the supplemental appropriation for the General Capital Project Fund. 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 a resolution approving the transfer of 21,008 square feet to Diversified Properties, LLC

City Attorney Brown stated this transaction is to finalize the Erickson Avenue Extension/Pear Street Relocation Project. The city had obtained some needed property interest from Diversified Properties, LLC and after all necessary survey work related to utility easements have been completed the city is in possession of 21,008 square feet that is no longer needed. City staff recommends that this property can be transferred to Diversified Properties, LLC to join to a previously platted "future lot 40" of Skyview Estates and to create a separate lot in the development which then will return to the tax rolls. City Attorney Brown also noted that the city will also retain a public permanent joint utility easement ten (10') feet in width along the outside of the boundary of the property being conveyed and a small right of way dedication.

At 7:19 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, November 21, 2016.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:20 p.m., and the regular session reconvened.

A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to approve the transfer of 21,008 square feet to Diversified Properties, LLC 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. Regular Items

7.a. Consider approval of the HUD FY2014 and 2016 CDBG Amendment

Kristin McCombe, Grant Compliance Officer, stated tonight concludes the final action needed from council regarding the HUD FY2014 and 2016 amendment, which proposes that funds from the 2014 Mercy House Small Mercies Expansion Project be moved to the 2016 Fire Department AED Project. Mrs. McCombe stated during the 30 day public comment period only one comment was received, which was heard during the October 26, 2016 public hearing. Mrs. McCombe asked council for their approval of the proposed amendment.

A motion was made by Council Member Degner, seconded by Council Member Byrd, to approve the HUD 2014 and 2016 CDBG amendment. 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. Discussion of storm water erosion problem impacting University Court townhouses and their residents

Nancy O'Hare, Board of Directors for the University Core Townhouse Association, provided an overview of the houses and townhomes on Mountain View Drive. Ms. O'Hare stated the erosion problem is behind the six townhomes on the left as you enter the complex. Ms. O'Hare stated these townhomes were built in the 1980's and that for the first 25 years of her living there the erosion problem didn't seem to exist. Ms. O'Hare showed pictures of more recently built apartments that aren't a part of their homeowners association. Ms. O'Hare stated they have had issues with erosion and it is her understanding after communication with city staff that it has been repaired once and again in need of repair. Ms. O'Hare noted that there is a channel that runs behind those homes and when it rains the channel fills with water. Ms. O'Hare noted that when the property wasn't experiencing erosion issues there it was being used as farm land. Ms. O'Hare noted that water coming into the channel is coming from the following: Harrisonburg Crossing, Neff Avenue, Reservoir Street, Costco, CISAT at JMU, and University Boulevard to Neff Avenue that consists of approximately 250 to 350 acres of developed land. Ms. O'Hare presented a picture of the erosion behind her house and stated the area is very

dry except when a heavy rain fall occurs.

Ms. O'Hare took a moment to compliment city staff that has been in communication with her.

Ms. O'Hare stated her property used to have 12 feet of green space, which is now down to six feet and she had to get a tree removed so it wouldn't fall on her house but the stump and roots remain which have helped slow down some of the erosion. Ms. O'Hare also noted that many wires are exposed and boxes that belong to Verizon on their easement behind the property, but haven't been taken care of for years. Ms. O'Hare stated the channel is now 6 feet deep. Ms. O'Hare stated the city has informed Verizon of the issues, but to date nothing has been done.

Council Member Degner asked the city manager what the city's, Verizon, and the HOA's roles are in the issue. City Attorney Brown stated city staff has meet several times regarding what obligations the city has on the issue and informed council the city doesn't have any legal obligation. City Attorney Brown stated the cost to fixing the issue would be approximately \$1M, which Public Works applied for a grant to help the property owners, but was not successful.

Ms. O'Hare apologized to council for getting them involved late in the problem and stated five years ago the erosion was becoming more noticeable and has continued as time has passed. Ms. O'Hare stated that with the grant that was sought by the city they should be one of the top projects due to them being the only ones with this severe of an erosion problem. Ms. O'Hare feels that even though the city doesn't have a legal obligation there is an ethical one. Ms. O'Hare stated that their property was going to be included with a list for the stormwater fee projects; however, it wasn't due to the funds being spent on the goals set by the Chesapeake Bay.

Council Member Byrd asked if the channel is owned by each individual. Ms. O'Hare stated that she thought her deeded line goes across the channel, but during research she only owns to where the green space ends and where Verizon's easement begins. Ms. O'Hare stated there is also a sewer pipe located in the channel. Council Member Byrd asked who owns the channel. Ms. O'Hare stated the channel has moved over the years and it is unclear who owns the property. Ms. O'Hare stated she feels the city needs to spend the tax money being generated by the properties that are a cause of the erosion to fix the problem. Ms. O'Hare stated sediment exists in the channel and will continue to do so until the issue is resolved. Ms. O'Hare requested council to have staff find a way to fix the problem. Ms. O'Hare stated that her and other owners asked if they could take on part of the repair and contract it out and were told how difficult and expensive that would be. Ms. O'Hare stated she feels that this is an emergency situation and wants to be informed of decisions made by the city.

Mayor Jones asked if the boulders within the channel have always been located

there.

Gary Beatty, owns six units, stated he was unsure when the boulders were placed in the channel. Mr. Beatty stated residents can't correct the problem due to environmental issues and he was hoping the stormwater fee would be able to help the situation. Mr. Beatty suggested a holding pond further up the property. Mr. Beatty was surprised by the estimated cost to address the issue and can't believe it would be that expensive to rock the channel to at least help with the erosion.

Council Member Degner asked if developments needed to provide runoff plans to the city. It was stated that they do and the developments were built to the standards at that time. Council Member Degner asked if there are any run off associated changes that have been modeled given the new road that might help reduce any water coming onto the property. City Attorney Brown stated not to his knowledge. Council Member Degner asked if the city knows who owns the land. City Attorney Brown stated one of the problems is the channel has shifted, but looking at the plats from 25 to 30 years ago it looks like Harrisonburg Health and Rehabilitation would own the property. Council Member Degner asked about the denial of including it in the stormwater fee. City Attorney Brown stated when the fee was reduced it was recognized that there wouldn't be enough funding to cover the project given the overall goals of the stormwater utility fee to lower the content required by the Chesapeake Bay permit. Council Member Byrd stated the city hired an engineering team to prioritize and score stormwater projects to obtain the most reduction of what is required by the permit. Council Member Degner asked if the James Madison University project was required to submit run off plans. It was stated they would have submitted theirs to the state. It was also noted that our local guidelines are at least equal if not greater than the states. Council would like to hear from city staff regarding the matter. Council Member Degner stated he knows no one is at fault, but feels there is joint responsibility that is needed towards this situation.

7.c. Consider approval to establish and fill a new GIS Administrator position

City Manager Hodgen stated staff is seeking council approval to establish and fill a new position of a geographic information system (GIS) administrator and to downgrade an existing position from GIS coordinator to a GIS analyst. City Manager Hodgen stated this request comes before council due to the departure of the Community Development's GIS coordinator. City Manager Hodgen stated staff used the departure as a chance to focus on whether the city should continue with the status quo or move toward the implementation of a more efficient and effective staffing and organizational structure for our city-wide GIS needs. City Manager Hodgen stated the funding for the remainder of the fiscal year for the positions would be approximately \$55,621, if begun January 1, and would come from the vacancy savings from not having both the assistant to the city manager and the deputy city manager positions and the recently vacated GIS coordinator position. City Manager Hodgen stated the fiscal impact for the budget in 2017-2018 would be approximately \$109,000, which includes benefits, salary, and other expenses associated with the position. City Manager Hodgen noted that there would be

approximately an \$8,000 to \$10,000 savings due to reduction of the GIS coordinator position to a GIS analyst. City Manager Hodgen stated GIS is the for many of the city's software applications including asset management, mapping and real estate assessment.

A brief discussion was held regarding the importance of GIS and it being the backbone to data and is pleased with staff taking the time to evaluate the workload and an additional person.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to support the approval to establish and fill a new GIS administrator position. 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 cancellation of the second council meeting in December that would be held on Tuesday, December 27, 2016

City Manager Hodgen stated over the years council has cancelled the second meeting in December due to council members traveling and requested an official action be made. It was noted that if anything urgent came to surface an emergency meeting could be called with appropriate notice given.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Byrd, to cancel the December 27, 2016 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

8. Special Event Application Requests

- 8.a.** Consider the special event application for the Harrisonburg Holiday Parade on December 2, 2016

Jeremiah Jenkins, Director of Events, stated the Holiday Parade application has been approved by all city departments. A brief discussion was held on the direction of the parade route and staging is easier at the Rockingham County Administration building.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve the special event application as presented. The motion carried with a recorded voice vote.

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 his thoughts and prayers are going to those residents and property owners of Gatlinburg, Tennessee.

Mayor Jones applauded Lieutenant Boshart and Dr. Carl Stauffer for their leadership in hosting officers from across the country at Camp Horizon to provide information regarding restorative justice and peace building.

Mayor Jones announced the city's leaf collection will continue over the next week; personal property and real estate taxes are due Monday, December 5, 2016; comments for the bike and pedestrian plan will be collected through BeHeardHarrisonburg through December 16, 2016; city offices will be closed Friday, December 23 and Monday, December 26, 2016, so check the holiday trash collection schedule; and, the Harrisonburg Holiday Parade will take place on Friday, December 2, 2016 at 7:00 p.m., the route will begin at Gay Street and head south on South Main Street towards City Hall.

Council Member Byrd asked staff to review council's order of business as we prepare for the upcoming council.

Council Member Byrd asked for department heads to provide reports during the first quarter of the year, with periodic updates regarding projects.

Mayor Jones agreed with comments made by Council Member Byrd and stated moving public comment to the end of the meeting would educate the public about what we do and not monopolize the business that needs to take place.

City Manager Hodgen stated there is a lot going on in each department and going into the new year we can plan for department presentations to be made.

City Manager Hodgen stated the city has an architect under contract reviewing the Municipal Building and they have 60 days to complete a report consisting of architectural and engineering assessments and recommendations for the building. City Manager Hodgen stated the report should be to council within two months.

10. Boards and Commissions

10.a. Building Code Board of Appeals

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to reappoint Craig Miller, 2821 Osceola Springs Road, and Steven Hottle, 267 Campbell Street, to a sixth term on the Building Code Board of Appeals to expire on November 31, 2019. The motion carried with a recorded voice vote.

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

No: 0

10.b. Environmental Performance Standards Committee

Council Member Byrd suggested the city manager pick city staff to serve on the committee and that the committee not meet until January so that a council member could be selected to serve as well. It was noted that the council member and city staff would not count toward the eleven membership number.

A motion was made by Council Member Byrd, seconded by Council Member Degner, to appoint Johann Zimmerman, 1293 Greystone Street; Benjamin Meredith, 9500 Cherry Grove Road; Daniel Downey, 465 Cardinal Drive; Doug Hendren, 975 Summit Avenue; Raymond Sellers, 32 Diana Court; Ritchie Vaughan, 655 Lee Avenue; Diedre Smeltzer, 294 Franklin Stree; Tom Benevento, 910 Collicello Street, and Mikaela Schmitt-Harsh, 1251 Lincolnshire Drive to the Environmental Performance Standards Committee. The motion carried with a recorded voice vote.

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

No: 0

10.c. Harrisonburg-Rockingham Redevelopment and Housing Authority (HRHA)

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to reappoint Scott Gallagher, 905 Oak Hill Drive, to a second term to expire on November 29, 2020. The motion carried with a recorded voice vote.

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

No: 0

11. Adjournment

At 8:10 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR