



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

Tuesday, April 10, 2018

7:00 PM

Council Chambers

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

Mayor Reed offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. April 2018 Occupational Therapy Month

Mayor Reed presented a proclamation to James Madison University students in the Master Program for Occupational Therapy recognizing April 2018 as Occupational Therapy Month.

ADDITIONAL NOTE:

Mayor Reed noted the two Special Use Permit requests and one zoning amendment recently advertised for public hearings have been postponed until April 24, 2018

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 Vice Mayor Baugh to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

- 5.a. Minutes from March 27, 2018 City Council meeting

These minutes were approved on the Consent Agenda.

- 5.b. Consider enacting Section 5-1-11, Employment of off-duty law enforcement officers, to the Harrisonburg City Code

This Ordinance Amendment was approved on second reading

- 5.c. Consider an ordinance closing a 907 +/- square foot portion of a ten foot wide alley, located between 634 Collicello Street and 113 & 123 Third Street in the City of Harrisonburg.

This Ordinance Amendment was approved on second reading

6. Public Hearings

- 6.a. Amendment to the 2015 CDBG Action Plan

Ande Banks, deputy city manager, presented an amendment to the Community Development Block Grant (CDBG) 2015 Annual Action Plan and stated the change is at the request of the Mercy House staff. He stated Mercy House realized the required testing and environmental review that would be necessary to proceed with the original renovation project was too intensive and costly, therefore, they requested to reallocate the grant funds to update their laundry facility on North High Street.

At 7:07 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, March 26, 2018.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:07 p.m., and the regular session reconvened.

The 30-day public comment period will begin immediately and there is no action needed on this item at this time.

This public hearing is required by HUD to receive citizen comments on an amendment to the Community Development Block Grant 2015 Action Plan. Staff proposes that the following amendment be made: \$10,330 that was allocated to the 2015 CDBG Mercy House Bathroom Renovations project will be moved to the 2015 Mercy House Laundry Room Upgrade project. Staff will make a short presentation, to be followed by a public hearing and a 30 day public comment period. There is no action needed on this item at this time.

7. Regular Items

7.a. School Board Budget Presentation

Dr. Scott Kizner, superintendent of Harrisonburg City Public Schools (HCPS), presented the School Boards recommended budget. He reviewed the mission and core beliefs and the four guiding principles of the School Board. He reviewed the three goals within HCPS: equity and excellence for all; literacy; and social and emotional needs. He stated HCPS and the School Board realize they do not reach these goals alone, they partner with the community and stakeholders and accept only excellence. He stated the work HCPS does is driven by the staff and one of the key challenges is to always have the most talented workforce.

He stated the focus in the budget presented is reasonable class sizes and programs that meet the needs of those struggling academically and socially. He stated some of those programs are the Blue Streak Academy, which is in need of dedicated space, and Great Oak Academy, which needs to be extended to 8th grade students. He stated a new program, Elementary Student Success Academy, targets 3rd through 5th grades, which will consist of personalized learning, partnering with the families, and will require two teachers and two behavioral specialists.

He stated the portion of the budget that has significant implications is the increase in transportation due to growth of enrollment and extension of the academic day at the high school.

He stated the English language learning population remains at 36%, and requires support with additional staff and reduced class sizes. He stated the goal is that every 9th through 12th grader will have a Chromebook and new textbooks will be purchased over a three-year period.

He stated staff feels very strongly about social and emotional needs of the students, and sees the whole child, not just test scores. He stated additional counselors, psychologists and behavioral specialists are needed as well as additional training to current staff. He stated the Kindergarten through 3rd grade enrollment is growing and this year was the highest kindergarten class ever, and anticipates the same growth next year and noted Stone Spring Elementary and Waterman Elementary have larger class sizes of 26-27 students, which will require additional staff to ensure smaller class sizes. Mayor Reed asked if the class size concerns are just for those two elementary schools or all the elementary schools in the city. Dr. Kizner stated he anticipates the need will be in all elementary schools in the near future as projections of enrollment continue to increase 2-4%.

He reviewed revenue projections and Average Daily Membership (ADM) projections.

He reviewed accomplishments of students and staff and noted eight out of nine schools are fully accredited, HCPS ranked in the top ten school systems for teachers to teach and in the top 20 of best school systems in the state.

He reviewed future challenges such as growth and facility limitations, state/federal mandates, attracting and retaining talent, acquiring bilingual workforce, addressing mental health needs of students, and funding revenue uncertainties.

He reviewed growth projections through 2022 and the new opportunities for 2018-2019: Expansion of middle/high school STEM; Expanding elementary/middle dual immersion; Expansion of Health Science and Global Studies Academies; Continuation of the Career Technical Education (CTE) Internship Program; Expansion of personalized technology; and a new 5th period schedule at HHS, just to name a few.

He reviewed revenue projections, the history of local funding, the total revenues by source and the budgeted city appropriation past and present.

He stated the proposed budget reflects the following: Staff would get a 2.5% salary increases with teacher assistants and custodians getting a 3.5% increase; Health insurance costs for retirees; increase in substitute daily rate by \$5; Virginia Retirement System (VRS) employer rate decrease of .64% in cost savings; request of 25.5 new positions.

He reviewed the summary of personnel (new positions) reflecting Tier 1 Fund Manager request versus Tier 6 School Board recommendation. Council Member Jones asked how comfortable Dr. Kizner is about not getting some of the behavioral coach/counselor positions recommended by staff. Dr. Kizner stated the mental health and behavioral specialists have different certifications and qualifications, the mental health specialists are from a partnership done with the Community Services Board who is responsible for adding those specialists in the schools. Dr. Kizner stated there are community programs that help our citizens that bring the programs to the schools.

He reviewed the summary of Non-Personnel funding requests, estimated cost increases for the current high school, total expenditures by function, and total per pupil expenditures.

Council Member Byrd asked if the school board is budgeting 95 more students from the current ADM and 25.5 new positions for those 95 students. Dr. Kizner confirmed. Mayor Reed asked if the 5th block being added to the high school schedule is to alleviate some of the overcrowding issues. Dr. Kizner stated the 5th block will be used to offer classes that are normally overcrowded or full and the funding request includes the necessary staffing and transportation for that.

Dr. Kizner reviewed the school nutrition budget, revenues by source, and expenditures by function. He noted last summer the mobile café went to four communities, this summer it is expected to reach eight different communities. Mayor Reed thought it was great additional stops were being made and asks the community

to volunteer on this project as this is a great program.

Council Member Jones asked if Dr. Kizner was able to get the high school students out of the halls and library over the lunch periods. Dr. Kizner stated the 5th block classes will not help with that dilemma. Council Member Jones is concerned with the lunch overcrowding from a safety standpoint. Dr. Kizner stated at this point it does not make sense to go to a fifth lunch as there really isn't time in the day. Dr. Kizner continued to talk about the food programs offered.

This Presentation was received and filed.

7.b. Consider action on Anicira proposal at the "detailed stage" for provision of animal services for the City of Harrisonburg

Wesley Russ, assistant city attorney, presented the staff's recommendations for the PPEA from Anicira. He stated staff looked at how Anicira would be able to fulfill the contract and reviewed Virginia Law regarding availability for adoption of a stray, court hold or quarantine periods, etc. He stated there may be cases where animals are on hold status for a lengthy period of time, therefore it is important that the city have a facility that has the capacity for lengthy stays for abundance of held animals. He stated it is uncommon enough that it makes sense for the city and county to share a facility that has that capacity, but it does happen often enough that it is important that there is a facility that can handle that load.

He stated staff also reviewed successful no-kill facilities and what they look like from a policy perspective as well as some of the difficulties communities have had with switching to no-kill shelters. He stated after reviewing a dozen shelters, staff found that nearly all have managed intake policies, which means typically feral cats are not accepted and facilities require appointments or a waiting list to surrender a pet. He stated that although Anicira stated they would not need to use any managed intake policies so that we wouldn't need to change the way our animal control officers operate or change any ordinances, which seemed a bit confusing and concerning to staff based on feasibility stand point, as the whole point of managed intake slows the number of animals admitted which seems essential for a smaller facility like the one Anicira is proposing. He stated it is also important to look at things that have gone wrong at other localities that have tried to switch to a no-kill model and provided a few examples.

He stated Anicira proposed a smaller annual funding need than the SPCA by approximately \$70,000 per year, but it is important to keep in mind that Anicira could always come back and request more next year, and one of the big concerns is that they wouldn't have much of a choice other than to do that, given the small size of the facility and the volume of animals that are taken in each year at the SPCA. He stated the initial contribution to build the SPCA's facility was meant to be an investment, as well as the annual payments related to loans on the facility. He stated the SPCA's facility is roughly 13,800 square feet and Anicira's facility is 3,400 square feet, and staff felt it would be a shame to lose a facility the size of the SPCA's. He stated staff

had concerns about how pulling out of the agreement with the county and the SPCA would affect Rockingham County and what they would need to do.

He stated if council isn't pleased with the results from the SPCA's administration there are always options to negotiate benchmarks and goals, and noted the SPCA has made significant progress as they are annually decreasing the number of animals that are euthanized. He stated if there are concerns, the SPCA can do annual updates to council.

Eric Campbell, city manager, stated he has received all of the emails and telephone calls from those concerned about the staff's recommendation. He stated the understands he compassion and concerns they have, but would like to emphasize the things that were considered to get to staff's recommendation: existing debt with the SPCA facility; required one year written notice to terminate existing agreement; and the impact on the county. He stated he is concerned with the current euthanasia rates and hopes that this is the beginning of conversations on how to reduce those rates and work on strategies towards that. He asked council to accept staff's recommendation.

Mayor Reed stated she appreciated Mr. Campbells comments and asked if one of the concerns Anicira's proposal was if they could handle the intake. Mr. Campbells stated capacity is an issue, to their credit they have a very extensive fostering capability, however, the reality is that in municipal animal services you can't depend on fostering capabilities because it fluctuates.

Vice Mayor Baugh stated he appreciated the input from Mr. Campbell, but had some issues with the staff report. He stated the first concern is capacity, but if the model is changed then the facility is forced to find the space and feels we may have raised the bar a bit high. He stated the notion that the funding needs may increase is unrealistic as we never know if the funding will be available on any budget item. He stated he is more concerned about the euthanasia rates than the existing debt for the SPCA facility. He stated, as council, we have been fairly conservative with this request, no direction was given to staff to lean one way or another, a new city manager came on board, and it is understood how staff may be hesitant to make a recommendation for change. He stated he understands the city manager may need more time to work on this project. He stated if this was Harrisonburg's animal shelter as a city department he thinks a lot of changes would have been made already.

Vice Mayor Baugh stated he suspects further discussions will need to be had, but he is an advocate of coming up with some meaningful guidelines.

Mr. Campbell asked Vice Mayor Baugh for some clarification to the quarterly report suggestion, as on quarterly reports trends aren't seen as easily, how set would he be if it was changed to bi-annually or annually. Vice Mayor Baugh stated that would be fine and is flexible on the timing of these reports. Mayor Reed stated in the past there

have been annual reports but nothing really came from them or have been to standard.

Council Member Jones stated he likes the idea of 4 to 6-month reporting periods, as funds have already been invested in having a study done, conversations have been had numerous times, and feels the SPCA needs to be held accountable, and doing 4 to 6-month reports would help target changes needed. He stated he doesn't understand why the two entities, Anicira and the SPCA, for the greater good of the animals involved, regardless of philosophies. He stated they should be working together and looking to the future instead of dwelling on the past. He stated, as per Vice Mayor Baugh's comments, we are already paying for the SPCA's facility, they should be held accountable to make sure we are satisfied with their services.

Mayor Reed feels the bi-annual reporting would be good, as it will hold the SPCA accountable while allowing time to see any trends and make adjustments.

Vice Mayor Baugh stated he believes Winchester changed their model six years ago and recently had a situation where they had no cats at all and there is no overcrowding problem and feels it would be a wonderful thing for council to aspire to.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd to approve staff's recommendation as presented provided that city council consider amending the contract with the SPCA to include benchmarks and goals for SPCA's performance as well as regular progress reports, increase in the size of SPCA's foster network, increase transfers to other animal shelters and increases in the number of animals adopted. 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 various departments in the amount of \$351,524

Eric Campbell, city manager, presented a supplemental appropriation request from various departments in the amount of \$351,524. He stated throughout the year city departments receive various grants from state and federal government and this request appropriates those grants accordingly from the general fund.

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

Yes: 5 - Mayor Reed, Vice-Mayor 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)

James "Bucky" Berry, 30 West Washington Street, stated he and his son have gone out to do an evaluation on the hungry and homeless in the city. He stated he will be making changes to his food drive donations, Salvation Army will get half of what they normally get and the rest will be donated to the city for a mobile café, where groceries are handed out to families. He stated 69% of city school kids go home with nothing to eat. He stated his biggest concern is the funding that went into the 800 radio system especially since he has heard that the system will be obsolete within eight to nine years. He stated another concern is losing police officers, he feels a strong police chief and increase in police salaries will be the only thing that will keep officers.

9.b. City Council and Staff

Vice Mayor Baugh stated at the upcoming Planning Commission meeting with three items to be discussed: rezoning from R-3 to B-2 Conditional on Evelyn Byrd Avenue; draft short-term rental ordinance; and proposed changes in the wireless telecommunication ordinance driven by state law changes.

Eric Campbell, city manager, stated Catherine Tuck Parish, with Novak Consulting Group that was hired as the recruitment company for the next police chief, will be in town on April 12th and April 13th, 2018, and will be meeting with members of the Police Department as well as holding focus groups to get information as we begin to develop a national profile for what the community is looking for in its next chief of police. He stated she will be reaching out to members of council on April 12th for phone conferences, as well as holding meetings with public safety stakeholders and several community leaders.

Mayor Reed stated Blacks Run and Downtown Cleanup Day will be on April 14, 2018 and volunteers can still sign up by visiting cleanstream.org. She reminded everyone that Public Works has opened a recycling convenience center at 2055 Beery Road and residence are invited to take their recyclable materials to the center Monday through Friday from 8am to 4pm and Saturday from 8am till Noon. She stated this week is National Telecommunicators Week and an opportunity to thank those communicators who help the city and county during both emergency and non-emergency situations.

10. Boards and Commissions

10.a. Stormwater Advisory Committee (SWAC)

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to appoint

Dale Chestnut and Daniel Michael. The motion carried with a unanimous voice vote.

11. Adjournment

At 8:33 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR