



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, February 23, 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: City Manager Kurt D. Hodgen; Deputy City Manager Anne C. Lewis; City Attorney G. Chris Brown; Police Captain Richard Sites. **Absent:** City Clerk Erica S. Kann and Chief of Police Stephen Monticelli.

2. Invocation

Council Member Byrd offered the invocation.

3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

Recognition of students that participated in the Virginia Municipal League "If I Were Mayor" essay contest

Mayor Jones recognized and thanked Kyrie Beiler, Gabriel Albers, Garrett Gregory, and Emma Myers from Eastern Mennonite School for participating in the Virginia Municipal League "If I were Mayor" essay contest. Mayor Jones highlighted items from each essay submitted and presented them with a certificate and city of Harrisonburg pin.

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 W Washington Street, stated his son, Brent, wrote a letter that he wished to present to council. Mr. Berry stated their food drive events were family events and not Salvation Army events, but they chose to donate the food to the Salvation Army. Mr. Berry stated Brent would be 18 soon and he works hard in the community.

Brent Berry, 30 West Washington Street, read a letter to council requesting to have a park named after him for his work that he has done in the community since 2009. Mr. Berry stated over the previous seven years he collected \$273,000 worth of food and contributions, has helped over 9,000 families in Harrisonburg and

Rockingham County, collected items for special events, and he believes in giving back to the community. Mr. Berry announced the next food drive will be at Red Front in March and shared a photo album with the council.

Ralph Geddes, 395 Franklin Street, stated in June the ground gave way at the transit sign near the McDonalds roundabout and he ended up in the hospital. Mr. Geddes requested that council take a look at the area.

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 Shearer, that the Consent Agenda be approved 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 request from Harold and Thelma Williams Life Estate with representative Tara Koontz for a special use permit per Section 10-3-40 (6) of the Zoning Ordinance within the R-2, Residential District, to allow for a major family day home on a 24,000+/- square foot property addressed as 98 Pleasant Hill Road

This Special Use Permit was approved on second reading.

5.c. Consider a request from Astroverto Arellano and Juan J. Arellano for a special use permit per Section 10-3-40 (7) of the Zoning Ordinance within the R-2, Residential District to allow occupancy of not more than four (4) persons on the property addressed as 680 North Liberty Street

This Special Use Permit was approved on second reading.

5.d. Consider a request to amend the Zoning Ordinance Sections 10-3-196 & 197 to modify the minimum setback regulation required for concealed wireless telecommunications facilities in residential districts and the MX-U district as well as the B-1 and B-2 districts

This Zoning Ordinance was approved on second reading.

6. Public Hearings

6.a. Consider Authorization of the conveyance of 10.818 acres located on Garbers Church Road to the School Board of the City of Harrisonburg for the construction

of an elementary school.

City Attorney Brown stated the School Board has asked for the 10.818 acres of property located on Garbers Church Road be transferred over to them and state law requires a public hearing be held. City Attorney Brown stated the final plat has not been received, but it shouldn't vary too much from the preliminary plat. The property consists of 10.818 acres and 1/3 of the property would be deducted for right of way, easements, etc.

At 7:11 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, February 13, 2016.

James "Bucky" Berry, 30 West Washington Street, stated he is in favor of the site, but suggested the speed limit be reduced to a maximum of 25 mph.

At 7:12 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Degner stated he looked forward to seeing the bid responses.

Vice-Mayor Baugh offered a motion, seconded by Council Member Degner, to approve the authorization of the conveyance of 10.818 acres located on Garbers Church Road to the School Board of the City of Harrisonburg for the construction of an elementary school. 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

Recognition of Youth Art Month

Council Member Degner stated the art being displayed during the meeting was from Harrisonburg students and March is Youth Art Month. Council Member Degner announced there would be a reception at the Massanutten Regional Library on March 5, 2016 from 1:00 p.m. until 3:00 p.m.

7. Regular Items

7.a. Presentation of a market analysis of the city's demographics and housing.

Mayor Jones noted during his time at the US Conference of Mayors, Michele Obama recognized Virginia for being the first state to sign up and complete the "Ending of Veterans' Homelessness" initiative.

Michael Wong, Harrisonburg Rockingham Housing Authority (HRHA) Executive Director, stated this is a study that the organization began to do in 1999. Mr. Wong recognized Scott Gallagher and Elroy Miller, members who helped develop the presentation. Mr. Wong stated he wanted to focus on homeownership, student housing, high priced homes, city residents moving out into the county,

demographics, and homelessness. Mr. Wong stated the following regarding the 2015 study trends: area is a large, low income population due to the impact of the student population and the "blue collar/service" jobs; over supply of student housing; James Madison University (JMU) growth; limited land for multi-family development; and, the decrease in homeownership. Mr. Wong presented the new trends that the study showed were the following: a growing senior population; higher priced homes being developed in the city versus the county; a market support for higher priced rental housing; and, a market support for additional affordable housing. Mr. Wong showed the housing stock within the city, which showed approximately 60% as rental property. Mr. Wong presented an overview for the market area economics: a steady net employment growth since 2011; JMU is the largest single employer; and, trends and growth at JMU will be paramount to the overall development potential and for the types of need for new housing. Mr. Wong stated only 17.2% of renters have incomes exceeding \$61,700; 50.7% of renters in the city earn income at or below 50% of area median income of approximately \$30,000; the city does have a large low-income renter population due to students and other "blue collared" jobs; and, the older adult population continues to increase. Mr. Wong noted higher end rentals being offered in the area; however, the ownership rate is important and it is predicted by 2020 homeownership will decrease to 31%. Mr. Wong reviewed the homeownership and "for sale" subdivisions within the area. Mr. Wong reviewed the following challenges: limited land for development which will drive trends for redevelopment and development adjacent to the city, with the potential loss of revenue; the impact of the city having lower homeownership rates; demographics; and, neighborhood protection and revitalization. Mr. Wong presented the following opportunities: the increased need for independent living houses for active adults; need for affordable senior and workforce housing; market support for high priced rental housing; and, the need for affordable homeownership. Mr. Wong stated the HRHA would like to partner with the city to create a Homeownership and Neighborhood Revitalization Program. Mr. Wong explained that this partnership with the city and the county would be to develop a housing assistance program focusing on down payment, closing costs assistance, and deferrable loan program for public employees; creation of homes for sale on Authority owned property; acquisition of blighted properties and renovate for sale for affordable homeownership; and, creation of affordable senior housing.

Mayor Jones asked if other localities were able to bring in other employers into the program. Mr. Wong stated Morgantown, West Virginia; Richmond, Virginia; and, Charlottesville, Virginia have developed programs. Mr. Wong suggested creating a task force to bring in several stakeholders to develop a program that could then be presented.

City Manager Hodgen stated literature shows that the younger generations aren't as ready or willing to purchase a home and over 50% of the citizens are under the age of 30 years old. City Manager Hodgen stated he didn't see where in the study the city is compared to another college town. Mr. Wong stated they didn't specifically ask for information from other college towns, but has seen academic

achievement growth is parallel to long term rentals/ownership versus short term rentals, when children move schools.

Council Member Byrd stated the literature he has seen shows this being done throughout the area and not in one concentrated area. Mr. Wong stated HRHA isn't looking at doing a large density affordable housing project, due to the lack of space, even though there is a need. Mr. Wong stated there is a strong desire to address diversifying the low income density with working mostly on single family homes.

Council Member Byrd asked about the potential of repurposing older student housing. Mr. Wong agreed and stated that is always an area for revitalization.

Council Member Shearer noted that on table 22, in the report, it shows a 94.2% occupancy rate in JMU housing and asked if Mr. Wong recalled what it was five years ago. Mr. Wong stated he did not recall, but there was a period of time where there was a lack of student housing. Mr. Wong stated currently there is an over flux of student housing, but with the forecasted growth that will be fixed in the next couple of years. Mr. Wong stated he could send that particular study to the council members.

7.b. Report to Council - Recommendation on process to implement Objective 8.3 of Comprehensive Plan

City Manager Hodgen stated it was requested by council to have a recommendation provided on how we should implement Objective 8.3 of Chapter 9, Natural Resource Goals and Objectives of the Comprehensive Plan. City Manager Hodgen stated he would be inclined to follow the Stormwater Management model for the implementation process.

City Manager Hodgen stated we do have a lot of standards in place, which are scattered across different state requirements. City Manager Hodgen stated the following standards are already in place: Design and Construction Standards Manual (DCSM); Department Environmental Quality (DEQ) regulations, stormwater management, water/sewer treatment, EPA regulations; Virginia Uniform Statewide Building Code; and, the Virginia Energy Conservation Code. City Manager Hodgen reminded everyone that the Commonwealth of Virginia is a Dillon Rule state, so we are only allowed to do what the General Assembly will allow us to do. City Manager Hodgen stated that we don't have the authority to make this mandatory for private developers. City Manager Hodgen stated Charlottesville, Roanoke, Fairfax, and Blacksburg have good voluntary programs in place and information is still being gathered from those localities. City Manager Hodgen stated he was looking for additional direction or if the direction being provided is accurate.

Council Member Degner thanked staff for the turnaround time. Council Member Degner stated when he hears standards and what people were asking, they are seeking goals in reduction of energy consumption and fuel, and more efficient

buildings that can be measured by some objective measurements. Council Member Degner reflected on classes he took while at JMU. Council Member Degner stated the individuals speaking to him want to know that their tax dollars are supporting efficient operations environmentally and fiscally to line up the city with their personal values. Council Member Degner stated we need to put a goal to things the city is already doing.

Council Member Byrd stated around FY 2006 we signed up for a measurement program at JMU, so we have baseline measurements on our facilities. Council Member Byrd stated with those we can see what our improvements have been and what still needs to be improved. Council Member Byrd stated we were a sponsor of a grant coming in for measurements of all the facilities, with JMU administering the program. City Manager Hodgen stated it was through a federal grant program that was offered back then. Council Member Byrd stated with the standards that have been in place since then, there should be improvements and to see where we stand. Council Member Degner suggested goals be made so we aren't just doing the minimum. Council Member Degner stated over \$80,000 was being spent on the public safety building annually because of inefficiency. Council Member Byrd stated economics played into those reports such as when barrels of oil were \$100 and now are only \$30. Council Member Degner stated that standards should be based on energy units and not dollar amounts. Council Member Byrd doesn't disagree that goals need to be set, but feels that we have to know where we have come from and we should be a fiscally sustainable community. Council Member Shearer stated goals can't be set until we see the economic viability. Council Member Shearer suggested to change the wording of Objective 8.3 since we can't obligate private development to do things they don't want to do. Council Member Shearer also stated there should be a time period where people should take the time to familiarize themselves with the current standards that are in place. Council Member Shearer stated standards are being changed annually and education needs to be provided and also suggested an advisory committee be created as the Stormwater Advisory Committee was. Council Member Degner feels there is a disconnect between the commitment of the staff that the public may not be aware because of their workload to get the info out to the public. Council Member Degner suggested providing simple goals from the council to the City Manager, such as a 15% reduction of the city's energy consumption over the next 12 months. Council Member Shearer stated that simple goal would have too many variables. Council Member Byrd asked if Council Member Degner would be willing to relocate capital funds of programs already in place towards these projects. Mayor Jones stated by setting certain standards we would have more funds to work with for being more efficient.

City Manager Hodgen stated we borrowed \$1M to save money for Harrison Plaza. City Manager Hodgen stated our savings are going toward other bond holders and in 15 years when equipment would need to be replaced we will be just finishing up paying off the bond.

Mayor Jones stated citizens want to measure carbon as well as the dollar amount

and feels a conversation needs to be had whether it is an “an” or “or” conversation.

Council Member Shearer is in favor of staff’s recommendation and bringing several stakeholders to the table. Mayor Jones encouraged productive conversations. Council Member Shearer stated decisions should be in the best interest of the city and its citizens. Mayor Jones stated he would like this to also be environmental.

Vice-Mayor Baugh stated we have a recommendation from staff and he supports it and thinks staff should bring back recommendations of how to implement the next steps. Vice-Mayor Baugh stated bylaws need to be created, who will serve on the committee, and who is going to advise it. City Manager Hodgen stated staff will work on creating bylaws and continue to review who should serve. Vice-Mayor Baugh stated the committee should review information, receive input, and make a recommendation to council. Superintendent Kizner suggested someone from the schools serve on the committee.

8. Supplementals

8.a. Request for Supplemental Appropriation in the amount of \$10,334 for the Harrisonburg-Rockingham Social Services District.

Don Driver, Director of Social Services, acknowledged Celest Williams, who is the assistant director in charge of all the assistance programs. Mr. Driver stated that Social Services is always turned to for crisis and emergency assistance, when in reality there are very few assistance programs available for such situations. There are some funds in the child protective services, adult protective services and in the fuel programs; however, in general, there isn’t a whole lot in the way of crisis assistance. Mr. Driver stated the Local Emergency Assistance (LEA) Program partners with local community non-profits, churches and such, to try and find and meet any crisis assistance requests. Mr. Driver stated the LEA is critical to what social services do and the request for this supplemental appropriation funding is not a large amount, but means a lot to the people that they care for.

Mr. Driver stated that up until 2010 there was a program called General Relief Program which the General Assembly shared 65% of the funding; however, during the recession the General Assembly decided to cut the program. Mr. Driver stated that the LEA is built upon the old model of the General Relief Program.

Mr. Driver stated that the intent of the LEA is about emergency and crisis. Mr. Driver stated that in general these are criss that render homes uninhabitable, evictions, electric shut off, which is primarily beyond the person’s control, due to illness, accident, or loss of work. Mr. Driver stated there is also a burial component in the LEA as well. Mr. Driver stated the services provide up to \$500 within a six month period towards shelter costs (rent, utilities etc), up to \$100 for medical (prescriptions etc), or up to \$2000 for burial. Mr. Driver stated they review all income of applicants, any family assistance available, have all efforts been done to alleviate the crisis, and then require the individuals to look at other resources first

and provide a list of those attempts. Mr. Driver stated that all payments go directly to the vendors not the individual. They make sure applicants are legally here, and they check with vendors to make sure what they can do will stop any actions for evictions, etc.

Mr. Driver stated the allocation has stayed the same since the state did away with the General Relief Program. The payments for utilities and rent have been consistent. The burials over the past several years have stayed consistent, but the costs of burials has increased. Mr. Driver stated that the burial funds have changed from \$1000 last year to \$2000 this year, due to increase in those costs, even though 90% of burials are done via cremation.

Council Member Degner thanked Mr. Driver for the thorough explanation and all the good work the organization and the staff does. Council Member Byrd requested clarification regarding the cremation costs doubling. Mr. Driver acknowledged that in reality cremation usually costs less than a full service, but costs still have still increased.

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 that business licenses renewals are due on Tuesday, March 1, 2016.

Mayor Jones announced Heritage Oaks is seeking food vendors and accepting proposals which are due by 3:00 p.m. on March 17, 2016.

Mayor Jones stated the Reservoir Street Improvement Project is moving forward and a contract has been awarded to A&J Development, with construction to begin at the end of March or beginning of April depending on weather.

It was announced that the Blacks Run Cleanup Day is scheduled for April 9, 2016 and registration is now open, visit www.cleanstream.org to register.

Mayor Jones welcomed Peirce Macgill, Assistant Director of Economic Development, who began last week. Mr. Macgill stated he is from Richmond and a proud JMU alum. Mr. Macgill stated he had worked in Baltimore for the past 15 years in economic development, but couldn't pass up this opportunity.

Mayor Jones noted that the city's primary Facebook page hit 10,000 likes and saw a significant increase in activity in 2015 and encouraged all citizens to like and follow all of our social media accounts.

Mayor Jones stated Parks and Recreation staff is reminding dog owners of the rules at Smithland Road Dog Park. It was announced they will be actively checking for dog licenses and valid rabies vaccinations and children under the age of 12 are not allowed in the fenced area.

Mayor Jones stated he will be at Smithland School on the 25th working with the wonderful children.

10. Boards and Commissions

10.a. Economic Development Advisory Committee

Council Member Shearer stated that the Economic Development Advisory Committee met, and when the committee was created, it was noted that individuals with certain expertise should be appointed when the appropriate time presented itself. Council Member Shearer would like to appoint Edna Reid, who is a JMU professor with a cyber security background, who has provided great perspective to the committee recently, and has a tremendous knowledge in this area. Council Member Shearer stated he would also like to appoint Jared Burden, whose application appeared on the January 26, 2016 agenda. Council Member Shearer stated Mr. Burden has a very diverse legal background and has been determined by the committee to provide a helpful perspective.

A motion was made by Council Member Shearer, seconded by Council Member Byrd, to appoint Edna Reid, 246 Inglewood Ct., McGaheysville, and Jared Burden, 460 Andergren Drive, Harrisonburg, to the Economic Development Advisory Committee. 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

11. Closed Session

At 8:20 p.m., a motion was made by Council Member Byrd, seconded by Council Member Degner, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under Subsection 3 for the discussion and consideration of disposition of publicly held real property and Subsection 7 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. The motion was approved by the following roll call vote:

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

No: 0

12. Adjournment

At 8:57 p.m., the closed session ended and the regular session reconvened. City

Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 8:58 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CLERK PRO TEMPORE

MAYOR