



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, June 25, 2019

7:00 PM

Council Chambers

1. Roll Call

Present: 4 - Mayor Deanna R. Reed, Vice-Mayor Sal Romero, Council Member Christopher B. Jones and Council Member George Hirschmann

Absent: 1 - Council Member Richard Baugh

Also Present: 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Eric English

2. Invocation

George Hirschmann offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

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 Vice-Mayor Romero, seconded by Council Member Hirschmann, that the consent agenda be adopted. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

No: 0

5.a. Minutes from the June 11, 2019 City Council meeting

These Minutes were approved on the consent agenda

5.b. Consider a request from Kathy Ulrich to rezone a +/- 36,000 sq. ft. area zoned R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional and located at 1385 Wine Drive

This Rezoning was approved on the consent agenda

5.c. Consider a request to amend Sections 10-3-24, 10-3-25 and 10-3-110 and enact

Section 10-3-59 of the Zoning Ordinance for off-street parking and adding a new zoning district titled R-8 Small Lot Residential District.

The Ordinance was approved on the consent agenda

- 5.d.** Consider approval of an amendment to Section 10-3-25 (14) of the Zoning Ordinance regarding parking for community centers, libraries, museums, and other similar facilities.

This Ordinance was approved on the consent agenda

- 5.e.** Consider amendments to Harrisonburg City Code Title 7 - Water and Sewer related to Fire Suppression Systems

This Ordinance was approved on the consent agenda

- 5.f.** Consider approving an ordinance amendment to Section 7-4-1 of the Harrisonburg City Code - Water and Sewer Rates

This Ordinance was approved on the consent agenda

- 5.g.** Consider a supplemental appropriation in the amount of \$180,000 for the City's share of court renovations

This Supplemental Appropriation was approved on the consent agenda

6. Public Hearings

7. Regular Items

- 7.a.** Update from the Rockingham Harrisonburg SPCA

Huck Nawaz, Executive Director for the Rockingham Harrisonburg SPCA (RHSPCA) shared a list of shelter partners and reviewed the summary of this year to date's intakes, returns to owner, adoptions, transfers and euthanasia rates, and noted there was a 12% decrease in euthanasia. He noted there has been a 30% increase of intakes that was not anticipated.

He reviewed the intakes and outcomes from 2016 through 2018. He stated increase of intakes is mostly cats, and Charlottesville and Albemarle County have helped with taking some of the feline population from the shelter. He stated he underestimated the gross over population of animals in the community when he came on board. He stated the 50% increase in owner surrender may be a reflection of over-population as well as financial needs due to access of affordable veterinary care and education. He stated the fact that we have a store in the city selling puppies speaks only to animal illiteracy. He stated he expects to see a larger decrease in euthanasia through the summer months.

He stated the SPCA is running promotions for adoptions: this month is Cat Adoption Month and they may continue this promotion through the summer as this time of year

they see a lot of kittens coming to the shelter.

Vice Mayor Romero asked if the numbers are kept separately for city versus county intakes as he would be interested in seeing the data so council and staff can determine if something needs to be done in the city. Mr. Nawaz stated he will make that data available and noted the county has a higher number of intakes.

City Manager Campbell stated they had a quarterly meeting with stakeholders on June 24, 2019 and although we know there is a lot of work ahead of us the stakeholders were pleased with the direction we are moving.

This Report was received and filed.

- 7.b.** Consider approval of refund of real estate taxes for 100% permanent and total disability rating by the Department of Veterans Affairs.

Chris Brown, city attorney, stated a taxpayer who paid real estate taxes from 2015 through 2018 in the amount of \$6,222.36 has now secured certification from the Department of Veteran Affairs reflecting 100% permanent and total disability due to his military service. He stated per Virginia law he is entitled to refund of real estate taxes paid.

A motion was made by Council Member Hirschmann, seconded by Vice Mayor Romero, to approve the refund request as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Baugh

- 7.c.** Consider enacting Ordinance - Title 6, Chapter 1, Article F of the City Code, "Small Cell Wireless Facilities in the Public Right-of-Way."

Mayor Reed stated this item is postponed until July.

This Ordinance was tabled.

- 7.d.** Consider approval of a contract change order for the signal upgrades at Bluestone Street and Main Street

Chris Brown, city attorney, stated in 2018 the city entered into a contract for upgrades to the signal at Bluestone Street and Main Street; the original contract amount was \$326,843.88. He stated due to significant rock where the traffic signal was to be placed the cost increased in the amount by \$101,542.33 and, as per Virginia Law, any time a contract amendment is greater than 25% or \$50,000, whichever is greater, the City Council must approve. He stated the Public Works Department has the funding for this amendment.

A motion was made by Vice-Mayor Romero, seconded by Council Member Hirschmann, that this Action Item be adopted. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

No: 0

8. Special Event Application Requests

9. Reallocations

- 9.a.** Consider a reallocation of budgeted funds for the Harrisonburg City School division in the amount of \$200,000

Larry Propst, finance director, presented a request on behalf of the Harrisonburg City School Division requesting \$200,000 be reallocated from their transportation function into their instruction function, administrative function, maintenance function and the technology function.

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

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Baugh

- 9.b.** Consider a reallocation of budgeted funds for the General Capital Projects Fund

Larry Propst, finance director, stated savings were identified throughout the budget for FY 18-19 of approximately \$1,145,000, and he is requesting those funds be reallocated from the General Fund to General Capital Project funds for four different projects: Westover Pool, HVAC project at the city/county jail, Martin Luther King, Jr. Way bridge project and Fire Station 4. He stated the project line item for the Martin Luther King, Jr. Way improvement project near the conference center is now complete and closed out and leftover funds will be reallocated to the bridge project.

Council Member Jones asked if we ended FY 18-19 with a surplus. Mr. Propst stated these funds are not from a surplus, these are savings in the general fund that have been identified and now are being reallocated. Council Member Jones stated the additional funds request for community contributions was rejected and yet we have these budgeted fund savings. He asked if these funds could be shifted as this is twice the amount of money council was seeking for the community contributions. Mr. Campbell stated the projects identified are one-time projects that closes out those

projects whereas community contributions would have been ongoing in the General Fund. Mr. Propst stated the \$400,000 for the city/county jail HVAC closes out the funding needed for that project. Council Member Jones asked if this puts the city ahead of schedule on those projects. Mr. Propst stated it closes out the HVAC project, puts us ahead on the bridge project with a remaining balance of approximately \$400,000. Council Member Jones asked if funds have already been budgeted for these projects in the FY19-20 budget. Mr. Propst stated yes. Council Member Jones asked if these savings were anticipated when preparing the FY19-20 budget. Mr. Propst stated some of the savings was anticipated, but the costs for the bridge project were higher than expected and we are taking advantage of the end of year savings to get ahead. Council Member Jones stated he specifically asked about the contingency fund that would be anticipated that could be used towards the community contributions. Mr. Propst stated at the time FY19-20 budget was approved the savings were unknown.

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

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Baugh

10. Other Matters

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

Joseph Lapp, 1241 Alpine Drive, stated he and his wife moved here 32 years ago and wished to express appreciation for Harrisonburg being a good place to live. He stated they have found the city to be their home and plan to stay. He shared a story of a walk he took the other day, which started with taking a city bus, which he had never done before. He stated during the walk he was able to reflect on how appreciative he was of feeling safe and all the city services offered. He stated he is not aware of all the things that go into making the city operate, and thanked Council for making this such a livable place and for all that they do. He stated he feels we could encourage more pedestrian and bicycle use in the city.

Pamayotis "Poti" Giannakaouros, stated Mr. Lapp described the Harrisonburg that he and his wife moved into and that elected council. He stated he is appreciative of the very difficult work council does and encouraged council to keep us on the good and hopeful path. He stated there have been new developments built and a lot of press about pollinator habitats, which he was initially enthusiastic about. He stated however, as we have moved forward on the habitats, it has come to his attention that something is missing, the people. He stated Liberty Park was decimated some time ago, it was a little green gem for people to enjoy with a community garden. He stated

a few days ago he walked by the park that is now a pollinator habitat and he feels displacing a community garden with something that looks like agricultural production was not the best choice. He stated the new community projects along Blacks Run have not been adequately attended to. He stated he hopes in moving forward Council will have strength and confidence in their advocacy for the residents of the city to keep doing the hard work to keep our city on track.

10.b. City Council and Staff

Vice Mayor Romero stated he was approached by Harrisonburg Downtown Renaissance (HDR) to see if it would be possible to move the Special Event Application requests to the beginning of the meeting given that often times it is a report where very few questions are asked. He stated the same request for the public comment period as he has been approached by many community members requesting it to be placed earlier on the agenda, especially as the council meetings are tending to be longer.

Council Member Hirschmann reminded everyone that next week is going to be a very busy, fun week in the city and a very hot week. He suggests everyone has as much fun as possible but take precautions for the heat.

Mayor Reed stated she received a letter from the Mayor of Virginia Beach thanking Council for the letter of support and resolution. She stated he was appreciative and grateful of the support. She stated the Friendly City Fourth will take place all day on Independence Day in Downtown. Fireworks will begin around 9:15 p.m.; City Hall will be closed on Thursday and Friday, July 4th and 5th; and the annual Smoke Alarm and Free Pizza Night is coming up on July 10, 2019. More information can be found on the Harrisonburg Fire Department's Facebook page.

11. Boards and Commissions

11.a. Community Services Board

A motion was made by Council Member Hirschmann, seconded by Vice-Mayor Romero, to reappoint Judy Bland and Abdelrahman Rabie to the Community Services Board. The motion carried with a unanimous voice vote.

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

No: 0

11.b. Blue Ridge Community College Board of Trustees

Chris Brown

A motion was made by Vice-Mayor Romero, seconded by Council Member Hirschmann, to appoint John Butler, Jr. to the Blue Ridge Community College Board of Trustees. The motion carried with a unanimous voice vote.

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

No: 0

12. Closed Session

- 12.a.** Virginia Code Section 2.2-3711(A), Subsection 5 Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.

At 7:33 p.m. a motion was made by Council Member Jones, seconded by Vice Mayor Romero, 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 of disposition of publicly held real estate, Subsection 7 for consultation of legal counsel pertaining to litigation matters, and Subsection 5 concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Vice-Mayor Romero, Council Member Jones and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Baugh

13. Adjournment

ADJOURNMENT:

At 8:15 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.

CITY CLERK

MAYOR