



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft 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, October 10, 2017

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: 4 - Deputy City Manager Ande Banks, City Attorney Chris Brown, Police Chief Stephen Monticelli and City Clerk Banks Ande

2. Invocation

Council Member Jones 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 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:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

5.a. Minutes from September 26, 2017 City Council Meeting

These minutes were approved on the Consent Agenda.

5.b. Minutes from October 3, 2017 City Council Special Meeting

These minutes were approved on the Consent Agenda.

6. Public Hearings

- 6.a. Consider a request from Driver Properties, LLC with representative Christopher Jackson, Blue Sprocket Media Group, LLC, for a special use permit to allow manufacturing, processing, and assembly operations within the B-2, General Business District for the property located at 1594 South Main Street.

Adam Fletcher, director of Planning and Community Development, presented a Special Use permit request from Driver Properties, LLC for property located at 1592 South Main Street, to allow for manufacturing, processing and assembly operations in the B-2C general business district per section 10-3-91(1) when not employing more than 15 persons in a single shift on the premises. Mr. Fletcher noted the Special Use permit does require that all storage and activities are conducted wholly within the building.

Mr. Fletcher reviewed the history of the property, the location of the property, prior uses, and surrounding properties. Mr. Fletcher stated the applicant is wanting to use approximately 65,000 square feet of the building, and this would be the first manufacturing facility in the B2 district since the ability was created in 2013. Mr. Fletcher noted the proposed use is for a vinyl record manufacturing facility, which is wholly within the building, and the applicant understands the staffing restrictions. Mr. Fletcher noted this location is 400 feet from the applicants recording studio, but would remain as two separate entities. Mr. Fletcher noted the site is large enough to contain multiple uses, but the applicant would have to comply with all building codes, parking requirements, etc.

Mr. Fletcher noted staff had no major concerns with the manufacturing operation but did offer a condition to the Planning Commission specifically stating that if the Planning Commission and the City Council approve the request, it should be conditioned solely to the record manufacturing use as proposed or something substantially similar.

Mr. Fletcher stated staff recommended approval of the Special Use permit and the Planning Commission voted 6-0 to recommend approval by the council with the condition.

Open: At 7:09 p.m., Mayor Reed closed the regular session and called the 1st public hearing to order. A notice appeared in the Daily News-Record on Monday, September 25, 2017 and Monday October 2, 2017.

Chris Jackson, representative for Blue Sprocket, stated they have chatted with a number of people about bringing this business to the city with much excitement, and

feels it would be pretty cool to be the only operation of this type in Virginia. Mr. Jackson stated he would be happy to answer any questions about the operation, and thanked council for their consideration.

Council Member Jones asked Mr. Jackson how many jobs would be created. Mr. Jackson stated initially there would be three full-time personnel and as demand ramps up part-time people will be hired. Mr. Jackson stated he hopes it would substantially grow from that, and there are also a lot of ancillary businesses that spin-off of this such as packaging and printing needs using local businesses, just to name a few. Mr. Jackson stated this kind of industry fits well with the arts and cultural aspect of the city and feels it may drive people to visit.

James "Bucky" Berry, 30 W. Washington, stated he has been taking care of these properties since the 1990's, and has always hoped something would move in there, and feels if this creates more jobs then he believes council should approve the request.

At 7:13 p.m., Mayor Reed closed the public hearing and the regular session reconvened

Council Member Jones thanked the applicant for the economic development, this is a great project and let's keep moving the city forward.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the Special Use Permit request 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

7. Regular Items

- 7.a.** Consider action to proceed to the detailed phase of review as per PPEA procedures for an unsolicited PPEA from Anicira

Brian Shull, director of Economic Development, stated the Public-Private Partnership (PPEA) proposal from Anicira was received in the summer of 2017 and noted council authorized permission to solicit for competing bids for a minimum of 45 days, in which, none were received. Mr. Shull stated at that time a team was created, comprised of the city attorney, assistant city attorney, Harrisonburg's animal control officer and several members of the city manager's office, to evaluate the proposal. Mr. Shull stated the state guidelines have been followed, which council has adopted as procedures for the PPEA, and noted the team has now reached the detailed phase. Mr. Shull stated the team does recognize this is a major transition, from a three-way partnership (County, SPCA and City) to a two-way partnership (City and Anicira), which creates many details, procedures, facility questions, coordination

efforts, intake procedures etc. and the team would like to dig deeper into that stage. Mr. Shull stated the proposal guidelines lay out a series of questions that needs to be abided by but they are construction heavy, however, a list of questions will be prepared by the team and presented to council to add any additional questions they may have and then submit back to Anicira. Mr. Shull asked council if they wish to consider continuing forward with the detailed phase.

Council Member Byrd asked if there was a timeline on this process. Mr. Shull stated there is no detailed timeline at this point, but will try to keep moving it along as quickly as possible.

Council Member Jones thanked Mr. Shull and noted that on every second and fourth Tuesday he holds an open forum called Community Conversation. Council Member Jones stated over the last few months there has been much conversation about animal welfare at these meetings and feels his words may have been misconstrued or misunderstood, and wants everyone to know his hope is that the love of animals each of the individual groups and non-group members have infects other people and helps educate other people. Council Member Jones feels he doesn't think enough people realize how serious and important of an issue this is to everyone. Council Member Jones stated he would never use the word minority and he was quoted as saying that. Council Member Jones stated he wanted to make that clear, and even if he disagrees with someone he still wants to hear them out and continue to talk to them.

A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to move to the detailed phase of the review as per PPEA procedures. 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

7.b. Consider a resolution to approve the final percentage of personal property tax relief for the year 2017 to be 26.8%

Chris Brown, city attorney, presented a resolution requesting setting the final percentage of personal property tax relief for the year 2017 to 26.8%. Mr. Brown noted this is done every year by council, each year the city receives money from the state and the director of Finance and the Commissioner of the Revenue distribute the amount across automobile and personal property tax to come up with the correct percentage.

Council Member Byrd noted the relief is decreasing as amount received from the state is also decreased.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the resolution 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

8. Special Event Application Requests

8.a. Consider the special event application for the Veterans Day Parade on Nov. 12, 2017

Andrea Dono, director of Harrisonburg Downtown Renaissance presented a Special Event application for the Veterans Day Parade scheduled for November 12, 2017 at 2:00 p.m., and reviewed the street closures needed.

Ms. Dono stated if any council member's would like to participate please let her know.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve the special event request as presented. The motion carried with a unanimous voice vote.

8.b. Consider a Special Event application for the EMU 2017 Fall Homecoming Centennial Celebration

Andrea Dono, director of Harrisonburg Downtown Renaissance, presented a Special Event application for EMU Homecoming, October 14, 2017, to allow for street closures for safe crossing for the participants of the events.

A motion was made by Council Member Byrd, seconded by Council Member Jones, to approve the special event request as presented. The motion carried with a unanimous voice vote.

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 W. Washington Street, stated October 13, 2017 and October 14, 2017 from 9am-9pm there will be a food collection drive, and it will be the first time the Harrisonburg Police Department officers will be there to help collect and load. Mr. Berry stated hunger is a serious problem in the city and feels it ties into incarceration. Mr. Berry stated the Berry family is going to help the Salvation Army and is determined to stop hunger in the city. The Salvation Army has been in the city since 1925 and has done a lot for the community with the shelters and food. Mr. Berry stated he is going to do what he needs to do to help the community.

Barbara Reisner, 324 Franklin Street, speaking on behalf of several people attending

the meeting who are a part of a steering committee of a new group, known as FORHHS2 that are in favor of a second high school. Ms. Reisner stated the group believes a second high school is needed and both the school board and city council needs to act quickly. Ms. Reisner stated she started attending school board meetings because of the redistricting, however after a few meetings she realized that redistricting was not an issue compared to the overcrowding that currently exists and is expected to worsen. Ms. Reisner stated the current high school was built to hold 1350 students, but as of last week the enrollment was at 1780, which is 31% over capacity. Ms. Reisner stated it is predicted that next year our current sixth graders will be attending a school that will have an estimated enrollment of 2100 students, which is 55% over capacity and projections show that by the time these sixth graders graduate, the school's enrollment will be at 2500 students which is 84% over capacity. Ms. Reisner stated it takes four years to build a new high school, the issue is how long will these students have to attend a severely overcrowded school. Ms. Reisner stated our teachers do outstanding work but adequate facilities are needed. Ms. Reisner stated without adequate space even the best teachers struggle to provide all the necessary education to the students. Ms. Reisner stated we made a choice to live in Harrisonburg, parents in the friendly city appreciate our schools and as our high school has grown, some of the children have fallen through the cracks. Ms. Reisner stated economically, it is a good decision to make sure we have the facilities as good schools produce better outcomes in our children who may decide to stay and live and work in the city. Ms. Reisner stated good schools produce better employees and customers for our business community, and raise property values for all residents. Ms. Reisner stated in some sense we are lucky we need a second high school as Harrisonburg's growth leads to economic growth, however, growth has a price. Ms. Reisner stated it is understood that there is a monetary price for acting but there is a long-term price the community will pay for not acting, such as less attraction to move to the city or stay in the city. Ms. Reisner stated after a year of following this conversation she has become frustrated with the pace of this issue. Ms. Reisner stated she has noted that both the School Board and the City Council seem too concerned about the past, however, FORHHS2 cares about the future on behalf of our children and the future of Rocktown and the School Board and Council need to work together. Ms. Reisner stated last winter and spring were spent thoroughly discussing and researching all the options, and the evidence is clear, we need to move forward immediately. Ms. Reisner stated she is aware that a lot of conversation still needs to happen, and the people of Harrisonburg need to be heard about whether a new high school is needed. Ms. Reisner stated on the group's website there is a place for anyone to share their opinion as long as it is civil and feels the community needs to reach out, we think the majority is in favor of a second high school and this conversation needs to happen now.

Katie Robertson and Sarah Baker McEverly, students of James Madison University (JMU) and residents of the city, stated they are research interns for the Center for the Interdisciplinary Study of Terrorism and Peace (CISTOP) on JMU's campus. Ms. Robertson stated this group is a think tank with faculty fellows all throughout the

campus and focuses on topics such as refugee resettlement and global terrorism. Ms. McEverly stated they have a goal to start a public education project called the Friendly City Cultures Collective, and they are intending to have a language that is a major language spoken in the city presented to the Harrisonburg community once a month, including a Harrisonburg history month. Ms. McEverly stated this project is meant to teach the citizens of Harrisonburg about the different languages spoken and the cultures they represent in our area. Ms. McEverly stated they would like to have each language display the different areas of their culture, such as food, dance, music, etc. Ms. McEverly said the old City Hall lobby would be a perfect place to host this type of event. Ms. McEverly stated they have contacted Arabic, Spanish, Tagalog, Russian and Hebrew speaking communities. Ms. McEverly stated they also want to show how helpful immigrants are to our area, as an example, immigrants have statistically shown to contribute to lower crime rates and a stronger economy. Ms. McEverly stated CISTOP's role in this would be to research and collect the studies that support these conclusions, and provide a display at each of the events. Ms. Robertson stated this project began at a listening cafe held by CISTOP last semester, and is a direct response to the Unite the Right rallies in Charlottesville and the violence involved there. Ms. Robertson stated the group feels it is very urgent due to the presence of hate group propaganda on JMU and Shenandoah University's campuses just last week. Ms. Robertson stated long term goals are to facilitate the beginnings of this project that we hope will become a city-sponsored program, and present a language per week as there are 52 languages spoken in the city.

Pamayotis "Poti" Giannakaouros, stated he would like to submit a correction to the meeting minutes from the September 12, 2017 council meeting. Council Member Byrd asked Mr. Giannakaouros for his current address. Mr. Giannakaouros stated he is still disputing issues at 98 Emory Street and is testifying with respect to the testimony he presented on September 12, 2017. Mr. Giannakaouros stated the Mayor is presiding over this meeting and asked the Mayor if he has met the requirements to continue testimony. Mayor Reed asked him to answer the question. Mr. Giannakaouros asked why the interest in his current address. Mr. Byrd stated he heard his address had changed and wanted to know what the address is. Mayor Reed advised Mr. Giannakaouros to continue. Mr. Giannakaouros stated as council faces weighted decisions, he would like to offer council with some historical documents of Harrisonburg, to put some arguments that might be heard or be otherwise inclined to make into perspective. Mr. Giannakaouros stated the context of the clippings provided to council is the Virginia Debt controversy, in which the conservative Democrats contended against the Readjusters. The latter wanted to readjust the pre-war debt and fulfill the obligations of the state's new post-civil war constitution. Mr. Giannakaouros stated the former wanted to protect the interests of the bond holders and opposed funding the public schools that had been mandated in the Underwood Constitution. Mr. Giannakaouros stated the Readjusters won and governed Virginia for four years. Council Member Jones interjected and asked Mr. Giannakaouros if he was a city resident. Mr. Giannakaouros replied he is. Mr. Giannakaouros shared a few newspaper clips dated September 22, 1881, from the

conservative side which he feels reflected white supremacy. Mr. Giannakaouros stated when one hears the term tax payer, one must be mindful of its history in Harrisonburg, it is a throw-back to medieval times in England, and he hopes this can be put far behind us, and in short, he suggested the council doesn't serve the tax payers or the voters, they serve the public.

Jim Orndoff, 22 E. Market Street, stated he is not only a member of the Valley Justice Coalition but has also had the pleasure of serving as the chair who recommended the new high school and he echoes all the sentiments from FORHHS2. Mr. Orndoff stated Community Criminal Justice Days will be held on October 18 and 19, 2017 at Blue Ridge Community College (BRCC), which is sponsored by the Institute for Reform and Solutions, which is an institutional member of the Valley Justice Coalition. Mr. Orndoff stated topics on the opioid crisis, mental health, restorative justice, re-entry, and women poverty and incarceration. Mr. Orndoff stated candidate forums will be sponsored featuring both state and local candidates. Mr. Orndoff hopes that council, staff and residents will attend one or more of the sessions and additional information can be found on the website reformcjs.org.

9.b. City Council and Staff

Council Member Jones noted he would like to give a big shout out to Harrisonburg Police Department for the recent SWAT competition, it was nice to see them host so many Virginia state law enforcement departments and it was a great competition and great for morale. Council Member Jones stated it was great for tourism as well.

Council Member Jones stated Furious Flower had a large event at James Madison University this past weekend, Dr. Joanne Gabbin and her crew are gearing back up and he is really excited about what they are doing.

Council Member Jones thanked deputy city manager Ande Banks and assistant director of Economic Development, Peirce Macgill for joining the Harrisonburg Downtown Renaissance workshop.

Vice Mayor Baugh stated there is only one agenda item for Planning Commission that may come to council, it is a special use permit request on 900 N. Liberty street, which seems to be a minor matter, and noted a lot of time will be spent talking about the comp plan as there will be four public sessions coming up and the Planning Commission welcomes any input from anyone.

Council Member Byrd stated the first five-year permit for the Chesapeake Bay program is coming to a closure, in which the 5% reduction was required. Council Member Byrd stated the next five-year permit cycle requires 35% reduction and the Stormwater Advisory Committee (SWAC) as well as the stormwater staff at Public Works have put together, after meetings and a year of research, the Stormwater

Improvement Plan (SWIP). Council Member Byrd stated on a phosphorous based ranking of available projects, which consist of new best management practices, stream restoration and/or existing best management practices retrofits, the price tag for the next ten years is \$80M. Council Member Byrd stated this is something this council needs to be aware of as this is being funded with the stormwater fee.

Council Member Hirschmann stated he appreciates how much Mr. Berry comes in and solicits help with food and the time he spent at the Blue Ridge Area Food Bank, and he was overly impressed with the operation they have there and was a little dumbfounded by the number of the people they service. Council Member Hirschmann urged anyone that can contribute to any of these food sources in the city, to please do so.

City Attorney Brown stated several months ago city council repealed the city's fluoride ordinance because the fluoride system needed upgrades and repairs and council also authorized the department of Public Utilities to move forward with a plan to upgrade the system. Mr. Brown stated at the upcoming October 24, 2017 council meeting a Memorandum of Understanding will be presented from the Department of Health for a grant that was awarded to the department of Public Utilities for upgrades. Mr. Brown stated there will also be an amendment to the city ordinance to put fluoride in the water in such amounts as recommended by the Virginia Department of Health. Mr. Brown asked if the council wanted a public hearing on this matter, even though not required, since this could be a hot topic. Council Member Jones stated he is in favor of a public hearing as long as they are residents of the city of Harrisonburg that respond. Mayor Reed stated she is in favor of a public hearing as well as Council Member Hirschmann and Vice Mayor Baugh.

Mayor Reed stated she is very rarely surprised but she was last week when she received a Community Service Award from the Northeast Neighborhood Association, and was surprised when Council Member Byrd spoke on her behalf and is very thankful of the things he said about her.

Mayor Reed stated she was also very honored to be a part of the welcoming for the SWAT competition and being the special guest conductor for the Jazz of Justice concert for which she practiced for a few weeks.

Mayor Reed stated the James Madison Flag is displayed at City Hall in honor of ESPN College Game Day held on Saturday, October 14, 2017; Parks and Recreation will host its annual Race to Beat Breast Cancer 5K run/walk on Saturday, October 21, 2017; the city's Planning Commission will host four public workshops to review draft chapters for the Comprehensive Plan update. Each evening will be focused on a separate set of topics and the dates are October 19, October 23, October 30, and November 13, 2017, and more information can be found on the city's website. Mayor Reed noted the city's leaf collection will begin on October 30, 2017 and details are available on the city's website before and after the leaf collection

dates, leaves shall be placed in a biodegradable bag for the Wednesday yard debris and bulk collection.

10. Closed Session

10.a. Virginia Code Section 2.2-3711(A), under:

Subsection 1 for the evaluations and promotions of specific City Employees;
And

Subsection 3 for a discussion of the acquisition of real estate for a public purpose;

At 7:53 p.m., a motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to enter in to a closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 1 for the evaluations and promotions of specific city employees and Subsection 3 for a discussion of the acquisition of real estate for a public purpose and disposition of public held real estate.

Certification

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

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to enter in to a closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 1 for the evaluations and promotions of specific city employees and Subsection 3 for a discussion of the acquisition of real estate for a public purpose and disposition of public held real estate.

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

11. Adjournment

At 8:50 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR

Note

Note

City Manager Kurt Hodgen was not present.