



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Tuesday, March 12, 2019

7:00 PM

Council Chambers

1. Roll Call

Present: 4 - Vice-Mayor Sal Romero, Council Member Richard Baugh, Council Member Christopher B. Jones and Council Member George Hirschmann

Absent: 1 - Mayor Deanna R. Reed

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

2. Invocation

Vice Mayor Romero offered the invocation.

3. Pledge of Allegiance

Vice Mayor Romero led the Pledge of Allegiance.

4. Special Recognition

4.a. Proclamation recognizing March 2019 as Youth Art Month

Vice Mayor Romero presents a proclamation to Ms. Holly Kincaid, art teacher with the Harrisonburg City Public School system recognizing March 2019 as Youth Art Month.

Vice Mayor Romero thanked Ms. Kincaid for all that she does.

Ms. Kinkaid thanked council and invited everyone to stop by the library to see the art work that is on display from all of the schools.

4.b. Proclamation recognizing April 26, 2019 as Arbor Day

Vice Mayor Romero presented a proclamation to Wesley Runion, city representative for the City's Tree City USA and Arbor Day Foundation, recognizing April 26, 2019 as Arbor Day.

Council Member Baugh stated it was just recently announced that for the 14th time we are once again recognized as a Tree City and thanked Mr. Runion for his work in making that happen.

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 Baugh, seconded by Council Member Hirschmann, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Mayor Reed

5.a. Minutes from the February 26, 2019 City Council meeting

These minutes were approved on the Consent Agenda.

5.b. Consider a supplemental appropriation for the Harrisonburg City School division in the amount of \$478,809.33

This supplemental appropriation was approved on second reading.

6. Public Hearings

6.a. 2019 CDBG Annual Action Plan

Kristin McCombe, grants compliance officer, presented the Community Development Block Grant (CDBG) 2019 Annual Action Plan. She provided the history of the CDBG, and noted it is federally funded through the United States Department of Housing and Urban Development (HUD). She stated the numbers provided in the action plan are based on an estimated funding allocation of \$560,000 comparable to what the city received last year and \$693.39 was rolled over from previously unspent CDBG funding from the previous year. She stated HUD has not yet made a final determination of the city's actual allocation amount for the 2019-2020 fiscal year, therefore the CDBG review committee developed contingency award recommendations if adjustments to the city's recommended awards are necessary due to reduced funding.

She reviewed the funding for the Housing and Property Improvements category, and noted only one application was received, which was from the Harrisonburg Redevelopment and Housing Authority for the Harrison Heights Renovation Project and noted this is the 15th year of the city debt service and commitment to this project.

She reviewed the Community & Public Facilities category and noted three city

department projects were recommended to receive funding, all of which represent city staff efforts to connect low moderate income (LMI) residents with valuable services and described each project.

She reviewed the Planning and Administration category and noted the Selection Committee recommended \$29,000 be allocated to the Northeast Neighborhood Association (NENA) for architectural and feasibility studies and drawings as well as final construction drawings for the renovation of the historic Dallard/Newman House located on Kelly Street. She stated NENA's plan is to ultimately use the building as a museum and African American Cultural Heritage Center as well as house the NENA administrative office.

She reviewed the Public Service category and noted only 15% of the grant allocation can be used in this category which equals and estimated \$84,000. She noted the four organizations that rated the highest during the Selection Committee meeting were recommended for full funding. She stated the committee also recommended funding allocation for the purchase of one AED for Open Doors to use at their shelters during the winter months.

She reviewed the contingency plan for funding awards should the final allocation from HUD change from what was estimated.

She stated the 30-day Public Comment period begins March 12, 2019 and ends on April 15, 2019. Any citizens who wish to make comments on this plan may do so during the public comment period. She stated she will also accept comments through the city manager's office or by contacting her directly. She provided her contact information.

Council Member Baugh asked if Ms. McCombe could clarify why the Park Accessibility Improvement Project is receiving more than requested. Ms. McCombe stated the Selection Committee as a first step determines the 15% maximum award allowed for the Public Service category, after which they review and make recommendations for the 20% funding allowed for the Administration category. All other applications must then be recommended for funding from the Community and Public Facilities category. The committee awarded full funding for several applications in the Community and Public Facilities category, and then reviewed the remaining applications to decide whether to award partial funding. The committee decided the minimal remaining funds would have been too small to make a dent in the applications that remained, all of which had large funding requests. The committee instead decided to award the remaining funds in the category to the Park Accessibility Improvement Project because there are many little projects throughout the city that the Parks and Recreation Department can complete with these additional funds and it will allow citizens to be served in additional ways. Council Member Baugh

stated there are plenty of ways those funds can be used in that project.

Council Member Jones asked if Ms. McCombe could explain to the applicants why they did not get funding and/or reduced funding and the selection process. Ms. McCombe stated when the Selection Committee meets they have a scoring process based on a list of seven questions, in which all applicants have received. She stated the applicants that score the highest will be recommended for full funding, they move down the list based on scores until the 15% allowance is exhausted which is why the Suitcase Clinic only received partial funding. She stated one of the organizations has already reached out to her and she was able to explain the process. Council Member Jones stated he just wanted to make sure the process was clear to the public. She stated there were a lot of applications received this year and it is hard making the recommendations as there is so much need, but it is not based on value it is based on scoring.

Vice Mayor Romero asked if the information of the questions and scoring process is available to applicants in advance. Ms. McCombe stated the information is part of the application package sent to organizations in late December each year and is also reviewed at the training session all applicants are invited to attend. Council Member Jones stated the application process has been the same over the last five years.

At 7:19 p.m., Vice Mayor Romero closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, February 25, 2019.

Karen Thomas, founder and president of NENA, stated on behalf of NENA she thanked the Selection Committee for the recommendation allowing the renovation of the historic Dallard/Newman Home and hopes City Council will support that recommendation. She stated NENA's grant writer, Sarah Brooks, has worked tirelessly on this project and thanked her as well.

Mia Olsen, supervisor of three senior centers in the local area for the Valley Program for Aging Services (VPAS), stated their mission is to empower adults 60 years and older with the resources and opportunities they need live engaged lives. She stated services are provided such as information and assistance, senior centers, case management, caregiver respite, Medicare counseling, transportation and healthy aging programs to name just a few. She stated in the fiscal year 2017-18 VPAS served a total of 458 older city residents. She stated the funds being requested would be used for the Meals on Wheels Program to serve low and moderate income older adult residents. She stated in fiscal year 2017-18 VPAS provided 15,294 meals to 116 city residents and reflects an 8% increase from the year before and the need continues to rise. She stated VPAS currently receives \$18,000 in CDBG funds and to date over 2700 meals have been provided to more than 30 unduplicated low

and moderate income older city residents. She stated senior hunger is a serious and growing problem, numerous studies have shown the correlation between adequate nutrition and healthy aging in older adults, without adequate nutrition older are more likely to develop health problems, chronic health conditions, more difficulty recovering from illness, experience higher hospital readmission rates and suffer from depression. She stated beyond the nutritious meal, the older city residents benefit from the daily check-in that the meal delivers, and often the volunteer may be the only contact a person may see in a day. She stated once a person accesses VPAS services they are enveloped in a supportive network that is available to help them navigate the changes and challenges that occur with aging. She thanked City Council and the Selection Committee for the previous funding and asks City Council to seriously consider this year's request.

Juan Pablo Berrizbeitia, chief executive officer for Blue Ridge Court Appointed Special Advocates (CASA), thanked the Selection Committee for reviewing the application and making the recommendation for funding for CASA. He stated approximately 54% of the total child population of Harrisonburg live in economic disadvantage, approximately 4,400 children live under the poverty line or the ALICE threshold, as per the recent United Way report. These children, experience safety risks, have a high risk of accidents, family disruption, physical and mental health risks, poor daily functioning, delayed or lack of preventative dental health care, intellectual and social development delays, lower academic preparation, delays in grade level reading, lower probability of graduating from high school and limited future employment opportunities. He stated according to the same ALICE United Way report these issues that children are experiencing today have an impact on the community, which has increased health care costs, workers stress, late, absent or less productive workers, increased costs for homeless shelters and foster care system, future need for education in social services, lower skilled workforce and community disruption. He stated of all of the 4,400 children Blue Ridge CASA advocates for the well-being, present and future, of the most vulnerable ones. If a child, whose housing conditions, care, safety, health, education and nutritional needs are unmet to such an extent that it constitutes abuse or neglect by law and they are removed from their homes and placed in foster care while a judge decides where they can be placed permanently and safely, CASA focusing on these children because the system that is in place in our area is overwhelmed and underfunded, they are at the highest risk of never receiving the services they need to become healthy and productive adult members of our community. He stated there are not enough mental health services, social workers, judges, lawyers and foster parents for these children, and this is why children need a CASA advocate. He stated CASA collaborates with juvenile domestic relations court, lawyers, assessment, as role as guardian ad litem, with James Madison University's Department of Social Work and with the Community Foundation where our offices are housed. He stated CASA is constantly measuring their progress towards the goals of the Board of Directors, which is to serve 300

children by 2021 and noted the estimated number of children every year that are in foster care in the Blue Ridge Casa district is 150. He stated if Council approves the recommendation CASA will be able to serve 30 new children and train at least 50 new advocates for children. He read a letter of support and thanked Council for their consideration.

Pam Miller, development director at Pleasant View, thanked the Selection Committee for the recommendation to Council and noted the funding will be extremely helpful with the Harrisonburg Day Support Services to continue to serve and serve more people, of which all fall under the poverty line. Ms. Miller thanked Council for their consideration.

At 7:29 p.m., Vice Mayor Romero closed the public hearing and the regular session reconvened.

No action required.

This Public Hearing - No Action was received and filed.

- 6.b.** Consider two options for multiple Zoning Ordinance amendments and modifications to Title 4 Finance, Taxation, Procurement, which are all associated with proposed regulations to allow for "homestays" and "short term rentals" (i.e. Airbnbs, VRBOs, etc.).

Adam Fletcher, director of Planning and Community Development, presented options proposed by staff to the Planning Commission to consider regarding Short Term Rentals. He provided the history of this agenda item which began in March 2018 and noted reached Council twice and now back with additional options. He reviewed Option 1 Short Term Rental by Special User (SUP) only and Option 2 Short Term Rental by SUP and Homestay by right, the definitions of Homestays and Short-Term Rental, the allowed uses, costs, taxes, and regulations for each. He reviewed the proposed violations and noted this will be the same regardless of which option, if any, is chosen. He stated there are additional considerations that council should view while evaluating the requests:

Occupancy regulations - over the past six years there have been 74 investigated complaints regarding occupancy and this ordinance could indirectly increase the occupancy within certain dwelling units.

Affordable Housing - the general concern is about the housing costs in the city, staff believes there is a threat in the city to housing costs when short term rentals are in the market place, particularly if there are no regulations that require short term rentals to be occupied by long term non-transient residents. He stated with limitations of maximum rental days allowed it does put a cap on the number of operations that can occur in any given year, but there are arguments to be made about the impact that a short-term rental takes away from long term non-transient occupancy abilities to rent or own that are affordable.

Nuisance and high turnover rate - when a homestay use is granted by right and

if there is concern about the operation years down the line for noise or extreme high turnover, the property will have the vested right and be able to maintain it and the city will have no recourse to revoke the homestay rental's ability to operate.

He stated when you evaluate the Comprehensive Plan, Goal 5 speaks to strengthening existing neighborhoods and promoting the development of new neighborhoods that are quiet, safe, beautiful, walkable, enhances social interaction, and offers a balanced range of housing choices. He stated Goal 6 speaks to meeting the current and future needs of residents for affordable housing. He stated staff believes that short term rentals would negatively impact these goals. He stated staff recommends Option 1 requiring all short-term rentals to be approved through a special use permit. He stated this will provide the neighborhood the opportunity to voice concerns through the public hearing process. He commented that Chapter 15 of the Comprehensive Plan speaks about neighborhood revitalization and protecting neighborhood conservation areas, including programs to facilitate home ownership, improve the quality of rental housing, and reduce pressures to convert single family houses and lots to other uses. He stated staff sees short-term rental establishments as going against these ideals.

He reviewed the recommended minor amendments to Title 4- Finance, Taxation, Procurement Section 4-2-76.1 Definitions related to Short Term Rental and Homestay properties.

He reviewed general enforcement of the uses and noted staff suggests providing at least a 30-day grace period from the enactment of the ordinance. He stated staff has already started draft web pages with information, pending council's adoption.

He stated staff recommended Option 1 and Planning Commission (4-3) recommended Option 2 with the following changes: Increasing Homestay permissions from 45 nights per year to 90 nights per year and eliminating the requirements that operators must be present during the lodging period.

At 7:55 p.m., Vice Mayor Romero closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, February 25, 2019 and Monday, March 4, 2019.

Pamayotis "Poti" Giannakaouros, stated he has been a part of this discussion for a long time, attending the Planning Commission meetings, and feels he has a very simple, common sense solution that Mr. Byrd sent back to staff. He provided a scenario and asked if the options provided would accommodate for that scenario. He stated there was much debate at the Planning Commission meetings and a discussion that was not carried forward was the use of auxiliary buildings for homestays/short term rentals. He stated Mr. Fletcher didn't mention anything about annual inspections this time, as it was determined that they were unconstitutional. He stated there was a discussion of preserving residential character per the city's vision

in the Comprehensive Plan, but he feels the voters spoke differently, as the route of these ideas are from the time of segregation. He stated staff has merely asserted the effects on housing prices and the depletion of housing units, which has not accurately been supported. He feels Planning Commission's recommendation with the two additional requirements is a much better solution but feels auxiliary structures should be added as well.

At 8:00 p.m., Vice Mayor Romero closed the public hearing and the regular session reconvened.

Council Member Jones asked Mr. Fletcher to explain the parking space requirements. Mr. Fletcher stated it is one parking space per bedroom or accommodation space, which mimics what is required under the current Bed and Breakfast use definition, it further states it could be more or less restrictive as conditioned by a special use permit. He stated there are not parking requirements for Homestays.

Council Member Jones stated he is having a hard time seeing what enforcement looks like and we can't adopt something without doing enforcement. He stated he looked up short term rentals on a few sites and there are quite a few in the city and the current proactive enforcement where it takes three years to go through the entire city seems as if adding enforcement for short term rentals is not feasible. Mr. Fletcher stated how enforcement is today should not change as it is on a complaint bases, code enforcement, or if property is under other scrutiny. He stated staff could not drive through the city to find short term rentals unless staff proactively went on to the platforms and looked for them, which is not the directed philosophy for his department. He stated it was discussed during Planning Commission regarding moving towards the direction of civil penalties for a lot of different zoning ordinance violations. He stated if council wants to provide guidance of enforcement it can be discussed.

He stated regarding annual inspections, it was originally discussed to make sure the short-term rentals were safe however, after the City Attorney's office reviewed this, it was determined that staff could not make that a requirement.

Council Member Jones stated it appears we could be increasing density in areas that doesn't currently exist and thereby possibly creating a nuisance for those that purchased property in less density neighborhoods. Mr. Fletcher stated that is a possibility. Council Member Jones stated he has a hard time wrapping his head around enacting an ordinance that will be extremely difficult to enforce. Mr. Fletcher asked if proactive enforcement through checking the online platforms would be his recommendation. Further discussion took place regarding enforcement and Council Member Jones recommended the online platforms be checked weekly at a minimum. Council Member Hirschmann stated we can always amend the ordinance if need be. Council Member Baugh stated if Option 2 is chosen which allows a homestay it will

almost certainly create a grandfathering issue if more restrictions are needed in the future.

Vice Mayor Romero asked council to make a motion. He stated the item has been kicked around for a while, and the option to table again is available. Council Member Baugh stated he is leaning to Option 1 being mindful of the fact that as time goes it can be expanded upon. He stated his view on Option 2 is that it would prevent the Council from in the future imposing more restrictive regulations, so he is not prepared to support that option. He stated he agreed with Council Member Jones, that regardless which option is chosen, staff must be directed to enforce. Council Member Hirschmann agreed. Council Member Jones stated as long as enforcement is done he is ok with either option and recommended a possible 90-day grace period. Vice Mayor Romero stated he sat on two Planning Commission meetings and stated this is a very complex matter especially since it is something that everyone is experiencing. He stated staff did a lot of research in preparing for this. He stated he voted for Option 2 in Planning Commission and still feels the same. Further discussion took place. Council Member Jones stated Option 1 is more advantageous to the resident as council can be more flexible in helping people.

Mr. Fletcher asked for clarification of how council wants staff to enforce and the grace period. Council Member Jones confirmed. Council Member Baugh stated he was confident staff could develop a process to enforce the ordinance that met Council's desired outcomes and stated he would let staff determine what that should look like. City Manager Campbell stated staff should review implementation and time frame and inform council of the best effective way to implement Option 1 which would include a grace period. Further discussion took place regarding implementation.

A motion was made by Council Member Baugh, seconded by Council Member Hirschman, to approve Option 1 as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 3 - Council Member Baugh, Council Member Jones and Council Member Hirschmann

No: 1 - Vice-Mayor Romero

Absent: 1 - Mayor Reed

6.c. Capital Improvement Program FY 2019-2020 through FY 2023-2024

Adam Fletcher, director of Planning and Community Development, presented the Capital Improvement Program (CIP) for fiscal year 2019/2020 through 2023/2024 and noting the program is a yearly program with a five-year horizon of capital improvement projects show projects with a cost of \$50,000 or more. He stated the CIP Committee met with directors in September to review the projects, make adjustments, give priority, make recommendations and justifications. He stated this is not a budget but a financing plan and does not guarantee that all projects will be funded as outlined. He reviewed how to read a project sheet.

He stated Planning Commission approved unanimously to recommend to Council for approval.

At 8:22 p.m., Vice Mayor Romero closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, February 25, 2019 and Monday, March 4, 2019.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:32 p.m., and the regular session reconvened.

Council Member Baugh stated there is a lot of staff time that goes into the report, it is thoroughly reviewed every year and adjusted accordingly.

A motion was made by Council Member Baugh, seconded by Council Member Jones, to approve the Capital Improvement Program as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Mayor Reed

7. Regular Items

7.a. Overview of Opportunity Zone Program in Harrisonburg

Brian Shull, director of Economic Development, presented a quick overview of a new federal tax incentive program called Opportunity Zones. He stated this is approved as part of the 2017 Tax Act and the goal is to encourage long term investments in lower income census tracts all across the country. He stated the target is to attract investors with capital gains they want to minimize by investing in properties in these Opportunity Zones. He stated it is staff's job to match those investors with these projects in census tracts that have been approved and noted there are five miles of Route 11 frontage in the southern zone that could be redeveloped. He stated there are programs already in place such as a retail revitalization zone that could tie into this nicely. He reviewed the two specific Opportunity Zones within city limits, what qualified Opportunity Zones are, where those funds come from, what the benefits are from investing in a Qualified Opportunity Zones, and what type of initiatives can Opportunity Funds be used for. He stated investors who have capital gains can invest the funds into a business, real estate, commercial or industrial buildings, or equipment as long as they are in one of the two zones. He stated there are three ways an investor can benefit: either through temporary deferral which allows an investor with capital gains deferral on capital gains until 2026; reduction of 90% of capital gains if the investment is held for five years, and 85% if held for seven years, and if investment is held for 10 years they do not have to pay any capital gains. He

stated the community wins by getting opportunities for new investments into properties. He asked council to help spread the word. He stated staff is already working on this and the assistant director of Economic Development, Peirce Macgill, has already prepared a prospectus and distributed it to the development community with great results.

Mr. Macgill stated we are the first locality in the valley to publish a prospectus, so we have a head start on the competition. He stated the prospectus accomplishes three things: It outlines the benefits of the Opportunity Zones, provides great detail on the city's zones, and provides a lot of data on the city as well. He stated this is a marketing piece with a lot of data behind it. He stated staff will market the opportunity zones program to real estate developers, site selection consultants, national Opportunity Zone funds, Angel Investors, and to Certified Public Accountants. He stated marketing will be done via the website, social media sites and sent directly to contacts and networks and purchasing digital ads.

City Manager Campbell asked if the federal guidelines and stipulations are complete. Mr. Shull stated the IRS had a public hearing on February 14, 2019 and are about 95% completed, as they are tweaking the final regulations based on some of the comments at the public hearing and feels it should be all finalized within the next 90 days.

This Presentation was received and filed.

7.b. Planning Commission's 2018 Annual Report

Adam Fletcher, director of Planning and Community Development, stated this item will not be presented as there was some information missing and will be brought to council at a later date.

This Report was referred to the Planning Commission

7.c. Board of Zoning Appeals Annual Summary

Adam Fletcher, director of Planning and Community Development, stated the Board of Zoning Appeals (BZA) Annual Report is being presented as per the City Code Section 10-3-134. He stated four regular meetings were held with seven total cases and a new Chair and Vice Chair were appointed. He reviewed the seven cases that were heard and BZA's final actions/decisions. He stated seven cases is a low number and is a reflection on staff's consistency and interpretation and their attempts to be equitable across the board with the zoning enforcement.

This Report was received and filed.

8. Special Event Application Requests

- 8.a.** Consider the Special Event application request for the Bike Virginia 2019 Tour from Sunday, June 23 - Wednesday, June 26, 2019

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Event application request for the 2019 Bike Virginia Tour to be held on Sunday, June 23, 2019 through Wednesday, June 26th, 2019 at Hillandale Park. She stated the event organizer, Bike Virginia, has already been working closely with the Harrisonburg Parks and Recreation Department and Harrisonburg Tourism and has secured Hillandale Park for the event. She stated although this is a private event, council must approve since the organizer is wanting a beer garden at the event. The event organizer is requesting support from the Harrisonburg Police Department to monitor the beer garden and to help martial cyclists out of the park on their morning rides, from the Harrisonburg Fire Department for tent inspections, and from Public Works to provide a message board to alert motorists of increased bicycle traffic in the Sunset Heights neighborhood. She stated event logistics will be handled primarily through the Parks and Recreation Department and third-party contractors, and as such there is no cost estimate available for city support but costs for off-duty officers will be transferred to the organizer.

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

- 8.b.** Consider the special event application request for the Strawberry festival on Saturday, May 18, 2019

Erin Smith, events manager for Harrisonburg Downtown Renaissance (HDR), presented a Special Event application request for the 4th Annual Strawberry Festival to be held on Saturday, May 18, 2019 from 8:00 am to 6:00 pm. She stated the event organizer is Harrisonburg Rotary Club and is requesting the use of the City Hall parking lot, grassy lot and gravel lot. She stated Warren Street will be closed for the event, support of Public Works for the closures is requested, the organizer is responsible for coordinating with the city building official to secure the necessary permits and inspections for inflatable amusement devices, and the total cost of the event is estimated between \$400-\$500.

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

Recess

At 8:48 pm Vice Mayor Romero called the meeting into recess.

At 852 pm Vice Mayor Romero called the meeting back into session.

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)

Wayne “ Chip” Rothery - owner and operator Rockingham Rental, stated there are two building that have been high schools, one was sold to James Madison University (JMU), who did a really nice job remodeling it and the city can't afford a new high school, taxes will be increased. He recommended council talks to JMU about leasing the old high school for six years. He stated during the fifth-year construction can begin on the new high school. He stated if this was accomplished the high schools would be un-crowded and operated more efficiently. He stated it will cost the city less and would not have to raise taxes over the next six years. He stated council has negotiated with JMU many times and he feels JMU should be receptive.

Diane Orndoff, shared a story of a women that was recently sent to the Middle River Regional Jail (MRRJ) on a non-violent offense and her experiences there. She stated she resents her support of that system and her concerns have been going on for years after the city bought into MRRJ. She asked council to review, research, amend or even consider alternatives to the city's financial support of MRRJ, especially since there is talk of expansion. She stated we have heard horror stories in the past of MRRJ, and if there is even a kernel of truth to those stories the city should do heavy research before going any further. She stated she has read the contract and feels reports should be provided in layman terms and understand what else is going on over there. She stated the reason of loss of the superintendent at the jail is unknown and secrets make us sick. She stated she appreciates councils service and thanked them.

Adriana Hammond, representative of Faith in Action, stated Faith in Action's campaign is supported by the Valley Justice Coalition and the Northeast Neighborhood Association. She stated in the last week all of the women in the Harrisonburg/Rockingham Regional Jail have been moved to MRRJ during renovations and the daily fee assessed has been increased to \$3.00 per day, which is a hardship to these women and their families. She asked if council will advise the Sheriff to eliminate the daily fee at the local facility or will council make up the difference for these women. Council Member Jones stated none of the families contacted council regarding the hardships and asked if they had contacted her directly. Ms. Hammond stated part of her job as the communications specialists for Faith in Action is to share not only the roles of those individuals that represent the organization but to also share those experiences of those that have come to the organization, worked with the organization and have been directly impacted by the system, which include former prisoners and their families. She said Council Member Jones should pay attention to the work that she does on the organizations website in sharing the stories or attend the vigils he would hear directly from those individuals that are impacted. She stated she would be happy to bring those families to council meetings. Ms. Kim Kenyon stated she is a former inmate, stated she was released in

2017, was personally affected by the keep fees at both facilities, still in contact with many inmates and hears their struggles with the keep fees. She stated most inmates won't speak of their hardships as they feel this is what they deserve and don't feel there is anything they can do about it. She stated the role of Faith in Action is to be an advocate for those people. Council Member Jones thanked Ms. Kenyon for answering his question.

Vicky Gaines, Bluestone Hills Drive, representative of Faith in Action, stated at the October Community Criminal Justice Board (CCJB) meeting recommendations from the Smart Justice Initiative of the National Association of Counties were heard. She stated it is understood that the new CAD/DMS data collection system will include law enforcement data, which is a great place to begin as it will allow law enforcement to be better informed and do their jobs well. She stated it is believed that having additional information on how persons are adjudicated so that the Community Justice Planner will have a full range of data needed to do their job effectively. She asked council if there is a time line for the inclusion of the Court Services data in the anticipation of hiring the Community Justice Planner.

Vice Mayor Romero asked council and staff what the standard format is when, during public comment, questions are asked. City Manager Campbell stated questions are not normally answered during public comment and City Attorney Brown concurred. Vice Mayor Romero stated he will be happy to answer some of the questions at another time.

Jim Orndoff, 22 East Market Street, member of the steering committee for the Valley Justice Coalition which is a partner with Faith in Action, stated thanks to the excellent planning procedures of council in the past, the city was able to hire police chief Eric English, the city manager Eric Campbell, assistant to the city manager Amy Snider, and he believes the community is stronger as a result of these hires. He asked if the city and county build on these successes in engaging a careful and open selection process at a national search for a qualified Community Justice Planner who can help us understand our current justice system and begin to implement the Smart Justice Initiatives which were addressed previously.

Hadley Jenner, 525 Hickory Grove Circle, representative with Faith in Action, stated at the March 4, 2019 CCJB meeting Council Member Jones became the Chair. He stated at that meeting Sheriff Hutcheson reported that one-third of the people in jail are there as a result of probation violations. He stated Josh Lutz of District 39 Probation Services reported on the needs of his clients including housing upon release, vocational training, cognitive behavior therapy, and social support. He stated information like this is important for reducing our jail population and costs. He asked council what the timeline is for including probation data in the future Community Justice Planner.

Kent Davis Sensinig, Switchboard Road, representative of Faith in Action, stated in

2015 the city and county jointly invested in MRRJ, which expanded the number of beds available to persons that are incarcerated and alleviated the crowded conditions of our local jail. However, we have increased the number of people that are incarcerated and now MRRJ is seriously considering expansion. He stated since 2009 the city budget has increased from \$2.7M to \$6.8M for jail and judicial administration which equals a 250% increase. He stated a portion of the overall city budget has increased from 2.7% to 5.3%. He stated we have the choice of slowing down the rate of incarceration or continuing the trend of increasing incarceration rates and costs. He asked if this is how we want to spend our tax dollars. He thanked council for their service.

Jennifer Davis Sensinig, president of Faith in Action, stated a few from Faith in Action had a conversation with police chief, Eric English and learned a little bit about the city of Richmond and the Richmond City Justice Center which allowed everyone from law enforcement, Commonwealth Attorney, court services, and community services was working together to reduce incarceration rates and costs. She stated the community is focusing their energy and funds on services that make a difference in the lives of person impacted by the criminal justice system and jail becomes a last resort. She asked if we had something to learn in our community about reducing incarceration rates and costs.

Abdelrahman Rabie, representative of Faith in Action, stated council has received a resolution calling for elimination of the daily keep fee at both the local jail facility and MRRJ and the hiring of the Community Justice Planner. He asked council when they will vote on the resolution and take action on these matters that are so important for the local criminal justice reform in our community. He stated this is an opportunity for the city of Harrisonburg to move forward towards criminal justice reform with the rest of the country. He stated he feels this would be a good incentive for the city and it can be a part of the change for the whole country.

Pam Miller, development director of Pleasantview, stated she recently met with their accessibility committee at the recreation center and thanked council for all the work they are doing on the city parks and making them more accessible, the ramp is very nice and the doors are appreciated. She stated there was a request for family bathrooms for those that need assistance from the opposite sex. She stated many have asked for when the snow that the accessible parkings spots be cleared as well. She invited council to the Disability Awareness Rally, Tuesday March 19, 2019, east lawn of the Courthouse at 5:15 pm.

Pamayotis "Poti" Giannakaouros, city resident, stated council heard statements on issues that he feels are mutually related. He stated Planning Commission heard homestays generate revenue for individuals who otherwise would not be able to afford to live. He stated this is a tighter weaving of our social fabric, a greater inclusion. He stated a precedent was mentioned of converting civil fines to criminal penalties and a

fourth enforcement option that was mentioned that did not come from Planning Commission which was inspection upon any ordinance violation. He stated these are all items that tend to marginalize people and affect those in a precarious position. He stated he would think that the group that was concerned about not marginalizing people to the extent that they end up in the criminal legal system would be attentive to these things and would have used some of their minutes to comment on these issues. He stated the problem with inspections was not mixing zoning and building code but rather not being able to inspect if there had not been a change of use, which is what happened during urban renewal. He wondered why people were so interested in criminal and legal issues in the city, as some time ago, we had a street renaming in the city. He stated at that time many believed there were certain people that ran the city and they couldn't be challenged. He stated that changed with the street naming, which allowed people that normally wouldn't come to meetings to attend, they came out in the 1000's and many good things happened. He provided a few instances and stated all those voiceless people mobilized and were having their voices directly heard. He stated this caused our incarceration rates to plummet and the now Council Member Jones was appointed Mayor and subsequently Mayor Reed was elected and appointed Mayor. He stated things were no longer as they were in the olden days. He stated our incarceration rate dropped again in the city but not in Rockingham County, where they increased so much they masked the decrease in the city. He stated the recipe of listening to and seeing the invisible people has been a winning recipe and urges everyone to pay attention and be present with other issues that are not just happening after people have already found themselves in extreme positions.

9.b. City Council and Staff

Vice Mayor Romero thanked everyone that is in attendance and their voices are critical in this process.

Council Member Jones thanked staff for their hands-on attention of things that were being worked on, it was a really good day working with staff and appreciates it. He stated he encourages city residents and business owners to attend the Community Conversation held on the second and fourth Tuesday of each month at the Council Chambers from 12:00 pm to 1:00 pm. He thanked those that attend these meetings.

City Manager Campbell provided council with the budget schedule that reflects the tentative date to bring the proposed budget to council, when the public hearing will be, and reminded council the tax rate will need to be set, which date is built into the schedule as well. He stated time has been built in to the schedule as well for a budget workshop if council desires.

Vice Mayor Romero stated Mayor Reed will be absent at the March 26, 2019 city council meeting as she will be taking 30 high school students to several colleges. He also thanked all of the women who participated in the International Women's Day March. He stated the city clerk is now accepting applications for the Towing Advisory

Board. Please visit the website for the application and additional information; the Pot of Gold Kids Fun Run and Shamrock 5k Trail Run will be held on March 16th, 2019 at Hillandale Park. See our website for more information; the Prom Dress Drive Giveaway will be held on April 6, 2019 from 12:00pm to 3:00 pm at the Lucy F. Simms Center; and there are upcoming vacancies on some of the city's Boards and Commissions. Please visit the city's website for more information if you are interested in serving.

10. Boards and Commissions

10.a. Shenandoah Valley Airport Commission

Council Member Baugh stated Mr. Bowman has served in this capacity for years, he really enjoys it, he has never seen any indication that he isn't doing a good job.

A motion was made by Council Member Baugh, seconded by Council Member Hirschmann, to reappoint Joe Bowman to the Shenandoah Valley Airport Commission. The motion carried with a unanimous voice vote

10.b. Harrisonburg Electric Commission

Council Member Hirschman stated he would like to reappoint Mr. Frackleton, although there has been some controversy, he has heard from many individuals as well as those from the commission that they are satisfied at how he runs the show.

A motion was made by Council Member Hirschmann, failed for lack of second.

Council Member Jones supports Mr. Weaver as he has an extremely strong business acumen and has strong relationships in the community, he is fiscally conservative and smart minded and feels he could bridge the gap between community and board.

Council Member Baugh stated the Mayor publicly supported Mr. Weaver and even though all of the individuals are good, he feels Mr. Weaver would be the best fit.

A motion was made by Council Member Jones, seconded by Council Member Baugh, to appoint Chris Weaver to the Harrisonburg Electric Commission. The motion carried with a voice vote as follows:

**Council Member Baugh - Aye
Council Member Jones - Aye
Vice Mayor Romero - Aye
Council Member Hirschmann - Nay**

10.c. Board of Zoning Appeals

A motion was made by Council Member Baugh, seconded by Council Member Jones, to reappoint Thomas Jenkins to the Board of Zoning Appeals. The motion carried with a unanimous voice vote.

11. Closed Session

- 11.a. Virginia Code Section 2.2-3711(A), under: 2.2-3771(A) Subsection 3 for the discussion and consideration of disposition of publicly held real property.

At 9:39 p.m. a motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann 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 two parcels of publicly held real estate where discussion of such disposition would adversely affect the city’s negotiating position. The motion carried with a recorded roll call vote taken as follows:

12. Adjournment

At 9:47 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 9:47 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

VICE- MAYOR