



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Draft City Council

*Mayor Christopher B. Jones*  
*Vice-Mayor Richard Baugh*  
*Council Member Ted Byrd*  
*Council Member Kai Degner*  
*Council Member Abe Shearer*

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Tuesday, May 24, 2016

7:00 PM

Council Chambers

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### 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:** 4 - City Manager Kurt Hodgen, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

### 2. Invocation

Council Member Shearer offered the invocation.

### 3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

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

Stan Maclin, 117 North High Street, shared his concern regarding the lack of transparency and the Community Criminal Justice Board not meeting in the past six months. Mr. Maclin stated citizens are concerned about incarceration. The city and its residents are co-owners with Rockingham County, and asked for assistance from council to get activity from the board.

Lantz Brooks, Nexus Service's Community Advancement Program participant, stated he was concerned about the inmates not being heard at Middle River Jail and that is why he stood before council tonight. Mr. Brooks wanted to know what is going on at Middle River Jail and why inmates are getting sick and dying.

Mike Donovan, president of Nexus Services, stated Nexus is the country's largest charitable bonding program, with a location in Harrisonburg and reported that after a year and a half there are no inmates sitting in the Rockingham County Jail because they can't afford to pay bond. Mr. Donovan stated Nexus allows inmates to come out of jail and use resources to get back to work. Mr. Donovan stated the reason he was here tonight was due to an email that included an unacceptable Hitler emoji that came from a city of Harrisonburg employee after they had filed a Freedom of Information Act request with the county of Augusta. Mr. Donovan stated that the unacceptable emoji was directed towards two of his staff members.

Mr. Donovan stated he understands that this employee is employed through the Commissioner of the Revenue and council doesn't have the authority to terminate this employee, but feels they can lead.

Evan Ajin, vice president of operations and part owner of Nexus Services, stated the actions and ideology by the employee who sent the Hitler emoji are unacceptable.

Jennifer Davis Sensenig, president of Faith in Action (FIA), stated packets were distributed to council members prior to tonight's meeting, stated FIA is a new local organization made up of 19 covenant congregations, and invited all those involved in the organization to stand. Ms. Davis Sensenig stated each of the congregations have been working towards building up the community and serving needs here in Harrisonburg and Rockingham. FIA would like to expand and work on local justice issues, and in the first year the group will specifically focus on local justice for immigrant neighbors. Ms. Davis Sensenig stated FIA has been hosting listening circles and building relationships. She noted organizations that have collaborated with FIA, and asked the city to consider becoming a "Welcoming America" city. Ms. Davis Sensenig explained what a "Welcoming America" city would require from the city and noted FIA would be back later in the summer asking for support in the form of a resolution.

A gentleman associated with FIA got up and shared his story that began after the war in 2003 and how he and his family were happy to find a safe home in Harrisonburg. He also shared his experiences regarding the challenges that his family was worried about when arriving.

Gordon Turner, general counsel for Nexus Services, echoed the concerns of Mr. Donovan and Mr. Ajin and stated he had trouble processing what he had seen and doesn't see the humor of the Hitler emoji. Mr. Turner stated he doesn't know how long this employee has been sending this emoji, but it is being used now. Mr. Turner stated he too understands council doesn't have the authority to fire this employee, but feels they have the authority to make a recommendation or provide an opinion of what should be done. Mr. Turner stated he would like to see the city become a major city and would like to see action taken on this matter and encouraged council to get involved and to do the right thing.

Richard Moore, executive vice president of Nexus Services, stated he felt he was one of the two Nexus employees targeted by email from the employee of the Commissioner's office. He believes in the city, is proud of the Pride Festival that is happening again this year, and is also proud of the direction the city is going. Mr. Moore stated he was shocked to see what came across city emails and noted the trip referred to in the email happened to be to San Salvador to investigate police and citizen killings. Mr. Moore stated he researched and found the website where he felt the Hitler emoji came from and stated council has the power to investigate and establish policies to address this type of behavior.

Eric Snyder, Nexus Services employee, stated his job is to provide safety to his coworkers and family, he is a decorated American veteran, and he was placed overseas to fight this type of hate and ideology.

Rick Nagel, chief government affairs officer for Nexus Services, stated he had lived in northern Virginia, became an official resident of Harrisonburg as of April, and concurred with the other speaker's comments.

Tonya Cortez, Nexus Services employee, stated she is a native of Harrisonburg, she is disappointed about what happened, and feels council can set an example for future generations.

Mayor Jones reviewed his three campaign issues. He stated he personally empathized, but explained that it isn't council's constitutional right to act towards this employee. Council Member Degner thanked Mayor Jones for recognizing the gravity of the matter and offered that he would be happy to discuss the issue later in the meeting. Vice-Mayor Baugh stated he hopes that we would always condemn any use of Nazism in any form.

**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 Council Member Shearer, to approve the consent agenda 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. Budget Work Session Minutes**

These minutes were approved on the consent agenda.

**5.c. Consider a request from Wharton Aldhizer & Weaver, PLC (WAW) to rezone 2,316+/- square feet of their property from B-2, General Business District to B-1C, Central Business District Conditional and located at 245 East Water Street**

This rezoning was approved on second reading.

**5.d. Consider a supplemental appropriation in the amount of \$2,404,517.00 for the Sanitation Fund**

This supplemental appropriation was approved on second reading.

## 6. Public Hearings

### 6.a. Consider an amendment to Section 7-4-1 of the Harrisonburg City Code increasing water rates

Mike Collins, director of Public Utilities, stated while proposing to balance the budget and retaining a fund balance, which will provide a liquidity of 177 days, an increase in the water rate is needed. An increase of \$0.15 cents represents approximately a \$0.75 increase per month to a typical residential customer that uses 5,000 gallons a month and will generate approximately \$300,000 in revenue, which will be applied to the debt service for the Park View Tank. The new Park View Tank should be online by the summer of 2017. Mr. Collins requested to amend ordinance 7-4-1 of the Harrisonburg City Code to increase water rates charged by the city by \$0.15 cents per one thousand (1,000) gallons on all customers. This is an amendment to raise water rates as set forth in the proposed FY16-17 budget.

At 7:42 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, May 14, 2016 and Saturday, May 21, 2016.

At 7:43 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Degner stated infrastructure costs money and the Park View Water Tank has been planned for some time. Council Member Shearer stated more water is needed with an increase of residents and is impressed that only a \$0.15 increase is needed.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the water rate as stated. 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

### 6.b. Consider an amendment to Section 15-2-24 of the Harrisonburg City Code, Chicken Ordinance

City Attorney Brown stated during the previous meeting council wanted a public hearing to be scheduled for tonight's meeting. Attorney Brown reviewed what changed in the ordinance from what was recommended by Planning Commission, which were the requirements of the permit being displayed and the inclusion of a neighbor waiver.

Mayor Jones clarified that he doesn't want the neighbor waiver coming across as a

stance for or against this ordinance; the idea was to create conversation between neighbors. Mayor Jones noted that even though written consent from neighbors should not be required, there should be documentation that shows a dialogue occurred between neighbors.

At 7:50 p.m., Mayor Jones closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Saturday, May 21, 2016.

Brian Burkholder, 1246 Upland Drive, recalled the history of the ordinance passed in 2009. Mr. Burkholder stated it contained too many hurdles for which individuals needed to comply and it kept chickens out of the city or individuals that did have chickens didn't comply with the ordinance passed. Mr. Burkholder stated the amended ordinance proposed by Planning Commission makes it much easier for citizens to comply and for the city to manage the raising of backyard chickens. Mr. Burkholder is in favor of the originally proposed amendments by the Planning Commission.

Michael Zook, 484 South Mason Street, stated he was impressed with the work the Planning Commission did and stated the Commission went above and beyond to address any concerns. Mr. Zook is in favor.

Marianna Bowling, 32 Monument Avenue, stated, as a parent and an educator, having chickens is a great opportunity to teach children where food comes from.

Hobey Bauhan, President of the Virginia Poultry Federation, stated the city is a unique location. Mr. Bauhan commended the Planning Commission's hard work in addressing the issues of Avian Influenza and by taking measures that will maximize protections for the poultry industry. Mr. Bauhan is in agreement with Planning Commission's recommendation and was thankful for all the efforts that were made.

Quillon Hall, 675 New York Avenue, stated that he and a friend spoke with a few of the council members because they had chickens illegally. Mr. Hall noted he sat through the process with the Planning Commission and has been very impressed with their efforts. Mr. Hall noted that education is the key and feels the neighbor waiver should not be required since it is not required to keep a dog or cat. Mr. Hall is in favor of the proposed amended ordinance provided the neighbor waiver requirement is removed.

Mayor Jones asked Mr. Hall if he felt it would be helpful to take educational literature to his neighbor to make them aware that chickens will be in his backyard. Mr. Hall stated the process is enabling residents to become more knowledgeable and educated about the risks free range chickens may cause to the poultry industry and feels this will help those that have chickens illegally to follow the process and comply with the ordinance.

Pamavotis "Poti" Giannakaouros, 98 Emory Street, stated he felt the neighbor waiver requirement should be removed, and if advanced notice is required to the neighbors then he would like to see notifications when pesticides are used as well. Mr. Giannakaouros noted the SWAC comments regarding set backs from streams, but does not mention setbacks from BMP's and therefore encourages the removal of the SWAC recommendation. Mr. Giannakaouros reviewed other matters brought up in previous meetings.

At 8:04 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Byrd made a motion to approve the current proposed amended ordinance with the neighbor waiver included. Council Member Shearer seconded the motion.

Council Member Degner asked City Attorney Brown about the best management practices for stormwater (BMP) concerns as mentioned during the public hearing. Attorney Brown stated that we use the term "Storm Management Facilities", which is a facility designed to transport stormwater; therefore it would not cover a rain garden. Mayor Jones asked Mr. Hartman to explain. Tom Hartman, assistant director of Public Works, stated that residential rain barrels and rain gardens would not be included, but commercial BMP's would, and the main objective is to avoid contamination to any direct connection to our storm sewer system.

Council Member Degner stated he will support the motion without the neighbor waiver as waivers aren't needed for other uses such as using a compound bow out a window to hunt, and noted his appreciation to the Planning Commission and leadership of the poultry industry.

Mayor Jones stated he didn't know about deer regulations.

Vice-Mayor Baugh stated he made sure that the neighbor waiver was a part of the discussion as it was successful in Ann Arbor, Michigan, and during Planning Commission there wasn't much interest in it. Vice-Mayor Baugh noted that Ann Arbor has since changed their neighbor waiver and feels that if there isn't much interest in our community then it should be removed from our proposed amended ordinance.

Mayor Jones stated he shared his opinion earlier and feels through education and communication the neighbor waiver would not be needed. Mayor Jones stated he would support an amended ordinance without the neighbor waiver as long as staff can provide education literature.

Council Member Byrd stated that hunting is regulated under state laws and referred to a previous debate where the following quote was used "to overturn public opinion one must believe a moral imperative".

Council Member Degner stated he was a swing vote on the chicken ordinance originally, the meeting was moved to the high school because of the interest against chickens, but feels opinions have obviously changed with the community and the council.

Council Member Byrd shared another quote from a previous meeting and noted that people's largest investment is their home and they were purchased knowing the current ordinance. Council Member Byrd stated now the residential use is changing and neighbors should have a say. Council Member Byrd stated that the neighbor waiver is not included then the setback requirements should be increased for both side and back yards, in respect to those in the above situation.

Council Member Shearer stated he is in support of the neighbor waiver because we are changing the rules of the game and people might have not bought their home if they knew chickens would be living next door. Council Member Shearer noted that it is a personal preference whether people mind or don't mind chickens next door, and to ignore that perspective, when there is an opportunity to give them a voice via the neighbor waiver. Council Member Shearer felt the neighbor waiver is a great compromise. He too noted that the Ann Arbor neighbor waiver worked well.

Mayor Jones reviewed the proposed amendment and the pen requirements and some discussion took place between Mayor Jones and Council Member Byrd as to how a pen is constructed.

Council Member Shearer spoke about his experience having chickens. Mayor Jones noted that any person violating this ordinance shall be guilty of a class 3 misdemeanor.

Mayor Jones recommended a motion be made to approve the proposed amended ordinance without the neighbor waiver.

Council Member Byrd asked if staff should come back with a revised ordinance so there is more time for council to review.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, that the proposed amended ordinance be adopted including the neighbor waiver. The motion failed with a recorded roll call vote taken as follows:**

**Yes:** 2 - Council Member Byrd and Council Member Shearer

**No:** 3 - Mayor Jones, Vice-Mayor Baugh and Council Member Degner

Council Member Degner made a motion to approve the ordinance with the neighbor waiver removed and add a recommendation, not requirement, for the applicant to provide information to neighbors about chickens.

Vice-Mayor Baugh asked how that could be enforced.

City Attorney Brown stated that it could be required that a copy of the application be provided to each adjoining landowner and the applicant must certify that was done when the application is submitted to the city. Mayor Jones doesn't feel that should be necessary.

Vice-Mayor Baugh noted that if something is put in an agreement without stating the consequences for non compliance, it creates problems, and just clutters the ordinance and provides reasoning for people to have conflicts.

City Attorney Brown stated you can prohibit someone from doing something, but you can't require someone to be nice.

Mayor Jones noted that an application needs to be completed, which is a privilege not a right.

Vice-Mayor Baugh noted if there is a box to check off on the application that the neighbors have been contacted, then a dispute arises, how is a dispute resolved, and it could be considered all hear-say. Vice-Mayor Baugh recommended language be added to proposed amendment stating it is recommended but not required to provide adjoining property owners with notification. Mayor Jones suggested education materials be added to that statement.

Council Member Degner withdrew his motion in anticipation of Vice-Mayor Baugh's motion based on his language being added. City Attorney Brown asked if the education materials should be provided by the city. Vice-Mayor Baugh stated yes.

Vice-Mayor Baugh made a motion to approve the proposed amended ordinance with a revision to 15-2-4(c)(10)(a)(iv) to say, "applicants are encouraged but not required to give notice and educational material provided by the city to adjacent property owners except for parcels that are legally adjacent to, but are separated from the applicant's property by a public or private street".

City Attorney Brown noted that an updated ordinance amendment can be provided prior to the second reading.

Vice-Mayor Baugh stated he recalled in 2009 things were viewed differently; his position has modified slightly since then, the community has moved forward, and feels that this is the best compromise to the issue.

**A motion was made by Council Member Degner to approve the ordinance with the neighbor waiver removed and add a recommendation, not requirement, for the applicant to provide information to neighbors about chickens.**

**Council Member Degner withdrew his motion in anticipation of Vice-Mayor Baugh's motion based on his language being added.**

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, to approve the proposed amended ordinance with a revision to 15-2-4(c)(10)(a)(iv) to say "applicants are encouraged but not required to give notice and educational material provided by the city to**



adjacent property owners except for parcels that are legally adjacent to but are separated from the applicant's property by a public or private street". The motion carried with a recorded roll call vote taken as follows:

**Yes:** 3 - Mayor Jones, Vice-Mayor Baugh and Council Member Degner

**No:** 2 - Council Member Byrd and Council Member Shearer

**6.c.** Consider a supplemental appropriation in the amount of \$39,710,416.60 for the General and School Capital Project Funds

City Manager Hodgen stated the city borrowed \$40M and those funds need to be placed in appropriate budget line items. The amount exceeded one percent of the budget and therefore the city is required to hold a public hearing.

At 8:42 p.m., Mayor Jones closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Tuesday, May 17, 2016.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 8:43 p.m., and the regular session reconvened.

**A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, that this supplemental appropriation be adopted. 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

At 8:43 p.m., Mayor Jones called the meeting into recess.

At 8:51 p.m., Mayor Jones called the meeting back into session.

## **7. Regular Items**

**7.a.** Presentations from the Service Learning Program project teams

Ande Banks, assistant to the city manager, introduced council to the 2016 Service Learning presentations. Mr. Banks shared his appreciation to the teams involved, to Mr. Moyer and Mr. Hook for their coordination and the city staff involved in this process.

Mary-Hope Vass, public information officer, stated that her team was tasked to evaluate the city seal, different logos being used throughout the city, and to provide a recommendation.

Sako Haji reviewed the project goals of evaluating the current city logos and plans for its future uses, while aiming for unity within the organization. Ms. Haji presented the proposed new logo and the variations which incorporate the city's

crest.

Lexi Eberly reviewed the steps taken to research the current letterhead, business cards and logo templates. Ms. Eberly noted the team assessed the changes that should be made while maintaining consistency across departments.

Tazhan Jaf noted that the crest was kept on the logo, incorporated the Blue Ridge Mountains in the background to signify the city's locality, and provided a more modern authoritative look. Ms. Jaf presented both acceptable and unacceptable variations, and suggested that the gray scale variation only be used for letterhead, faxing templates and memos. Ms. Jaf stated that if departments did not wish to use the new logo, the city crest could be used. Ms. Jaf presented the suggested business cards in which the layout would remain the same, but the logo would change and the team suggested the business cards would be the first item to change when the city transitions to the new logo.

Harmony Wilson debriefed council on the implementation and assimilation of the new logo. Ms. Wilson stated that initially the goal was immediate implementation throughout the city by all departments; however, after reviewing all of the locations where the crest, seal, and logo are shown the team opted for a method of phasing in their use. Ms. Wilson reviewed the project challenges and stated due to time constraints a style guide was not completed. The team highly recommended that a style guide be in place before transitioning to the new logo.

Mayor Jones agreed with the issue of consistency and shared his appreciation for the effort that went into the project. Mayor Jones asked if it would be possible to move the crest on the logo to the white space above the mountains. Ms. Jaf stated she tried that, but it took away from the environmental feel of the logo.

Paul Helmuth, health safety and EMS officer, noted he had the pleasure of working with his team of students who were tasked to look at the safety of firefighters, specifically using the National Fire Protection Agency (NFPA) 1500 standard.

Luca Gimenez-Vasquez, Isis Gutierrez, and Alec Mastrapa, presented their project, noting the project goals and expectations. They worked at three fire stations and reviewed the current national statistics on firefighter injuries, noted their efforts during inspection of fire stations 1, 2 and 4 and shared their recommendations for changes to ensure safety. The group concluded that the fire stations met NFPA standards.

Spencer Gibson, transit supervisor for the Harrisonburg Department of Public Transportation, noted he had the privilege of working with his team of students creating a video that is relatable and watchable for all new transit riders.

Christy Lovos, Jose Requena-Villeda, Alex Mastrapa, and Ayann Shinea reviewed the purpose for the department of transportation and central garage, the statistics

of what equipment is maintained, and the employees that help operate the departments involved. They showed a video which they produced. The video was used to show new students coming to JMU and the benefits of using the transit in their daily lives.

Mayor Jones and Council Member Shearer recalled their times on campus. Council Member Degner stated it would be interesting to compare the transportation times between transit and vehicle getting to destinations on JMU's campus. Mayor Jones suggested this video be presented to JMU for possible use, and thanked the team for their project efforts.

Matt Little, special events coordinator with Harrisonburg Parks and Recreation, stated this project aimed to bring technology and convenience to our city parks. Mr. Little noted that the students did a lot of research, and introduced the team.

Chase Berkshire, Chandler Hill, and Maddie Penrod, stated the initial goal of this project was to research effectiveness of QR codes, in and out of this country. The group tried to determine if QR codes would be a right fit for the department, how to implement them, and come up with ideas on how to use these QR codes. They presented their research. The group proposed the many uses for the QR codes in city parks, provided types of QR code plaques available. They stated the estimated cost for plaques at 60 locations throughout the city, would be \$700. They came to the conclusion that QR codes would be a great fit in the park system to bring it into the next generation.

Council Member Degner stated this was an excellent idea, should be forwarded to the Parks and Recreation Commission, and expressed to the team they did a great job. Mayor Jones thanked them for their efforts and noted it was very informative.

Jay Hook thanked the city staff for working with the students for the second year. Council Member Byrd stated there are great changes being made with whatever possible benefits exist, changes are going to a narrow subset population of city residents, and doesn't feel the opinion on chickens has changed in the city.

- 7.b.** Consider a resolution for the Blanket Project Funding Commitment and Blanket Signature Authority for the Virginia Department of Transportation (VDOT) funded projects

Tom Hartman, assistant director of Public Works, stated this request to clean up language for past and future resolutions requested by Virginia Department of Transportation (VDOT). Mr. Hartman stated the resolution for Blanket Project Funding Commitment and for Blanket Signature Authority will take care of having to do any individual resolution amendments for those grant applications and grant funding that didn't include the appropriate language from fiscal years 2010 to 2013.

**A motion was made by Council Member Byrd, seconded by Council Member Degner, that**

**this resolution be adopted. 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

**7.c. Report on the Stormwater Management Fund**

Jim Baker, director of Public Works, presented an update regarding the stormwater utility fund, after council requested it during the May 10, 2016 City Council meeting. Mr. Baker stated that the stormwater utility program is a multifaceted program that encompasses multiple items.

Tom Hartman stated there are six minimum control measures in the seventh total maximum daily load (TMDL) special condition and when the stormwater advisory committee (SWAC) started two years ago, four service areas were established and SWAC provided a recommendation regarding the level of service to be received out of these four service areas. Mr. Hartman stated an initial assessment was done and the city fell a little below on some as the city hadn't grown into some of the municipal separate storm sewer system (MS4) requirements at that time. Mr. Hartman stated that SWAC recommended minimal effort be done with minimal budget to be compliant in all four service areas. Mr. Hartman provided a brief explanation of each of the four areas.

Mr. Hartman noted they came up with a three-tiered approach to tackle the areas and achieved the required removal of pollutants, included the following: the development of best management practices (BMP's), projects on current city owned property, partnering with private developments, and purchasing from nutrient banks.

Council Member Byrd asked if SWAC prioritized these or did staff prioritize. Mr. Hartman clarified the three tiered approach is a list, not a prioritization order to get the most bang for the buck.

Mr. Hartman reviewed how the stormwater fee is broken down through operations and maintenance, permit compliance, utility administration, and capital projects. Capital projects are not something done every year and the idea is to build the bank to be able to cash fund the projects when needed.

Mr. Hartman reviewed the projects that were identified to help meet the TMDL goal: East Market Street Regenerative Stormwater Conveyance Channel project, in which a grant was secured to pay for half of the project through the Virginia Department of Environmental Quality (DEQ) and will be back out for bids in late fall. Lucy Simms Stormwater projects, for which a DEQ grant attempt was not successful, but will be tried again; and, finally the North End Greenway Stream Restoration project, which is a very valuable and more expensive project with the potential for more removal of phosphorous.

Mayor Jones asked why the Simms location was chosen. Mr. Hartman stated it was identified through the retro-fit study as cost effective BMP's, with decent drainage and possibility for bio-retentions.

Mr. Hartman presented the TMDL requirements for the current, second, and third permit cycles, which the current being set in stone and the two other cycles, reflect what DEQ anticipates to be mandated when those dates are reached. Mr. Hartman explained how these numbers could change depending on circumstances. The department is concentrating on obtaining the first cycle goals as well as trying to best prepare for the future goals.

Mr. Hartman noted that once the fee was set up, the ordinance was passed, and the first bills were ready to be sent out guidance was obtained from DEQ that the street sweeping program would be allowed, which provided 630 pounds of phosphorous removal. Mr. Hartman noted that the initial numbers with street sweeping from 2013/2014 were based on cubic yardage removed from the sweeper and converted to tonnage and in 2014/2015 were more accurate, after the yardage was weighed at the RRF facility. Mr. Hartman stated 800 pounds of phosphorous was removed with the initial permit last year and now the city is down to 630 pounds. The city is currently tracking to be a little less in tonnage, but that is the nature of street sweeping. Mr. Hartman believed that once they get further along in the program, they eventually will be able to get a realistic comfortable baseline with what street sweeping will provide.

Council Member Byrd asked if the DEQ requirements for street sweeping are honored for the first five years. Mr. Hartman replied that the requirement from DEQ is for five years and we have already met our goals for the first cycle.

Mr. Baker noted as Mr. Hartman pointed out, with street sweeping our goals have been met at this point and time, which was not expected. Research was done on street sweeping and how it has been credited with scientific background; however, Mr. Baker reiterated the information is still under study and could change in the future, as well as, storm drain debris and leaf collection, which are also being evaluated by DEQ and US Environmental Protection Agency (EPA). Mr. Baker noted that nutrient trading is available to us and the best management practices to have are the streambed restoration and wetland development, although they are the most costly.

Council Member Byrd and Mr. Hartman discussed what types of BMP's will be done based on the needs of the TMDL reduction requirements.

Mayor Jones suggested that Public Works disclose that all three types of pollutant removal are being considered at all locations, for clarity sake.

Council Member Byrd, Mayor Jones, Council Member Shearer, and Mr. Hartman discussed the 2023 and 2028 goals for capital projects. Mr. Hartman noted the three projects mentioned are to reach the 2023 goal and the stormwater

improvement plan will help us achieve the 2023 and 2028 goals. Mr. Hartman provided the estimated weight and total costs of removal of phosphorous, nitrogen, and sediment. The estimated costs for some of the planned projects, and a timeline of when the report from the consulting engineers who developed the stormwater plan is expected. Council Member Byrd and Council Member Shearer shared a concern on the generated funds from the stormwater utility fee, the excess funds that appear to be raised between now and 2023, and where funds will be applied. Mr. Baker noted that the fee was decided before street sweeping was considered and even though street sweeping is an added value, he cannot disagree with the reduction of the stormwater utility fee; however, due to future projects that could occur that are not yet planned, the additional funds may be needed.

Mayor Jones, Council Member Shearer, and Council Member Byrd discussed the utility fee and how it cannot be considered a tax, as it is a fee set aside strictly for the stormwater management projects. City Attorney Brown confirmed the funds collected from the stormwater utility fee can only be used for stormwater projects and if the fees are not paid, a lien can be placed on the property.

Council Member Degner suggested a request be given to SWAC to review the current figures and provide a recommendation if the stormwater utility fee should be reduced. Council Member Byrd noted there are two different committees: the original SWAC board, which developed the program and set the original fee structure and the current SWAC board, which is an advisory body to Public Works and does not have the ability to recommend fee changes. Council Member Byrd noted the fee is now the responsibility of council, therefore the information needed in order for council to make that decision must be clarified in order to come up with a fee that is acceptable.

City Manager Hodgen noted that tax and fees are sent to printer in September and hoped that any changes would take place in advance to the next billing.

**A motion was made by Council Member Degner, seconded by Council Member Byrd, direct the city manager to have Public Works provide justification for the fee given the new information. 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

- 7.d.** Consider moving forward in public notification for VWWP # 16-0730 which is the city's Virginia Water Withdrawal Permit from the South Fork of the Shenandoah River

Mr. Collins stated during the January City Council meeting the Raw Water Management Plan was discussed and permission was given to pursue a permit in the South Fork Shenandoah River (SFI). Mr. Collins shared the city's current raw water supply conditions and stated the Department of Environment Quality (DEQ) wanted to reissue our permit for fifteen years, which Mr. Collins felt uncomfortable

with and received a Tier 2 condition. Mr. Collins reviewed additional permit conditions and noted the following: our SFI will be limited to 10% of the in stream flow, plus 66% of our recycle; our North River intake (NRI) will be limited to 12% of the in stream flow; our Dry River Intake (DRI) will be unlimited and a 0.5 million gallon a day (MGD) bypass; flow meters and stations will have to be installed at DRI. One milliliter screens will need to be installed at SFI, NRI, and DRI, with an opportunity for alternative design; and, the permit will become the city's Drought Management Plan. Mr. Collins reviewed the minimum flow conditions of the Drought Management Plan which would allow the city to receive 1.3 MGD from the NRI and 9.1 MGD from the SFI. Mr. Collins stated the city will need to determine in the future, depending on how the city grows, how to receive between 11.3 and 15.3 MGD. Mr. Collins provided the following options to receive the additional 0.9 to 4.9 MGD needed which were from the following: conservation, Switzer Dam, Silver Lake, Western Corridor Wells, Shenandoah River Wells, wholesale contract, or Frazier Quarry. Mr. Collins proposed to take the necessary actions needed to secure the 10.4 MGD and reviewed the impacts that he foresees causing a \$2M to \$4M increase, which included the following: increased Shenandoah capacity; complex pumping control; screen systems as SRI, NRI, DRI; and, flow monitoring at DRI. Mr. Collins recommended publishing for reissuance of permit and developing a Shenandoah Project Master Plan that would include the scope of work, the cost, and a schedule to be presented to council. Mr. Collins noted that the city isn't currently listed on the anticipated deficits listing and hopes this projects will help keep the city off that list.

Council Member Shearer asked about the current permit. Mr. Collins noted the city's current permit is expired. Mr. Collins also clarified with council if they would like him to move forward with the Shenandoah Project Master Plan, which council showed no objection.

**A motion was made by Council Member Byrd, seconded by Council Member Degner, to move forward with the public notification phase. 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

- 7.e.** Consider a resolution for submitting grant application to the Land and Water Conservation Fund Grant Program for additional funding for construction of athletic fields and associated amenities

Lee Foerster, director of Parks and Recreation, stated staff is requesting approval of a resolution tonight to submit a grant to receive funds to construct additional soccer fields, parking lot, and trails at the Smithland Park. Mr. Foerster stated this is the second year the city is applying, that it is a very competitive grant, and the city's share is already listed under the Smithland Capital Projects Fund.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the resolution. 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

**7.f.** Discussion on the proposed FY2016-2017 budget

City Manager Hodgen stated he made an error and the beginning real estate tax increase would begin with a proposed \$0.065 increase and noted the revenue projects totaled \$2.5M. City Manager Hodgen stated he presented a few possible solutions but not recommendations to reduce the increase, but a half cent decrease is where he and the finance director are both comfortable.

There was discussion on the following: to consider a late funding application from the Shenandoah Valley Children's Choir (SVCC); the \$1M excess in Fund Balance; the excess is approximately 1% over the 18% that the city is required to retain and there are projects that are coming down the pipeline; the history of the recent past tax increases and decreases; the year end surplus in Fund Balance continues to be ignored year after year; with a \$0.03 real estate tax increase the city would still be looking at over \$3M in excess Fund Balance; we know the city will need \$2.5M in new revenue; there will be future real estate tax increases; the current budget isn't putting any money aside for the high school solution; the amount over the 18% helps the city receive better bond ratings; would like to use the excess to lower the real estate increase; in favor of the option provided by the city manager moving Capital Projects and paying them with one time dollars with a \$0.035 real estate tax increase; the city manager is comfortable with \$1M over the 18%, is concerned about the asks of future council's wants and needs, and noted the money that will be needed for the CAD/data system for public safety; if money is being saved, projects need to be listed under Capital Projects; would like to see \$9,000 put towards the SVCC; money can be given throughout the year, if council concurs; council shares the concern about the city's fiscal health while maintaining and improving services provided; projected money versus not actual money; we are only a couple of big ticket items and unpleasant surprises away from tough choices; the city has reduced real estate taxes in the past and can do it again; the city continues to grow and we haven't increased our services, but the services being provided have increased; we need to pay what we spend; we aren't the state meaning we aren't able to pass our costs to anyone to fix things down the road except to our citizens; we are never going to collect the exact taxes we need and we need to project what is going to happen; and, it is council's duty to ask questions.

**A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve the budget with a \$0.06 real estate tax increase, with an additional \$167,000 above the manager's recommendation to the School Board budget, and adding an allocation up to \$29,300 being spent towards the Newtown Cemetery. The motion carried with a recorded roll**



**call vote taken as follows:**

**Yes:** 3 - Mayor Jones, Vice-Mayor Baugh and Council Member Degner

**No:** 2 - Council Member Byrd and Council Member Shearer

**8. Special Event Application Requests**

- 8.a.** Consider the special event request for the Shenandoah Valley Pride Festival on Saturday, July 23, 2016 in downtown Harrisonburg

Katie Yount, director of events for Harrisonburg Downtown Renaissance (HDR), stated the organizers of the event were present and could answer any questions council may have and noted surrounding property owners had been notified. Council Member Byrd questioned if the private parking lots that would be blocked with the street closure had second entrances. Ms. Yount stated yes.

**A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve the special event application. The motion carried with a unanimous voice vote.**

- 8.b.** Consider the special event application for the Brothers Craft Brewing 3 Miler on Saturday, August 27, 2016

Ms. Yount stated the Brothers Craft Brewing 3 Miler will be held on Saturday, August 27, 2016 and the race will take place on Washington Street, the surrounding businesses had been notified, and all the residents have a different exit point from their property.

**The approval of the request was made with item 8.c.**

- 8.c.** Consider the special event request for the Alpine Loop Gran Fondo on Sunday, September 25, 2016 starting in downtown Harrisonburg

Ms. Yount stated the Alpine Loop Gran Fondo would be held on Sunday, September 25, 2016 and all the city departments had approved the request.

**A motion was made by Council Member Shearer, seconded by Council Member Degner, to approve both special event application requests. The motion carried with a unanimous voice vote.**

Council thanked Ms. Yount for her time at HDR and wished her the best on her endeavors.

**9. Other Matters**

Council Member Byrd stated he received a phone call regarding a bear issue in the city and requested the city manager to follow up with the police department as they had been in contact with the Department of Game and Inland Fisheries (DGIF). City Manager Hodgen stated he is expecting them to work with us on higher level solutions due to us being a city and we have trash pickup that occurs somewhere in the city Monday through Friday. City Manager Hodgen stated it seems that the city has had bears in the past at least once a year and seems to recall tranquilizers being used in the past. City Manager Hodgen presented

standard information from the DGIF and where sightings of bears have been in the city over the last year.

Council Member Byrd stated he received a concern from a citizen regarding the city becoming lenient with enforcement of the tall grass and weed ordinance. Council Member Byrd stated that there has been a tremendous amount of rain during the last few weeks, but the ordinance still stands and recommended citizens report any properties that might not be in compliance to Community Development.

Council Member Degner stated he received a request from a citizen in Rockingham County inquiring when the next Community Criminal Justice Board meeting would be held. Council Member Degner stated he serves on the board, he hasn't been informed of an upcoming meeting, and he forwarded the information onto members of the board and suggested the board meet at the end of June or the beginning of July. There was brief discussion on the following: the Moseley Report, asked for proposed agenda items from the community, and the chair is the one that calls the meeting.

Council Member Degner asked for an update regarding the Standards Performance Committee, stated his understanding is that city staff has met at this point, and asked for information regarding the committee be presented during the next meeting.

Council Member Degner acknowledged the comments that were made during the public comment period in regards to the city email system and how the action was inappropriate.

Council Member Degner also acknowledged the request from FIA regarding the city becoming a "Welcoming America" city and asked the city manager to review the request. City Manager Hodgen stated staff has met with the group, they were here tonight to introduce themselves, and they plan to come back with a more formal presentation to ask the city to become a member. Vice-Mayor Baugh stated that there is a short list of requirements, but one was a designated staff person to serve as a liaison and that is one of the items he would like to receive feedback on. City Attorney Brown stated there are other requirements and he is gathering more information. City Manager Hodgen stated the city of Roanoke is the only Commonwealth city that is currently a member and he has received little information from them, but FIA indicated the staff person would be expected to be involved five to ten hours per week. City Manager Hodgen stated he did inform FIA at this time ten hours per week would not be feasible. Council Member Degner stated the city addressed the homelessness and hunger issues in Harrisonburg through collaboration from organizations across the city and they had been successful. Mayor Jones stated he hoped by signing the resolution we aren't saying that the city hasn't been a welcoming community, because by looking at the diversity within the city, the city is a welcoming community.

Vice-Mayor Baugh circled back to the Community Criminal Justice Board and stated the Moseley Report made many recommendations. One suggestion was the need for the group to meet more frequently and to bring the Moseley Report off the shelf and review the other recommendations. Vice-Mayor Baugh also stated out of all the stakeholders, the city has been consistent advocates to have this group meet more frequently. Council Member Degner noted that in the past council has directed him to communicate these wishes. Vice-Mayor Baugh stated it is fine for citizens to contact council, but also pointed out there are other stakeholders that can be contacted. Council Member Degner noted again the chair of the board is the one in charge of calling the meetings. Mayor Jones suggested speaking with Brian Moran, the secretary of public safety and homeland security, and getting some clear direction from a state level. After brief discussion, Mayor Jones stated he would reach out to Secretary Moran and Fran Ecker with the Virginia Department of Criminal Justice Services.

**9.a. Consider cancelling the June 28, 2016 City Council meeting**

Council Member Shearer asked if there were any pressing issues. City Manager Hodgen stated at this time there were no matters that he knew of and if something were to come up an emergency meeting could be called.

**A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to cancel the June 28, 2016 City Council meeting. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 3 - Vice-Mayor Baugh, Council Member Degner and Council Member Shearer

**No:** 0

**Abstain:** 2 - Mayor Jones and Council Member Byrd

**10. Boards and Commissions**

**10.a. Industrial Development Authority**

**A motion was made by Council Member Byrd, seconded by Council Member Degner, to re-appoint Bradley Chewing, 1832 College Avenue, to a third term and Cody Crider, 744 Lee Avenue, to a first term on the Industrial Development Authority to a term that will expire April 24, 2020. The motion carried with a unanimous voice vote.**

**10.b. Stormwater Advisory Committee (SWAC)**

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to re-appoint Joanna Mott, 297 Bluestone Hills Drive, to the Stormwater Advisory Committee to a term to expire April 28, 2019. The motion carried with a unanimous voice vote.**

**10.c. Planning Commission**

Council Member Byrd questioned the qualifications of Mr. Finks. Council Member

Degner and Vice-Mayor Baugh stated they felt he would be a good fit for the position.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to appoint Mark Finks, 618 Stuart Street, to the Planning Commission to an unexpired term to expire December 31, 2016. The motion carried with a majority voice vote.

**11. Closed Session**

At 11:34, a motion was made by Council Member Degner, seconded by Council Member Shearer, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 1 for a discussion of the performance of specific public employees and Subsection 3 for the discussion and consideration of disposition of publicly held real property. 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

**12. Adjournment**

At 12:00 a.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 12:01 a.m., there being no further business and on motion adopted, the meeting was adjourned.

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR