



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Mayor Deanna R. Reed
Vice-Mayor Richard A. Baugh
Council Member Ted Byrd
Council Member George Hirschmann
Council Member Christopher B. Jones

Tuesday, December 12, 2017

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Christopher B. Jones and Council Member George Hirschmann

Also Present: 4 - Acting City Manager Ande Banks, City Attorney Chris Brown, Lt. Todd Miller and City Clerk Ande Banks.

2. Invocation

Council Member Byrd offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

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

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

No: 0

5.a. Minutes from November 28, 2017 City Council Meeting

These minutes were approved on the Consent Agenda.

5.b. Consider a supplemental appropriation for the Water Capital Projects Fund in the amount of \$7,000,000

This Supplemental Appropriation was approved on second reading

6. Public Hearings

7. Regular Items

7.a. Presentation of the city's Fiscal Year 2017 Comprehensive Annual Financial Report (CAFR)

Dustin Roderick, senior associate for Brown Edwards and Co., stated he has been working on the city's audit for the past six years, thanked the council and city staff for allowing the opportunity to serve the city and would like to recognize the finance staff and school board for their courtesy, professionalism and hard work in helping with the audit. Mr. Roderick reviewed the Auditors Report in the Comprehensive Annual Financial Report for FY2017, and noted the city was given the best auditor opinion that one can receive. Mr. Roderick reviewed the Compliance Section and noted no findings were reported.

This Presentation was received and filed.

7.b. Consider adopting the proposed City of Harrisonburg Stormwater Improvement Plan

Daniel Michael, Chairman of the Stormwater Advisory Committee (SWAC), presented the Stormwater Improvement Plan (SWIP) which the Committee and staff had worked closely to create. Mr. Michael stated staff has been great to work with and as a group consideration was given to the range of options available to meet the regulatory compliance with the Chesapeake Bay and Blacks Run requirements. Mr. Michael stated they focused on maintaining the existing stormwater utility fee. Mr. Michael thanked four of the SWAC members for their continued involvement and stated the Committee unanimously adopted the plan and hopes city council will adopt it for implementation.

Daniel Michael, Chairman of the Stormwater Advisory Committee (SWAC), presented the Stormwater Improvement Plan (SWIP) which the Committee and staff had worked closely to create. Mr. Michael stated staff has been great to work with and as a group consideration was given to the range of options available to meet the regulatory compliance with the Chesapeake Bay and Blacks Run requirements. Mr. Michael stated they focused on maintaining the existing stormwater utility fee. Mr. Michael thanked four of the SWAC members for their continued involvement and stated the Committee unanimously adopted the plan and hopes city council will adopt it for implementation.

Tom Hartman, assistant director of Public Works, recognized Kelly Junco and Rebecca Stimson from Public Works for their work on the document. Mr. Hartman

reviewed the background of the Stormwater Utility Fee, which was established in 2014, revised it in 2015 reducing the billing rate, and has been operating at the rate of \$6.00 per 500 square feet since then. Mr. Hartman stated the first year of the program was to get a better understanding of the requirements of the Total Maximum Daily Load (TMDL) and to allow for a framework to establish how to move forward within the three permit cycles. Mr. Hartman stated the first plan began in July 2016, a consultant was hired to develop a Stormwater Improvement Plan Scoping Document to provide information on what areas of gaps in data there were and how to set up the framework for the SWIP. Mr. Hartman stated in December 2016 the development of the SWIP began, hiring A. Morton Thomas and Associates (AMT) to help facilitate getting through it. Mr. Hartman stated in the spring of 2017 a public meeting was held, shared ideas of how the plan will be laid out, heard concerns from residents of drainage and flooding areas so that these locations can be added to the mapping system (GIS), and as the SWIP is developed, it would be easier to identify where improvements are needed in stormwater quality and quantity.

Mr. Hartman stated the SWIP does two things, it provides a framework to meet the Chesapeake Bay TMDL pollution requirements, known since 2013, of nitrogen, phosphorous and sediment, and it helps work towards the Blacks Run / Cooks Creek TMDL, which pollution requirements are still in the works. Mr. Hartman reviewed the pollutant removal requirements for the Chesapeake Bay TMDL cycles, and noted any credits from the Chesapeake Bay TMDL can be used for the Blacks Run/Cooks Creek TMDL. Mr. Hartman noted the TMDL requirements for Blacks Run/Cooks Creek will not have a deadline of when the pollutants need to be removed.

Mr. Hartman reviewed the four different ways the SWIP will help meet the pollutant reduction goals: programs, projects, annual nutrient purchases and permanent nutrient purchases. Mr. Hartman reviewed the programs in place in the SWIP, which include: Residential Credit Program, street sweeping, connection to sanitary sewer, tree planting and storm drain cleaning. Mr. Hartman reviewed the SWIP project backgrounds, prioritizations, and the purchasing of temporary and permanent credits. Mr. Hartman stated they are trying to not have an increase in the Stormwater Utility Fee by proactively seeking grants and cost sharing with property owners.

Mr. Hartman reviewed the implementation and next steps of the SWIP, how the plan can assist with the FY19 Budget and noted it should be updated every five years or as needed. Mr. Hartman reviewed the Stormwater Program goals, which overall is to minimize the changes to the utility fee and meet compliance requirements.

Mr. Hartman stated a motto was created: Buy, Build and Promote, and reviewed what each of those meant. Mr. Hartman stated the city was not selected to receive the grant funding from the Dupont grants that were being offered which means some projects will not be completed as fast as expected.

Council Member Byrd thanked Mr. Hartman and staff for the work that went into this

over the past four years. Mr. Byrd stated a lot of citizen participation went into this and the SWIP is presented as the current regulations stand. Council Member Byrd stated it takes one change in the regulations and everything could change from the credit and planning.

Mr. Hartman stated the SWIP does two things, framework to meet the Chesapeake Bay TMDL pollution requirements, known since 2013, of nitrogen, phosphorous and sediment, and helps work towards the Blacks Run / Cooks Creek TMDL, which pollution requirements are still in the works. Mr. Hartman reviewed the pollutant removal requirements for the Chesapeake Bay TMDL cycles, and noted any credits from the Chesapeake Bay TMDL can be used for the Blacks Run/Cooks Creek TMDL. Mr. Hartman noted the TMDL requirements for Blacks Run/Cooks Creek will not have a deadline of when the pollutants need to be removed.

Mr. Hartman reviewed the four different ways the SWIP will help meet the pollutant reduction goals: programs, projects, annual nutrient purchases and permanent nutrient purchases. Mr. Hartman reviewed the programs in place in the SWIP which include: Residential Credit Program, street sweeping, connection to sanitary sewer, tree planting and storm drain cleaning. Mr. Hartman reviewed the SWIP project backgrounds, prioritizations, and the purchasing of temporary and permanent credits. Mr. Hartman stated they are trying to not have an increase in the Stormwater Utility Fee by proactively seeking grants and cost sharing with property owners.

Mr. Hartman reviewed the implementation and next steps of the SWIP, how the plan can assist with the FY19 Budget and noted it should be updated every five years or as needed. Mr. Hartman reviewed the Stormwater Program goals which overall is to minimize the changes to the utility fee and meet compliance requirements.

Mr. Hartman stated a motto was created: Buy, Build and Promote, and reviewed what each of those meant. Mr. Hartman stated the city was not selected to receive the grant funding from the Dupont grants that were being offered which means some projects will not be completed as fast as expected.

Council Member Byrd thanked Mr. Hartman and staff for the work that went into this over the past four years. Mr. Byrd stated a lot of citizen participation went into this and the SWIP is presented as the current regulations stand. Council Member Byrd stated it takes one change in the regulations and everything could change from the credit and planning.

A motion was made by Council Member Byrd, seconded by Council Member Jones, to adopt the Stormwater Improvement Plan as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

7.c. Presentation of a cost analysis of building a second high school

Andy Kohen, chairman of the Harrisonburg City School Board, stated he is requesting, on behalf of the School Board, council's endorsement of a proposal that was made unanimously at the School Board meeting on December 5, 2017.

Mr. Kohen stated awareness of the overcrowding began prior to his 2015 election, and reviewed the activity up to the point of where the Space Study Committee was formed and noted that per the city's own bond counsel, a large bond issuance of \$100M was feasible and would not jeopardize the city's bond rating. In February of 2017 a joint meeting was held between city council and the school board in which it was made clear by council that a full package price would need to be presented to enable council to move forward on a funding decision.

Deborah Fitzgerald, vice-chair of the Harrisonburg City School Board, reviewed the activity of the Space Study Committee from inception to the final recommendation of a new high school to the School Board and further recommendation to council to endorse the investigation of land, on which the school could be built. Ms. Fitzgerald stated at the same time, the proponents of a plan to shuffle sixth graders to elementary school and ninth graders to middle school stated it would assist in reducing the number of students in the current high school, rather than having to build a new one. Ms. Fitzgerald stated the School Board discussed these plans in two public meetings, and the proposal was rejected as operational costs would increase significantly and the overcrowding problem would not be solved. Ms. Fitzgerald reviewed the activity on searching for land to accommodate the new school, the results and the review of additional architectural and engineering bids. Ms. Fitzgerald presented conceptual designs of what the new high school could look like.

Dr. Scott Kizner, superintendent of Harrisonburg City School, provided council with binders including all the activity that has occurred to date that led to the conclusion that a new high school was needed. Dr. Kizner reviewed the projected enrollment through the 2021-22 school year and what is needed to ensure access, equity and opportunities for all students such as: ability to have access to participate in all classes, the opportunity to be part of a sports team, reduced class sizes for optimum learning, ability to meet the unique learning, social, emotional and behavioral needs of the students and promote a safe and orderly school environment. Mayor Reed asked if the middle school students have the opportunity to play in JV leagues at the high school now. Dr. Kizner stated yes. Dr. Kizner stated the current high school's hallways and stairways are not large enough for the current enrollment and teachers do not have their own classrooms. Dr. Kizner reviewed how a new high school would provide additional space that supports the best in teaching and learning. Dr. Kizner stated the school board listened to the public, understood the new school needed to

be cost efficient and have a great quality the community would value for decades to come. Dr. Kizner reviewed the new high school cost analysis, and noted the school board will address other things that need to be addressed once the school board receives approval from council of funding. Dr. Kizner requested council to support the decision of the school board for \$76M to educate the children in the city the way they deserve to be educated.

Deanna Reed thanked Dr. Kizner and School Board members for their presentation.

Council Member Jones stated he understands there will be less students that will be told no when trying out for sports. Council Member Jones stated he toured the current high school unannounced, witnessed the overcrowding in the classrooms, and saw the need to create more space for the students in order to experience opportunity, access, equity, and to have a full healthy experience while attending the current high school over the next four years once a decision is made. Council Member Jones stated he feared for the students who were, or will be, denied access due to space limitations and regulations and feels something needs to be done now. Council Member Jones stated as we move forward he hopes to be able to tell the parents what is going to happen to the students that are currently in sixth through ninth grade now, and the idea of building a new school to fix the overcrowding problem is not a satisfactory answer to those parents in the now. Council Member Jones stated we need to get creative and go into further space studies and further communications so that something can be figured out. Dr. Kizner stated during the budget conversations he will be back before council with options to alleviate the space issues over the next four years. Council Member Jones stated it is important to know how much funding is needed and how urgent the new school is needed, but there are students in the school now that cannot be underserved, which should be the number one priority. Council Member Jones stated there are costs for the new school proposal to come to fruition, such as land acquisition, and he hopes that if council can decide on a timeline in the next month or so it shouldn't throw the School Board off with their timeline. Dr. Kizner stated the January 9, 2018 Council Meeting would be at the edge of where the decision needs to be made. Council Member Jones stated he would be in favor of supporting moving forward provided a few items that will be discussed in closed session and with the School Liaison Committee can be satisfied. Council Member Jones thanked the School Board for the options from the architects because a lot of feedback from the Bluestone Elementary School project was received and he feels it was heard.

Mayor Reed asked Dr. Kizner how the costs were reduced from \$96M to \$76M. Dr. Kizner stated class room allotment was reduced, auditorium square footage was reduced and it does not include a football stadium. Dr. Kizner stated three architects provided site proposals, the firm that was hired reflected less funding for site work, but that may change once work begins. Dr. Kizner stated after reviewing with the architect over the weekend they feel that the lights and fields for soccer and baseball/softball can be made into stadiums with funds allocated in the current

proposal. Dr. Kizner stated capacity to add on in the future could be a possibility for those items not included currently in the proposal. Dr. Kizner stated many asked why the same design of the current high school could not be used, and his reply was the square footage of the new high school would be less but more compact and vertical but will still fit 800 to 1200 students.

Mayor Reed asked Dr. Kizner what is his response when people say the new school will be a fine arts academy and everyone else will go to the current high school. Dr. Kizner stated there can be many options such as transporting students from one school to another for certain classes and to have the opportunity to take classes in both high schools. Council Member Jones stated he has received conflicted feedback on that option. Mayor Reed asked Dr. Kizner about the space needed now as previously mentioned by Council Member Jones, and if we have the options to do something about the space now, why couldn't it be extended longer than four years. Dr. Kizner stated because the numbers will keep on growing and he will do all he can to minimize the impact to student learning. Dr. Kizner stated even though alternative spaces can be found it will not be the quality instruction that takes place under one room. Dr. Kizner stated when Bluestone Elementary was approved, it was to alleviate the over-crowding of the two middle schools, and stated it made an amazing difference to have a reduction of 25% of the students. Dr. Kizner stated he will make sure students have access to the classes they want as much as possible by finding alternative space, not trailers, to get through the next four years.

Council Member Hirschmann stated he realizes something needs to be done regarding the overcrowding but there are a group of people that are very concerned at the cost. Council Member Hirschmann asked Dr. Kizner what were the other two architect proposals. Dr. Kizner stated they ranged in the mid \$50M range, didn't include the land, and for space that would only accommodate 800 students. Council Member Hirschmann asked Dr. Kizner what the deciding factor was to pick the most expensive proposal. Dr. Kizner stated it didn't seem fair to the community to build a new school that would be at capacity at opening. Council Member Hirschmann asked where in the current proposal could it be down-sized, how much flexibility is in this proposal. Dr. Kizner stated on construction bid day it will be determined if cut backs need to be made or if costs come under expectations.

Council Member Jones stated in full disclosure a figure was provided previously to the School Board on previous builds and the funding ended up coming in higher than originally proposed.

Council Member Byrd stated with land acquisition the proposed funding needed would be around \$84.5M, and asked what the cost of the new high school would be if construction was delayed, would it be at the 4.5% inflation rate and what is the estimated additional operational expenses when the school opens. Dr. Kizner stated until the design is known as to what will be offered at both schools, a preliminary staffing pattern was based on the current high school staffing, the standard of quality

and inflation rates, just to name a few variables. Dr. Kizner stated staffing and operating costs at one high school with 2100 students would run approximately \$19.8M and \$20.7M if there were two schools, plus inflation rates. Council Member Byrd asked will the high school be like the current one or will it be specialized. Dr. Kizner stated it could be both. Mayor Reed stated the ROTC is more diverse than the fine arts. Council Member Byrd asked what are the other options and what are the costs that have been considered since the Joint meeting on June 8, 2017. Dr. Kizner stated three options were reviewed, and the school board still feels strongly that if an annex or add-on to the current high school was built for 800 students, it would be at capacity in a year or two and would not be a good use of tax dollars. Council Member Byrd asked if the lowest priced RFP was selected by the school board and if a ceiling was added to the RFP. Dr. Kizner stated the lowest RFP was chosen and there was no cap, but asked them to start and stop at \$70M.

Council Member Jones stated he feels that the majority of people supporting the new school will also want the Geothermal heat pump HVAC system, which is estimated to be an additional \$6M to the proposal. Dr. Kizner stated the cost analysis is available on line and the school board has been remarkably transparent.

Mayor Reed stated the school board and city council are working together on this via the liaison committee, and council will go into closed session and take it from there.

This presentation was received and filed.

8. Other Matters

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

James "Bucky" Berry, 30 W. Washington Street, stated the salvation army is having a shortage of bell ringers this year, one out of five people in the city are in need of food and asked citizens to contribute in his upcoming food drive. Mr. Berry stated the officers of Harrisonburg Police Department should be paid more and the cliques within the department need to be dismantled.

Ronald Flores, resident of Harrisonburg for over 20 years, and is a supporter of the Temporary Protected Status (TPS) and works in the real estate business. Mr. Flores stated there are many people from different countries under the TPS status and the Deferred Action for Childhood Arrivals (DACA) status, and is so rewarded when a house is sold and the family members rejoice in being homeowners. Mr. Flores feels there are many immigrants that have bought houses in the city, who are fearful of the threat against these programs and is hoping council will consider signing a resolution in support of TPS and DACA and to lobby other local and state representatives for comprehensive immigration reform that will allow those under TPS and DACA to continue contributing to all aspects of this great city.

Nelly Shenk, co-founder of Comité Salvadoreño Paisanos Unidos (COSPU), which works with the immigrants to bring the Hispanic community with the American community. Ms. Shenk feels blessed to be in this town, as it feels like home, and asks council to pass a resolution to protect TPS and DACA recipients. Ms. Shenk hopes that within the next few weeks, the resolution can be drafted and determine the impact it would have in the future.

Becky Deloney, 33 Laurel Street, thanked Bucky Berry and Brent Berry for all of the efforts they do and offered donations brought in from the residents in the audience.

James "Bucky" Berry thanked Ms. Deloney for the donations, and stated he was contacted by the General Assembly in Richmond and Brent will be recognized by them with a Virginia State flag, and Congressman Goodlatte is working on something with President Trump that still needs to be finalized. Mr. Berry stated they do not do what they do for the recognition, Brent will soon be 19 years old, and is extremely excited about the upcoming food drive.

8.b. City Council and Staff

Council Member Jones stated he feels our police officers do a tremendous job and has always wanted more support for the police department as well as another station for our fire department. Council Member Jones stated they do such great work with what they have, and as much as we need to supply education, water and safety are other basic things needed as well. Council Member Jones stated he would like to applaud public safety and public works for the services they offer.

Vice Mayor Baugh stated Planning Commission will be meeting on December 13, 2017, and will be reviewing the Capital Improvement Plan (CIP), a preliminary plat on Acorn Drive, a Public Utility application not coming with a favorable action due to support of a development in the county and staff stated they need a rezoning from the County in order to do it before the Planning Commission can make the decision, and a special use permit on Old South High Street.

8.c. Discussion regarding December 26, 2017 city council meeting

Council Member Byrd made a motion that the second meeting in December, which this year falls on the 26th, be cancelled and take up regular business on January 9, 2018.

A motion was made by Council Member Byrd, seconded by Council member Jones to cancel the City Council Meeting scheduled for December 26, 2017. The motion carried with a unanimous voice vote.

8.d. Continued Other Matters - City Council and Staff

Council Member Byrd stated he encourages everyone to come out on Saturday afternoon, December 16, 2017 for the James Madison University home game.

Council Member Hirschmann stated he is glad the school issue is started and encourages all to contribute to the Salvation Army or other entities as it is needed.

Mayor Reed recognized Mr. Kurt Hodgen for attending the council meeting. Mayor Reed stated if anyone is interested in serving on one of the city boards or commissions, vacancies are posted on the city's website and would appreciate their time; reminder that city offices will be closed December 25 and December 26, 2017, be sure to check out the holiday trash collection schedule; and the new Parks and Recreation Activity Guide is now available on line so check out the latest classes and activities.

9. Boards and Commissions

9.a. Parks and Recreation Commission (PRAC)

A motion was made by Council Member Byrd, seconded by Council Member Jones, to appoint James Logan and Daniel Martonik and re-appoint Joshua Humphries to the Parks and Recreation Commission as presented. The motion carried with a unanimous voice vote.

9.b. Stormwater Advisory Committee (SWAC)

A motion was made by Council Member Byrd, seconded by Council Member Jones, to appoint Gregory Sach to the Stormwater Advisory Committee as presented. The motion carried with a unanimous voice vote.

9.c. Harrisonburg Rockingham Community Policy and Management Team (CPMT)

A motion was made by Council Member Byrd, seconded by Council Member Jones, to re-appoint Dane Byers and Mary Ellen Chewning to the Harrisonburg Rockingham Community Policy and Management Team as presented. The motion carried with a unanimous voice vote.

10. Closed Session

10.a. Virginia Code Section 2.2-3711(A), under: Subsection 3 for a discussion of the acquisition of real estate for a public purpose..body

At 9:10 p.m., a motion was made by Council Member Byrd, seconded by Council Member Jones, 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 a discussion of the acquisition of real estate for a public purpose and for the disposition of publicly held real estate.

A motion was made by Council Member Byrd, seconded by Council Member Jones, 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 a discussion of the acquisition of real estate for a public purpose and for the disposition of publicly held real estate. The motion carried with a

recorded roll call vote taken as follows:

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

No: 0

11. Adjournment

At 9:54 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 9:54 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR