



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final 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, November 28, 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

Mayor Reed offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Presentation on an overview of the 15th Annual Race to Beat Breast Cancer 5K

Erik Dart, Athletics and Special Events Manager, Harrisonburg Parks and Recreation Department, stated he has been with the department for 19 years of which the last 15 years he worked with this annual event. Mr. Dart stated this year they wanted to rebrand and change a few things so they partnered with the JMU Sorority Zeta Phi Beta. Mr. Dart stated as a result, attendance numbers went up 76.4% from last year to 591 participants, 188% increase in funds received and as a fundraiser that stays local, that is always the end goal. Mr. Dart stated, \$14,394.79 was donated, which is the largest fundraiser, to date, in more than a decade. Mr. Dart and staff presented a check to Janet Wendelken with RMH Sentara Foundation.

Janet Wendelken stated proceeds from last year's race funded 172 mammography's for women who could not afford them in our community. Ms. Wendelken stated with this year's fundraiser, they will be able to do many more mammography's. Ms. Wendelken stated in 2016, 186 women in our community were diagnosed with breast cancer, which is way too many, we need to detect early, make sure everyone gets a mammogram at the right age and at the right time. Ms. Wendelken thanked the Parks

and Recreation department on behalf of the RMH Foundation, the Sentara RMH Medical Center and the Women's Center, as without their creativity, ideas and hard work, there would not have been such successful event.

This Presentation was received and filed.

4.b. Announcement of new city manager

Mayor Reed stated that with great excitement she announced that the next city manager has been hired, Mr. Eric Campbell. Mayor Reed stated Mr. Campbell will begin on January 16, 2018, he comes from Dallas, Texas where he served as assistant city manager, he is no stranger to Virginia growing up in Richmond and served in local government for Petersburg and Portsmouth, and was an assistant city manager in Charlotte, North Carolina. Mayor Reed stated Mr. Campbell brings a wealth of skills and as city council, we look forward to our new chapter with our new city manager and she feels he is an ideal fit for our community.

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

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

No: 0

5.a. Minutes from November 14, 2017 City Council Meeting

These minutes were approved on the Consent Agenda

6. Public Hearings

6.a. Consider the issuance and award of up to \$7 million in the form of a general obligation bond to finance the first phase of the eastern source water supply project

Ande Banks, acting city manager, presented the financing request for the first phase of the Eastern Raw Waterline project, in which Mr. Collins, director of Public Utilities, presented, at previous meetings, details regarding the overall project which is to have a 42" waterline across the city to the eastern corporate limits. Mr. Banks stated the \$7M requested is to take that waterline to the vicinity of Port Republic Road. Mr.

Banks stated a resolution is required to seek financing the first phase.

At 7:07 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Tuesday, November 14, 2017 and Tuesday, November 21, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:07 p.m., and the regular session reconvened.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the adoption of the resolution as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

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

Ande Banks, acting city manager, stated it is required that after the issuance of the \$7M public debt, council's approval is needed to correctly appropriate those funds into the right line items in the budget.

At 7:08 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Tuesday, November 21, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:09 p.m., and the regular session reconvened.

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

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

No: 0

7. Regular Items

8. Special Event Application Requests

Consider a special event application for People's Day

Andrea Dono, director of Harrisonburg Downtown Renaissance presented a special event application for Peoples Day on January 18, 2018, which is a ceremonial walk

organized by the Martin Luther King, Jr. Coalition, it will begin at the Emanuel Episcopal Church and follows Martin Luther King, Jr. Way to Highway 42, with an estimate of 250 participants and may include some rolling street closures or barricades depending on attendance and safety.

A motion was made by Council Member Byrd, seconded by Council Member Jones, to approve the special event application as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

8.b. Consider a special event application request for the International Women's Day March

Andrea Dono, director of Harrisonburg Downtown Renaissance presented a special event application for the 2nd Annual International Women's Day March on March 10, 2018, from 10:30 am to 12:00 pm, with an estimate of 250 participants. Ms. Dono stated the participants will walk from City Hall to Court Square. Ms. Dono stated the Special Events Committee did not recommend street closure, however, the organization wants street closures. Mayor Reed stated last year there were no streets closures.

Ande Banks, acting city manager, stated at the last Welcoming America meeting they did share their request of street closures and were aware of Ms. Dono's efforts.

Ms. Dono stated the group views this event as very symbolic and meaningful for them, they would like it to continue to grow and they were hoping for street closures for this event.

Council Member Byrd asked Mayor Reed, since she participated in this event last year, if street closures are recommended. Council Member Jones stated if there are too many participants on the sidewalk it creates issues for the local businesses. Mayor Reed stated it was well attended last year, and feels the attendance will be more this year, and is inclined to recommend street closures.

Corporal Wayne Westfall, Harrisonburg Police Department (HPD), stated a change of direction travel was requested by HPD so that staying on the sidewalk could be accommodated and have a rolling street closure, similar to the Peoples Day request, in order to avoid full shutdown of downtown which would affect all the businesses and parking in the area.

Council Member Jones asked if the rolling street closure would allow for participants to walk on the street if necessary. Cpl. Westfall stated they could, but asked them to stay on the sidewalk unless the participation gets too great and the need to occupy the street can be accommodated with the rolling street closures.

Vice Mayor Baugh stated this could be less of an issue for the roadways especially on a weekend, but the request to stay on the side walk is for safety reasons in case there is traffic coming from alleyways etc.

A motion was made by Council Member Byrd, seconded by Council Member Jones, to approve the special events application with the stated conditions. 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

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)

Jim Gilchrist, 1054 Bob White Place, stated he feels certain that most of the attendees of this council meeting want the city to develop a cost-effective solution to the overcrowding of the high school. Mr. Gilchrist stated what is needed is a safe, educationally effective way to ensure the students receive the quality education they require and the city could be cognizant of the financial pressures that are building. Mr. Gilchrist stated the proposed new high school is not the only option to cope with over-crowding and it is certainly not the best, as the proposed school, with all its proposed costs would cost the city well in excess of \$100M, and at this time the city is facing a likelihood of other major capital-intensive infrastructure improvements. Mr. Gilchrist stated the tax burden on low income/fixed income residents would cause them to move outside of the city or find inventive ways to cope with the increase burden. Mr. Gilchrist stated an increase in number of residenceB, especially in areas zoned C-1, are solving their problems by sharing their homes with several other families. Mr. Gilchrist stated that although these activities increase the population they do nothing to increase the tax base, in fact, the increase in population that is not paying the appropriate share of the taxes exacerbates the burden on our school system and social service activities. Mr. Gilchrist stated failure to rein in the current proposal to build a new high school with the attendance costs will result in a totally unacceptable tax burden on current homeowners and a flight of these overburdened residents to more acceptable tax environments. Mr. Gilchrist stated we need cool heads and need city council to insist on a pause to allow for a careful analysis of recently constructed high schools in the surrounding area, a voucher system that would allow students to transfer to other area high schools, utilizing shifts or year-round schooling, take a hard look at the overhead burden currently in the Harrisonburg School systems and other outside the box proposals. Mr. Gilchrist stated in doing this we will facilitate a better solution to the over-crowding problem with the development of a cost effective, safe, and educationally effective way to meet the needs of the students while not over taxing the financial resources of Harrisonburg.

Jack O'Brien, 328 Ott Street, previous senior of Harrisonburg High School (HHS),

stated he has noticed that the topic of most public comment periods lately have been about the over-crowding of HHS, which is a pressing matter and will most likely end with a hefty check. Mr. O'Brien stated he has also seen citizens concerned about the economic state of Harrisonburg, more specifically those living on fixed or low income. Mr. O'Brien stated these people should not and cannot be forgotten as Harrisonburg grows if our goal is a healthy sustainable city. Mr. O'Brien stated he is deeply grateful for the community that expresses concerns for these individuals, it was a wakeup call personally to recognize their struggles. Mr. O'Brien stated he would like to propose a course of action for the future, let's all work together in this heightened activism to solve both problems. Mr. O'Brien stated a key of analysts came forward with a new solution to overcrowding, a new high school, and he is sure many will be able to volunteer and find solutions to help the impoverished in our community. Mr. O'Brien stated he personally has tried to get more involved and more knowledgeable of the underrepresented parts of the community, but stated let's strive to find the best solution to every problem.

James "Bucky" Berry, 30 West Washington Street, stated during a food drive in October 2017, a woman approached him to do a story about his food drive and family. Mr. Berry shared a story of his childhood and how important the Salvation Army was to his family and over 32,400 families have been helped by his food drives for the Salvation Army. Mr. Berry stated he feels there are other options than building a new high school and feels if taxes are raised the need for food in the community will be even greater.

Cathy Copeland, 1966 Russell Drive, stated research had been done and splitting from one high school to two does require challenging work and dedication, it also requires that the town support the new high school and that mixed messages would be eliminated. Ms. Copeland shared a few examples of how other cities throughout the country worked through the transition, and stated the challenges they faced were not insurmountable, they had to carefully act, and one can only imagine the resources that can be drawn when the School Board and the city of Harrisonburg can focus their energy on fixing the problems making sure there isn't a new and an old high school, making sure that there is not a disparate community and instead of dealing with if this project will happen, etc. Ms. Copeland stated a taskand force could be created to deal with these issues, the School Board showed initiative with the Space Study Committee, ForHHS2, and all the other groups that have built up are really interested in trying to find all of the solutions to these problems. Ms. Copeland stated council is needed to make a definitive leap and vote yes so things can go forward. Ms. Copeland stated our community deserves the next step be dealt with and suggests council trust the community, the school board and education.

Barbara Reisner, 324 Franklin St., stated there has been talk of other communities building schools for less money, schools are very expensive to build, and if national numbers project out to the proposed school opening in 2021, the average high school across the country costs \$107M, the cost per square foot is \$314 and the cost per

student is \$66,000 per student. Ms. Reisner stated if the School Board gets estimates anywhere around the \$70M she feels it will be a bargain compared to other communities in the country. Ms. Reisner stated the 20th Annual School Construction Report shows average costs of schools in different regions of the country, Virginia is part of Region III, which included DC, Maryland, Delaware and West Virginia, and in 2014 the median high school in our region was 300,000 square feet, had 1,345 students, and the cost was \$80M, at \$225 per square foot and \$63,000 per student. Ms. Reisner stated from 2005, when the current high school was built, to 2014, square footage costs have gone up 57% and per student construction costs have gone up by 88%, school inflation costs are higher if reviewed through 2017 and even more in 2021. Ms. Reisner stated it is hard to pull accurate numbers together based on what is online but she has done her best to put together a snapshot of what things cost. Ms. Reisner stated she has gotten her figures after reviewing the 20th Annual School Construction Report, the Virginia Department of Education school construction cost data, division websites and US News and World Report school rankings, and incorporated a construction inflation rate of 4.25% per year. Ms. Reisner reviewed costs of two schools built in Wise County and the school built in east Rockingham, and feels if these schools were to be built today, they too would cost over \$70M. Ms. Reiner stated the Space Study Committee asked the School Board to look at the future and build beyond our current population so we don't have to build another high school as soon as the second high school is built. Ms. Reisner stated when the time comes she hopes council will fund a second high school based on what real schools cost not outdated costs from a decade ago.

Adrienne Hooker, 1106 Ridgewood Road, presented to council a packet containing over 350 names and addresses in support of the second high school. Ms. Hooker reviewed several comments from the cards and stated council can see that the community wants a new high school and asks council to please continue.

Kimberly Bolyard, 166 Westhampton Court, resident for 15 ½ years, stated she has a 2018 HHS graduate and an eighth grader at Thomas Harris Middle School. Ms. Bolyard stated her eighth grader has had large classes since she started at Keister Elementary has experienced the increase in enrollment that the public school system has had. Ms. Bolyard shared research data she found online in regard to larger schools versus smaller schools and how the students and communities are affected. Ms. Bolyard stated according to the research larger high schools, especially serving low income students, have disproportionately lower achievements, higher incidences of violence, and lower graduation rates than smaller schools serving similar populations. Ms. Bolyard stated it is important the city builds a second high school, that is high quality, where students feel proud to attend, stay and graduate, a place where community can call home, where youth athletic teams can practice and where community events can meet. Ms. Bolyard stated she would like to advocate doing the right thing for the youth in our community, these students are our future business leaders and contribute to the economic vitality of our community.

Jim Orndoff, 22 E Market Street, stated on behalf of the Valley Justice Coalition he wanted to remind the public that there will be a Justice Planner event held on Thursday, November 30, 2017 at 4:00 pm at the County Administrative Building - Fire and Rescue room and at 7:00 pm at the Lucy F. Simms Center. Mr. Orndoff stated the speaker will be Neil Goodloe, community justice planner for the Thomas Jefferson Area Community Criminal Justice Board in Charlottesville, who had demonstrated the value of the position and brought significant improvements to criminal justice system in Charlottesville and the surrounding area. Mr. Orndoff stated he hopes that many will attend to learn what establishing a position like that could do for our community. Mr. Orndoff stated the Community Criminal Justice Board meeting will be held on December 4, 2017 at 4:00pm at the County Administration Building - Fire and Rescue room.

Randy Cline, 480 Hartman Drive, stated an event happened in the city last week that involved hate speech via vandalism of signs/graffiti and after speaking with the police department and the Commonwealth Attorney he found out that the symbol used is only viable or reliable when it is on a church or school. Mr. Cline stated this symbol represents hate speech.

Jennita Portillo, 765 Northfield Court, stated her children would like to speak. Jonathan stated he is seven years old, was born and raised in Harrisonburg and attends Smithland Elementary School, and he wants the new high school to be a great high school. Alison stated she wants a new high school built for the city and for her future as she wants to be a teacher and would like to be a teacher one day at the new high school.

Crystal Solsa 416 E. Washington Street, stated in 2012 her family of six lived in a mobile home, and noticed the children were disturbed and anxious in such a small space, so her and her husband decided they needed to move to a larger home and noticed a difference with more space. Ms. Solsa stated she has two sons that graduated from HHS and one son who currently attends HHS, and noticed that all three struggled with the overcrowding. Mrs. Solsa stated council has the power and the community supports a new school.

A gentleman, no name or address provided, stated he knows what a difficult decision this must be for council, obviously something needs to be done, but he has a few concerns regarding secondary impacts on whatever the decision the council makes. He stated there will be less discretion on how to spend money, we must be careful about business taxes as he feels raising the taxes too much will push businesses out into the county, which in turn, has an impact on the tax base making things more problematic than things are now. He feels there are very conflicting objectives in terms on how this decision needs to be made.

Kelly Brady, 85 Shenandoah Avenue, thanked council for listening to everyone, she stated she was on the Space Study Committee, and is in support of a new high

school based on her 13 years of experience as a school counselor. Mrs. Brady stated over the years she has encountered “shopper parents” who check out the schools for quality, size factors, teachers etc., and if they like what they see they move to the area, build a business etc. Mrs. Brady stated she and her husband value this community and feels her children deserve to go to a high school that is not overcrowded. Mrs. Brady thanked council for listening and providing feedback over the past few months and hopes council will make a decision that affects all of Harrisonburg.

9.b. City Council and Staff

Council Member Jones thanked all city staff for their hard work and dedication during the Thanksgiving events.

Vice Mayor Baugh stated there is a JMU Liaison meeting on Thursday, November 30, 2017.

Council Member Byrd stated the Stormwater Improvement Plan will be finalized on Wednesday, November 29, 2017 and will be coming before the council December 12, 2017. Council Member Byrd stated he hopes everyone comes out on Saturday, December 2, 2017 to support the JMU playoff game, and looks forward to seeing everyone at the Holiday/Christmas Parade on Friday evening, December 1, 2017.

Council Member Hirschmann asks that everyone come out and support the parade and the weather should be great for it.

Ande Banks, acting city manager, stated city staff is seeking direction from council regarding a request from a business located on the south end of town asking for the sign ordinance be amended, which would be for the construction of a free-standing sign in excess of 100 feet to better promote and advertise to interstate traffic. Mr. Banks stated there are several zones along the interchanges of 81 that allow for higher than normal signs, however this request would be in excess of those allowances. Mr. Banks stated traditionally the way the city has handled or considered these kinds of sign ordinance amendments has been ad hoc with city council addressing directly unless larger more substantial amendments to the sign ordinance would be required. Mr. Banks stated the ordinance doesn't require public hearing or review by Planning Commission, but staff is requesting this be forwarded to the Planning Commission prior to council's final consideration. Council Member Byrd asked if this would be specific to one interchange or all three. Mr. Banks stated that is why staff is asking council for direction as it would have implications for businesses in the other interchange areas in the city. Mr. Byrd stated this is for signage to capture dollars that are going up and down the interstate for the businesses located there, and he would like to review the request. Mayor Reed stated she would like to review as well. Vice Mayor Baugh asked if Council Member Byrd and Mayor Reed mean for this to go before Planning Commission first. Council Member Byrd stated it

is at council's discretion since there are no set procedures. Vice Mayor Baugh stated it seems to be the norm that if the ordinance amendment request just requires a minor tweak without broader implications council handles it, but if becomes a broader issue it normally goes in front of the Planning Commission first. Council Member Jones stated he is fine with reviewing it without presenting to planning commission, all agreed.

Mr. Banks stated with the city hall construction and the ultimate renovation of the back portion of the municipal building for the farmers market restrooms, it has opened up the footprint for what was the Welcome Home Garden and allowed for potential expansion of that area. Mr. Banks had conversations with Fine Earth who had donated the original design for the Welcome Home Garden to make sure they did not have any issues with us tampering with the original design. Mr. Banks stated Chad Layman with Fine Earth proposed donating design time to help us come up with a design to expand the original design into the new area, which then expanded in to including the Farmers Market, who had a passion for donating furniture for a seating area in memory of a founding member of the Farmers Market, which then led to one of the members of the Farmers Markets, Natural Gardens, willingness to donate the plant materials. Mr. Banks stated the community came together to create a design and provide the materials to expand the Welcome Home garden and the only ask is that Parks and Recreation staff be willing to do the some of the manual labor for the installation. Council Member Byrd asked if we maintain the current garden. Mr. Banks stated that was correct. Council Member Byrd stated it is a wonderful idea and would go ahead in full steam since we are still in planting season. Council Member Jones thanks Fine Earth and Natural Gardens for their offers. Vice Mayor Baugh stated the last Plan Our Park meeting was less than two weeks ago and this has come together since then.

Mr. Banks stated the Virginia Municipal League (VML) put out a call to action based on the tax reform bills Congress is currently considering which have direct implications for the revenues to the city, and certainly projects that have benefited such as the historic tax credits, etc. Mr. Banks presented a letter to council that he drafted, taking the language from VML, to send to Senators Kaine and Warner and Congressman Goodlatte, just to weigh in and share our concern about the potential fiscal implications to the city if those tax reforms go forth. Council Member Byrd stated he may not always agree with all the positions VML takes, but on some of these he can sign off on, and stated he is good with the letter drafted.

Mayor Reed stated the annual Holiday Parade will be on Friday, December 1, 2017 starting at 7:00 pm, people can visit with Santa at Harrisonburg Fire Department Station 4 from 4:00 pm to 6:00 pm and street closures for the parade will start as early as 5:00 pm; real estate taxes are due December 5, 2017; if you are interested in serving on any Boards and Commissions please check out the website for vacancies and your time would be appreciated.

10 Boards and Commissions

10a. Building Code Board of Appeals

City Attorney Chris Brown stated the Board of Building Code Appeals has quite a few vacancies and under state law we are allowed to have between five and nine members on that board and it states we must have a builder, an electrician and a property manager. Mr. Brown stated in our city code we have nine members and we require an architect, a professional engineer, a property manager, experienced builder, a person experienced in fire prevention, a master plumber, a master HVAC mechanic and a master electrician. Mr. Brown stated it can be hard to find all of these experienced people who are willing to serve and in checking with our building department no one can remember the last time this board met. Mr. Brown stated staff is requesting this code section be reviewed and look at reducing the numbers of member to five making it more manageable and easier to get people to serve and keep track of. Vice Mayor Baugh stated there was one issue that came up within the last seven or eight years, and doesn't recall if it made it to the Board for review.

This Boards and Commissions was tabled.

10b. Harrisonburg Redevelopment Housing Authority

A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to appoint John Hall to the Harrisonburg Redevelopment Housing Authority. The motion carried with a unanimous voice vote.

11. Closed Session

12. Adjournment

At 8:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR