



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final 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, September 22, 2015

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:** 5 - City Manager Kurt Hodgen, Assistant City Manager Anne Lewis, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

### 2. Invocation

Council Member Byrd 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, thanked council for their leadership regarding the positive changes to the Community Criminal Justice Board (CCJB).

Jim Orndoff, 2 North Main Street, echoed Mr. Maclin's comments and thought the CCJB held a gratifying meeting. Mr. Orndoff would like to see the membership exceed the minimum that is noted in the regulations of the CCJB. Mr. Orndoff noted some individuals and groups that he would like to see represented on the board and stated that more subcommittees could be created if there were more members. Mr. Orndoff also stated he would like to see regular meetings set and would like council to provide direction to the board just as they did for public comment.

Mary Boitnott, 55 North Brook Avenue, stated parking spaces had been reduced in front of her house due to a new business, Grand Packaging, that moved in across the street. Ms. Boitnott noted she doesn't have a driveway like others along her street and would like council to look into the matter. Ms. Boitnott noted people that live on Market Street also use parking spaces along her street.

**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)**

Vice-Mayor Baugh noted that he had recused himself from agenda items 5.b. and 5.c. and due to law changes, a more specific statement had to be provided. Vice-Mayor Baugh stated there is a historic business relationship with the party involved and that was the basis of his recusal. Vice-Mayor Baugh stated that he will also recuse himself on the vote of 5.b. and 5.c. on the consent agenda.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the consent agenda with the minutes reflecting Vice-Mayor Baugh's statement. 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. Consider a request from J-M Apartments with representative Jim Monger to rezone a 17,777 +/- square feet parcel located at 141 West Bruce Street, from M-1, General Industrial District to B-1C, Central Business District**

**This rezoning was approved on second reading.**

**5.c. Consider a request from J-M Apartments with representative Jim Monger to amend the Zoning Ordinance Section 10-3-85 Uses Permitted Only By Special Use Permit of the B-1, Central Business District by adding warehousing and other storage facilities as a special use in the B-1 district**

**This zoning ordinance was approved on second reading.**

**5.d. Consider repealing Section 17-1-1 and amending and re-enacting Section 17-1-2 & 17-1-3 of the Harrisonburg City Code to eliminate school election districts and to provide for at-large election of Harrisonburg City Public School Board Members**

**This ordinance was approved on second reading.**

**5.e. Consider a supplemental appropriation for the Public Works Department in the amount of \$2,148,332**

**This supplemental appropriation was approved on second reading.**

**6. Regular Items**

**6.a. Update from Big Brothers Big Sisters of Harrisonburg-Rockingham**

Lindsay Douglas, Big Brothers and Big Sisters of Harrisonburg and Rockingham

County Resource Development Director, thanked council for their continued support and highlighted the following items from the memorandum provided to council: the program operates out of every school in Harrisonburg; one-on-one mentoring services for children facing adversity; most children are living 125% or below poverty, more than half are in single-parent homes and 10% have one or two incarcerated parents; volunteers meet at least once a week for an hour with the child; over 500 youth have been served in 2015, with more than 60% of those children residing in Harrisonburg; 95 Harrisonburg children are still on a waiting list to be matched with a mentor; and, innovating services that meet the growing challenges and needs of local children. Mrs. Douglas stated Big Brothers and Big Sisters (BBBS) is an evidence based program that children see an increase to self-esteem, academic success and relationships. Mrs. Douglas again thanked council for their continued support.

Kevin Flint, Board President, stated he is excited where BBBS is going, shared about his time serving as a big brother and thanked and expressed gratitude towards council. Mr. Flint stated BBBS is always looking for more volunteers and there is a need for more males. Mr. Flint shared about the outreach that has taken place in different civic organizations.

Council Member Shearer stated BBBS of Harrisonburg and Rockingham County served more "littles" than any other community in the state of Virginia per capita basis, but volunteers are still needed for both jurisdictions. Mr. Flint stated being a volunteer isn't a huge time or financial commitment due to the opportunities provided by the organization.

**6.b.** Consider approval of the Harrisonburg Department of Public Transportation's Title VI Plan

Assistant City Manager Lewis stated over the past year Harrisonburg Department of Public Transportation has been working on the Transportation's Title VI Program and Limited English Proficiency Assessment so discrimination doesn't occur. Assistant City Manager Lewis stated the assessment describes the public outreach and involvement activities that occurred. The resolution will certify that council agrees with the assessment and the city is providing transportation in a non-discriminatory way and will be forwarded to the Virginia Department Rail and Public Transportation.

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

**6.c.** Consider creating a working group for CAD/data management system replacement

City Manager Hodgen stated our CAD/data management system will no longer be serviced after December 2018 and it is recommended to create a working group

which will be tasked to prepare a request for proposal (RFP) for consulting services and subsequently recommend a consultant to assist the city and county in the replacement of the system. City Manager Hodgen shared the recommended individuals to serve on the working group, which were the following: emergency communications director; the city fire chief, police chief, information technology director and a GIS person; the county fire and rescue chief, information technology director and a GIS person; Harrisonburg-Rockingham court services director, sheriff and jail captain; and, James Madison University police chief and technology vice president. City Manager Hodgen stated by December 2015 an RFP is to be issued for the actual system; by July 2016 we would want a consultant hired; and, a new system in place by December 2018. City Manager Hodgen stated the system is expected to cost between \$2M and \$4M.

Council suggested both a City Council member and a Board of Supervisor member be placed on the working group. It also was suggested the Virginia Department of Criminal Justice Services review the RFP and proposals that are submitted. Council Member Degner noted he would like to see a criminologist in the group. Council Member Degner and Mayor Jones will serve on the working group. City Manager Hodgen noted that there would most likely be subgroups established to bring in areas of expertise as needed.

**A motion was made by Council Member Degner, seconded by Council Member Byrd, to approve the working group with representation from City Council, a criminologist to be identified at JMU and provide the option to the County Board of Supervisors to have representation. 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.d.** Consider voting delegates for the Virginia Municipal League Conference

City Manager Hodgen noted Vice-Mayor Baugh and Council Member Byrd are the only two council members registered to attend the Virginia Municipal League (VML) conference. Mayor Jones noted he will be attending the Mayors Conference through VML.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to make Vice-Mayor Baugh the voting delegate and Council Member Byrd as the alternate voting delegate during the VML Conference. 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. Supplementals**

**7.a.** Consider supplemental appropriation for Economic Development in the amount of \$150,000

City Manager Hodgen stated these are funds that had been set aside to cover expenses included in the Hotel Madison & Shenandoah Valley Conference Center predevelopment agreement.

**A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, that this supplemental appropriation be approved on first reading. 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.b.** Consider a supplemental appropriation for the School Board in the amount of \$1,200,000

City Manager Hodgen stated these funds had been set aside for the School Board incurred and continued costs for the architecture and engineering services associated with the new school construction. These funds are the remaining amounts of the \$2,000,000 that council set aside for this purpose and will be transferred to the School Capital Projects Fund from the General Fund's fund balance.

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

**8. Other Matters**

City Manager Hodgen stated a three hour CCJB meeting was held. City Manager Hodgen stated they endorsed the proposal submitted by the Gemeinschaft Home to provide the day reporting services program with an initial contract period beginning January 1, 2016 through June 30, 2017, with two year structured renewal options. It was noted once the program begins, approximately 180 - 200 individuals could be enrolled in the program. City Manager Hodgen stated the next step is for both City Council and the Board of Supervisors to approve the pilot program and more information will be presented prior to that approval.

City Manager Hodgen stated reports were provided by the CCJB regarding the in-jail counseling grant; an update regarding the secure assessment program, with a start-up date currently unknown; and, all programs mentioned were included in the current year's budget.

Council Member Degner stated public comment was held during the CCJB meeting, programs were reviewed and it was helpful for the community to hear what was taking place. Council Member Degner agreed that regular meetings for the CCJB are necessary. Council Member Degner stated he felt the attendees

appreciated the efforts that have taken place, but still voicing that other representation needs to be added to the board.

City Manager Hodgen noted the CCJB voted to withdraw the submittal to the Department of Corrections for the satellite jail for Harrisonburg-Rockingham.

Vice-Mayor Baugh asked for an update about the animal shelter. City Manager Hodgen stated no changes have been made since the last update, but he will check again on the status.

Vice-Mayor Baugh stated he along with other council members had been contacted by a citizen to revisit the chicken ordinance. Council Member Byrd asked how many citizens currently had registered chickens. City Manager Hodgen noted that currently the city hasn't received any applications. The following discussion was held: open to have a public hearing; suggested to explore the option of adding neighbors' approval to the process; suggested to explore the option issuing a certain number of permits with an implemented trial period; other options weren't looked at during the 2009 debate; and, refer this matter to Community Development for review.

Vice-Mayor Baugh reviewed upcoming Planning Commission items.

Mayor Jones noted there will be a joint City Council and School Board meeting on October 15, 2015 in Council Chambers.

Mayor Jones noted he had visited the peewee football games that were provided through Parks and Recreation and it was great to see all involved.

Mayor Jones stated the Tourism Expert and Review Panel will consist of representation from a local young adult; lodging; a local family; JMU; EMU; Children's Museum; Virginia Tourism corporation; the Parks and Recreation Department; the Valley Mall; the uptown area, the northend/northeast area; a restaurant; and, HDR, which the Mayor serves on.

## **9. Boards and Commissions**

### **9.a. Current board and commission vacancies**

Mayor Jones noted the five boards and commissions that are seeking applications.

## **10. Closed Session**

### **10.a. 2.2-3711(A)(7) Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel**

**At 7:54 p.m., a motion was made by Council Member Shearer, seconded by Council Member Degner, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 7, consultation with legal counsel**

regarding specific legal matters requiring the provision of legal advice by such counsel. 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

**11. Adjournment**

At 8:29 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 8:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR