



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, September 26, 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: 5 - City Manager Kurt Hodgen, Deputy City Manager Ande Banks, City Attorney Chris Brown, Police Chief Stephen Monticelli and City Clerk Banks Ande

2. Invocation

Council Member Byrd led the invocation

3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance

4. Special Recognition

7.e. Resolution honoring Dr. Ronald Carrier

Mayor Reed presented a resolution honoring Dr. Carrier to his daughter-in-law, Linda Carrier, to honor his life. Mayor Reed stated Dr. Carrier was a very special man to the JMU community as well as the city of Harrisonburg, she has very fond memories of Dr. Carrier and noted we are all grieving over his loss.

A motion was made by Council Member Jones seconded by Council Member Hirschmann to approve 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

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)

Council Member Byrd asked that Item 5.c. be tabled pending further conversations

between city staff, the state veterinarian and the Virginia Poultry Federation regarding tweaking some of the language as well as looking at the biosecurity which will benefit the school system as well. Vice Mayor Baugh stated this was at the request of the Poultry Federation and a discussion with the school system.

A motion was made by Vice Mayor Baugh seconded by Council Member Byrd to approve the consent agenda with agenda item 5c removed.

5.a. Minutes from September 12, 2017 City Council Meeting

A motion was made by Vice Mayor Baugh seconded by Council Member Byrd to approve the minutes 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.b. Consider a request from Benjamin Ray Landes to rezone one parcel, located at 1164 South High Street, from M-1, General Industrial District to B-2C, General Business District Conditional.

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

5.c. Consider amending and re-enacting Section 15-2-24, Fowl, chickens and other domestic birds, of the Harrisonburg City Code

Council Member Byrd asked that Item 5.c. be tabled pending further conversations between city staff, the state veterinarian and the Virginia Poultry Federation regarding tweaking some of the language as well as looking at the biosecurity which will benefit the school system as well. Vice Mayor Baugh stated this was at the request of the Poultry Federation and a discussion with the school system.

This Ordinance was tabled.

5.d. Consider a supplemental appropriation for the Fire Department in the amount of \$313,162.17 from Fire Program and Four-for-Life funds

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

5.e. Consider a supplemental appropriation and transfer of funds to fund the purchase of radios for use by the ECC in the amount of \$215,000

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

- 5.f.** Consider a supplemental appropriation for the Police Department in the amount of \$9,135.00

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

- 5.g.** Consider a supplemental appropriation for the Police and Fire Departments in the amount of \$179,386.12

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

6. Public Hearings

- 6.a.** Resolution for VDOT Transportation Alternatives Program Grants

Tom Hartman, assistant director of Public Works, presented three resolutions for Transportation Alternatives Program (TAP) grants to be applied for in October of 2017, which are federally funded grants administered through VDOT, for non-motorized transportation projects such as bicycle/pedestrian, sidewalk improvements etc., and is an 80/20 grant, 80% provided by the government and 20% match which can be in-kind dollars or other service matches.

The first project would be for Phase III of the Downtown Streetscape beginning at Elizabeth Street to Wolfe Street, sidewalks on both sides would be consistent with the south side of court square, traffic signals would be rebuilt and the pedestrian audible signals would be installed, Tap grant funds have been used for this project, however, the original costs escalated creating a funding gap , therefore additional funds are being requested in this TAP grant round in the amount of \$283,000 with \$56,000 of local match being required. If successful, the grant would be awarded in July 2018 and then move forward into the 2019 construction season to complete this project.

Mr. Hartman stated the second resolution is for the Federal Street Shared Use Path project. Mr. Hartman stated Public Works is working in conjunction with a recent structure demolition from a developer, which required the developer to improve the area. Mr. Hartman stated the vision for Federal Street is to make it one way, northbound from East Market Street to Elizabeth Street. Mr. Hartman noted this project ties into the streetscape plan and will also connect to the Northend Greenway,

the grant request is just under \$400,000 and the local match is less than \$80,000 which would include the in-kind match from the developer.

Mr. Hartman stated the third TAP grant for consideration is for improvements along Park Road and will be done in partnership with Eastern Mennonite University (EMU). Park Road is a heavily used area and focus will be on 5 decorative crosswalks, all with ADA compliant curb ramps, and retroreflective crosswalk sign posts. Flashing beacons on school zone advanced warning signs, Rectangular Rapid Flashing Beacon with passive detection/ actuation at University Commons crosswalk. Mr. Hartman stated the grant application will be approximately \$125,000 and EMU will provide the 20% match for funding.

At 7:14 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 Saturday, September 16, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:14 p.m., and the regular session reconvened.

Council Member Jones stated these are three great projects and is excited to see them get done.

A motion was made by Council Member Byrd seconded by Council Member Jones to approve the three resolutions 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

7.a. Consider a request for a traffic study in Northeast neighborhood

Tom Hartman, assistant director of Public Works, presented a request for a traffic study in the Northeast neighborhood. Mr. Hartman stated the traffic calming process is in partnership between Public Works and the Harrisonburg Police Department (HPD). Mr. Hartman stated discussions started in January of 2016, regarding concerns of speeding on Wolfe Street and intersection safety in the neighborhood, at which time the "Team Up to Slow Down" campaign was kicked off, and residents were provided yard markers as well as increased HPD enforcement, however, in this neighborhood it was not enough. Mr. Hartman stated in July of 2017, residents and staff met and discussed more specific concerns, what streets are most effected and what area would be considered the neighborhood. Mr. Hartman presented a map reflecting the area of the neighborhood effected, trying to make it as contiguous as possible, and stated once the neighborhood was determined they could more

effectively study the concerns.

Mr. Hartman stated a petition from the neighborhood was provided and the requested traffic study would be the next step. Mr. Hartman stated the counts would be finished in October of 2017, the data processed in November-December 2017 and they hope to have an analysis by the beginning of the 2018 showing if the three qualifying thresholds are met: documented speeding problem, traffic volume and other known safety concerns. Mr. Hartman stated after the traffic study, the results will be shared with the neighborhood and a petition can again be obtained with the neighbors to further mitigate the problems identified and be enrolled in the program.

Jones asked where these steps are documented. Mr. Hartman stated this information can be found on the city's website under Harrisonburg Neighborhood Traffic Calming Program.

A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann to approve the traffic study request 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.b. Report on the Mountain View Drive Stream Study

Tom Hartman, assistant director of Public Works, presented an update on the Mountain View Stream Stabilization Study, and stated in 2014 funds were requested from the Hurricane Sandy Relief Fund for stream restorations from Eastover Drive down to Sieberts Creek, however funds were not awarded, therefore this issue was put on hold.

Mr. Hartman stated this issue came back late in 2016 regarding erosion and exposed utilities, asking council for additional help from residents and in January of 2017 an engineering study was requested. Mr. Hartman reviewed the hydrology of the area, containing approximately 360 square miles of drainage, of which 37% contains hard surfaces.

Mr. Hartman stated AMT was hired to do the study and originally only stabilization of the stream bank was to be reviewed, however, after further discussion restoration was also to be included in the study.

Mr. Hartman reviewed the options presented: Option One for streambank stabilization only, which would not include pollutant reduction credits, and would cost approximately \$350,000; Option Two for full corridor stream restoration to stabilize, beautify, and improve the waterway naturally, which would allow for pollutant credits, with an estimated construction cost of approximately \$1M but staff believes \$1.75M is

a more accurate estimate. Mr. Hartman stated this resotation could result in 130 pounds of nitrogen and 117 pounds of phosphorus .

Mr. Hartman stated the consultant recommended the second option as the first option is only protecting and could push the problem down-stream over time.

Council Member Byrd asked how much is nitrogen and phosphorus going for on the market. Mr. Hartman stated market price is approximately \$25,000 per pound of phosphorus. Further discussion took place regarding credits.

Mr. Hartman stated staff recommends option two and has discovered a grant, the Dupont Waynesboro Natural Resource Damage Assessment and Restoration Settlement Grant, which may help in funding this project which is a fully funded grant with no match requirement.

Mr. Hartman stated assistance will still be needed through the homeowner's association and residents and is requesting council authorize Public Works to obtain the easements and rights-of-way as it will help reduce costs and speed the project up.

Council Member Byrd asked if there are any liens on the properties needing easements and/or rights-of-ways would the lenders need to sign off on the release for the easements.

City Attorney Brown stated if a permanent easement is needed we will request the lenders to sign off on the easements. Mr. Brown stated some title work would need to be done. Mr. Hartman stated some of these would be permanent easements or fee simple rights-of-ways because the city would need to maintain the property in the future and obtain the credits.

Mr. Hartman stated if the city is not successful with the grant request, this project would still be included in the city's Stormwater Improvement Plan and be ranked as number one with the stream restoration projects but it would be delayed until funds could be obtained.

Mr. Hartman stated the homeowners could still do the stabilization project and the city could later come back to do the restoration project if need be.

Mr. Hartman stated they are requesting approval to apply for the grant and to work with the Homeowners Association and property owners to provide the easements needed.

A motion was made by Council Member Byrd, seconded by Council Member Jones to approve the request 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. Consider a resolution for VDOT Revenue Sharing Grant - Grace Street Extension Project and Garbers Church Road Shared Use Path Project

Tom Hartman, assistant director of Public Works, presented a request for a resolution authorizing VDOT Revenue sharing grant application. Mr. Hartman stated these grants are easier for the city to administer because they do not have the federal strings attached.

Mr. Hartman stated this grant application would be for two projects:

Project One would be for the Grace Street Extension Project which would pick up where the last project left off, extending East on Grace Street to Bluestone Drive, and includes a shared use path along Bluestone from the library, which would connect to the Bluestone Trail and Martin Luther King, Jr. Way. Mr. Hartman noted in addition, it would construct a two-lane road and would improve the bus transportation. Mr. Hartman stated the estimate for this project is \$2.5M, however there are some carry-over funds of \$325,000, therefore the grant request is for \$2.175M with JMU providing the full local match. Mr. Hartman stated JMU is in the design phase of this project and the city will apply in the fall of 2017 and hear if it is awarded by spring of 2018.

The second project is for the Garbers Church Road Shared Use Path. Mr. Hartman stated a public information meeting was held and options were provided. Mr. Hartman stated this project had originally been phased, however an additional \$600,000 of local funds have been obtained and additional funds through the VDOT Revenue Sharing are being applied for, which will allow the construction of the entire project. Mr. Hartman stated these funds would be very competitive. Mr. Hartman stated the design phase is 60% complete, and construction is expected to begin in the summer of 2019 if grant funding is awarded.

A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann to approve the resolutions 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.d. Consider Approval of the 2017 CDBG Amendment

Ande Banks, deputy city manager, presented a request for the approval of the 2017 CDBG amendment. Mr. Banks stated this is the conclusion of the public comment period and public hearing. Mr. Banks stated at the beginning of the year two separate projects were allocated for resurfacing the interior and exterior of the pools at Westover Park, however, the estimates came back higher than available funding

and the Parks and Recreation staff decided to move forward with the interior resurfacing only. Mr. Banks stated therefore \$58,000 of the funds allocated for the exterior deck resurfacing were proposed to be moved to the interior resurfacing project to insure project completion.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh to approve the amendment 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. Special Event Application Requests

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)

James "Bucky" Berry, 30 West Washington Street, stated an emergency food drive will be held at Red Front on October 13th and 14th, 2017-14 for the Salvation Army as very little food is coming from the Blue Ridge Area Food Bank since most of the food and supplies are going toward hurricane victims. Mr. Berry stated the Harrisonburg Police Department and the Harrisonburg Fire Department will assist with this event and will be held 12 hours each day. Mr. Berry noted another food drive will be held at James Madison University with a date yet to be determined.

Pamayotis "Poti" Giannakaouros, 98 Emory Street, presented flowers to city council, which he had a bunch more in his back yard that are no longer available due to mowing and herbicide application. Mr. Giannakaouros stated it pains him to see this when it represents people not understanding something and when things are not understood people cut it down before it can show its potential. Mr. Giannakaouros stated this is a great metaphor for the residents in our city as talks about stormwater abatement comeup, with engineered BMPs, fields and fields of grass at 2.5 inches. Mr. Giannakaouros stated as we are doing with one hand and undoing with the other we are cheating the state. Mr. Giannakaouros stated he thinks it would be good for us as we rethink how we approach some of these issues and treat our city consistently and in a healthy way. Mr. Giannakaouros is asking council to look at the medians and how beautiful they are and to look at our preconceived notions and how narrow they are.

Jim Orndoff, 22 E. Market St., stated he is a downtown resident and spends a lot of time walking along South Main to JMU. Mr. Orndoff stated he is delighted of the installation of the new street lights for students and hotel visitors but he has one concern with the installation of the traffic restriction signs on the east side between Grattan and Campbell, of which two are no parking signs and feels those are

counter-productive. Mr. Orndoff stated those with the permit required signs that are further south are almost dead in the middle of the sidewalk and as a city who prides itself on being pedestrian friendly it seems counter-intuitive. Mr. Orndoff stated he is curious as to why they were placed that way.

Vice Mayor Baugh stated the signage is due to the new traffic pattern on Campbell Street and is for the people on Campbell and for public safety. Vice Mayor Baugh stated people want us to put it back and leave it alone, but this is one we won't put back. Vice Mayor Baugh stated if there are other spots in the city where the sight line is hindered, we could change those as well.

City manager Kurt Hodgen stated he agrees with the placement of the no parking signage for public safety however, as to the placement of the street signs, which came to his attention last week, he does not have an answer as to why they were placed in the middle of the sidewalk but will follow up with staff.

9.b. City Council and Staff

Mayor Reed stated the annual Harrisonburg International Festival will be held on Saturday, September 30, 2017 at Hillandale Park; the Northeast Neighborhood Association will be holding a Gospel Explosion on September 30, 2017 at 2:00 pm at the Lucy F. Simms Center; Motorists are reminded of the roadway improvements being done along Martin Luther King Jr. Way. Crews are working to install a new water line that will service the hotel and conference center. One lane of travel in both directions will be closed and motorists can expect delays and thanks residents for their patience; FEMA along with the FCC will conduct a mandatory nationwide test of the emergency alert system September 27, 2017 at 2:20 p.m. The test will assess the readiness for distribution of the national level test message, as well as verify its delivery; and Parks and Recreation will host its annual race to beat breast cancer 5K run and walk on Saturday, October 21, 2017.

10. Boards and Commissions

11. Closed Session

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

At 7:50p.m., a motion was made by Council Member Jones, seconded by Vice Mayor Baugh, 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 public purpose. The motion carried with a recorded roll call vote taken as follows:

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, 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 public purpose. 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

12. Adjournment

At 9:30 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 9:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR