



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, January 9, 2018

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

Vice Mayor Baugh offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Proclamation recognizing January 21 - 28, 2018 as Harrisonburg School Choice Week

Mayor Reed presented a proclamation recognizing January 21st through January 28th, 2018 as School Choice Week.

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 December 12, 2017 City Council Meeting

These minutes were approved on the Consent Agenda.

6. Public Hearings

6.a. Public Hearing to Consider 2018-2019 CDBG Funding Priorities

Kristin McCombe, grants compliance officer, stated the Community Development Block Grant (CDBG) is a flexible program that provides communities with resources to address a wide range of unique community development needs and provided an overview of the CDBG program. Ms. McCombe stated CDBG funds must be used for activities that benefit low and moderate income (LMI) persons and in addition each activity must meet one of the national objectives: Benefit low and moderate-income persons; prevention or elimination of slums or blight; or address community development needs because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

Ms. McCombe stated the CDBG is federally funded through the US Department of Housing and Urban Development (HUD) and the city of Harrisonburg receives an annual allocation that is distributed to eligible projects within the city. Ms. McCombe stated the CDBG funding in the city has been very successful over the years, HUD requires that each funded project serves a minimum of 51% LMI individuals and the city has worked hard to ensure that this goal has been met and has greatly exceeded HUD's minimum requirement by serving 80-90% or more of the individuals that are LMI.

Ms. McCombe stated the city CDBG project has historically provided between \$488K to \$583K in funding and although she is unsure of what the funding allowance will be for the FY18/19, staff will move forward under the assumption that funding will be similar as in the past.

Ms. McCombe stated the city completed a CDBG five-year strategic plan in 2017, which identified the five-year goals and noted copies of the strategic plan are available in the city manager's office or on the city website. Ms. McCombe noted the five goals that must be met by 2022 are: improve access to and quality of housing in the city; expand and continue non-housing community development supportive services; improve public facilities and infrastructure; pursue improved utility of public transit; administration, training, investigation, and enforcement.

Ms. McCombe presented a list of the tentative schedule for 2018/19 CDBG Program year, pointed out the grant application deadline is February 15, 2018 by noon and stated she strongly encourages any organizations that are interested in applying contact her prior to the deadline date.

Council Member Byrd asked if this is the first of two public hearings and Council Member Jones asked how the applicant pool was so far. Ms. McCombe stated this is the first public hearing and normally applications aren't received until February, and there will be a recommended training in the next few weeks to help applicants to complete the applications.

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 Friday, December 22, 2017.

Trisha Blosser, development officer for Explore More Discovery Museum, stated they were the recipient of the CDBG grant in 2016/2017 funding cycle and reviewed how those funds were implemented. Ms. Blosser stated, on a personal note, she is a parent and knows as she looks at the community in the future she is filled with hope as she sees children using technology to collaborate. Ms. Blosser thanked council for the support.

Pamayotis "Poti" Giannakaouros, PO Box 1711 Harrisonburg, stated it is his understanding that HUD has recently added additional conditions and goals for CDBG to avoid de facto segregation through disparate impact and recalled one time the city was required to do a disparate impact assessment. Mr. Giannakaouros stated as per Ms. McCombe's mention of public transit she added the protected classes as well. Mr. Giannakaouros stated that for whatever reasons our city staff so far has been non-Hispanic white, and even though the hiring policy was rewritten we have a staff that may not be able to optimally steer our dollars. Mr. Giannakaouros stated we may be missing the spirit of the grant to solve the problems in our city so we don't continually end up spending money in such a way that reinforces structural imbalances. Mr. Giannakaouros stated if we look at the Weldon Cooper maps we see our city is indeed very segregated and hopes that while contemplating the CDBG funds the opportunity to structurally move the city forward by perhaps forgoing the funds until we are able to spend them appropriately.

Karen Thomas, president of Northeast Neighborhood Association (NENA), stated that NENA will again be applying for CDBG funds. Ms. Thomas stated they have applied many years before and are in a LMI community. Ms. Thomas stated NENA has gotten three properties on the Virginia Landmarks Register and National Register of Historic Places, and will be seeking CDBG funds for preservation of the community, to share the history of the community and update the properties.

Council Member Jones asked Ms. Thomas if anyone from staff had reviewed and discussed with her as to why the applications weren't approved in the past.

James "Bucky" Berry, 30 West Washington Street, stated he would like to see CDBG funds put towards more transit so those that live in the city and work in the county can get to work as the Hispanics that work at the outlying poultry plants are hard-working

people. Mr. Berry stated he would like to see the LDD lighting in crosswalks in high traffic areas as Charlottesville uses them. Mr. Berry stated CDBG funds cleaned his neighborhood with new sidewalks and would like to see those funds spent on the north end of the city.

At 7:16 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

This PH-Action Item was received and filed.

- 6.b.** Consider receiving Planning Commission's recommendation of the FY 2018-2019 through 2022-2023 Capital Improvement Program.

Adam Fletcher, director of Planning and Community Development, presented the Planning Commission's recommendation for the FY18/19 through FY 20/22/23 Capital Improvement Plan (CIP) which is a multi-year production although they focus on the five-year horizon. Mr. Fletcher stated projects that are included are of at least \$50,000 and there are five different priority codes but the top three priorities make it into the CIP. Mr. Fletcher stated the number one priority consists of projects that are absolutely required, the second priority are those projects that are highly desirable that have some sort of impact through efficiency or effectiveness, and the third priority is simply a desirable project. Mr. Fletcher noted all city department projects are included in the CIP as well as Harrisonburg City Public Schools (HCPS), this is not a budget but a planning tool for the annual approval of the budget and it is not a static plan. Mr. Fletcher stated every year Planning Commission gives a very thorough evaluation of the projects and then provides a recommendation to council. Mr. Fletcher stated over the years they have tweaked the process to make it more effective and easier to read. Mr. Fletcher stated some of the changes made this year were obtaining department directors' input and project sheets and reviewed a sample project sheet. Mr. Fletcher reviewed the five-year Capital Improvement Request by Fund, and noted the available funds do not match the needs, therefore not all projects are funded.

Mr. Fletcher noted there are no staff recommendation for this, however, Planning Commission reviewed in December 2017 and offered a favorable recommendation to council to approve the CIP with a unanimous vote of 7-0.

Council Member Byrd asked if the CIP for the school system is normally approved as presented. Mr. Fletcher stated in discussions with the school staff, numbers, timings and years were adjusted as to when the projects would go through, however, the figures were agreed on.

Acting City Manager Ande Banks stated the discussion was akin to discussions with other department directors. Council Member Byrd stated he was aware in the past when projects were moved around there was some push back.

At 7:23 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, December 26, 2017 and Tuesday, January 2, 2018.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:42 p.m., and the regular session reconvened.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the Capital 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

- 6.c.** Consider a request from 4G Properties LLC for a special use permit per Section 10-3-40 (7) of the R-2, Residential District to allow occupancy of not more than four (4) persons on property located at 333 Old South High Street.

Vice Mayor Baugh recused himself from this agenda item for reasons related to his ethical obligations as a member of the Virginia State Bar.

Adam Fletcher, director of Planning and Community Development, presented a Special Use Application request for property located at 333 Old South High Street, zoned R-2 per Section 10-3-40(7) of the Zoning Ordinance, which would allow for applicants to apply for occupancy up to four persons in each unit provided that an off-street parking space is provided per tenant. Mr. Fletcher reviewed the property and noted it is a relatively small piece of property, approximately 3,700 square feet, relative to the surrounding properties on the block and the lot and set back regulations are non-conforming. Mr. Fletcher reviewed the surrounding properties and noted the property is a through lot meaning there is public street frontage on both sides of the property and subject to further restrictions for set-back issues.

Mr. Fletcher reviewed how occupancy is currently regulated in the R-2 District, and explained the difference between owner occupied property and non-owner-occupied property.

Mr. Fletcher reviewed a map of the area of the existing Comprehensive Plan Land Use Designations, reviewed an aerial photograph of the area, and noted in 2005, there was another request to increase occupancy at which time there were six owner-occupied dwellings, which have since been reduced to four and the adjacent property is up for sale.

Mr. Fletcher noted the area seems to contain a number of dwellings that could be occupied by college students, it is not known if those properties are non-conforming or illegally occupied.

Mr. Fletcher noted there is a proposal of the current comprehensive plan to change from neighborhood residential to the mixed-use area.

Mr. Fletcher stated the site is relatively small, only 36 feet wide, and as a condition to the approval of the Special Use Permit, there must be four parking spaces on site for the tenants. Mr. Fletcher stated there was some concern about backing out onto S. High Street and the view looking southbound on S. High Street, which led to a condition that all off-site parking and maneuvering must occur on site.

Staff recommended in favor with that condition and Planning Commission recommended approval with the conditions recommended by staff.

Council Member Byrd asked if there was another house a few years ago on the same cul-de-sac that had the same request. Mr. Fletcher stated yes but it was denied by Council. Council Member Byrd asked if there was also a similar request for property located on the left of Martin Luther King, Jr. Way. Mr. Fletcher stated he does not recall that request.

At 7:34 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Tuesday, December 26, 2017 and Tuesday, January 2, 2018.

Jim Higgs, applicant, stated he started a rental property business to give this neighborhood new life, he wanted to take care of some of the older homes, this one is in really bad shape and he anticipates a large remodel. Mr. Higgs stated they have reviewed several narrow site plans and may possibly demolish this property and rebuild depending on the outcome of his application request. Mr. Higgs would like to get four unrelated occupants as it seems to be a heavy student area and noted he owns the property across the street and additional parking is available nearby. Mr. Higgs noted they also own the adjacent property.

Pamayotis "Poti" Giannakaouros, PO Box 1711 Harrisonburg, stated he is not for or against this proposal, however, council has heard a proposal with not more than one person interested, but council is preparing to make an exception to the rule. Mr. Giannakaouros stated a standard in matters involving people being forced from their homes or businesses or to curtail their way of life and enjoyment of their property have been dismissed with the excuse that there was not enough interest despite petitions and hearings overflowing with people who evidently didn't count. Mr. Giannakaouros stated in the Comprehensive Plan rewrite process numerous people complained that the game seemed rigged, decided in advance, and the same internal promotive staff similarly restricted input to the Stormwater Advisory Council. Mr. Giannakaouros stated one person at the Comp Plan meeting pointed out that it made sense to tailor a comp plan to developers because they are the ones that take the initiative. Mr. Giannakaouros asked council to reflect, is the city being run by the golden rule, he

who has the gold makes the rule.

Glenn Loucks, Dogwood Drive, stated he is a neighboring property owner and is in support of this request. Mr. Loucks stated each of the properties that have been converted and used for student use, have had a substantial amount of money spent to make them rentable and increased the curb appeal. Mr. Loucks stated there are several properties that are in very poor shape and economically one could not rent for just two people and make the needed renovations.

At 7:39 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated as far as what the Comprehensive Plan shows and seeing what else is being done in this neighborhood it seems as the need for people to live nearby is apparent.

Council Member Byrd stated he usually is not for higher density requests, however, with the suggested changes of the use for this area per the Comprehensive Plan, he would like to see where the rest of council stands.

Council Member Hirschmann asked when is the renovation of this property earmarked to be completed. Council Member Byrd stated it depends if the increase in occupancy is allowed or not.

Council Member Jones stated the entire corridor has been revitalized and this zoning makes sense for people to live there and take advantage of it.

A motion was made by Council Member Jones, seconded by Council Member Byrd, to approve the request for the Special Use Permit, with the conditions outlined by staff and Planning Commission as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

Abstain: 1 - Vice-Mayor Baugh

7. Regular Items

7.a. Appointment of the new city manager, Eric D. Campbell

Council Member Jones stated he has the honor to announce the official appointment of the new City Manager, Eric D. Campbell, with a one year appointment beginning January 16, 2018.

Council Member Jones moved, pursuant to Section 37 of the Harrisonburg City

Charter, that Eric D. Campbell be appointed as Harrisonburg City Manager for the term of one year, effective January 16, 2018 and for the ratification of the Employment Agreement dated November 21, 2017. Council Member Jones further moves that effective January 16, 2018 Mr. Campbell be appointed as the city of Harrisonburg's representative to the Boards and Commissions, with Deputy City Manager Ande Banks as alternate member where appropriate: Harrisonburg Rockingham Regional Sewer Authority, Harrisonburg Rockingham Emergency Communications Center Administrative Board, Harrisonburg Rockingham Social Services Board, Middle River Regional Jail Board of Directors, Shenandoah Juvenile Detention Center Board of Directors, Community Criminal Justice Board, City School Board Liaison Committee, City/County/JMU Liaison Committee, City/County Liaison Committee, Metropolitan Planning Organization, the Deer Population Task Force and the Finance Committee.

Council Member Jones stated Eric was an outstanding candidate among a great pool of candidates, which was a lengthy process but a process that city council participated in, and Mr. Campbell rose to the top and welcomed him to the city.

Council Member Byrd welcomed Mr. Campbell and is glad to have him on board.

Mayor Reed stated we are excited to have Mr. Campbell here and look forward to seeing where he will take us, she feels he was the best choice and looks forward to working with him.

Eric Campbell thanked the mayor, members of council and the community. Mr. Campbell stated it is an extreme honor to be selected as the next city manager and is looking forward to working with everyone and the community as we work to move the city forward. Mr. Campbell stated he is a native of the Commonwealth, born and raised in Richmond, spent 20 plus years in Virginia local government and views this opportunity as an opportunity to return home. Mr. Campbell stated the most important decision council can make is to hire a city manager, and is extremely honored to be the person that was selected.

A motion was made by Council Member Jones, seconded by Vice Mayor Baugh to ratify the employment agreement and appoint Mr. Campbell to the boards 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.** Consider a request from Acorn, LC to preliminarily subdivide a parcel into three lots consisting of two 1.5 +/- acre lots fronting on Acorn Drive, and a third lot consisting of the residual 81.25 +/- acres; the latter of which includes land located in the City of Harrisonburg and in Rockingham County. The applicant is requesting three Subdivision Ordinance variances per Sections 10-2-61 (a), 10-2-66, and 10-2-67 for

the M-1, General Industrial District zoned property addressed as 454 and 460 Acorn Drive.

Adam Fletcher, director of Planning and Community Development, presented a preliminary plat for the subdivision of property located along Acorn Drive on the north end of the city. Mr. Fletcher stated the request is to subdivide the parcel into three lots consisting of two 1½ acre tracks fronting on Acorn Drive and the remaining portion of the site, containing 81 acres, more or less, which contains a portion in Rockingham County.

Mr. Fletcher noted normally a preliminary subdivision plat would end with approval at Planning Commission, however, the applicant is requesting variances to the subdivision ordinance and only council has the authority to approve such variances.

Mr. Fletcher reviewed the property and stated the property is zoned M-1 which is in line with the Comprehensive Plan as the entire area is designated for industrial type uses. Mr. Fletcher reviewed the water and sewer infrastructure of the area and the surrounding properties. Mr. Fletcher reviewed the preliminary plats noting easements required. Mr. Fletcher noted this is one of the few large tracts left in the city that has such large amount of public street frontage. Mr. Fletcher reviewed the requested variances to Subdivision Ordinance Section 10-2-61(a), 10-2-66 and 10-2-67, and stated the applicant will construct all requirements across the two 1½ acre tracts but the requested deviation is to not build the curb and gutter along the remaining residual parcel. Mr. Fletcher stated the city will end up with the sidewalk construction on the residual tract when the property is subdivided further.

Mr. Fletcher stated staff recommended in favor of the preliminary plat and variances as request and Planning Commission recommended approval with a unanimous vote of 7-0.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the request for the Special Use Permit with the conditions outlined by staff and Planning Commission 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 request from Randy Fauls (Fauls Property LLC) per Section 7-2-4 of the City Code for the City to provide public utilities for a commercial business within Rockingham County.

Adam Fletcher, director of Planning and Community Development, presented a public utility request for a property located in Rockingham County along Pear Street. Mr. Fletcher stated the public infrastructure is already in place along Pear Street and noted all requests other than residential uses involving fewer than ten units must get

approval from council, in this case the planned use is for a commercial business (vehicle repair and impound lot). Mr. Fletcher stated the planned use is currently not permitted in Rockingham County, however, the applicant is going through a special use permit process. Mr. Fletcher noted Rockingham County has been made aware of some concerns by city staff regarding the specific use.

Mr. Fletcher reviewed the subject property and the surrounding properties and noted the applicant owns property already nearby on the city limits that is zoned R-1, non-conforming use, with similar uses that existed before the property was annexed in the city.

Mr. Fletcher noted Rockingham County needs to make sure the property could connect to the city's water and sewer lines before they consider approval of the special use permit by the applicant. Mr. Fletcher stated staff offered the county some suggestions for conditions for their special use permit, such as to dedicate a right of way, construct a sidewalk, buffering to surrounding uses and moving parking behind the building.

Mr. Fletcher stated staff advised the applicant that they would not be supporting their request to tap into the public infrastructure unless Rockingham County approved the Special Use Permit request, and therefore a condition was recommended to Planning Commission that we would only allow the connection to take place if the Special Use Permit was approved through the county.

Staff recommended in favor with the stated condition and the Planning Commission recommended to approve with a vote of 4-3, with the stated condition.

Council Member Byrd stated the question is do we allow them to hook up to city water and sewer versus septic and well. Mr. Byrd noted the city is trying to get homes off septic and well systems but the land use is Rockingham County's decision.

Vice Mayor Baugh stated that was discussed at Planning Commission and noted if the property was in the city we would discourage going to well and septic systems. Vice Mayor Baugh stated the votes against approval were really focused on not wanting this use. Vice Mayor Baugh stated there are a number of efficiencies in providing water in this way on the peripheral properties

Council Member Byrd stated he believes the garage started in the county, got annexed in the city and now wants to move to the county.

Vice Mayor Baugh stated it was the sense of the Planning Commission that to use this water application this way would be a step in the direction we have never gone before and probably ultimately a decision that should be made at this level.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the public utility request with the conditions outlined by staff and Planning Commission 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 amending and re-enacting Section 13-4-4 of the Harrisonburg City Code

Chris Brown, city attorney, stated this is from the Public Works department, to amend Section 13-4-4 of the Harrisonburg City Code, which governs the Transportation Safety and Advisory Commission. Mr. Brown stated staff indicated there is not enough work-load to meet per the once a month requirement. Mr. Brown stated staff is requesting the ordinance be amended to reflect the commission will meet on a regular schedule or as necessary, and the intention is to meet every other month.

A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to approve the ordinance amendment as presented. The motion carried with a unanimous voice vote.

7.e. Consider the adoption of the 2018 Legislative Agenda Resolution

Ande Banks, Acting City Manager, presented the Annual Legislative Agenda from the Virginia Municipal League (VML), an organization that advocates on behalf of local communities and local governments across the Commonwealth, and stated the draft provided asks legislators in Richmond to not take away revenue sources, to continue to allow the city to make decisions on zoning and land use, etc. Mr. Banks stated the second half of the document includes specific priorities identified by the VML including identifying school funding, transportation funding, and supporting the continuance of the historic rehabilitation tax credit program, to name a few.

A motion was made by Council Member Byrd, seconded by Council Member Jones to approve the agenda as presented. The motion carried with a unanimous voice vote

7.f. Consider a request to have anyone that speaks at a council meeting print their name on a sign-in sheet to be posted at a convenient location

Ande Banks, acting city manager, stated Pamela Ulmer, deputy city clerk, has been having a difficult time capturing the names of people who are speaking during council meetings. Mr. Banks stated Ms. Ulmer is proposing a simple sign in sheet be placed at the podium, so those speaking can optionally place their name and address in order to more efficiently transcribe the minutes of the council meetings.

Mayor Reed stated this is strictly for clarification in transcribing the minutes, but totally optional for the speakers.

This Action Item was approved.

7.g. Discussion regarding the construction of a second high school

Ande Banks, acting city manager, stated staff is providing council with a brief report on two components that came up in discussion regarding a holistic view of the city's operational budget over the course of the next 5 to 10-year horizon compared to using the numbers in the Capital Improvement Plan (CIP) for a second high school proceeding with the debt issuance.

Larry Propst, finance director, presented an overview of the city's debt and 5-year operating projections. Mr. Propst reviewed the total debt service for the next ten years, which includes all the bonds being paid, Middle River Regional Jail (MRRJ) Agreement and any capital leases that are on the books now and explained the increase/decrease amounts shown. Mr. Propst stated the largest amount coming off the debt service will be in 2026 which is the MRRJ agreement and in 2028 when the current high school will be paid off.

Mr. Propst stated he was asked what it would look like if funds were borrowed for a new high school. Mr. Propst reviewed the new debt borrowing and payment for the next ten years, reflecting the new school costs, based on the CIP, which is estimated to increase taxes by 12-13 cents

Council Member Byrd asked if this was just for a new high school, with no other new projects considered. Mr. Propst stated that was correct.

Mr. Propst stated this is a high dollar project and as seen in the CIP there are other large projects in the pipeline, not all of which will be funded by taxes and reviewed a few of those projects. Council Member Byrd asked if there are any allowances for projects that may pop up such as improvement for the Community Service Board, which will be presented at next council meeting.

Mr. Propst reviewed the two Financial Management Debt Policies that are in place and the way these two policies are written, they represent general bonded debt, and do not included the debt for the MRRJ and any capital leases.

Mr. Propst reviewed the 5-year Projected Operating Information which consists of projected new natural growth revenue of approximately 1.4% and projected expenditures were provided. Mr. Propst stated local taxes are sales tax and meals tax and we are seeing somewhere between 2 to 2.5% growth which is a bit different from three years ago when it was around 6 to 8%.

Mr. Banks stated another question that arose was if there was a way staff could take a better look at population trends to better identify trends. Mr. Banks stated the city has been above the expected growth rate and presented a handout to council prepared by Adam Fletcher, director of Planning and Community Development, showing current total population estimates based on data from multiple sources. Mr.

Banks reviewed the projected growth based on school age and the school enrollment projections. Mr. Banks stated these are projections, but looks to council for further direction as he is not sure he is capturing what council is asking for, was it a request for staff to do a deeper analysis for what has been driving these population trends to determine if this population growth will continue as the school system did do a report to quantify some of the variables.

Council Member Jones asked how the school liaison meeting went. Mayor Reed stated the last liaison meeting was good.

Mayor Reed stated she does not feel that we need to go deeper into a study for the population growth, as we are good with the information we have.

Council Member Jones stated he asked for this discussion to be placed on the agenda, so that these things can be flushed out, as these were two of the larger hurdles in the decision-making process. Council Member Jones stated he feels that council, as a body, needs a little time to digest the debt service payments and although he is in complete favor of moving forward with a new high school, he would prefer a mega-campus, but realizes that would not be the best use of our tax dollars to continually add to the existing school. Council Member Jones stated we do need more space, he does not like the operational costs of a second high school or duplicating everything but he does like the end product. Council Member Jones stated once those students hit 8th or- 9th grade, they are playing for keeps, the balance of their lives are in our hands, how great of a product do we want to put on the field, how much do we really want to invest in the future that will make up Harrisonburg. Council Member Jones stated beyond water and public safety there is nothing more important than education and we need to make sure they can read and write and compete. Council Member Jones stated regardless of one's position of tax increases or not, we all want services, we want to have conversations with our children at a higher level and that can't happen without investing in them and that costs more money now. Council Member Jones totally understands not wanting to pay more money for something else, he doesn't like how we ended up in this place, the city is full, we created our own insulated, low to moderate income project, affording a place for people to be, everyone can't come here if there isn't a place for them to live. Council Member Jones stated developers overbuilt student housing and no one was counting the fact that those students moving out were bringing two families back in. Council Member Jones stated it shouldn't be a surprise to us that a lot of individuals can afford to live here because we created a lot of low to middle income housing, along with natural growth, tourism keeps growing, the city keeps growing, people want to do business in the city, the city is safe, and is insulated with universities and tech businesses. Council Member Jones stated we want people to continue to come here, but once we start losing the personal touch, we start creating poorly educated children that can't be touched by their teachers or counselors, and we will no longer develop a new talent pool. Council Member Jones stated the reason why we can operate with the low level of socioeconomic problems, the harmony, the inherent community development, and

to be extremely philanthropic, is because of the investment we have all made to make this the best place we can make it, with the crown jewel being the children. Council Member Jones stated we can't have our guidance counselor and school staff overwhelmed or the cafeterias overflowing, there are going to be increases in taxes because the services will continue to increase. Council Member Jones stated he supports the School Board's recommendation, but feels council does need more time to run the numbers. Council Member Jones stated he thinks a decision should be made soon, he has talked to some of the members of the school board regarding shaving off some of the \$76M costs. Council Member Jones stated it is extremely important that we are maximizing the resources we are using now, and we need to figure out ways to relieve the overcrowding now until whatever decision is made and completed about the new high school.

This Report 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 West Washington Street, stated he feels he is getting something out of his taxes, he is getting to use the transit busses every year for the food drives. Mr. Berry stated they have been doing this for nine years, JMU's business class has been the biggest contributor and the community filled a bus at Walmart so full it nearly blew the tires out. Mr. Berry stated Chief Sellers, Harrisonburg Police Department, helped stack food on the bus and checked on them. Mr. Berry stated his son Brent is taking over operations this year and will be bringing a consultant on board to expand to other counties. Mr. Berry thanked the city for considering Brent for a key to the city in the near future and noted the General Assembly is recognizing Brent, which has never been done before. Mr. Berry complimented the Harrisonburg Fire Department for the assistance in the food drives they have offered since 2010. Mr. Berry feels if a new high school is built there will be more need for food, especially for those on fixed incomes.

Scott McClellan, 3385 Shenlake Drive, Rockingham County, stated he works with at-risk youth and is a member of Virginia Normal, a national organization for the reform of marijuana laws. Mr. McClellan stated his grandparents suffer from chronic conditions where marijuana can provide relief and they both have asked for legal access. Mr. McClellan stated marijuana prohibition is a war against people and a tool to discriminate, causing arrests of more than 20,000 people annually with a ratio of 3-1 towards African Americans. Mr. McClellan is in support of the decriminalization of marijuana because of those reasons and because Harrisonburg plays an influential role in marijuana reform. Mr. McClellan stated the Senate seat representing Harrisonburg and District 26 is held by the chair of Virginia's Courts of Justice Committee, causing a bill to request the decriminalization of marijuana and to expand medical access to be tabled. Mr. McClellan stated there have been at least four political candidates in the area who support decriminalization and reform and feels

the city should also support this. Mr. McClellan referenced Senate Bill 111 (SB111) noting it allows for an alternative to causing social harm through enforcing bad law. Mr. McClellan stated the Drug Health Commission is proposing legislation as well, and is asking council to express its support to SB111 and other sensible marijuana reform for decriminalization and medical expansion.

Dr. Scott Kizner, superintendent of Harrisonburg Public Schools, thanked Mr. Banks during his time as acting city manager as he has been really good to work with. Dr. Kizner thanked the Public Works department for their efforts in salting the parking lots to get school started.

Pamayotis "Poti" Giannakaouros, PO Box 1711 Harrisonburg, stated the People's Day celebration of Martin Luther King, Jr. holiday will be celebrating 5 years since the revolution in values that was our street renaming. Mr. Giannakaouros stated since that time the city has seen phenomenal changes, including the Stop Punishing Our Nephews Who Have Served Their Time mass movement, the rewrite of the city's hiring policy, the Bernie Sanders mass electoral phenomenon, and the two African American mayors, and our first African American city manager. Mr. Giannakaouros stated since the 2013 street renaming, were led by people of color and nearly all of them were African American women. Mr. Giannakaouros stated the mobilized mass movements claim a continuity back to the African American Re-adjusters who inspired from freedom and equality. Mr. Giannakaouros stated as we enter the 50th year since Dr. King was taken from us the time is ripe for a renewed freedom budget for all Americans. Mr. Giannakaouros appreciated Mr. Coffman regarding non-school cost burdens that the city may want to lesson, similarly, Delegate Wilt may understand that the path for our economy is tight labor markets. Mr. Giannakaouros as the secretary of the Martin Luther King Jr. Way Coalition, shared a press release regarding the Peoples Day March.

Gentleman thanked council for recognizing School Choice Week and feels it is very appropriate in light of the overcrowding of our high school, as there are a lot of other options. He thanks Council Member Jones for his comment about what is to be done with the students now while, if approved, a new school is built. He stated better utilization of the buildings we have and year-round schooling are just a few options available to alleviate the overcrowding. He stated maxing out our credit worthiness and our budget he feels it would affect the programs that could be available to the students.

Mayor Reed reminded everyone that public comment is only for items not on the agenda.

Chandler Bradley, 1433 Huron Court, Harrisonburg, stated in his 17 years of living in the city, graduating from Spotswood High School this year, thanked council for all the services offered to his family and the education that has been provided. Mr. Bradley stated we should be thankful for what we have instead of debating aggressively.

8.b. City Council and Staff

Council Member Byrd stated the city/county liaison met last week to discuss court house space study, MPO, ECC and CSB and updated the county on where the city was on the SPCA/Anicira process.

Vice Mayor Baugh stated Planning Commission will be meeting to talk about the Comprehensive Plan.

Ande Banks stated staff went through the proposal from Anicira and generated a list of questions for the Anicira representatives to answer. Mr. Banks stated the answers have been received and staff is now in the process of scheduling a meeting with Anicira to review those questions and answers and further discuss if needed. Mr. Banks stated after that meeting, as the PPEA guidelines state, staff will bring a report and recommendation to city council and hopes it will be presented to council within the next month.

Mr. Banks stated on December 12, 2017 a group asked city council to consider a resolution addressing DACA and TPS. Mr. Banks presented a draft resolution which, Wesley Russ, assistant city attorney, worked on with the group and looks to council for direction. Council Member Byrd stated a few of these statements are already addressed by the director of Homeland Security and decisions have been made on some of the statements. Mr. Banks stated DACA and TPS are at the core of current federal immigration debate and much is still resting in the hands of Congress. Mayor Reed stated the draft resolution will be reviewed.

Mr. Banks thanked council, it has been an honor to serve as acting city manager, as a local kid, he never thought he would be sitting in that position and appreciates the faith given to him over the past few months, and shares his excitement of joining Mr. Campbell's team.

Mayor Reed stated the City/School Board Liaison meeting went well, she appreciates the good working relationship the School Board has with Vice Mayor Baugh and herself. Mayor Reed stated there should be a decision fairly soon. Mayor Reed stated city offices are closed Friday, January 12 and Monday January 15, 2018, refuse and recycling will be collected on Friday as normal and on Tuesday, January 16th, 2018; applications for the Community Police Academy are now being accepted and are due by February 23, 2018, and will run every Tuesday from March 6 through May 1, 2018; thanked the Public Utilities Department for all of their work, responding to numerous waterline breaks and frozen residential water meters in extremely cold temperatures, this is an example of the fine work our employees must do after hours, on the weekends and in the cold to make sure we have the services needed on a daily basis;

9. Boards and Commissions

9.a. Environmental Performance Standards Committee (EPSAC)

Vice Mayor Baugh stated we have three really good applicants but would like to vote as a member on this committee to nominate Jeffrey Heie.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to appoint Jeffrey Heie to the Environmental Performance Standards Committee (EPSAC). The motion carried with a unanimous voice vote.

9.b. Tree Advisory Committee

Council Member Byrd stated we have two really good applicants but would like to nominate Mr. Kurt Schick.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to appoint Mr. Kurt Schick to the Tree Advisory Board. The motion carried with a unanimous voice vote.

9.c. Central Shenandoah Emergency Medical Services Council

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann to reappoint Travis Karikofe to the Central Shenandoah Emergency Medical Services Council. The motion carried with a unanimous voice vote.

9.d. Shenandoah Valley Workforce Development Board

Council Member Byrd asked Chris Brown, city attorney, if there is a certain statutory requirement as the university is recommending one of its employees to be a private sector representative. Mr. Brown stated he will further research. This item was tabled until more information could be obtained.

This Boards and Commissions was tabled.

10. Closed Session

CJ second

10.a. Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), subsection 3 for a discussion of the disposition of publicly held real estate

At 9:15 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 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 9:30 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.

CITY CLERK

MAYOR