



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Draft City Council

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

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Tuesday, August 22, 2017

7:00 PM

Council Chambers

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### 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

Vice Mayor Baugh offered the invocation.

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

### 4. Special Recognition

#### 4.a. National Health Center Week

Mayor Reed proclaimed August 13, 2017 to August 19, 2017 as National Health Center 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 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 August 8, 2017 City Council Meeting

These minutes were approved on the Consent Agenda.

- 5.b.** Consider amending and re-enacting Article G Sections 10-3-25, 10-3-26, 10-3-28 and 10-3-29, 10-3-34(10), 10-3-40(11), 10-3-46(3), 10-3-48.4(3), 10-3-52(6), 10-3-55.4(6), 10-3-56.4(g), 10-3-57.4(g), 10-3-58.4(6), 10-3-79(1), 10-3-91(8), 10-3-97(8), 10-3-106(a), 10-3-180(8) and Article F Section 10-3-24 of the City of Harrisonburg, Virginia, Code of Ordinances and enacting Section 10-3-25.1 of the City of Harrisonburg, Virginia, Code of Ordinances associated with adding requirements for minimum off-street bicycle parking spaces for development and redevelopment.

**These ordinance amendments and enactments were approved on second reading**

- 5.c.** Consider amending the Design and Construction Standards Manual (DCSM) Chapter 2 General Design Standards. Specifically, the changes are to amend Section 2.6.10 by replacing the existing requirement with statements that require developers to meet the standards as specified in the Zoning Ordinance and that such details shall include the location, design, and spacing of bicycle parking on site.

**This amendment was approved on second reading**

- 5.d.** Consider the reappropriation of encumbrances that were outstanding at the end of Fiscal Year 2017 in the amount of \$4,026,881.09

**This reappropriation was approved on the consent agenda**

## **6. Public Hearings**

- 6.a.** Consider amendment to the 2017 CDBG Action Plan

Ande Banks, deputy city manager, presented the consideration to amend the 2017 Community Development Block Grant (CDBG) action plan. Mr. Banks stated originally in two projects with the Westover pool were planned. Mr. Banks stated staff estimated \$200,000 for each project, but costs came back significantly higher after the bid process was completed. Mr. Banks stated the pool deck project is being consolidated and those funds are being moved to the pool interior resurfacing project, and noted the deck will be resurfaced at a later date.

At 7:04 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 Thursday, August 10, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:05 p.m., and the regular session reconvened.

Mayor Reed noted there was no action needed at this time.

**This PH-Action Item was received and filed.**

- 6.b.** Consider the issuance and award of up to \$2.6 million in general obligation bonds to

finance the purchase of radios

Kurt Hodgen, city manager, presented a consideration to issue an award for up to \$2.6M in general obligation bonds to finance the purchase of radios. Mr. Hodgen stated if this public hearing agenda item is approved, a resolution authorizing the borrowing will be presented and acceptance. Mr. Hodgen stated this will be a five-year loan at 1.78% and annual debt service is expected to be approximately \$495,000 per year. Mr. Hodgen stated it is anticipated that the loan required will be closer to \$2.35M, and if so, the annual debt service will be reduced slightly.

At 7:06p.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, August 8, 2017 and Tuesday, August 15, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:06 p.m., and the regular session reconvened.

**A motion was made by Vice Mayor Baugh seconded by Council Member Jones to approve the award as presented and 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

- 6.c.** Consider a supplemental appropriation for the purchase of radios for the city/county radio system in the amount of \$8,791,000

Mr. Hodgen stated for clarity stated the balance of the funds will be coming from Rockingham County, James Madison University and other users of the system, however the city is the fiscal agent for the Emergency Communications Center and therefore the funds are collected and bills are paid through the city. Mr. Hodgen stated Staff recommends approval of the appropriation.

At 7:08 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, August 15, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:08 p.m., and the regular session reconvened.

**A motion was made by Council Member Jones 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

- 7.c. Consider a request from Marusstodd, Properties, LLC to amend the Comprehensive Plan's Land Use Guide map designation for 5 parcels fronting South Main Street, East Weaver Avenue, and Edgelawn Drive from Professional and Low Density Residential, to Mixed Use Development Areas. The subject properties are addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive.

Adam Fletcher, director of Planning and Community Development, provided a brief history of agenda items 7a through 7d. Mr. Fletcher stated in the original request the entire tract was proposed to be rezoned. Mr. Fletcher reviewed the four applications: Comprehensive plan amendment, rezoning amendment and two special use permit requests.

Mr. Fletcher stated the comprehensive plan amendment is a change to the land use guide to change the designation for two properties from low density residential and professional designation to mixed use development.

Mr. Fletcher stated the rezoning will be from R-1 and R-3 to R-5C designation.

Mr. Fletcher stated the two special use permits are only applicable if the property is rezoned: Section 10-3-55.4(1) to allow more than 12 units in a building in an R-5 district; Section 10-3-55.4(4) to allow non-residential uses and would also be permitted to allow business and professional offices if the zoning amendment was approved, which the rezoning amendment was adopted on July 27, 2017.

Mr. Fletcher noted the properties being presented have changed slightly from the original request, and 10,800 square feet that was originally to be rezoned to the R-5 has been removed from the request and will remain zoned R-1 for the time being.

Mr. Fletcher reviewed the surrounding land use, noting the property is currently designated as professional in the comprehensive plan, which is how the comprehensive plan intends for this property to be developed.

Mr. Fletcher noted in May, 2017 staff recommended approval and Planning Commission voted unanimously to deny all four applications. Mr. Fletcher noted the applicant tabled the request until July, 2017 at which time the applicant presented to council the original proposed proffers with two additional proffers, and provided a conceptual site plan. Mr. Fletcher noted several site plans were presented with the proposed use and parking requirements. Mr. Fletcher provided an updated conceptual site plan reflecting the 10,865 square feet removed from plan and updated proffers.

Vice Mayor Baugh asked if there is any reason to not having the Comprehensive Plan

/ Land Use Guide amendment match up with the proposed rezoning. Mr. Fletcher stated, after review with the engineer and forward thinking, they would have the ability to possibly build three single family detached homes on the site not included in the current application requests in the future which will work cohesively with the surrounding neighborhood.

Council Member Jones stated three single family homes on that particular parcel will create a more attractive buffer on Edgelawn in comparison to site plans previously reviewed.

Vice Mayor Baugh stated if council goes in this direction, it lines up nicely, however, if that change is made, it is being made across the board that those lots remaining zoned R-1 have already been added to the land use guide as favorable for mixed use. Vice Mayor Baugh stated it does give an applicant a leg up on a planning stand point for mixed use.

Mr. Fletcher stated planning staff has been giving suggestions for the subcommittees of the comprehensive plan to be more aggressive in the South Main Street corridor with the mixed-use development.

Council Member Byrd thanked the neighborhood, the developer and the engineers for working together and having a conversation to reach an amicable agreement.

Council Member Jones echoed Mr. Byrd's comments, and feels the buffers that are going to be in this location are much better than what could have been built and the conversations that took place were very valuable and hopes this is an example of what can be done in the future.

Mayor Reed thanked everyone as well, as this has been a tough conversation but the willingness of both sides to sit down and listen to one another speaks volumes. Mayor Reed stated hopefully, as we go forward with other issues, there will be the same type of agreement to sit down and listen to one another. Mayor Reed stated she appreciated everyone, and knows that not everyone agrees but it took a lot to get to this point and something good has come out of it.

**A motion was made by Council Member Byrd, seconded by Council Member Jones, to approve the request to amend the comprehensive place/land use guide map 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:** 1 - Vice-Mayor Baugh

- 7.d.** Consider a request from Marusstodd Properties, LLC with representative Blackwell Engineering to rezone five (5) parcels containing a total of 1.3 +/- acres from R-1, Single Family Residential and R-3, Medium Density Residential to R-5C, High Density Residential District Conditional and addressed as 1340, 1348, and 1356

South Main Street and 1341 Edgelawn Drive.

see Item 7a

**A motion was made by Council Member Byrd, seconded by Council Member Hirschman , to approve the rezoning 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.a.** Consider a request from Marusstodd Properties, LLC with representative Blackwell Engineering for a special use permit per Section 10-3-55.4(4) to allow retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities) under conditions set forth in subsections 10-3-55.6 (f) and (g) and such other conditions deemed necessary by City Council. The subject property consists of five (5) parcels addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive

see item 7a

**A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the special use permit 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 Marusstodd Properties, LLC with representative Blackwell Engineering for a special use permit per Section 10-3-55.4(1) to allow multi-family dwellings of more than twelve (12) units per building under conditions set forth in subsection 10-3-55.6 (e) and such other conditions deemed necessary by City Council on five (5) parcels located at 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive

see item 7a

**A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the special 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.e.** Presentation from Rockingham-Harrisonburg SPCA

Anne Anderson, executive director of the SPCA, presented an overview of who the

SPCA is, what they do, their mission and an update to the status of the organization since the shelters most recent evaluation.

Ms. Anderson stated the current facility is a result of a three-way partnership between the city, county and RHSPCA, which was founded in 1972; the new facility opened in November 2004 with a mission to promote respect, compassion, education and advocacy resulting in a humane and sustainable environment for all animals and was designed with the comfort and care of the animals in mind. Ms. Anderson stated there is a total of 170 cages and kennels and is an open admission shelter with no surrender fees. Ms. Anderson reviewed the services provided, the impoundment statistics, adoption statistics, events and education programs in 2016.

Ms. Anderson stated the SPCA is overseen by a board of directors, subject to inspections by several state agencies and must comply with the Code of Virginia and city code. Ms. Anderson reviewed staff roles and noted they provide back up assistance for the city's animal control officers for situations such as removal of pets from large scale hoarding situations or difficult field captures etc. Ms. Anderson noted someone from the SPCA is on call 24 hours a day, seven days a week.

Ms. Anderson reviewed the top 10 intake reasons, the 2016 intake types and species, holding periods, and court holds.

Jo Benjamin, adoption and rescue coordinator for the SPCA, reviewed the services that are provided to include: microchip scanning and insertion, 4-Dx and FIV/FelV testing, vaccinations, medical care and veterinarian visits to name a few. Ms. Benjamin stated they perform a behavioral assessment on every dog that comes to the shelter which helps ensure the safety of the community and shelter staff. Ms. Benjamin stated there are many undesirable behaviors that can be modified within the shelter and a trainer helps within the shelter. Ms. Benjamin stated many of the reputable rescue services the SPCA works with insist on a behavioral assessment.

Ms. Benjamin reviewed the various adoption events held by the SPCA throughout the city and county and noted that when intake numbers are high adoption fee specials are held at different times throughout the year with discounted rates. Ms. Benjamin noted community outreach is conducted on a regular basis and the SPCA is very active on social media to try to reach potential adopters and community members. Ms. Benjamin stated the foster care program is used for medical, behavioral, or space needs, which can be used for recovery from an illness or injury. Ms. Benjamin stated the SPCA has more than 70 various rescue partners throughout the region, reviewed the application requirements to become a rescue partner and noted that some of the requirements are state mandated. Ms. Benjamin noted since rescue partners are not currently regulated the SPCA researches each rescue partner to insure quality. Ms. Benjamin shared a success story and noted the SPCA partners with the ASPCA for monthly cat transports to Second Chance Animal Shelter in Massachusetts, and since the beginning of the partnership in November, 2016 over

218 cats have been transported.

Ms. Benjamin stated there are many factors that go into euthanasia of an animal: medical, behavioral, safety, liability, public perception and experiences with shelter pets.

Lauren Watson, humane educator with the SPCA, stated part of her job is to go out to schools and work with groups of all ages to discuss what the shelter does. Ms. Watson stated that as Karel Minor pointed out in the RHSPCA Evaluation, "Merely looking at counts and live-out percentages can be misleading, as community demographics and the animal welfare community and capacity can often impact these numbers". Ms. Watson reviewed a snap shot of the census of the overall population rate for 2015 in Harrisonburg, Rockingham County and Virginia. Ms. Watson stated to compare other shelters they must do similar tasks, and reviewed policies from several other localities. Ms. Watson noted, not all shelters accept every animal, every jurisdiction has its own set of challenges, ordinances, and resources.

Ms. Watson reviewed the Humane Society of the United States (HSUS) 2014 "Pets for Life" report, which focuses on the major urban areas and is something we can draw parallel conclusions for smaller communities like Harrisonburg until more data can be gathered. Ms. Watson reviewed the decreasing euthanasia rate since 2003, noted the SPCA is also seeing an increase in live release rates and has noticed a steady decrease in intakes. Ms. Watson reviewed additional graphs on reclaimed, adopted, rescue group transfers, intakes, average length of stay, and treatments and vaccinations. Ms. Watson noted the SPCA does not perform euthanasia on-demand and not all owner requests are warranted and there are a variety of reasons an animal is euthanized.

Ms. Watson shared a letter from Dr. Daniel Kovich, staff veterinarian for the Virginia Department of Agriculture and Consumer Services (VDACS). Ms. Watson reviewed outcomes reflecting the four lawful outcomes: Return to owner, transfer out, adoption and euthanasia, as well as a graph reflecting overall reasons for euthanasia broken down by dogs and cats and how these rates compare nationwide. Ms. Watson stated the SPCA is doing better every year and trends indicate a decreasing euthanasia rate.

Ms. Anderson reviewed the recommendations in the 2016 Shelter Evaluation done by Animal Welfare Management, LLC, and the shelters response and improvements. Ms. Anderson stated the evaluation was a good evaluation.

Ms. Watson reviewed the SPCA's next possible solutions, which include reinvigorating the spay/neuter initiatives and encouraging microchip initiatives to name a few.

Ms. Anderson reviewed the next steps, which include more regular presentations to



council, invitations to other groups, including Anicira, to become an approved rescue partner, better communications with other organizations, and to develop common ground while working together. Ms. Anderson stated the SPCA would like to be able to communicate directly and collaborate toward working to end pet homelessness in the area.

Mayor Reed thanked the SPCA staff for their presentation, stating that it was apparent a lot of work was put into it. Mayor Reed asked if the behavior assessments that are done lead to a possibility of the animal being euthanized and what is the process if they have a behavioral issue that leads to them be euthanized. Ms. Benjamin stated euthanasia is determined by a group of people, using a variety of information, for those surrendered they are kept in the stray kennel for three days to reduce the stress level for that animal and some animals are given more time to ensure a more accurate assessment. Ms. Benjamin stated the animals also receive enrichment from staff to review behavior and there is a standardized format that is followed. Ms. Benjamin stated a volunteer veterinarian comes in on a weekly basis and can be included in the assessment. Ms. Anderson stated part of the strategic plan is to have a full-time veterinarian and equipment to allow them do their job, but they currently do have a board of veterinarians that can do anything that needs to be done for the SPCA.

Council Member Hirschmann asked if there are more than two volunteer veterinarians available to the shelter. Ms. Anderson stated there is wonderful support and cooperation for local area veterinarians that accept transported animals. Ms. Benjamin stated there are two volunteer veterinarians that come physically to the shelter and if an animal comes in that appears to be sick or injured on intake it is transported to a veterinarian to be seen immediately.

Council Member Jones asked if the SPCA could operate without city funding. Ms. Anderson stated it would have a huge impact on the organization as the budget is almost \$900,000, of which the city contributes \$282,000. Council member Jones asked

what percentage of animals are from the city. Ms. Anderson stated she didn't do a percentage, just a total number: stray and lost pets total 160 dogs and 274 cats, and 4 other species; for owner surrendered total is 111 dogs, 168 cats, and 36 other species; for a total of 750 animals from the city for the year 2016 compared to 1,680 total from the county. Council Member Jones stated it doesn't equate two to one. Ms. Anderson stated city animals are held longer despite the difference in the total of animal intake. Council Member Jones asked for proof that the contributions versus services are equal. Ms. Anderson stated a bulk of the calls for after hours are from the city and expenses are substantially more with the new facility, regardless of the number of animals, the shelter still must operate. Council Member Jones noted the overall intake has decreased, so how does the euthanasia rate increase. Ms. Anderson stated that could be due to other organizations in the area that are taking adoptions from the SPCA decreasing intake rates and the types of animals received

by the SPCA causing an increase in euthanasia. Council Member Jones asked how many of the animals euthanized are city animals. Ms. Anderson reviewed the slides of the presentation showing those figures but can summarize the totals if council would like. Council Member Jones stated ultimately council is to review improvements made to date and to find out if there is a way the SPCA can drop the percentage of euthanasia rate. Ms. Watson stated the figures of euthanasia are extremely variable, there will always be a proportion of animals that are not safe to adopt, a large hoarding case could come in and throw the numbers off, but each year the SPCA works to adopt more animals out. Council Member Jones asked if it is possible for the SPCA to reach a 10-20% euthanasia rate for city animals. Ms. Benjamin stated the way to reach that would be to work aggressively together with other community organizations in spay and neutering animals to reduce the population. Council Member Jones asked why has this not been done. Ms. Benjamin stated it was done for a while in collaboration with other organizations in the local area, and then a breakdown of communication occurred and the SPCA would love to get those communications line re-opened and reinstate programs over the years that were ongoing at the shelter.

Council Member Byrd stated cats are the primary reason for the high number of euthanasia rates. Ms. Anderson stated that is correct, cats continue to be a problem, many feral cats are antisocial, spay and neuter is another conversation, and the SPCA does not place the feral cats back in the community.

Mayor Reed asked if the SPCA has a relationship with Cat's Cradle. Ms. Anderson stated they haven't transferred any animals to Cat's Cradle, asked them two months ago, about the possibility and concerns, and left the door open so that when Cat's Cradle re-opens their adoption facility again downtown, further conversations can be had.

**This Presentation was received and filed.**

## **Recess**

Mayor Reed asked for a recess at 8:45 p.m., meeting reconvened at 9:03 p.m.

- 7.f.** Consider amending and re-enacting Sections 16-6-36 and 16-6-41 of the Harrisonburg City Code

Chris Brown, city attorney, presented an amendment to Sections 16-6-36 and 16-6-41 of the Harrisonburg city code to comply with recent changes to the Code of Virginia, and to add language to include "pneumatic guns" - guns that use air pressure to shoot a BB, pellet, etc. Mr. Brown stated for many years the city has had an ordinance, which bans anyone from discharging air guns, gravel shooters, pneumatic guns, slingshots etc., in the city. Mr. Brown stated a few years ago, the General Assembly passed a law that if such an ordinance existed, a few exceptions need to

be made for pneumatic guns, and they must be allowed to be fired within anyplace like a shooting range or on private property with the owner's permission and when it can be conducted with reasonable care to prevent a projectile from crossing the bounds of the property. Mr. Brown stated he included three provisions related to minors, but they are optional for council and reviewed those provisions.

Mr. Brown stated in Section 16-6-41 the references to slingshots, slung shots, air rifles, BB guns, pellet guns etc. have been removed.

**A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the amendments and re-enactments to the ordinances 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.g.** Consider amending and re-enacting Section 6-2-38, Refuse Disposal for Multifamily and Boardinghouses, of the Harrisonburg City Code

Chris Brown, city attorney, presented an amendment to Section 6-2-38 of the Harrisonburg City Code. Mr. Brown stated in the city the vast majority of multifamily projects provide the residents with a dumpster and a place for trash and then a commercial hauler removes the trash. Mr. Brown stated there are a couple of multifamily projects in the city that are not providing dumpsters causing numerous problems with trash on the streets, and on city trash collection day traffic gets backed up on the small roads and safety problems arise. Mr. Brown noted the changes to the referenced ordinance will change the definition of the multifamily projects which are subject to it currently. Mr. Brown noted Public Works department has been working on this for a while, with little success and hopes by amending the ordinance there will be more compliance. Mr. Brown stated Public Works requested the ordinance amendment to take effect October 1, 2017 to allow for community outreach and education of the new changes.

**A motion was made by Council Member Jones, seconded by Council Member Byrd, to approve the amendment and re-enactment to the ordinance 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.h.** Consider amending Section 15-3-2 Noise Violations; penalties and 15-3-3 Mass Social Outdoor Gatherings of the Harrisonburg City Code to clarify and strengthen certain aspects of these ordinances

Chris Brown, city attorney, presented a continuance of an item from city council meeting on August 8, 2017 regarding noise violations and the Mass Outdoor Social Gathering. Mr. Brown stated there has not be any additional feedback in the B1 zoning classification that would be effected by the amendments. Mr. Brown reviewed suggestions provided during a staff meeting with the Harrisonburg Police Department that have been incorporated into the proposed amendment.

Vice-Mayor Baugh asked if B1 zoning classification is being removed from Section 15-3-2(c)(2) and B2 zoning classification is remaining. Mr. Brown stated that is correct. Vice Mayor Baugh stated he was not in favor of this change but will vote for it and keep an eye on it for possible need of future amendments.

Council Member Byrd stated he was contacted by a couple of residents and it was suggested that lowering the number for the Mass Outdoor Social Gathering Permit from 100 to 50 and asked what councilmember's thoughts were on this recommendation. Mayor Reed stated she was fine with it as is. Vice Mayor Baugh stated staff and the Harrisonburg Police Department worked through these ordinances to help actual concerns they had, and is willing to review and discuss but not willing to decide at this time of any changes to the numbers. Council Member Jones stated he respects and understands what residents are asking. Additional discussion took place regarding possible future amendments and how the original number was determined.

**A motion was made by Council Member Hirschmann, seconded by Vice Mayor Baugh, to approve the amendments and re-enactment to the ordinances as presented. The motion carried with a recorded roll call vote taken as follows:**

**7.i. Report on Branding Assessment**

Brenda Black, director of Tourism and Visitors Services, presented an overview of the brand strategy initiative put forth by Harrisonburg Tourism, Harrisonburg Economic Development and Harrisonburg Downtown Renaissance. Ms. Black stated this is about community branding with a goal to identify the attributes people love about Harrisonburg and highlight those characteristics. Ms. Black stated the process will be to gather input from different stake holders and the community at large via a public process. Ms. Black reviewed the background of the partnership which began in May 2017 and stated the partnership submitted a joint application for a \$50,000 Virginia Tourism Corporation Marketing Leverage grant. Ms. Black stated these funds, if awarded, will be used to create a new and compelling marketing campaign which will help Harrisonburg have a greater impact in the market place. Ms. Black stated while waiting for information on the grant, the partnership has created a unified brand for the city, which is much more than just a tagline, a logo or an image. The three offices contributed \$5,000 to hire Arnette Muldrow and Associates to lead the community branding process and design the brand messages, logo and design concepts. Ms. Black stated the project manager had conducted an introductory site visit and will be back on September 11, 2017 to continue the research process with a

series of public input forums and to unveil the final branding concept on September 14, 2017. Ms. Black reviewed the key issues from the past that have not been cohesive, and reviewed how this branding initiative will create a uniformity across the departments.

Ms. Black stated the partners are asking city council to participate in the input process in whichever method is convenient to council.

Council Member Jones stated he is extremely excited about this initiative and thanked the three departments for joining forces and feels this will make the city more popular and save money on the back end.

**This Report was received and filed.**

## **8. Special Event Application Requests**

### **8.a. Consider a special event application request for ArctoberFest, September 29, 2017**

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance, presented a special events application on behalf of the ARC of Harrisonburg and Rockingham for an event called Arctoberfest, to be held September 30, 2017. Mr. Jenkins stated this is the first year for this event, although the ARC has held other fundraisers throughout the city, but this will be held downtown at the Turner Pavilion and Park. Mr. Jenkins noted this will be a German style beer and wine festival with music and family activities and is a fundraiser for the ARC. The special events committee has reviewed and approved the application, it will require Harrisonburg Police Department and Public Works support and staff recommends approval of this request.

**A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann, to approve the special events application as presented. The motion carried with a unanimous voice vote.**

## **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)

Laura Logie, 363 Hillandale Avenue, stated she lives on a fixed income and stated that 30.9% of the residents in Harrisonburg live at poverty level and the medium household income in 2015 was \$38,750. Ms. Logie shared a statement with council which stated spending \$100M of taxpayer money on a building is not responsible leadership and there are concerns of serious fiscal stress on funds intended for city government services, lack of funds available for law enforcement, lack of competitive pay increases for school teachers and staff, potential cuts to important programs that help low income families, stalled improvements to environmentally friendly initiatives,

possible downgrade of city's bond rating, loss of capital projects, property tax increase of 30-40%, business relocating to the county due to increased taxes and cuts to school activities. Ms. Logie stated her proposal would be to add on to the current high school, and requests council be reasonable. Ms. Logie noted she heard a presentation from Goochland County where they almost went bankrupt because too much money was spent and she does not want this to happen to Harrisonburg.

Diane Yavona, 141 Westfield Court, stated a \$115M for a school is outrageous, there are other sources and other ways to look at things. Ms. Yavona stated Loudoun County, which has a larger population than Harrisonburg, was able to build a new high school for \$60M and she feels the high school we have now is adequate with extensions and additions as needed.

Rick Mondale, 141 Westfield Court, thanked council for their investment in the southeast bypass, which has already expanded the real estate base and is helping to pay for itself in this manner. Mr. Mondale stated he does not see that same sort of return on a \$100M high school, which would be the most expensive high school built in the state of Virginia. Mr. Mondale stated the \$100M investment will compete with educational expenditures and asks if it wouldn't be better to get additional services such as a Magnet school or science and technology specialized school, expand Massanutten Vo-tech into a full service high school or remove the 700 students in the school system that aren't city residents. Mr. Mondale stated there are many ways to go without spending \$100M for a building and paying an architect \$15M for a gold-plated design.

Nancy Stone, 1704 Evergreen Drive, thanked council for their service and stated facts have been given, emails have been sent, but would like to add that while she was driving by George's downtown during a shift change, and she feels council should look at those people, our residents and families, during a shift change. Mrs. Stone stated those families cannot afford more tax increases, there are many of us that can move out to the county if they don't like the new taxes, but please look at the current residents who's rent will increase, taxes will increase, they cannot afford this. Mrs. Stone pleads with council to see it through the perspective of these families.

9.b. City Council and Staff

Council Member Jones stated council wanted to hear from Anicura because of the proposal that was presented to council, council wanted to hear from RHSPCA because council had invested in a consultant to come and evaluate the shelter, however, these presentations were not held because of a public debate between or about kill or no kill. Council Member Jones stated he does not want this to be misconstrued as due to a public discourse or debate.

Ande Banks, deputy city manager, stated at the last council meeting Council Member Byrd asked for statistics regarding parking citations and the results are as follows:

Since January 1, 2017, 1681 parking citations were issued downtown, 54% (908) of those were paid, 15% (249) of those were voided and 31% (524) of those were not paid. Mr. Banks noted a number of years ago, Downtown Parking Service (DPS) was separated from the Harrisonburg Police Department (HPD) and at that time an informal policy had been that if it is a first citation, generally that citation would be forgiven with a fairly legitimate excuse. Mr. Banks noted another reason for some of the voided tickets was due to parking permits obtained therefore the ticket was voided once confirmed. Mr. Banks noted that what is troubling to him and what they have started looking into is the larger percentage of unpaid tickets. Mr. Banks stated after discussions with DPS and HPD a significant portion of the unpaid tickets are believed to be students issued parking citations that have left the area. Mr. Banks stated they are working on ways that would be in tandem with HPD to find out the address of the owner of the vehicle and follow up with a letter.

Mayor Reed stated Dog Days Dog Swim will be held at Westover Pool on August 27 from 12-3 pm; Harrisonburg City Public Schools will begin next week and to please don't forget to stop for school buses and be alert for kids near the road waiting for the bus or walking and biking to school; don't forget that e-comments on the upcoming council meeting agendas are accepted by visiting [BeHeardHarrisonburg.com](http://BeHeardHarrisonburg.com) when the agenda is posted; and city offices will be closed on Monday, September 4 for the Labor Day holiday. Be sure to visit the city's website for any schedule change in city services.

## 10. Closed Session

### 10.a. 2.2-3771(A) Subsection 1 Discussion of personnel

At 9:42 p.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 1 for a discussion of specific city employees. The motion carried with a recorded roll call vote taken as follows:

**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 1 for a discussion of specific city employees. The motion carried with a recorded roll call vote taken as**

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

**No:** 0

## 11. Adjournment

At 9:59 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 9:59 p.m., there being no further business and on motion adopted, the meeting was adjourned.

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR