



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

Tuesday, November 14, 2017

7:00 PM

Council Chambers

1. Roll Call

Also Present: Lt. Todd Miller

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: 3 - Acting City Manager Ande Banks, City Attorney Chris Brown 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. Recognition of the 2017 Citizens Academy Graduates

Mayor Reed called the 2017 Citizens Academy graduates to the front of the council chambers. Mayor Reed stated the city has hosted an annual Citizens Academy since 2006 and the goal of the program is to better educate and inform city residents on how our services are delivered and to provide an overview of the general operations of their local government. Mayor Reed stated the students volunteered their Thursday evenings for 13 consecutive weeks to learn more about their community. Mayor Reed stated the participants learned in a hands-on environment how each department functions daily, asked many questions and brought forth a new perspective to our city staff members. Mayor Reed stated this program has continued to serve as a catalyst to get citizens more involved in local government. Mayor Reed stated not only do we want to educate these participants but we want them to educate their neighbors, friends and relatives. Mayor Reed thanked the graduates, on behalf of the council, for their participation in this program and interest in the city. Mayor Reed challenged the graduates to recruit a friend or relative to participate in the 2018 Citizen Academy.

4.b. Presentation of the Master Commissioner certificate to Karen Rose, Commissioner of the Revenue

Honorable Maggie Ragon, president of the Commissioners of the Revenue Association, stated several weeks ago Karen Rose, Commissioner of the Revenue for the city of Harrisonburg, was designated as Master Commissioner of Revenue by the Weldon Cooper Center for Public Service at the University of Virginia. Ms. Ragon stated Mrs. Rose earned her designation in her first term by successfully completing a regiment of courses in assessment practices and volunteered her time to the association in putting together some additional educational opportunities for other commissioners and their deputies in conjunction with the Virginia Association of Assessing Officers. Ms. Reagan stated Mrs. Rose is a credit to the city of Harrisonburg and noted the voters recognized that during the most recent election, and it is her honor to present Mrs. Rose with her certification of designation as a Master Commissioner of Revenue.

Mrs. Rose thanked council for supporting education for city employees, not only for herself, but for her staff. Mrs. Rose stated so much is learned by being a part of this accreditation, and it helps with assessments and staying updated on current legislation.

Mayor Reed thanks Mrs. Rose for all her hard work.

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 October 24, 2017 City Council Meeting

These minutes were approved on the Consent Agenda.

5.b. Minutes from the Special Meeting - Closed Session of Council November 6, 2017 and November 7, 2017

These minutes were approved on the Consent Agenda.

- 5.c. Consider a supplemental appropriation for the General Capital Project and Water Capital Project Funds in the amount of \$268,011.67

This Supplemental Appropriation was approved on second reading

- 5.d. Consider a supplemental appropriation and reallocation of funds for the School Capital Projects Fund in the amount of \$1,076,051.29

This Supplemental Appropriation was approved on second reading

6. Public Hearings

- 6.a. Consider a request from Tony Miller for a special use permit to allow business and professional offices within the M-1, General Industrial District on property addressed as 900 North Liberty Street.

Adam Fletcher, director of Planning and Community Development, presented a Special Use Permit request from Tony Miller per Section 10-3-97(3) of the zoning ordinance, specifically within the M-1 General Industrial District to allow business and professional offices at 900 North Liberty Street. Mr. Fletcher reviewed the area, noted the property is surrounded by M-1 zoned properties, currently vacant with a 1,500-sq. ft. building, 500 of which is planned for utilization for professional office and the remainder would be contracted out and leased to a plumbing contractor which is a use permitted by-right in the M-1 district. Mr. Fletcher reviewed photographs of the building on site and surrounding properties. Mr. Fletcher stated there are no conditions submitted by the applicant, and Planning Commission nor staff recommended any specific conditions. Mr. Fletcher noted the property is in a sea of M-1 operations, but when the Comprehensive Land Use Guide is overlaid, the parcel is outlined in an area that designates as commercial uses. Mr. Fletcher stated although the applicant is not requesting it to be rezoned to B-2, the Special Use Permit request is in conformance with the Comprehensive Plan, as it's intended use complies more with the commercial land use designation.

Mr. Fletcher stated city staff supported the request with no suggested conditions and Planning Commission recommends unanimously to council for approval as submitted.

At 7:10 p.m., Mayor Reed closed the regular session and called the 1st public hearing to order. A notice appeared in the Daily News-Record on Monday, October 30, 2017 and Monday, November 6, 2017.

Butch Strawderman, owner of property behind the subject property, stated this property has set vacant for over a year and attracted people to enter the property with an undesirable usage. Mr. Strawderman stated Mr. Miller has made improvements to

the building and its appearance, and asks council to take this into consideration.

At 7:11 p.m., Mayor Reed closed the public hearing and the regular session reconvened

Council Member Byrd stated this use fits into the employment corridor discussed at previous council meeting.

A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann, to approve the Special Use Permit 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. Regular Items

7.a. Presentation on the Harrisonburg Rockingham Regional Sewer Authority (HRRSA) draft revised Operating Rules and Regulations

Mike Collins, director of Public Utilities, stated in April 2017 an overview of the Sanitary Sewer Management Plan was presented to council and in that plan, there were two objectives set forth regarding concerns with the Harrisonburg Rockingham Regional Sewer Authority (HRRSA). Mr. Collins noted that capacity is usually referred to in gallons, but there is also something else considered, which is Pollutant of Concern (POC). Mr. Collins stated the sewer authority has adopted some rules regarding "Local Limits", which is an Environmental Protection Agency (EPA) and the Virginia Department of Environmental Quality (VA DEQ) mandate to HRRSA to assure waste water with higher contaminate strengths in comparison to domestic wastewaters are addressed as such to protect the performance of the treatment plant and to provide a platform for economic fairness. Mr. Collins stated the hydraulic capacity at the plant is 22 million gallons per day (MGD), Harrisonburg's capacity is at 12.6 MGD, and the future of the city is planned around using the 12.6 MGD for development. Mr. Collins stated our capacity is at 12.6 MGD provided the waste strength does not supersede. Mr. Collins stated HRSSA used to be a 6 MGD plant, providing secondary waste water treatment, today it is a 22 MGD plant and has grown, not only in size, but in technology to where it has evolved from biological nitrogen removal to enhanced nutrient removal focused on Nitrogen and Phosphorous removal for the bay, and it is very temperamental. Mr. Collins stated this program is becoming more important now than it was years in the past as what happens under this program has significant impact on how the treatment plant performs under the new E & R requirements.

Mr. Collins reviewed a snap shot as to what is happening at the plant, how there is

some concern that waste strength could limit capacity before reaching full hydraulic capacity, and can it be marketed in an attempt to keep rates low or invest back into the facility. Mr. Collins stated the proposed changes have blurred the vision for the long term and short plans he had proposed. Mr. Collins reviewed the proposed program changes: increase monitoring, engage financial penalties, initiate first time limits for nitrogen and phosphorous and less strict limits for existing BOD and TSS limits.

Mr. Collins stated the current pre-treatment program with annual benchmarks is not happening on a daily basis, as there is a lot more variation in strengths coming into the treatment plant and on days seeing loadings above 100%. Mr. Collins stated the executive director of HRRSA is attempting to implement stricter controls to enforce the variable that is happening now and this program is scheduled to be revisited every five years.

Mr. Collins stated this program will provide strengths to the HRRSA performance to protect the plant but will not be able to open potential capacity for economic marketing. Mr. Collins stated HRRSA is asking for comments from council and he will be happy to pass them on.

Council Member Byrd asked if the financial penalties will be charged to the businesses that are running a pre-treatment or will it come to the city and then transfer to the businesses. Mr. Collins stated the penalties will go directly to the businesses, there are five pre-treatment facilities in the city, they receive a permit from HRRSA, and they deal directly with the businesses. Mr. Collins stated the HRRSA staff has met with all the businesses that have the pre-treatment plants and has received feedback on the proposed revisions. Mr. Collins stated the only real negative comments involve the increase in monitoring.

Acting city manager Banks stated the comments are due to HRRSA by November 17, 2017, and if council has any questions or concerns they can follow up with Mr. Collins or himself prior to the due date.

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 on November 15, 2017 students from the James Madison University Business Classes will be donating between \$20,000-\$25,000 for food and the Harrisonburg Police Department, Rockingham County Sheriff's Department, JMU Police and the Harrisonburg Fire Department will all be there to help. Mr. Berry stated the need for help is 15% higher

than last year, and feels there may come a time where one must choose between paying taxes or paying for food, there must be other options than putting millions into a new high school and causing taxes to increase. Mr. Berry stated there will be a food drive at Walmart from December 15, 2017 to December 26, 2017, and his goal is to get a years-worth of food for the local Salvation Army.

Laura Logie, 363 Hillandale Avenue, stated she represents the people on fixed and low income that cannot afford tax increases, and asked council to please try to lower the cost for the new school, to please find a new architect and bring the costs down. Ms. Logie stated the operating costs for a new school could be \$1M per month for heating, cooling, teachers, insurance etc. Ms. Logie thanked council for listening.

Marlin Carr, 2064 Gravels Road, space committee member, thanked council for all the work they do in the community and stated we have a great education system. Mr. Carr stated he has children enrolled in the dual-language program at Bluestone Elementary. Mr. Carr stated there must be a solution to the overcrowding but it should be done economically and trusts that we will all work together to find a solution that works.

8.b. City Council and Staff

Council Member Jones stated next week is Thanksgiving and he is very grateful and thankful for the hard work of our departments who do the heavy-lifting every day and keep our city running, Harrisonburg Police Department, Harrisonburg Fire Department, Public Works, and everyone, he is truly grateful.

Vice Mayor Baugh stated the Planning Commission is very deep in the Comprehensive Plan and everything they are doing is available online, with a number of public sessions as well, they are always welcoming of additional input until the final draft, and encourages all to participate in this process. Vice Mayor Baugh stated there are no items for the first meeting in December from the Planning Commission, however, it looks like there might be a full plate for the first meeting in January.

Council Member Byrd thanked everyone involved in the Veterans Day parade, it makes you think about the 44 million people who have served for the sole reason that council can sit up here tonight. Council Member Byrd reminded everyone that taxes are due on December 5, 2017.

Council Member Hirschmann stated he is anticipatory of things picking up in the next month or two, with full agendas at Council meetings.

Mayor Reed stated members of the community can comment on the Comprehensive Plan updates and the Garbers Church Road shared use path through Be Heard Harrisonburg through the end of this month and urges all to check out the site; City offices will be closed next week on Thursday, November 23, 2017 and Friday,

November 24th, 2017 for the Thanksgiving Holiday and recommends that everyone check out the holiday schedule for trash collection; The annual holiday parade will be on Friday, December 1, 2017 starting at 7 p.m. and folks can visit with Santa at Station 4, just before the parade from 4-6 pm.; and as per Council Member Byrd's comment, the real estate taxes are due on December 5, 2017.

9. Closed Session

- 9.a. Virginia Code Section 2.2-3711(A), under: Subsection 1 for the evaluations of the performance of specific City Employees;

At 7:35 p.m., 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 1 for the evaluations of the performance of specific city employees and the consideration of applicants for the position of city manager and subsection 3 for a discussion of the acquisition of real estate for a public purpose.

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 1 for the evaluations of the performance of specific city employees and the consideration of applicants for the position of city manager and subsection 3 for a discussion of the acquisition of real estate for a public purpose. The motion carried with a recorded roll call vote taken as follows:

10. Adjournment

At 8:12 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 8:12 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR