



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

*Mayor Christopher B. Jones*  
*Vice-Mayor Richard Baugh*  
*Council Member Ted Byrd*  
*Council Member Kai Degner*  
*Council Member Abe Shearer*

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Tuesday, September 27, 2016

7:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 5 - Mayor Christopher B. Jones, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Kai Degner and Council Member Abe Shearer

**Absent:** 1 - City Clerk Erica Kann

**Also Present:** 5 - City Manager Kurt Hodgen, Acting Deputy City Manager Ande Banks, City Attorney Chris Brown, Police Chief Stephen Monticelli and Clerk Pro Temp Pam Ulmer

### 2. Invocation

Council Member Shearer offered the invocation

### 3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance

#### 3.a. Present a Proclamation recognizing the month of September, 2016 as Life Insurance Awareness Month and a Proclamation recognizing October 2 - 8, 2016 as Duke Club Week

Mayor Jones presented a proclamation recognizing the month of September, 2016 as Life Insurance Awareness Month.

Mayor Jones presented to Jeff Bourne and Aaron Epstein, of James Madison University Athletics a proclamation recognizing October 2 - 8, 2016 as Duke Club Week.

Mayor Jones thanked them for the opportunity to present this and continue to build and share in the student experience for those that are attending JMU through athletics and bringing tourism to the city.

Mr. Bourne stated he appreciates the recognition and support, representing approximately 436 wonderful student athletes and thanked Mr. Epstein for requesting the proclamation.

**4. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)**

Karen Thomas, 158 East Johnson Street, presented photographs of the work and progress done during the paving project at Newtown Cemetery. Ms. Thomas stated they are very happy that this has finally come to pass and thanked council for investing in the community. Ms. Thomas stated they would like to do more improvement projects such as landscaping with hopes the city will continue to invest in the community.

Mayor Jones noted the Newtown Cemetery is both on the national and state registry, the improvements look great and were needed, he believes paying respect to those individuals buried there will be a lot easier now during the winter and rainy weather.

Ms. Thomas thanked council on behalf of the Newtown Cemetery Trustees and the Northeast Neighborhood Association (NENA) and invited Council and families to the NENA Celebration on October 29 at 2:00 pm at the Lucy Simms Center to celebrate NENA's 10 year anniversary.

James "Bucky" Berry, 30 West Washington Street stated he received a call from the Business Class of James Madison University (JMU) regarding the class' intention to donate between \$10,000 and \$20,000 worth of food. Mr. Berry stated on November 21 and 23, 2016, those who bring food to the JMU basketball game will get free or reduced admission. Mr. Berry noted that Challenge of the Valley this year will be between Turner Ashby High School, Harrisonburg High School, and the Daily News Record are working on a Challenge of Restaurants, in hopes to collect food. Mr. Berry noted Strasburg has a program through December 31, 2016, in which parking fines are waived for donating 10 cans of food. Mr. Berry noted 2500 families have been helped this year to date, 15M children in the State of Virginia go to bed hungry. Mr. Berry stated this will be their 9th year of the food drive and on December 16, 2016 their largest food drive will take place at Wal-Mart on Burgess Road.

Dr. Dave Pruett, 28 Edgelawn Drive, stated 20 years ago he supported free trade agreements, with a philosophy of thinking globally while living locally, however the current trade agreements are diabolical, and the Transpacific Partnership (TPP) has been called the North Atlantic Free Trade Agreement (NAFTA) on steroids. Dr. Pruett stated that the Economic Policy Institute estimated 700,000 jobs have been lost under NAFTA. Dr. Pruett feels this has contributed to immigration, both legal and illegal, as foreign workers flee their own devastated economies. Dr. Pruett noted that TPP language was officially released less than a year ago, but it was negotiated in complete secret prior to its release. Dr. Pruett feels the most odious provision of the TPP is the Investor State Dispute Settlement Provision,

which allows multi-national corporations to sue foreign governments for damages if they even perceive that the actions of those governments resulted in lost revenues to the company. Dr. Pruett provided an example of such an action in regard to the Keystone Pipeline. Dr. Pruett noted Harrisonburg is the heart of a thriving rural and agricultural area, and has made great strides to support the local economy, for example, the downtown farmers market and city restaurant initiatives to use local produce, however "buy local" local favoritism is forbidden by provisions of this trade agreement. Dr. Pruett noted according to Buchannan, over the past four decades of free trade, America has lost 55,000 factories, 5-6M manufacturing jobs while racking up over 11 trillion dollars in trade deficits. Dr. Pruitt stated the TPP is a Trojan horse masquerading as free trade, with unchecked power to multi-national corporations, undermining the sovereignty of signatory nations including including the U.S., with provisions that are potentially far reaching and with implications for global and local issues. Dr. Pruitt encourages the council to support the petition being circulated to oppose the TPP and to communicate council's opposition to elected officials at the state and national levels.

Doug Hendren, 975 Summit Avenue, stated he is concerned about the TPP, shared lyrics from a song entitled Fast Track Blues, has served the community as an orthopedic surgeon and has particular concerns as a physician. Mr. Hendren noted the city council supported the TPP back in 2012 through a resolution, which was requested by Merck and other employers in the area. Mr. Hendren noted he appreciates Merck and the pharmaceutical industry in their contribution to the health care in this country and the industry's political and economic power. Mr. Hendren stated the United States has the costliest health care system in the world and it is the only industrial democracy in the world without universal health care, and feels the pharmaceutical industry is a big part of the problem. Mr. Hendren noted he feels the TPP is a part of our modern world and it will be used, without question, as a weapon against ordinary citizens, it is an attempt led largely by corporate America to create a body of corporate law higher than the laws of the United States and State of Virginia. Mr. Hendren stated he sincerely hopes the council will take the time to become informed on these complicated issues and consider reversing the council's earlier position in light of what is now known.

Hailey Springer, 255 West Wolf Street, stated she was pleased at the discontent the council expressed regarding the legislation enacted by the general assembly on mulch fires, and she was pleased on the stance council took regarding this matter and how council, along with the city attorney and fire marshal, were able to find a creative way to work around the corporate overreach. Ms. Springer stated she feels it is time again for council to take a stance against the unchecked influence of money and special interests in the local democracy. Ms. Springer noted the Investor State Dispute Resolution system outlined in the TPP, is by design, a mechanism for circumventing the sovereignty of policy making bodies such as this one. Ms. Springer hopes the citizens again would be as fortunate to have council take a stance should an energy company desire to frack on our land, or if a multi-national chemical company wants to dump waste in our rivers, or if a poultry processing giant challenges our labor standards. Ms. Springer stated she

is aware that each of the council members wishes to see the city healthy, prosperous, safe and vibrant, however, the 2012 decision of council to support the TPP undermines the very ability to make it so. Ms. Springer stated she asks the council in solidarity with citizens across Harrisonburg, to reverse their position of the TPP and encourage elected officials, municipal, state and national levels, to join in saying no to the TPP.

Bruce Busching, 561 Sunrise Avenue, stated he urges the council to vote for a resolution against the TPP. Mr. Busching stated, after reading the history on Virginia settler family over 300 years ago, and although not very admirable people, they did admirably have an idea regarding self government and at that time were concerned about the rules passed by a foreign corporation chartered to govern the colony. Mr. Busching feels we are faced with a similar situation, in terms of a federal government and international corporation led agreement, which will affect all our local self governments in Harrisonburg. Mr. Busching stated he urges our representatives to stand up for our self governing rights.

Michael Snellfeikema, 1174 Westmoreland Drive, stated he feels what is being done here is similar to how the 2012 resolution came about, with certain individuals and companies asking city government to support their concerns. Mr. Snellfeikema stated this might seem a bit out of the usual of normal business conducted by city council, but there are situations that are extraordinary, this issue being one of them. Mr. Snellfeikema noted in the 1980's there were many corporations that wanted to remove regulations, were frustrated at the process, and discovered a way to get around the normal democratic processes and found a crack in the wall with the trade negotiations. Mr. Snellfeikema noted the 1974 Trade Act was passed, which essentially took Congress's constitutional responsibility, in respect to regulation of trade, and delegated most of it to the executive, resulting in a fast track process which enables trade deals to pass quickly, with no public investigative hearings. Mr. Snellfeikema noted since the passing of that trade act, most trade deals went from mostly about tariffs to practically about everything. Mr. Snellfeikema stated the TPP containing over 5,000 pages, which allow corporations to circumvent going through congress, state legislators and our judicial system. Mr. Snellfeikema stated the TPP and the Transatlantic Trade and Investment Partnership (TTIP) is 70% of foreign direct investment which would be covered by the treaty, which would allow them to file suits through the State Dispute Settlement Provision. Mr. Snellfeikema stated Wall Street is getting involved, buying up corporations in order to use them to make lawsuits against governments and collect the money, as well as using third party funding in order to obtain a share in the suits. Mr. Snellfeikema stated citizens need the council to add their voice to amplify this concern to educate the public and to exercise their rights and responsibilities.

- 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 Shearer, seconded by Council Member Degner, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

**5.a.** Minutes from 09/13/16 Council Meeting

**These Minutes were approved on the Consent Agenda**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

**5.b.** Consider a request from 217 S. Liberty, LLC with representative Michael Jaffee of Matchbox Realty to amend the Zoning Ordinance Section 10-3-30.1, Parking Lot Landscaping

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

**5.c.** Consider a request from Eastern Mennonite School (EMS), Virginia Mennonite Missions, and Mennomedia, Inc. to rezone 26.88 acres of property by amending EMS's existing Master Plan

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

**5.d.** Refer a request to Planning Commission for the City to vacate a 2924 square foot portion of a 15 foot alley from North Liberty Street to the northern property line of Georges Foods, LLC.

**This request to the Planning Commission was approved on the Consent Agenda**

**6. Joint Public Hearings**

**6.a.** Presentation for both the City Council and the Harrisonburg Rockingham Housing Authority (HRHA) regarding the joint Assessment of Fair Housing (AFH)

Elroy Miller, chairman of the board of commissioners for Harrisonburg Rockingham Housing Authority (HRHA) stated there is a quorum and opened the meeting. Thomas Dawson, John Hall, Scott Gallagher and Timothy Smith announced their presence.

Kristin McCombe, grant compliance officer for the city of Harrisonburg, presented the final copy of the Assessment of Fair Housing (AFH) to consider its adoption. Ms. McCombe stated city staff and HRHA staff have worked in conjunction with numerous stakeholders and individuals in the community over the past four months to put the AFH together. Ms. McCombe reviewed the definitions of fair housing and assessment of fair housing, and noted the AFH is required to receive the Community Development Block Grant (CDBG) from U. S Department of Housing and Urban Development (HUD) and for HRHA to receive funds from the Housing Choice voucher program and McKinney-Vento funds also through HUD. Ms. McCombe noted the new AFH regulation requires both the city and HRHA to receive HUD acceptance of its joint AFH before the five-year plans can be submitted. Ms. McCombe stated as recipients of HUD funds, the city and HRHA are legally obligated to affirmatively further fair housing, which means both entities must work to stop housing discrimination and to de-segregate and integrate racially concentrated areas of poverty in Harrisonburg. Ms. McCombe stated the next steps would be for city council and HRHA board of directors to consider the adoption of the AFH at this meeting. Ms. McCombe noted the AFH, including comments received and responses provided, will be submitted to HUD no later than October 4, 2016 and HUD will then have a 60 day review period. Ms. McCombe noted HUD must accept the AFH before the city can submit its five year consolidated plan and HRHA submits its five-year agency plan. Ms. McCombe noted these plans must incorporate goals, metrics and milestones from the AFH as well as annual performance reports which must include progress achieved in accomplishing goals from the AFH. Ms. McCombe stated the AFH has been available on the cities website and HRHA's website as well as other locations throughout the city. Ms. McCombe stated the 45 day public comment period has closed but this group would like to provide citizens with one more opportunity to give feedback before the city council and the HRHA board of directors take action to vote on the document at this meeting.

At 7:41 p.m., Mayor Jones closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, September 19, 2016.

Pamayotis "Poti" Giannakaouros, 98 Emory Street, stated the goals set out by the two bodies are admirable. Mr. Giannakaouros stated he hopes that all people involved will put their hearts into this and was interested to read the report, although a bit disappointed of the limited history of Harrisonburg as some important people were not mentioned. Mr. Giannakaouros stated he feels larger portions of the community could have been included such as Northeast Neighborhood Association, NAACP, the Martin Luther King Jr., Way Coalition, and Virginia Organizing, to name a few, and that any board member would have been welcomed to any of these organizations meeting. Mr. Giannakaouros stated we should welcome all parts of the community to avoid segregation, however he feels that some of the recent ordinances and policies put in place may send a signal that some people are not welcome (i.e. Backyard chicken discussion with the neighbor waivers, panhandling ordinance, dog tethering ordinance, noise

ordinance, just to name a few). Mr. Giannakaouros stated he hopes these joint meetings integrate our thinking and our intentions.

At 7:46 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Shearer questioned if staff was comfortable with the current AFH as the last time this was discussed there were some possible modifications. City Manager Hodgen stated they have met with the consultants and modifications were made regarding certain language components of the plan to where staff feels satisfied the city is not committing to something that can't be met.

Michael Wong, executive director of HRHA, stated they looked at the goals and objectives, outlined the responsibilities of different activities, and HRHA's responsibilities are placed into their five year plan (i.e. outreach to landlords, increase educational activities in regard to fair housing, development of a homeownership initiative and family self sufficiency program) and he feels comfortable with these goals as HRHA is already doing many of them, and in fact, this year seven people have obtained homeownership.

Council Member Degner asked if there are any specific changes made on the city's side that Mr. Wong would be concerned about. Mr. Wong stated he did not see any specific changes but there are opportunities for partnerships that could be expanded upon, but no specific challenges.

Mr. Miller noted as a board they are interested in moving forward with this joint effort, interested in collaborating on the strategic efforts to implement the fair housing document content, and look forward to relating effectively and judiciously in the future.

**A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh to approve the Assessment of Fair Housing Plan as presented. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

A motion was made by HRHA Board Member Timothy Smith, seconded by Vice-Chairman Thomas Dawsons to approve the Assessment of Fair Housing Plan as presented. The motion carried with a unanimous voice vote.

**A motion was made by HRHA Board Member Timothy Smith, seconded by Vice-Chairman Thomas Dawsons to approve the Assessment of Fair Housing Plan as presented. The motion carried with a unanimous voice vote.**

## 7. Public Hearings

## 8. Regular Items

- 8.a. Consider a request from 217 S Liberty LLC, with representative Matchbox Realty and Management Inc., for a comprehensive sign plan as per section 11-7-6 (9) of the Sign Ordinance.

Adam Fletcher, director of Planning and Community Development, presented a comprehensive sign plan for 217 South Liberty, LLC on property located at 217 South Liberty Street (Ice House facility). Mr. Fletcher stated this request is for a deviation of the city's regular sign ordinance 11-7-6 Subsection 9, zoned B-1. Mr. Fletcher stated the request is for the Pale Fire Brewing Company to place advertising on portions of the building they are not occupying. Mr. Fletcher presented several pictures of the building and sign location. Mr. Fletcher noted the applicant has been made aware that if there are any changes to the placement of the sign a new application will have to be processed and approved by the planning commission. Mr. Fletcher noted staff is recommending approval of the request.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to approve the comprehensive sign request. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

- 8.b. Presentation of the Economic Impact Analysis results of bicycling in the Central Shenandoah Valley

Brenda Black, director of Tourism and Visitor Services introduced Elizabeth McCarty, program manager for the Central Shenandoah Planning District Commission (CSPDC). Ms. McCarty stated the CSPDC is involved in transportation planning, administering the Bike the Valley program, and coordinates the Fields of Gold Agri-Tourism program. Ms. McCarty presented the Bicycle Economic Impact Study which stemmed from questions raised at the 2014 Harrisonburg-Rockingham Bike/Walk summit. Ms. McCarty noted under the leadership of Ms. Black, eight partners from private, public and non-profit sectors were involved in the study. Ms. McCarty noted the study covered four counties and five cities, all along the I-81 corridor from Shenandoah County to Rockbridge County and the study was coordinated, processed and prepared through the CSPDC. Ms. McCarty noted the primary purpose of the study was to estimate the economic impact of bicycle tourism and how the bicycling experience can be improved in the region. Ms. McCarty reviewed the study activities, obtained through online surveys and noted 31% of completed surveys were completed by Harrisonburg and Rockingham County residents. Ms. McCarty stated the CSPDC partnered with the Roanoke Valley Allegheny Regional Commission, to provide the software to analyze the 1,581 surveys (which represented 3,064 people) completed. Ms. McCarty noted the surveys received represented 25 states, DC,

two Canadian provinces and Australia. Council Member Byrd asked what the percentage of out of area surveys that were received. Ms. McCarty stated out of the 45% that were visitors to the region, (which represented 2,187 people) the majority of visitors were from other parts of Virginia followed by nearby states and overall were repeat visitors (88% had visited the area before). Ms. McCarty reviewed additional survey statistics, including spending and accommodations used while in the region, age, income, etc.

Ms. McCarty stated in 2015 the bicycle tourism industry in the project area generated an estimated \$8.6M in sales activity and 144 jobs.

Ms. McCarty reviewed recommendations for promoting the regions bicycling assets and growing the industry which fell under three categories: organizational, facility and marketing. Ms. McCarty stated some of the facility recommendations included designated bike lanes, wider shoulders, off-road trails and marking bicycle symbols and signs, which ranked among the top recommendations.

Ms. McCarty thanked the city for being a leader in bicycling, for being recognized as a bicycle friendly community, being a hub for biking events, and for holding the bike summit every year.

Ms. McCarty noted the Fields of Gold Tour De Gold Program - bike to farm initiative, will hold a meeting at the Rockingham County offices on September 28, 2016

Mayor Jones asked Ms. McCarty if she planned on attending the 2016 Bike Summit in November. Ms. McCarty replied that she will not attend this year but other CSPDC staff members will.

**8.c.** A report on city employment statistics and demographics

Mayor Jones noted in 2014 conversations began to apply a concentrated effort to seek deeper diversity and an overall evaluation of employment statistics and demographics of the city.

Marissa Keagy, Human Resources generalist senior, presented an update on the city's employment statistics and diversity recruitment efforts. Mrs. Keagy reviewed the first handout entitled "Human Resources Advertising and Outreach and Future Plans", which reflects changes that were made in response to and based on suggestions from a citizens group that HR staff began meeting with in 2014. Mrs. Keagy noted advertising had been expanded to international food stores, increased participation in local job fairs, commercials on WHSV TV3, interior ads on all city transit busses and contacted religious organizations with primarily minority congregations. Mrs. Keagy stated continued research is being done and exterior ads are being developed for public transit buses and transit bus shelters. Mrs. Keagy noted the multiple sites in which jobs are advertised online, as well as print advertisement locations.

Mrs. Keagy noted in 2014 a base line was established indicating the demographic composition of the city workforce, and shown on a report entitled "Employee Report By Race and Ethnicity," which indicates demographics from February 2014 through September 2016. Mrs. Keagy noted the minority racial and ethnic groups have steadily increased as a total percentage since 2014 and reviewed additional data noted on the report. Mrs. Keagy noted in an attempt to improve hiring a diverse workforce it is important to note that when an individual submits an application the individual has the option to submit their self identified race or ethnicity. Mrs. Keagy noted this is not required, however, they do self identify on pre-employment screening paperwork.

Mrs. Keagy presented the report entitled "Employee Turnover," which breaks down full-time employment turnover for the fiscal years 2014 - 2016. Mrs. Keagy stated this report reflects the city has a low turnover rate and has been consistently lower than 9% in comparison to other local jurisdictions ranging from 9.95% to 26.5%. Mrs. Keagy provided information on which departments have the highest turnover rate: HRECC, police, Public Utilities, Public Transportation, Public Works and Parks and Recreation. Mrs. Keagy noted some of these departments require specialized skills or education, even at an entry level position, (i.e. CDL license and water treatment plant operators license) and presented the statistics as to the reasons for turnover. Mrs. Keagy stated over the past three fiscal years there is an average of 49 full time openings with an average of 79 applications received for each opening.

Mrs. Keagy presented instructions on how to apply for a position through the city's website and additional services available to those seeking a job with the city.

Mayor Jones asked the city manager if this information could be presented to one of the groups that originally brought up this request for information in 2014 through a meeting. City Manager Hodgen stated he is open to sharing this information. Council Member Byrd mentioned to the Mayor that he is welcome to share the information as well. City Manager Hodgen noted in the meantime individuals can go to the city website to review, and any questions arise they can be brought to him or to Human Resources. Council Member Degner noted it's obvious the work that has been done is making an impact and making a difference. City Manager Hodgen stated he feels things are improving considering the reduction of available jobs, the low turnover rate, even though the raw numbers don't reflect that, and will plan to continue these efforts.

City Manager Hodgen referred back to the presentation of the positions/departments with high turnover rates, with most of those positions requiring specific licensing and training.

Mayor Jones asked the process of what happens once an application has been submitted. Mrs. Keagy stated Human Resources screens all applications based on minimum qualifications listed in the job and then anyone who meets those

qualifications are referred to the hiring officials, who in turn narrow them down to the top applicants for an interview. Mayor Jones asked if these applicants were notified if they did not qualify or were not selected for the position. Mrs. Keagy stated every applicant is notified via email, usually after the hiring process is completed. City Manager Hodgen noted that some available positions may stay open for longer than normal as to allow the departments to save funds as long as it doesn't impact the workload of others.

Mayor Jones asked if the applicant pool has been robust. Mrs. Keagy noted an increase in African American applicants as well as those listed as unknown classification, Hispanic/Latino and Asian had decreased but is on the rise again as well.

**8.d.** Consider a Resolution of Support for the Exit 247 Bridge and Interchange Improvement Project

Tom Hartman, assistant director of Public Works, presented four resolutions for the Smart Scale VDOT grant projects in which applications are being processed to be submitted on Friday. Mr. Hartman stated the resolution for support was for the Exit 247 Bridge and Interchange Improvement Project, which was submitted last year unsuccessfully, however, this year there are additional VDOT funds to add to the pot so the request is lower. Mr. Hartman noted this project is to replace the two structures over East Market Street, two structures over the railroad on East Market Street and for improvements to the interchange on the northbound exit and entrance ramps.

Mr. Hartman noted the Resolution for Support for the Exit 247 Interchange Improvement Plan, is for the interchange improvements which does not include the bridge replacement project. Mr. Hartman explained it is being done this way so that the costs of the bridges don't outweigh the safety of the interchange improvements themselves. Mr. Hartman noted this plan is to eliminate motorist weaving and to create a much safer interchange.

Mr. Hartman noted the resolution for support for the Mt. Clinton Pike Improvement Project, which is to install a roundabout at the intersection of Mt. Clinton Pike, Chicago Avenue and Park Road, as well as make improvements from the roundabout to Route 42.

Mr. Hartman noted the resolution for support for the Erickson Avenue Phase IV Project, to finish the Erickson Avenue / Stone Spring Road project which will go from the city limits to just west of the Stoneburner wall at Route 42.

**A motion was made by Council Member Shearer seconded by Vice-Mayor Baugh to approve the four resolutions for support for agenda items 8d, 8e, 8f and 8g. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

**8.e.** Consider a Resolution of Support for the Exit 247 Interchange Improvement Project

see agenda item 8d

**A motion was made by Council Member Shearer seconded by Vice-Mayor Baugh to approve the four resolutions for support for agenda items 8d, 8e, 8f and 8g. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

**8.f.** Consider a Resolution of Support for the Mt. Clinton Pike Improvement Project

see agenda item 8d

**A motion was made by Council Member Shearer seconded by Vice-Mayor Baugh to approve the four resolutions for support for agenda items 8d, 8e, 8f and 8g. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

**8.g.** Consider a Resolution of Support for the Erickson Avenue Phase IV Project

see agenda item 8d

**A motion was made by Council Member Shearer seconded by Vice-Mayor Baugh to approve the four resolutions for support for agenda items 8d, 8e, 8f and 8g. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

**8.h.** Consider funding for sustainable water supply by the completion of Shenandoah River Project and enhancement of the Dry River source

Mike Collins, director of Public Utilities, stated in early 2016 he presented to council a draft document called the Raw Water Supply Management Plan (RWSMP), trying to recapture many of the details of the water supply in the midst of negotiations and re-issuance of a Virginia water withdrawal permit, which was a re-issuance from a permit obtained 15 years ago for use on the Shenandoah River. Mr. Collins presented the updated RWSMP, which reflects changes with the new restrictions on the Virginia water withdrawal permit.

Mr. Collins stated the goal of the new RWSMP is to sustain a raw water supply for

build-out of the city in the future, and welcomes any suggestions, discussions, work sessions or any other alternatives, cross examinations, ideas etc. Mr. Collins requested council set a timeline for funding to complete the RWSMP.

Mr. Collins stated it is estimated the city at build-out will require between 9.2 and 11.9 million gallons per day (MGD), depending on the growth rate, and the city should be seeking a water supply that is between 11.9 and 15.3 MGD per day. Mr. Collins reviewed the current water supply, drought conditions, and stated calculations should be made of required water supply with Switzer Dam not being calculated in the current water supply. Mr. Collins reviewed the current completed and incomplete pipe lines, and suggested the city maximizes the use of the Dry River source, minimize the use of the Shenandoah River source, and gap fill with the North River source. Mr. Collins reviewed the water flow from each of those sources, including the optimized amounts and drought amounts. Mr. Collins reviewed the work that is needed to secure the Shenandoah River source and what funding would be required to complete this project. Mr. Collins reviewed what is suggested for the Dry River source in order to provide the water needed by the Virginia Poultry Growers Association (VPGA) and replace older pipes with a life expectancy due to expire within the next two to seven years.

Mr. Collins summarized the total project cost and the expected costs that would be transferred to the citizens and presented a water fund financial profile for the city. Mr. Collins reviewed the proposed project schedule, with the Shenandoah River source and the Route 33 West / Dry River project being completed by 2020. Mr. Collins feels strongly these projects need to be completed in order to meet the needs of the expected build-out of the city and this is a benchmark decision and reiterated his willingness for a workshop to make sure council is comfortable with these projects and funding requirements.

Council Member Degner stated important information was provided and education for the whole community is important to take this issue seriously. Council Member Byrd asked what the loss of water was at Switzer Dam due to the recent lack of rain for 30 days. Mr. Collins replied with 20-25% loss which reflects how, if the drought is sustained, what the timeline would be before Switzer Dam ran out of water. Mr. Collins has seen Switzer Dam come within 20 days of running out of water a few times over the past years. Council Member Shearer stated this information is not a surprise and council has been made aware of this issue many times over the past four years. Council Member Byrd stated he was prepared to move forward and would like to look at other financial opportunities that might be available. Mr. Collins stated anything at all that needs to be examined he is willing to explain anything council needs and welcomes cross examination until everyone is satisfied by whatever means necessary.

City Manager Hodgen stated if council is comfortable with the parameters set by Mr. Collins including timeframes and cost estimates staff would like to have council acknowledge that tonight to move things forward. City Manager Hodgen noted this will need to be revisited during the bond market issuance etc. Council Member

Byrd stated there are financial opportunities that as this process progresses, can be discussed further.

Mr. Collins stated the most immediate project would be to kick the design into gear as the 33 West project requires a lot of planning, easements will require quite a bit of acquisitions and to have a target date would be better than leaving things wide open. Mr. Collins noted they have enough cash to fund the rest of the Shenandoah River source design.

A discussion took place regarding the timeline, construction start date and project completion dates.

Council Member Degner stated nothing works without water.

Vice-Mayor Baugh noted that although we are somewhat authorizing to spend money on this project, review will still continue throughout the project, and we are simply authorizing staff to move forward with this project.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the Raw Water Supply Management Plan for a reliable future with the project dates given. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

#### **8.i. Data-Driven Approaches to Crime and Traffic Safety**

Lieutenant Chris Rush, Harrisonburg Police Department, presented a new initiative to begin on October 1, 2016, known as the Data Driven Approach to Crime and Traffic Safety (DDACTS). Lieutenant Rush noted although this is a new initiative to the city, it has been used throughout the country successfully. Lieutenant Rush stated DDACTS is an operational model that uses the integration of location-based crime and traffic data to establish effective and efficient methods for deploying law enforcement and other resources. Lieutenant Rush stated instead of deploying officers at random locations or based on previous statistics, a history of a certain area is reviewed. Lieutenant Rush stated data is reviewed from traffic crashes, high traffic concerns, and for certain crimes in order to determine what areas are a higher risk since traffic drives crime. Lieutenant Rush stated the goal of DDACTS is to reduce the incidents of crime and crashes in a neighborhood and reduce social harm. Lieutenant Rush stated the goal is not to generate tickets per se, it is to have a high police visibility, high police presence, and increased law enforcement with the hopes that the increase would not only deter crimes but also create better driving habits and make drivers more attentive and build stronger relationships with community and businesses to increase crime reporting.

Lieutenant Rush stated DDACTS operational guidelines, created in 2009, reflects the seven guiding principals: partner/stakeholder participation; data collection;

data analysis; strategic operations; information sharing and outreach; monitoring, evaluation and adjustments; outcomes. Lieutenant Rush stated DDACTS shows that crime and crashes often occur in close proximity. Lieutenant Rush noted crimes often involve motor vehicles and vehicle stops can yield valuable intelligence, and note it refers to stops not necessarily traffic enforcement or vehicle enforcement.

Council Member Degner asked for additional information regarding the last comment of stops yielding valuable intelligence.

Lieutenant Rush stated one of the premises of DDACTS is if contact is made, by a vehicle stop or on foot, an officer has the ability to learn about what is going on in the community, particularly if the individual lives in that community. Lieutenant Rush stated the best resource is to be able to talk to them and obtain information. Lieutenant Rush stated valuable intelligence is not necessarily criminal intelligence and can be used to better the value of life and reduce social harm in a community.

Mayor Jones asked for clarification of vehicle stops.

Lieutenant Rush stated if an officer has a reasonable suspicion to stop a vehicle, the focus is not necessarily issuing of tickets, but there is education component that can go along with a stop. Lieutenant Rush stated this is an opportunity to obtain valuable intelligence regarding the overall status of the community and can be used both on vehicle stops and foot patrol engagements. Lieutenant Rush stated DDACTS is a resource of another level of providing community policing but in a more concentrated high risk area.

Lieutenant Rush reviewed the statistics assembled for the city from 2011 through 2015, reflecting traffic crashes and selected offenses and overlaid the statistics to a city map which reflected those areas within the city with higher concentrations of the above issues. Lieutenant Rush stated this information of targeted DDACTS zones are then shared with several outside entities and departments within the city (i.e. Harrisonburg Police Department (HPD) Special Operations, HPD patrol officers, HPD Community Resource officers, HPD crime analysts, HPD records department, property management and business owners, residents, local media, probation and parole, public works, and James Madison University). Lieutenant Rush noted DDACTS is not intended to reduce all crimes, only those crimes that are typically viewed as being done in public. Lieutenant Rush stated for those crimes that are committed behind closed doors extra police presence doesn't have a greater impact on reducing those crimes. Lieutenant Rush stated since our violent crime rate is minimal compared to other localities using the DDACTS approach, the crimes the city is looking at are those that high police presence would have the most impact on: burglaries, breaking and entering, theft of motor vehicles, theft of motor vehicle parts and accessories, property damage, disorderly conduct, drunkenness and driving under the influence. Lieutenant Rush stated the area reflecting the highest amount of traffic crashes that correlate with the highest amount of criminal offenses is the Port Republic Road area east of Interstate 81.

Lieutenant Rush stated one of the concerns would be that the HPD would be targeting a large concentration of students, however, this is the opposite, as primarily outside offenders are the ones committing criminal offenses in that area, therefore the goal would be to minimize the traffic crashes, increase safety in that area and create a better safer living environment for our student population.

Lieutenant Rush reiterated this initiative will begin on October 1, 2016, during the times of 1pm to 6pm and 9pm to 1am. Lieutenant Rush reviewed the logistics of how DDACTS will be covered.

Lieutenant Rush stated during the Coffee with a Cop event, on September 29, 2016 at Dave's on Port Republic Road, information regarding the DDACTS initiative will be shared and brochures will be distributed during patrols, community engagement and enforcement actions and he invited council and staff to attend.

Lieutenant Rush noted that reports will be generated on a monthly basis to evaluate the progress and its effectiveness. Lieutenant Rush noted in March 2017 a six month evaluation will be made by the command staff of HPD, and adjustments can be made if need be in response to effectiveness and in response to any concerns the media or public may have, and in September 2017 a final comprehensive evaluation of DDACTS activities will be done, to determine if crime/crash locations have shifted due to the extra police presence in the Port Republic Road area. Lieutenant Rush noted the overall goals of DDACTS for the city is to reduce burglaries, theft of motor vehicles, theft of motor vehicle parts and accessories, property damage, disorderly conduct and driving under the influence by ten percent, to reduce traffic crashes by five percent and to reduce traffic stops by twenty-five percent. Lieutenant Rush stated additional training is taking place with our patrol officers, and the goal with traffic enforcement is to not necessarily issue a summons, but to educate the individual so the offense is not committed again.

Council Member Degner asked if there is a way to track non-ticketed traffic stops. Lieutenant Rush stated the HPD can track by citation warnings and summons and has the means to track traffic stops as a whole. Council Member Degner asked if that meant there was a way to track the education component on traffic stops. Lieutenant Rush stated yes, but there also may be education provided on those stops that do get citations as well. Lieutenant Rush stated the big premise of DDACTS is the high visibility and also the traffic stops for those committing offenses at which time the department's position is to use those as an educational stop as well.

Mayor Jones stated it appears the goals of reducing the crimes and traffic crashes/stops lead to citations. Lieutenant Rush stated the goals do not necessarily lead to more citations, as traffic enforcement does not always result in a citation and our officers make the stops based on the legal premise with probable cause, reasonable suspicion or an offense actually occurred. Mayor Jones acknowledges all the HPD has done over the years particularly with the

national climate as it is, and is proud of how HPD has handled themselves.

Lieutenant Rush stated they will present the outcome of how DDACTS has impacted the city in six months.

Lieutenant Pete Ritchie, patrol commander HPD, stated the reduction of traffic crashes is extremely important. Lieutenant Ritchie stated a reduction by 5% through DDACTS would mean 100 less crashes per year in the city based on current statistics. Lieutenant Pete Ritchie presented a staff study submitted to Northwestern University Center for Public Safety that concludes DDACTS is the application of high visibility traffic enforcement and education that is a proven and affective measure that addresses both crime and crashes, and there is strong evidence that place based strategies are effective and that by implementing the DDACTS philosophy in the hotspot areas a proactive approach can be provided in addressing these quality of life issues in our community. Lieutenant Ritchie stated that not only are the quality of life issues being addressed but benefiting and involvement of our stakeholders and shareholders (the community).

Vice-Mayor Baugh stated he is getting the impression that one of the changes expected to see is that traffic stops that would typically lead to getting a citation might not now and just get education under DDACTS. Vice-Mayor Baugh asked if there was a change in policy to determine what type of violation would or would not get a citation.

Lieutenant Ritchie noted a serious violator will most likely still get a summons or a written warning and education, however, officers have the option to use his/her discretion.

Council Member Byrd noted if one obeys the law there would be no need to stop.

#### **8.j. Restorative Justice 2016 Report**

City Manager Hodgen provided a summary of all applications received, and as originally discussed we were looking for a breadth of various expertise to constitute the membership of that group, and at this point out of the six applications received there are two professors, two civil engineers, one contractor and one architect. City Manager Hodgen noted the city hasn't received applications from all of the areas we would like to see. City Manager Hodgen stated with that in mind, the original application deadline was September 16, 2016 and with council's permission staff would like keep the application process open.

Council Member Shearer noted he received an email from someone expressing interest, therefore agrees with the extension.

Discussion took place, and Council Member Degner recommended extending the deadline until October 31, 2016.

Mayor Jones asked if this was open for members of the student population. Consensus was anyone can apply and City Manager Hodgen noted the applicant pool was not limited to city residents only.

- 8.k.** Consider an ordinance closing an 800 +/- square foot portion of a ten foot wide alley, located adjacent to 135 east Johnson Street in the City of Harrisonburg

Chris Brown, city attorney, presented an alley closing for the second portion of an alley located adjacent to 135 East Johnson Street. Attorney Brown noted all funds have been received.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the alley closing request. the motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

- 8.l.** Consider approval of a business, professional and occupational license refund for 2016

Chris Brown, city attorney, presented refund request of a business, professional and occupational license for 2016. Attorney Brown noted the tax payer paid for the entire year and then went out of business, because the business was sold, and therefore is entitled to a refund and the individual that purchased the business will file for the rest of the year.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to enact Section 4-2-19 of the City Code. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

**No:** 0

## **9. Other Matters**

Mayor Jones provided kudos to Parks and Recreation and to those individuals that participated in the International Festival, attendance was estimated to be 10,000 people.

Council Member Degner presented a resolution on the TPP, willing to either approve tonight or bring up for consideration at the next council meeting. A discussion took place and consensus was the language needed to be worked on and to wait until the next council meeting to review and discuss. A discussion took

place about rescinding the current resolution and that too will be discussed and reviewed at the next meeting.

City Attorney Brown recognized the new assistant city attorney, Wesley Russ.

## 10. Boards and Commissions

### 10.a. Environmental Performance Standards Advisory Committee

City Manager Hodgen provided a summary of all applications received, and as originally discussed we were looking for a breadth of various expertise to constitute the membership of that group, and at this point out of the six applications received there are two professors, two civil engineers, one contractor and one architect. City Manager Hodgen noted the city hasn't received applications from all of the areas we would like to see. City Manager Hodgen stated with that in mind, the original application deadline was September 16, 2016 and with council's permission staff would like keep the application process open.

Council Member Shearer noted he received an email from someone expressing interest, therefore agrees with the extension.

Discussion took place, and Council Member Degner recommended extending the deadline until October 31, 2016.

Mayor Jones asked if this was open for members of the student population. Consensus was anyone can apply and City Manager Hodgen noted the applicant pool was not limited to city residents only.

**This Boards and Commissions was tabled.**

## 11. Other Matters - continued

### 11.a. Consider moving November Council meeting dates to the 15th and 29th of November, 2016

A discussion took place to move the November council meetings to the 3rd and 5th Tuesday of the month.

**A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, that this Action Item be approved. The motion carried by a voice vote.**

## 12. Adjournment

At 10:05 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CLERK PRO TEMPORE

MAYOR