



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Draft 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, February 24, 2015

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

**Also Present:** 5 - City Manager Kurt Hodgen, Assistant City Manager Anne Lewis, City Clerk Erica Kann, City Attorney Chris Brown and Captain Tom Hoover

### 2. Invocation

Council Member Shearer offered the invocation.

### 3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

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

George Pace, 503 Fairway Drive, felt with the site chosen for the new school there will be significant second-order costs the city will occur in transportation, highway construction, stormwater management and water and sewage. Mr. Pace believes that transportation will need to add 15 to 20 buses to their fleet; extended turn lanes added to both Route 33 and Garbers Church Road to accommodate parent vehicles; limited landscaping due to the area needed for hard surfaces; and, wouldn't be surprised if another pump station would be needed to be able to supply enough water to meet the demands of the new facility.

Ralph Geddes, 395 Franklin Street, stated every ten years we are looking at sites to build new schools on and suggested to build onto the existing buildings. Mr. Geddes noted that sidewalk snow removal is a problem and suggested to take the excessive snow to the landfill. Mr. Geddes showed concern toward the cost of living within the city 10 to 20 years from now.

Thomas Brenneman, 2700 Willow Run Road, stated he is the Juvenile Case Manager, a position dealing with youth with risk factors. However, Mr. Brenneman stated he was speaking as a civilian and appreciated the existing services within the City of Harrisonburg and Rockingham County. Mr. Brenneman stated there is so much potential in the community to ask for and seek more tools, action and

advisement from the Community Criminal Justice Board (CCJB). Mr. Brenneman stated that the CCJB needs to be tasked and brought to its potential not just about beds in a jail.

Beth Schmoyer, 419 Neyland Drive, stated she felt compelled by what Mr. Brennamen just stated. Ms. Schmoyer formally asked council to mandate the CCJB to provide public comment during their meetings. Ms. Schmoyer stated she felt reflection on the importance of education and how it affects incarceration rates. Ms. Schmoyer stated she felt the community would like to see more money put into our community including the schools. Ms. Schmoyer asked council to reflect on the Middle River Regional Jail as education and other issues are discussed and how to set up our students for success.

Tom Domonoske, 461 Lee Avenue, apologized for having to take the time of City Council because a group was told by the CCJB to come and ask about public comment during their meetings. Mr. Domonoske stated the CCJB should allow public comment and asked City Council to order that to occur. Mr. Domonoske stated one comment would have been about the absence of data. Mr. Domonoske stated there shouldn't be discussion regarding a \$20M deal until the data is received and the board needs to be tasked to obtain this data into a readable form. Mr. Domonoske noted that in 2011 the council adopted a Comprehensive Plan and noted the performance standards for new buildings listed within the plan. Mr. Domonoske suggested asking the architects to provide the performance standards for the buildings currently being built, evaluate the buildings after they are built and then use that data to create the performance standards.

James "Bucky" Berry, 30 West Washington Street, reminded council about the upcoming food drive at the Ford Dealership. Mr. Berry would like the city to purchase 25 acres for the new school so it would be able to be expanded in the future. Mr. Berry asked council to give the schools the money they are requesting.

Dr. Panayotis "Poti" Giannakouros, 98 Emory Street, stated he had collected data from Captain Shortell and noted he didn't obtain all the numbers he needed due to him paying for the requests himself. Mr. Giannakouros stated since the issue of incarceration had been engaged, there had been a dramatic drop incarceration without implementing any alternatives or programs. Mr. Giannakouros stated he would like to pass along to the CCJB that they should be careful about language they use regarding alternatives to incarceration and prevention. Mr. Giannakouros stated when he thinks about this issue he thinks about preventing people from being marginalized into the criminal justice system by civic engagement. When we succeed, then it prevents victims. Mr. Giannakouros stated he feels that the CCJB needs to be tasked high and given a clear target. Mr. Giannakouros asked to have the CCJB tasked to make the data/tools available in the community so citizens can mirror the decision making process.

**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 Degner, seconded by Council Member Shearer, to approve the Consent Agenda. 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**

These Minutes were approved.

**5.b. Work Session Minutes**

These Minutes were approved.

**5.c. Consider a supplemental appropriation for Harrisonburg City Schools in the amount of \$379,360.80**

This Supplemental Appropriation was approved on second reading.

**6. Public Hearings**

**6.a. Consider updates to the Solid Waste Management Plan prepared for and submitted to the Virginia Department of Environmental Quality**

Jim Baker, Director of Public Works, stated this plan was due to be revised in 2017, but it is now being updated due to the changes to the Resource Recovery Facility and trash program. Mr. Baker stated this update needs to occur to obtain a transfer station permit from the Department of Environmental Quality (DEQ).

At 7:28 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 Thursday, February 19, 2015.

James "Bucky" Berry, 30 West Washington, suggested a mandatory recycling program be put in place and if you don't participate, a \$25.00 fee be charged.

Ralph Geddes, 395 Franklin Street, stated that everything used to have to be recycled and the city should sell the trash for profit. Mr. Geddes is concerned for those on fixed incomes and how they are going to pay their light, water and trash bills.

At 7:30 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Degner addressed the concern about recycling and stated with the

new program we will begin recycling now more than ever. Mr. Baker stated the city will be able to recycle between 50-60% and with the addition of construction debris, it will increase closer to 80% compared to the current 25-30%. Mr. Baker stated more will be recycled since it isn't currently mandatory and with this program all trash and recycling would go into one bin and then separated out.

**A motion was made by Council Member Degner, seconded by Council Member Shearer, to approve these updates. 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

Mayor Jones noted that agenda item 6.c. would be presented prior to agenda item 6.b.

#### **6.c. Consider adopting the Stormwater Utility Fee Ordinance and Program**

Mr. Baker stated this is a new program to help the process of stormwater runoff, primarily the quality. Mr. Baker stated that the program being recommended has been created and developed by the staff and the Stormwater Advisory Committee (SWAC). Mr. Baker stated this program had been modeled off of other localities, but had been modified to the uniqueness of Harrisonburg. Mr. Baker noted any funds received through this program will be used toward stormwater management and the projects will go through the Capital Improvement Plan (CIP) process. Mr. Baker stated the program will meet the requirements of our Municipal Stormwater Management Permit (MS4), which allows us to discharge stormwater runoff into streams within Virginia. Mr. Baker noted that there is a difference between the Stormwater Utility Fee program and the Stormwater Management Program that will be addressed later tonight by the City Engineer. Mr. Baker reviewed why we are doing the program and why it is important to care for our runoff. Mr. Baker stated this program will take into consideration items we have done in the past and will not directly support the correction to backyard flooding, drainage and erosion. However, it will provide methods to help with the quantity and quality of the water that is flowing through backyards. Mr. Baker recognized the SWAC and staff members who worked on this program.

Bill Jones, SWAC Chairman, stated SWAC was about to complete the task that was given a little over a year ago. Mr. Jones reviewed the timeline of the group's work and thanked SWAC members, staff and the consultant.

Thanh Dang, Transportation & Environmental Planning Manager, reviewed the following about the Stormwater Utility Fee program: develop a city-wide Stormwater Improvement and Polluted Runoff Reduction Plan to meet Chesapeake Bay TMDL requirements; design and construct stormwater capital projects (including cost shares with private property); coordinate pollution reduction efforts, including a pollution detection and elimination program, pollution prevention and good housekeeping practices, and public education and outreach; and, maintain and operate city-owned stormwater drainage and stormwater management facilities. Ms. Dang reviewed the

upcoming East Market Street Stormwater Regenerative Conveyance project which will provide stormwater treatment, infiltration and conveyance by combining stormwater management with wetland and stream restoration practices. The city received a grant in the amount of \$303,197 from DEQ for half the project cost with the other half funded by the city. Ms. Dang stated if the stormwater utility ordinance is approved, this project and others would be covered by the stormwater fund. Ms. Dang stated the following regarding the stormwater utility fee ordinance: applies to every parcel/property; establishes a billing unit of 500 square feet of impervious area, rounded to the nearest whole number; establishes a billing rate of \$10.50 per building unit/per year; effective date is July 1, 2015; and, the fee would be billed two times per year on the real estate tax bill. Ms. Dang stated before deciding on the stormwater utility fee, city staff and SWAC considered different options for funding the stormwater program and presented a chart comparing those options. Ms. Dang stated the total stormwater program needs are \$2.3-2.5 million each year through June 30, 2018, when the current MS4 permit cycle ends. Ms. Dang also stated that we plan for the General Fund to continue to fund \$500K-600K of the program. This would cover program elements that have been in place before the most recent MS4 permit requirements became effective in 2013. Ms. Dang stated as proposed, the stormwater utility fee would collect and cover about \$1.9M each year, and this would be used primarily for the remaining costs for capital projects. Ms. Dang stated as the state code requires, the stormwater utility fee ordinance establishes the need for a credit program. The ordinance says that the Public Works Department will administer the credit program that is adopted by City Council. Ms. Dang stated there are two proposed credit manuals being presented, one for residential properties and the other for non-residential properties. Ms. Dang stated since funds are still needed to run the stormwater program, the proposed limit is a maximum credit of 50% of the annual stormwater utility fee for both non-residential and residential properties.

Ms. Dang stated item 6.b. on the agenda is a request to amend and add section 5 to the Tall Grass & Weeds Ordinance. This is to exempt areas the city has qualified, approved and are maintained by the Best Management Practices for stormwater regulatory compliance and/or stormwater utility fee credit purposes from tall grass and weeds regulations. Ms. Dang noted that these areas would be shown on a recorded maintenance agreement or in their stormwater utility credit application that would delineate the area where the best management practice is located.

Ms. Dang presented the following amendments to the SWAC bylaws: Article II: Purpose, specifies MS4 permit program and stormwater utility program; Article III: Responsibilities, removes evaluate viability of stormwater enterprise and adds monitor implementation of stormwater utility program; and, Article IV: Membership, changes to five members and establishes term lengths of three years, staggered 2-2-1 format. It was noted the committee would be opened to new applications, and current committee members who wish to be considered reapply. Ms. Dang stated during the entire process, public outreach and engagement had been very important and reviewed the process which included the following: monthly e-newsletter with 200 subscribers; SWAC members and staff meeting with 15 different organizations; hosted two open houses, with 60 individuals attended; 42 written comments were

received, which didn't include phone, in person or e-mail conversations. Ms. Dang reviewed the next steps, if approved: second reading will be held on, March 10; web-GIS available for reviewing impervious area calculations and mailers sent to property owners and credit applications available both in mid-March; credit applications due on July 1, 2015; first stormwater utility bill sent in October, due December 2015; and, second stormwater utility bill sent in April, due June 2016.

Council Member Degner asked about the timing of the program. Ms. Dang stated the budget that is presented is to get us to our target by June 30, 2018. Ms. Dang stated the bulk of the fee is to get projects done to reach our goal. Ms. Dang stated by 2018, 34 pounds of phosphorus and 347 pounds of nitrogen needs to be removed. Ms. Dang noted the East Market project will only remove 18.56 lbs of phosphorus. Ms. Dang noted currently by 2023, the city will have to remove a total of 673 lbs of phosphorous per year and 6,944 lbs of nitrogen per year. Ms. Dang noted that DEQ grant limit is \$50,000 per total phosphorus (TP) per year.

Mayor Jones asked staff to review how the \$10.50 per square foot was calculated. Mr. Baker stated the amount was calculated by the following: took the total of projects that needed to be completed by the end of the permit cycle and the cost for staff to manage the program; took the impervious areas within the city and did the mathematical calculations. Mr. Baker noted that the \$10.50 square foot reflects the range of other localities within Virginia. Mayor Jones noted that this is not a profit program for the city. Mr. Baker stated by state law the funds collected are required to go back into stormwater management projects and programs. Council Member Degner asked about the typical cost for a city resident. Ms. Dang stated it would cost approximately \$40.00 to \$60.00 per year.

At 8:05 p.m., Mayor Jones closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, February 9, 2015 and Monday, February 16, 2015.

Hugh Stoll, 746 First Street, stated he was recently in discussions regarding a parcel that is five acres and presents excellent opportunities for bio-filtration and bio-retention not only for stormwater originating on-site but for stormwater originating off-site. Mr. Stoll stated his property on First Street also presents the same opportunity and he would like to see the credit not be limited to 50%.

James "Bucky" Berry, 30 West Washington Street, stated he was concerned about churches and charities and would like to see them to be exempt from these fees.

Noel Lavan, 156 Maryland Avenue, stated he has done stormwater retention and mitigation at his property and he is also asking for the credit not to be limited at 50% for those properties that have a history of stormwater management.

Jolie Payne, 1200 Park Road, stated she had been recently exploring the stormwater runoff fees in Charlottesville where it has been implemented for approximately a year and one concern that was addressed by the board was personnel is needed for the

program. Ms. Payne stated Charlottesville suggested partnering with businesses in order to create more jobs so the program can be evaluated and monitored.

Sam Stoner, EMU student, stated he was here to show support for this request and consider ways businesses that can help with fees and incentives to help reduce fees for residents.

Tony Smith, EMU Professor, stated he had his students think of the role businesses provide to help people and make a profit. Mr. Smith commended staff on the well thought comprehensive plan. Mr. Smith also encouraged City Council to have Public Works embrace opportunities with small businesses to enter into a partnership for the city to succeed. Mr. Smith stated his students found in Charlottesville very few had implemented any stormwater practices and their fee structure was higher. Mr. Smith questioned how Harrisonburg could emerge as an innovator in leading the state in coming up with creative solutions to harness the creative possibilities of residents and small businesses.

Ralph Geddes, 395 Franklin Street, stated he attended one of the meetings and presented his idea of adding the fee to the permit process.

Andy Sale, 4219 Woodside Drive, complimented the obvious planning of this program and stated it is very similar to what was implemented in Lynchburg four years ago and stated incentives are the best way to get the best response. Mr. Sale noted that Lynchburg didn't have a monitoring program that has been proposed with the SWAC and he wanted to support and endorse the program.

Robert Jennings, Chesapeake Bay Foundation, stated we are all part of the program and hopefully this fee will help with the solution and it is great to see the efforts to reduce pollutant runoff as required by law. Mr. Jennings stated this proposal is an important tool, provides incentives with the impartial fee waivers and the fees are reasonable. Mr. Jennings stated the foundation supports the program.

John Heckman, Executive Director of the Friends of the North Fork of the Shenandoah River, echoed Mr. Jennings and suggested to keep in mind that there is a project in the works to start drawing drinking water from the south fork of the Shenandoah River below where Blacks Run runs into the Shenandoah River. Mr. Heckman also complimented the work of SWAC and staff taking in consideration the equity issues that had been raised and sensitive to a number of concerns throughout the process. Mr. Heckman stated he hoped council considers approving this request.

Dr. Panayotis "Poti" Giannakouros, 98 Emory Street, also pointed out that we will be drawing out our drinking water from our runoff sources and also supported raising the maximum credit to get people involved.

At 8:28 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Byrd stated he had the privilege of working with SWAC and noted the group wasn't always in agreement which is good for committees. He also noted that this is a good start but we will be looking at changing goals in five years and it is going to get expensive. Council Member Byrd noted that there will probably be a law change down the road because there is another five year cycle, with a 15 year project looking for 100% abatement at an excess of \$48M. Council Member Byrd stated it is up to council to hold staff accountable. Council Member Byrd also noted it might be a possibility that we can expand our borders and look at projects in the county which will allow us to have reductions at a lower cost. Council Member Byrd thanked the SWAC members for their work and noted there were three different MS4 permits within the city; Harrisonburg, VDOT and JMU. Council Member Degner stated this is something we have to do and it is the most equitable way. Council Member Degner stated he was curious of what it would look like if we would exempt more than 50%. Council Member Degner noted that there might be some properties that have a higher value that we may be able to create some credits. Council Member Degner suggested possibly having property owners implementing items in their yards that could be used as credits towards churches and non-profits. Council Member Degner stated we all appreciate the value of clean water, but it is costly.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the stormwater utility fee ordinance as presented. A motion was made by Council Member Byrd, seconded by Council Member Shearer to amend the motion to include stormwater advisory committee bylaw amendments and the residential and non-residential stormwater utility credit manuals. 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

**6.b. Consider amending and re-enacting Section 16-6-58 "Weeds, etc., on lots" of the Harrisonburg City Code**

Ms. Dang stated this amendment would add the exemption to properties that are approved and maintained by the Best Management Practices for stormwater regulatory compliance and/or stormwater utility fee credit purposes from tall grass and weeds regulations.

At 8:36 p.m., Mayor Jones closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, February 9, 2015 and Monday, February 16, 2015.

Beth Schmoyer, 419 Neyland Drive, stated she was an ecological landscape designer. Ms. Schmoyer stated she knows someone who received a letter from the city regarding her garden needing to be cleaned up and wondered how home gardens fall under this ordinance and amendment. Ms. Schmoyer noted that gardens are good ways to capture stormwater.



Dr. Panayotis "Poti" Giannakouros, 98 Emory Street, stated those that have been concerned about the ordinance just passed were concerned about the \$60 per year fee and feels that this ordinance costs \$300 per year as it was strengthened in 2012. Mr. Giannakouros stated the ordinance caused people to maintain lawns too much that it won't absorb water. Mr. Giannakouros feels that greater deregulation of this ordinance will help with the item just passed. Mr. Giannakouros shared a project/experiment that he did behind 7-11 in a grassy area and asked council to let stuff grow up, because it works like a sponge. Mr. Giannakouros asked council to repeal the ordinance and have people mediate through differences.

Noel Lavan, 156 Maryland Avenue, stated this ordinance in some ways seems to be necessary, but he is doing away with his grass on his property. Mr. Lavan stated he wasn't aware of what organizations had been involved in conversations, but he suggested some of the master gardeners be engaged on the website as a resource so people can get a consultation regarding what options they have. Mr. Lavan stated there might be some civic organizations and/or volunteers that can aid with improvements to properties.

At 8:45 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Degner stated he appreciated the comments and is glad it recognizes and encourages people putting in systems that are taller than grass that can help mitigate water runoff.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the Tall Grass and Weeds Ordinance amendment. 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

## 7. Regular Items

### 7.a. Consider amending and re-enacting Title 10, Chapter 7 "Stormwater Management" of the Harrisonburg City Code

Dan Rublee, City Engineer, stated the Stormwater Management (SWM) Ordinance establishes requirements for land development projects in regard to stormwater discharge impacts. This ordinance was originally adopted in May 2014 as a necessary part of the City's Virginia Stormwater Management Program mandated by Virginia Department of Environmental Quality (VADEQ). The revisions in this amended ordinance are those requested by VADEQ in their final review, which occurred in fall of 2014.

Council Member Byrd asked about the agreement in the lieu of a stormwater management plan. Mr. Rublee stated that was a part of the additions made by the

General Assembly which was essentially consideration of single-family homes to be exempt to go through as strict of a process. Mr. Rublee stated there is similar legislation in the erosion and sediment control laws that allow single-family homes to be exempt from plans, but they are still obligated to provide controls and monitor. Mr. Rublee stated Community Development has created an agreement in lieu of a plan that is signed by the single-family applicant. Mr. Rublee stated they have also put together a stormwater prevention plan template which is part of the requirement of the permit.

Council Member Shearer asked if single-family homes are the only implacable projects. Mr. Rublee stated there are some smaller projects that might be part of a common plan that might be exempt.

**A motion was made by Council Member Shearer, seconded by Council Member Degner, to amend and re-enact Title 10, Chapter 7 Stormwater Management of the Harrisonburg 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

#### **7.b. Receive Planning Commission's 2014 Annual Report**

City Manager Hodgen presented the Planning Commission's 2014 Annual Report. Council Member Byrd stated Planning Commission had a better year from last year.

#### **7.c. Consider a request from Virginia Mennonite Retirement Community, with representative Marv Nisly, for a comprehensive sign plan as per section 11-7-15(2) of the Sign Regulations**

Stacy Turner, Director of Community Development, reviewed the history of the sign package that was approved in 2012 and stated VMRC has requested to make some alterations to the signs on the property due to a logo change. Mrs. Turner stated the major changes they desire involve two of the entrance signs and the main way-finding sign. The original two main entrance signs totaling 172 square feet each have been removed and VMRC wishes to replace them with signs that will be smaller at 15 square feet each. The main way-finding sign will be 5 square feet larger. Mrs. Turner stated there will be a net reduction of 309 square feet of signage and staff recommends in favor of the request. Mrs. Turner stated a representative from Blue Ridge Architects was present to answer any questions.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, to approve the amendment of the comprehensive sign 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

**7.d.** Consider a resolution for submitting grant application to the Land and Water Conservation Fund Grant Program for additional funding for construction of athletic fields and associated amenities

City Manager Hodgen stated the amount we are pursuing for the grant is \$320,000 for the construction of fields 5 and 6 at Smithland Road Park. City Manager Hodgen stated near the end of last year council set aside funding for Smithland Road Park and staff recently came across this grant opportunity that will allow us to double the amount. City Manager Hodgen stated there is a resolution that council needs to adopt authorizing submittal of the application and staff recommends approval. City Manager Hodgen stated that this is a Land and Water Conservation Grant so the fields will be utilized for parks and recreation. City Manager Hodgen stated the city received funds from this same program that were used towards the Bluestone Trail project.

Council Member Shearer noted that staff is constantly looking for grant opportunities and noted that this grant is a possibility due to our Parks and Recreation Master Plan.

**A motion was made by Council Member Shearer, seconded by Mayor Jones, to approve the resolution to submit and authorize the grant application to the Land and Water Conservation Fund grant program. 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

**7.e.** Discussion on funding for School Construction projects

Council Member Degner thanked council members for being open in exploring more information since the last meeting.

Vice-Mayor Baugh stated the School Board Liaison Committee met and feels there is a better understanding of what is at stake even though the design and location were not noted. Vice-Mayor Baugh stated the figure that was focused on was \$2.9M and the difference came to six classrooms, an undersized cafeteria and gymnasium.

The following discussion took place: capacity increases to 1,046 with 797 actual students; ratio of classrooms went down, but classrooms per grade increased; estimated classroom size for grades K-3 is 24 students and grades 4-5 is 25 students; and, ratio being presented is 17.1 to 1 for grades K-3 and 18.9 to 1 for grades 4 and 5.

Superintendent Dr. Scott Kizner thanked council for the conversation that seems to be going towards an increase of funding. Dr. Kizner noted the state the numbers provided doesn't apply to Harrisonburg the same as other school divisions. Dr. Kizner stated he looks forward to the liaison committee structure to have the conversation regarding the furniture, fixtures and equipment (FFE).

Dany Fleming, School Board Chairman, stated he appreciated the consideration of

the additional funding. Chairman Fleming stated the exact number will depend on the design and how the schools redistrict. Chairman Fleming reviewed the design process which will begin in March and would include teachers, council, parents and other leaders to begin conversations about designing and defining what the areas within will look like.

Council Member Degner stated there are so many moving parts in this conversation and thanked the School Board for coming down from the \$4.8M request. Council Member Degner stated that the amount being suggested for approval tonight and the working amount for the FFE equals the amount the School Board had presented. Mayor Jones stated the \$5M difference noted in the media was in the FFE amount. Council Member Byrd stated it has been an expensive night and noted that the stormwater management fee is roughly a \$0.05 increase on real estate and with the new numbers presented along with the FFE it is roughly \$0.10 tax increase. Looking forward, it will be a \$0.15 real estate tax increase for the next budget cycle. It was also noted that 71% of students receive free and reduced lunches. Council Member Byrd noted the city's taxing structures is as regressive as it gets and it affects people with low income in the worst way.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, to allocate an additional \$3,190,000, with \$2.9M for actual construction cost and \$290,000 for increased architect and engineering, to the figure for school construction approved at the last council meeting. 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. Other Matters

Council Member Degner noted March is Youth Art Month and invited everyone to the Art Exhibit being held from February 27, 2015 until March 27, 2015 at the Massanutten Regional Library with the opening on Saturday, February 28, 2015 from 1:00 p.m. - 3:00 p.m.

Council Member Degner noted that a grant by the MacArthur Foundation that is being reviewed is a grant that would support 20 jurisdictions that operate a jail with more than 50 beds around the country to get a six month planning grant to look at the exact same things we have been trying to review. Council Member Degner also noted half those jurisdictions would be eligible to receive between \$1.5M and \$2M. Council Member Degner noted that he attended his first Community Criminal Justice Board (CCJB) meeting yesterday and comments that were made during public comment tonight were accurate in terms that were charged to him to get council's opinion about public comment during those meetings and give direction to the board with any objectives that council might want. Council Member Degner suggested that this be a

City-County Liaison Committee agenda item. Council Member Byrd stated the committee has a function that it needs to perform.

**A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to request the Community Criminal Justice Board create ground rules and allow an open public comment during meetings. 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

Council Member Degner reminded citizens that sidewalk shoveling is the responsibility of the property owners. City Manager Hodgen noted that concerns regarding shoveling are complaint driven. Vice-Mayor Baugh stated we have this issue come up every year and the system isn't great, but it is better than the alternatives.

## 9. Boards and Commissions

### 9.a. Parks and Recreation Commission

**A motion was made by Council Member Shearer, seconded by Council Member Degner, to appoint Deanna Reed, 231 Broad Street, to the Parks and Recreation Commission to an unexpired first term to expire December 31, 2017. 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.b. Tree Advisory Committee

**A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to re-appoint Mike Kulp, 7610 Peter Driver Lane, and Henry Way, 288 Franklin Street, to the Tree Advisory Committee to expire January 27, 2018. The motion carried by a voice vote.**

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

**No:** 0

## 10. Closed Session

**At 9:30 p.m., a motion was made by Council Member Byrd, seconded by Council Member Degner, 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 discussion of the performance of specific public employees and Subsection 3 for the discussion of disposition of publicly held real estate.**

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

**No:** 0

**10.a.** Discussion or consideration of the disposition of real property for a public purpose

This Closed Session Item was approved.

**10.b.** Discussion of the performance of specific public employees

This Closed Session Item was approved.

**11. Adjournment**

At 10:11 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 10:12 p.m., there being no further business and on motion adopted, the meeting was adjourned.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor