



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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

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Tuesday, June 13, 2017

7:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 5 - Mayor Deanna R. Reed, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Christopher B. Jones and Council Member George Hirschmann

**Also Present:** 5 - City Manager Kurt Hodgen, Deputy City Manager Ande Banks, Captain Dan Claytor, City Clerk Banks Ande and Wesley Russ

### 2. Invocation

Vice Mayor Baugh offered the invocation

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

### 4. Special Recognition

#### 4.a. Proclamation honoring Peggy King

Mayor Reed presented a proclamation honoring Peggy King for her 40 years of service to new residents of the valley. Ms. King thanked the Mayor and council members for this acknowledgement, and stated she feels it is a privilege to live in Harrisonburg and Rockingham County, and is thankful for the business for making her able to serve so many new residents.

### 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)

Consent agenda is adopted

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 the May 23, 2017 City Council Meeting

**This Minutes was approved on the Consent Agenda.**

**5.b.** Consider a supplemental appropriation for the Harrisonburg City School division in the amount of \$329,500

**This Supplemental Appropriation was approved on the Consent Agenda.**

**6. Public Hearings**

**6.a.** Consider a request from S & B Rentals LLC to rezone a parcel located at 160 and 164 Waterman Drive from M-1, General Industrial District to B-2, General Business District.

Adam Fletcher, director of Planning and Community Development, stated both agenda items 6a and 6b will be presented together. Mr. Fletcher presented a request for rezoning and special use permit for property located at 160 and 164 Waterman Drive, zoned M-1. Mr. Fletcher stated the applicant is requesting to be rezoned to B-2, general business district and obtain a special use permit to reduce the parking. Mr. Fletcher noted the space that will be removed for parking will remain open space and cannot be used for any other uses. Mr. Fletcher reviewed the surrounding properties and their current zoning and noted that although retail had been in this location previously it sat vacant for two years, thereby losing its non-conforming status. Mr. Fletcher noted there were no proffers submitted. Mr. Fletcher stated staff and planning commission recommended in favor of the request to allow the rezoning with a unanimous planning commission vote of 6-0.

Mr. Fletcher stated the building is large in regard to the property, and the applicants are aware that the size of the building and the desired uses will dictate the types of uses that can operate in a B-2 use. Mr. Fletcher stated the request is per Section 10-3-91 Subsection 8 which allows for the reduction of required parking, with the applicant hoping to leave the back part of the property vacant and unused as there are already shared parking agreements with properties to the south and to the north. Mr. Fletcher reviewed the requirements of Section 10-3-91(8), and staff and Planning Commission recommended approving the special use permit request with unanimous vote of 6-0 with a condition that the reduction in required parking permission shall only be applicable to retail uses.

At 7:14 p.m., Mayor Reed closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Tuesday, May 30, 2017 and Monday, June 5, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:14 p.m., and the regular session reconvened.

Open: At 7:15 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Tuesday, May 30, 2017 and Monday, June 5, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:15 p.m., and the regular session reconvened.

**A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the request for rezoning as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

- 6.b.** Consider a request from S & B Rentals LLC for a special use permit per Section 10-3-91 (8) to allow for the reduction in required parking spaces within the B-2, General Business District. Areas that would have been used for parking must remain as open space and shall not be used to meet any conflicting requirements of the Zoning Ordinance. The property is located at 160 & 164 Waterman Drive.

presented with agenda item 6a

Open: At 7:15 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Tuesday, May 30, 2017 and Monday, June 5, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:15 p.m., and the regular session reconvened.

**A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the request for a special use permit with stated condition as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

- 6.c.** Consider a request from Virginia Mennonite Retirement Community, Inc. (VMRC) to rezone a 13.35 +/- acre section of the Virginia Mennonite Retirement Community by amending the existing Master Plan Drawing. The properties are

identified as tax map parcels 52-D-4, 6-10.

Adam Fletcher, director of Planning and Community Development presented a request from the Virginia Mennonite Retirement Community (VMRC) to amend a 13 acre section of their complex off of Virginia Avenue. Mr. Fletcher noted the property is currently zoned R-3 multiple density residential with the I-1 institutional overlay district, which allows for additional flexibility. Mr. Fletcher noted with this rezoning request and the amended master plan for this development will be rezoned to an R-3 medium density residential. Mr. Fletcher reviewed some of the history of this community: In 1997 VMRC took advantage of the relief mechanisms offered with the institutional overlay district in the Park Gable section, allowing for taller buildings and off street parking requirements relief mechanisms; in 2004 a little over one acre of property was added and included in the master plan; multiple amendments to the "Greens Area", began in 2009 through 2011. Mr. Fletcher noted the area being discussed this evening is the Park Village Section of the VMRC campus and reviewed the surrounding properties zonings and properties within the Park Village Section. Mr. Fletcher noted this particular area is the same area where council approved closure of streets and approved a special use permit converting a 4 unit multi-family structure to a 6 unit multi-family structure, in December of 2016. Mr. Fletcher noted the applicant is re-envisioning the entire area of Park Village, with revision to parking, setbacks, etc. and reviewed the parking needs and proposed amendments. Mr. Fletcher stated the proffer offered was that there will be no conversion of garage spaces into living units.

Mr. Fletcher stated staff and Planning Commission recommended approving the rezoning and master plan amendment request with a unanimous vote of 5-0.

Council Member Byrd asked if Mr. Fletcher has a representative on the transportation safety commission as VMRC had an issue on Route 42, and asked if a realignment of the entrance can be done. Mr. Fletcher noted this has been discussed a few times through different ideas brought to staff; however, there has not been any resolution to the issue. Mr. Fletcher also noted there are not any enforcement mechanisms to require them to relocate the entrance.

Council Member Byrd asked if approving this request makes the entrance issue council's problem. Mr. Fletcher stated approving this request does not require or force them to maintain their existing entrance and a master plan amendment would not be required to move the entrance.

Open: At 7:29 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Tuesday, May 30, 2017 and Monday, June 5, 2017.

Welby Lehman, senior project manager for Blue Ridge Architects, stated he is here on behalf of VMRC, thanked Adam for explaining the background, which is behind these requests, and noted this request is separate from the concern of traffic safety, which has been addressed and encourages staff and council to continue discussions with VMRC. Mr. Lehman stated he is aware that part of the difficulty of considering aligning Acorn Drive with VMRC's entrance is because of stormwater infrastructure. Mr. Lehman stated he appreciated council's consideration of this matter.

At 7:31 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

**A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the request for rezoning and master plan amendment as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

**6.d.** Consider amending and re-enacting Section 7-4-1 Water and Sewer Rates, of the Harrisonburg City Code

Mike Collins, director of Public Utilities, stated in September of 2016, he presented the requirements for the completion of the Raw Water Supply Management Plan, creating funding needs in excess of \$29.5M. Mr. Collins stated when working on fiscal year 2018 budget, it was recommended to increase rates to twenty cents per one thousand gallons of water for the next four years, in order to space out the borrowing needs, however, after discussing with Council and the director of Finance, it was decided to accelerate the rate schedule. Mr. Collins noted within the next three years \$1.7M will need to be raised for debt payment, which by increasing the rate increase to twenty-nine cents per one thousand gallons for the next three years, the funds needed will be generated. Mr. Collins noted raw water is needed to sustain growth, otherwise growth will stop and the raw water management supply plan allows the city to sustain growth and provide environmental stewardship. Mr. Collins stated American Water Works Association adopted a methodology which has never been used by the city before, which identifies which customers should pay what amounts based on usage and to simplify the rate structure as the city's current rate structure is very complex (declining block rate structure). Mr. Collins stated the proposed rate structure would target some of the bigger users a bit more and provide opportunities in the next few years to dig down into the analytics and improve. Mr. Collins stated there are currently four tiers and a minimum in the rate structure and the goal would be

to go from four to two tiers, which will help to simplify and provide opportunity for re-evaluation.

Open: At 7:39 p.m., Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, June 5, 2017 and Monday, June 12, 2017.

Pamayotis "Poti" Giannakaouros, 98 Emory Street, stated he appreciated the information Mr. Collins provided, understands the rate structure and feels we have antiquated incentives for people to use more water, and has signaled that as we struggle to find revenue in the city, this potentially could be one place to find revenue to build out the infrastructure. Mr. Giannakaouros feels many would be interested in changing our rate structures as fast as possible, to encourage conservation. Mr. Giannakaouros stated people appreciate the value of pristine, clean water, which is something the city currently has before tapping into the Shenandoah River. Mr. Giannakaouros wants to bring attention to the great work staff is doing for the general public, and also consider altering the rates at the bottom end. Mr. Giannakaouros stated the average home user there is one block you pay and not a lot of incentive to conserve at the household level, and feels it could be give residents a chance to be more engaged with their water utility. Mr. Giannakaouros stated he feels if the city can come up with a way to put the burden on bigger companies, it could possibly motivate greater conservation and greater awareness of clean water. Mr. Giannakaouros stated he suggests looking into giving those on fixed incomes or at the poverty level a break.

At 7:42 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

**A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve amending and reenacting the ordinance as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

**6.e.** Consider granting an ordinance to Keezell, LLC to use, occupy and alter the sidewalk at the corner of South Main Street and Newman Avenue

Wesley Russ, assistant city attorney, presented a proposal to grant a franchise to Keezell, LLC for the use and alteration of a portion of the city owned sidewalk area along the north side of Newman Avenue and at the corner of South Main Street. Mr. Russ stated the purpose for this request is so it can be used for future outdoor dining. Mr. Russ stated the applicant has agreed to enter into a maintenance agreement for the area, which will include railing and a retaining wall, and also has agreed to carry liability insurance with the city listed as an additionally insured

party. Mr. Russ noted in bumping out the sidewalk, adjustments will need to be made to the street parking, which will include removing one of the four street parking spots along Newman Avenue. Mr. Russ noted the plans and franchise agreement have been reviewed by Community Development, Public Works and the city attorney's office, and staff is prepared to support the franchise agreement.

Open: At 7:44 p.m., Mayor Reed closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on Saturday, June 3, 2017 and Saturday, June 10, 2017.

Barry Kelly, applicant, stated they are really excited to get this out on to Newman Avenue, which he believes will bring a lot more life to the street. Mr. Kelly stated the renovated Keezell building plans to open this fall, it has been a fun project and a great opportunity to learn about the history of the building.

At 7:45 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

**A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to approve the franchise agreement as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

**6.f.** Consider an amendment and reenactment of Section 4-2-77 Transient Tax and Section 4-2-87 Meals Tax of the Harrisonburg City Code

Wesley Russ, assistant city attorney, presented an amendment to the meals tax and transient occupancy tax, as a formality since this item was proposed and approved during the budget discussions. Mr. Russ stated these amendments are projected to generate \$1.2M in additional revenue annually.

Open: At 7:47 p.m., Mayor Reed closed the regular session and called the sixth public hearing to order. A notice appeared in the Daily News-Record on Saturday, June 3, 2017 and Saturday, June 10, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:47 p.m., and the regular session reconvened.

**A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann, to approve the ordinance amendment and reenactment 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. Consider a refund for a portion of the 2017 Business, Professional and Occupational License (BPOL) tax refund

Wesley Russ, assistant city attorney, presented a request for a refund for a portion of Business Professional and Occupational License tax (BPOL), and asked council to approve.

Council Member Byrd asked if this refund is due to a business that went out of business. Mr. Russ stated that is correct.

Vice Mayor Baugh stated this is actually a license fee based on the revenue from last year, but if not used, a refund is due.

Mr. Russ stated he believes the business had changed ownership and the new owner has already or will seek a business license.

**A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the refund 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.b. Consider approval of an Outdoor Dining Facility License for Rocktown Development Group

Wesley Russ, assistant city attorney, presented an application request for an outdoor dining facility license, similar to the franchise agreement request with much less impact to city property. Mr. Russ stated the application is for outdoor dining on city owned property, using the back side of the building and a portion of the parking lot adjacent to Magnolia's located on 14 East Water Street. Mr. Russ noted the conceptual design provided in council's packets is what is envisioned with possible slight changes. Mr. Russ stated if the license is approved the applicant will coordinate with public works and community development on the modifications to city property, consisting of improving the existing asphalt with concrete for the patio area similar to the area used for outdoor dining at Jack Brown's. Mr. Russ stated the license agreement would include the standard indemnification of the city and the insurance requirements.

Council Member Jones asked if the distance for cars to turn in and use of the handicap spaces will still be available. Mr. Russ stated as part of the changes the



motorcycle spots will be removed, one vehicle spot will be removed and repaving will be done to push up the handicap spot. Mayor Reed stated that will be a tight turn.

Council Member Jones stated he is ok with this request, but hopes this doesn't present a problem; it has been discussed many times about city parking spaces, even though he supports private businesses thriving.

Mr. Russ stated the license is revocable, so should any issues arise the license agreement could be changed.

Council member Byrd stated one space in that lot was already relinquished for recycling.

**A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to approve the 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.c.** Consider approval of an ordinance to abate and demolish a blighted property

Wesley Russ, assistant city attorney, presented an ordinance to declare a property located at 226 Kelly Street, as blighted and authorize city staff to take measures to abate the blight, in this case that would dictate demolition of the building. Mr. Russ stated the city has a fairly long history with regard to this property with complaints dating back to 2007 and in 2013 staff looked at declaring it as a blighted property because contact with the owner was difficult, and at the last minute the property changed hands. Mr. Russ stated there was hope from the new owners that the property would be cared for, however, in August of 2016, the city again began attempting to reach the current property owner. Mr. Russ stated the deputy building official sent several notices as the property was unfit for human habitation, an administrative search warrant was obtained to inspect the property, at which time staff initiated the process to have the property declared as blighted. Mr. Russ noted under state law the property owner had 30 days to respond with a blight abatement plan acceptable to the city. Mr. Russ stated near the end of the 30 days the owner of the property did meet with city staff but a plan was never submitted. Mr. Russ stated the owner came in last week and did state that she had started making plans to have the property demolished, but no contract had been signed.

Mr. Russ stated staff wishes to have this be declared a blighted property. If the property owner moves forward that would be great but staff wants to ensure the process moves along quickly and has the authority to proceed if needed. Mr. Russ

stated demolition will cost the city approximately \$6,500 to \$9,500 as well as an asbestos inspection, which may cause asbestos abatement costs estimated to be between \$3,000 to \$25,000 depending on how much asbestos is found. Mr. Russ stated regardless of the cost, a lien would be filed on the property to cover those costs to the city.

Hui He, property owner, stated her English is not very good, but wanted to explain that she has already started to apply for the demolition permit

Council Member Jones stated he wants to make sure the property owner understands the costs associated with the demolition of this property and suggests these estimates be in writing considering the language barrier, for her to provide to her lawyer or realtor for clarification.

Vice Mayor Baugh stated the lien is for the actual cost. Vice Mayor Baugh stated to the property owner that if council votes yes, they will knock the house down and put a lien on the property for those costs. Vice Mayor Baugh stated to the property owner if there is anything she wants to do about that she will need to keep talking to the city attorney and act very quickly.

Hui He stated she got the letters several years ago, but only thought they were just telling her the property was not safe to live in, and since they didn't plan on living in the house, she didn't respond to the letters. Ms. He stated she came to the attorney's office in May and was told the house had to be demolished, at which point she contacted the building department and releases from HEC and Columbia Gas utilities.

Council Member Byrd advised the property owner she will need to have an asbestos survey.

Hui He stated she is researching the dumpsters etc and once the permit is obtained they will begin the demolition.

Council Member Jones asked the property owner why she had not responded for all these years. Ms. He stated she did not understand the letters and showed the letter to someone else who told her the house is old and she cannot live in the house, and she thought as long as she didn't live there she was ok. Ms. He stated she understands she has to tear down the house, and if she has any questions she will contact the building department.

Vice Mayor Baugh stated if the city can work with the property owner council will.

Mayor Reed stated this has been in the works for more than 4 years.

Vice Mayor Baugh stated he first visited this property in 2009 and there are a lot of good people who live in the proximity of this property and this has been one of the biggest problem residential properties in the city. Vice Mayor Baugh stated this is

not a point we get to happily and some folks have wondered why it has taken so long to get to this point. Vice Mayor Baugh stated ownership had changed and nothing had ever been done, other than a new door being put on the house.

Mayor Reed stated it seems like this is something we have waited on and looked at long enough.

Council Member Jones stated council must take care of the health of the citizens in that community, and does not feel comfortable leaving it in the hands of the current owner to have the property demolished and he feels the city should do it so it is done right and swiftly. Other council members agreed.

Ms. He stated she didn't understand. Mr. Russ stated he will speak with her and explain after the meeting.

**A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to approve the ordinance to demolish 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

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

- 8.a.** Consider an event application request for the Fine Earth Adventure Race on Saturday, June 24, 2017

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR), presented a special event request for the Fine Earth Adventure Race scheduled for June 24, 2017. Mr. Jenkins stated this event is in partnership with the Harrisonburg Police Department (HPD) and minor public works support is needed. Mr. Jenkins noted most of the course is on private property, the special events committee has met and recommends approval.

**A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve all of the special event application requests 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

- 8.b.** Consider an event application request for the Hispanic Festival on Sunday, August 6, 2017 at Smithland Road Soccer Complex

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance

(HDR), presented a special events request for the Hispanic Festival scheduled for August 6, 2017. Mr. Jenkins stated this is sponsored by the Salvadoran Committee at Smithland Soccer Complex, Harrisonburg Police Department and Public Works will be providing support, the special events committee has met and recommends approval.

**A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve all of the special event application requests 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

**8.c.** Consider an event application request for the Valley 4th Run on Tuesday, July 4, 2017 in downtown Harrisonburg

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR), presented a special events request for the Valley Fourth Run scheduled for July 4, 2017, sponsored by VA Momentum and a part of the Valley Fourth daily activities and is the fifth year for this event drawing over 1000 participants. Mr. Jenkins noted road closures will be required, Harrisonburg Police Department and Public Works will be providing support, and the special events committee has met and recommends approval.

Council Member Byrd asked if HDR will be presenting other application for the 4Valley Fourth celebrations. Mr. Jenkins stated they will be presented at the next council meeting.

**A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve all of the special event application requests 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

**8.d.** Consider an event application request for the International Festival on Saturday, September 30, 2017 at Hillandale Park

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR), presented a special events request for the International Festival scheduled for September 30, 2017, sponsored by the Harrisonburg Parks and Recreation in partnership with the Fairfield Center, to be held at Hillandale Park. Mr. Jenkins notes this is the 20th year of this festival, requesting Harrisonburg Police Department and Public Works support, the special events committee has met and

recommends approval.

**A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve all of the special event application requests 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

## 9. Other Matters

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

James "Bucky" Berry, 30 W Washington Street, stated from now until June 30, 2017 the ABC Supply Company located on South Main Street will be accepting food donations in exchange for the opportunity to sit in a race car, with all the food being donated to the Salvation Army. Mr. Berry stated he hopes the high school issue doesn't come to a political issue and that before any money is allocated to the city for a new high school, a public hearing should be offered so that the people in the community can speak about what tax base they can and can't afford. Mr. Berry stated if there are tax reliefs offered for the elderly, those are funds that will not be available for city spending. Mr. Berry doesn't feel Harrisonburg needs such an expensive school and what if something big comes along with infrastructure needs. Mr. Berry suggested council looks at this issue long and hard.

Pamayotis "Poti" Giannakaouros, 98 Emory Street, stated he noticed items that have already been worked through are no longer on the regular agenda. Mr. Giannakaouros stated a sense of orders of magnitude with the kinds of costs the people of the city face, the proportion of people's income that goes to rent, disposable income, tax incidents, etc. should be considered. Mr. Giannakaouros stated the city has a strange rental situation, where he believes there is sort of a price floor that is set by dorm housing, if one charges less than what the dorms are charging, the properties fill up, if the rents are raised higher than the salaries that are paid units will be empty, all of which could create tax incidents. Mr. Giannakaouros stated in terms of magnitude of how much people are paying, in 2012 there was a change in ordinances regarding tall grass and weeds, people started mowing twice as much, expenses per household therefore increased, the numbers are there and should be put into perspective by Council. Mr. Giannakaouros noted the 50th anniversary of Loving v. Virginia, was on June 12th, which was a major accomplishment and there is still a lot of work to be done, it is also the anniversary of the shooting at the Pulse Night Club, reminding us we are not done with the important work that has been going on in Virginia for a long time. Mr. Giannakaouros stated Virginia was a leader in fighting for equal rights and property rights after the Civil War and shared a bit of that history.

Jo Benjamin, 434 Myrtle Street, adoption/rescue coordinator at the SPCA, stated she is here in case council has any questions or concerns regarding anything that happens at the SPCA or the work they do. Ms. Benjamin stated the city and county invested in the assessment last year, and it was found that an excellent job was being done, and council should have full faith in the services provided as part of the contract for housing the city's lost and found animals. Ms. Benjamin stated she sent council an email, feel free to contact her and wanted to let council know the SPCA cares deeply for the animals in the community. Ms. Benjamin stated the SPCA is doing the best they can with the resources they have.

Council Member Jones asked Ms. Benjamin to provide the three misnomers being shared publicly regarding the SPCA.

Ms. Benjamin stated they are an open admission facility every animal that comes in the door must be accepted, regardless of breed, age, etc. Ms. Benjamin stated they have no surrender fees, and although they do euthanize, they do a thorough assessment on each animal, to ensure animals will not put others at risk that are up for adoption. Ms. Benjamin stated there are many different animals that are taken care of communally, that end up at the shelter from time to time, and every effort is made to locate and reunite the animals with the owners. Ms. Benjamin stated stray animals are kept seven days if they do not have ID, 12 days if they do have ID and they have kept animals for long past their holding period, waiting until someone steps forward and sometimes at the end of the holding period the animals will either be transferred to a local rescue partner, put up for adoption, or euthanized. Ms. Benjamin stated the SPCA has 68 rescue partners nationwide on the books but most of the partners are out of this local area, the SPCA does have connections locally but all partner agencies must meet certain requirements. Ms. Benjamin stated they would be happy to partner with local groups, who will help local animals find homes but there is a philosophy that has lead to a sticking point, where communication is breaking down. Ms. Benjamin stated when they compete the only ones who lose are the animals and she would like to see more animals transferred into forever homes.

Mayor Reed stated she is curious on the procedures or policies when an animal is found or turned in and is not claimed. Ms. Benjamin stated there is a general procedure but every animal is treated individually and the SPCA tries to do the best for that animal, in that instance. Ms. Benjamin stated over 163 animals were taken in last week with very limited space because the SPCA holds animals for court cases, bite cases, and incoming.

Council Member Jones stated he spoke with Ms. Kincaid who worked with rescues and has a very reasonable demeanor and hopes that everyone who has this great level of care could get together. Council Member Jones stated there are so many factors that go into this, that even the language can be misleading, talking about no-kill versus kill shelters, no shelter is 100% no kill, because of violence, disease, and other unfortunate things that happen to animals.

Ms. Benjamin stated it's the framing of the issue, when we hear no-kill it often means limited admission and often surrender fees. Ms. Benjamin stated there are a lot of animals that aren't able to be surrendered because of the limitation on some of the no-kill shelters, and wonders what happens to them. Ms. Benjamin stated it would be beneficial to talk with others but there have been many conversations over the years to no avail.

Council Member Jones stated he will make sure Ms. Benjamin is at the table when the conversations are held.

9.b. City Council and Staff

Council member Byrd stated he had five issues/questions presented to him from a citizen regarding the last joint meeting with the school board: Land acquisition and site prep; Furniture, Fixtures and Equipment (FFE's); Building operational costs; Support staff, administration, faculty wages plus salary increases; Possible transportation costs. Council Member Byrd stated he is aware they will be estimates, but they are numbers that are needed. Council Member Jones stated another one is the amount of tax dollars lost with the amount of property taken off the rolls. Mayor Jones hopes the public can be presented with the total figure it will take to open the doors of a new high school, not piece by piece.

Mayor Reed stated there is a Liaison Committee meeting scheduled for the 21st of June, at which time hopefully those questions/concerns can be answered.

Council Member Jones stated he has heard a lot of concern regarding the animal contract issue. Council Member Jones stated he has heard from Andrea Dono and a few Rotary Clubs that the city is experiencing a high volume of graffiti on traffic boxes, poles, signs etc, and wondered if there is possibly a way to help Ms. Dono log the graffiti instances. Council Member Jones stated he is excited about the market analysis and the Virginia Tourism Grant, on which Brian Shull, Brenda Black and Andrea Dono are working together, and wants to increase the marketing for the city and figure out ways to disseminate information to the public of how great Harrisonburg is.

Vice Mayor Baugh provided update on Planning Commission, only two agenda items both are going with favorable recommendations from staff: telecommunications for apparatus installation at 865 Port Road, special use permit on Market Street; work on a draft ordinance for bicycle parking requirements; continual work on the Comprehensive Plan; Vice-Mayor Baugh stated the Environmental Performance Standards Committee will meet next week.

Council Member Byrd asked if the Bicycle Parking Ordinance is under parking requirements or in the design manual. Vice Mayor Baugh stated it is still to be discussed but should fall under parking requirements. Further discussion took place between Vice Mayor Baugh and Council Member Byrd for clarification purposes.

City Manager Hodgen stated a draft interim agreement with Momentum Earth Works is being prepared and summary of the preliminary draft will be posted within the next ten days on the city's website and on Be-Heard Harrisonburg. The city will then solicit and accept public comment on the project for 30 days, and plan to bring it back to Council at the July 25, 2017 meeting. Kurt stated this is the only current active PPEA.

Mayor Reed noted the following: Schools Out for Summer Pool Party will be held on Saturday June 22, 2017 from 12pm to 3pm: The World's Largest Swim Lesson will be held at Westover Pool on June 22, 2017; The Great American Camp Out will be held and Hillandale Park on June 24th ; a survey was launched as part of a regional retail marketing analysis, please visit Harrisonburg development website; with the recent hot temperatures and more on the way, please use simple precautions for yourself , the elderly and young children, and never leave a child in a car and don't forget your pets.

## 10. Adjournment

At 8:46 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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DEPUTY CITY CLERK

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MAYOR